

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

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues
3. Air Quality Update
4. Veteran’s Wall of Honor Update – Mr. Doug Clegg
5. Emergency Preparedness – Ms. Debra McGhan

D. ATTORNEY COMMENTS

E. CLERK COMMENTS

F. CITIZEN AND OTHER CORRESPONDENCE

pp. 7-24

1. MSB Board/Committee Minutes:
 - a. Caswell FSA Board of Supervisors: 07/13/16
 - b. Caswell Lakes RSA Board of Supervisors: 04/06/16
 - c. MSB Fish and Wildlife Commission: 05/19/16
 - d. Platting Board: 07/07/16
2. Community Council Minutes:
 - a. Glacier View Community Council: 06/23/16
 - b. Trapper Creek Community Council: 07/21/16

G. INFORMATIONAL MEMORANDUMS

pp. 25-26
Colligan

1. **IM No. 16-173:** Reporting Of Conclusion Of Contract For Bid No. 14-160B To Bristol Environmental Remediation Services For Mack Drive Extension/Clapp Street Improvements, For The Final Contract Amount Of \$6,648,456.73.

VII. SPECIAL ORDERS

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

B. PUBLIC HEARINGS (Three Minutes Per Person.)

pp. 27-32
Beck

1. **Ordinance Serial No. 16-110:** An Ordinance Requesting A Reappropriation Of \$56,883 From Project Nos. 45265 And 45267, Fund 425, To Project No. 45257, Fund 425, To Allow For The Purchase Of A Vehicle And Related Equipment For Emergency Services Administration.

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- pp. 33-36
- a. **Resolution Serial No. 16-077:** A Resolution Amending The Budgets For Project Nos. 45265 And 45267, And Approving The Scope Of Work And Budget For Project No. 45257, Fund 425, To Purchase A Replacement Vehicle For Emergency Services Administration.
(1) IM No. 16-161
- pp. 37-69
Beck
2. **Ordinance Serial No. 16-111:** An Ordinance Repealing MSB 4.10, Aviation Advisory Board; Adopting MSB 4.27.005, Purpose; Adopting MSB 4.27.015, Duties; Amending MSB 4.27.020, Membership; Amending MSB 4.27.040, Meetings, Organization; Repealing MSB 19.08.020(D); Amending MSB 19.08.020(E); Repealing MSB 4.43, Transportation Advisory Board; Adopting MSB 4.46.005, Purpose; Amending MSB 4.46.020, Functions; Amending MSB 4.46.030, Composition; Adopting MSB 4.46.035, Meetings; Repealing MSB 4.46.040, Term of Members; Amending MSB 4.58.030, Composition; Amending MSB 4.58.040, Meeting, Officers; and Adopting MSB 4.85, Transportation Technical Advisory Committee, To Assist In Meeting Budget Reduction Requirements.
a. IM No. 16-164
- pp. 70-82
Beck
3. **Ordinance Serial No. 16-112:** An Ordinance Reappropriating \$350,000 From The Valley Pathways School Capital Project No. 40188, Fund 400, To The Emergency Power Generator And Switch Gear At 9 Schools, Capital Project No. 40194, Fund 400.
a. IM No. 16-165
- pp. 83-221
Sykes
4. **Ordinance Serial No. 16-113:** An Ordinance Amending MSB 17.28.090(A), Adding An Interim Materials District Known As Denali Highway Mile 99, Located Within Township 19 South, Range 2 West, Sections 10 And 15, Fairbanks Meridian.
a. IM No. 16-166
- pp. 222-227
Colligan
5. **Ordinance Serial No. 16-114:** An Ordinance Appropriating Up To \$800,000 From The Land Management Permanent Fund, Fund 203, To School Capital Projects, Fund 400; And To Appropriate Proceeds From The Eventual Sale Of The Parcel Described As Tract B, Iditarod Elementary-Wasilla High School Replat 2016, To The Land Management Permanent Fund, Fund 203, And The Areawide School Site Acquisition Reserve, Fund 100 (MSB007140).
a. **Resolution Serial No. 16-078:** A Resolution Approving The Scope Of Work And Budget To Demolish The Old Iditarod Elementary School, Project No. 40023.
(1) IM No. 16-168
- pp. 228-229

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pp. 230-233
Kowalke

- 6. **Ordinance Serial No. 16-115:** An Ordinance Adopting MSB 3.08.517 To Establish That Road Maintenance Contracts Solicited After January 1, 2017, Will Not Contain Performance Criteria. *(Sponsored by Assemblymember Kowalke)*
 - a. IM No. 16-171

C. AUDIENCE PARTICIPATION (Three Minutes Per Person.)

D. CONSENT AGENDA

- 1. RESOLUTIONS
- 2. ACTION MEMORANDUMS

pp. 234-239
Beck

- a. **AM No. 16-083:** Award Of Bid No. 17-026B To Northern Gravel And Trucking In The Contract Amount Of \$620,102 For The Purchase Of Winter Sand And Chips.

pp. 240-243
Mayfield

- b. **AM No. 16-084:** Award Of Proposal No. 17-013P To Lounsbury And Associates, Inc. In The Contract Amount Of \$209,556 For Foothills Boulevard And Caswell Creek Fish Passage Design.

pp. 244-276
Kowalke

- c. **AM No. 16-085:** Authorizing The Borough Manager To Enter Into A Revised Memorandum Of Agreement With The City Of Houston For Mutual And Automatic Aid Fire Protection.

VIII. UNFINISHED BUSINESS

pp. 276-503
Beck

- A. **Ordinance Serial No. 16-100:** An Ordinance Amending And Updating Title 23, Real Property.

pp. 504-505

- 1. **Resolution Serial No. 16-068:** A Resolution Amending The Land And Resource Management Division Policy And Procedures Manual.
 - a. IM No. 16-094

IX. VETO

X. NEW BUSINESS

- A. INTRODUCTIONS (For public hearing – 10/18/16, Assembly Chambers)

B. MAYORAL NOMINATIONS AND APPOINTMENTS

pp. 506-524

- 1. VACANCY REPORT

- C. OTHER NEW BUSINESS
- D. REFERRALS (For Referral To The Planning Commission For 90 Days Or Other Date Specified By The Assembly)

- XI. RECONSIDERATION
- XII. MAYOR, ASSEMBLY, AND STAFF COMMENTS
- XIII. EXECUTIVE SESSION
- XIV. ADJOURNMENT

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

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

Caswell Fire Service Area Board of Supervisors Minutes
July 13, 2016

RECEIVED
AUG 31 2016
CLERKS OFFICE

The regular meeting of the Caswell Fire Service Area Board of Supervisors was called to order at 6:37 pm, Caswell Station 13-1, Willow, Alaska.

Board of Supervisors in attendance: Chairperson, Cheryl Newsome, and Board Members Larry Cline and Ken Eggleston. Roll was called, a quorum was present, due notice had been published.

Also present: Mahlon Greene, Chief, Caswell Fire Department; Garret Davidson, Captain, Caswell Fire Department; Tiffany Davidson, Talon Boeve, Tam Boeve, Phil Rhode, Willow residents; Linda Cline, Board Secretary.

APPROVAL OF AGENDA

Ken Eggleston motioned to approve the agenda, Larry Cline seconded the motion.

MINUTES OF PRECEEDING MEETING

Minutes of the May 11, 2016 meeting were reviewed. Larry Cline motioned to approve the minutes, Ken Eggleston seconded the motion.

PERSONS TO BE HEARD

None

UNFINISHED BUSINESS

None

AGENDA TRACKING REPORT

A) Update report on use of remaining \$43,000 in project funds.

Mahlon Greene reported-

These grant funds were re-scoped to Caswell's new building after it was determined dry hydrant installation was not feasible.

These funds have or are being used for the following:

- MJM Enterprises completed paint striping of the parking lot as well as the parking lines within the station bay at a cost of a little more than \$900.
- Mezzanine wire shelving purchased for \$5,000.
- Antenna, base station radio, and speakers have been ordered for the office and bay to broadcast pager calls and a cell phone booster has also been requested.

Caswell Fire Service Area Board of Supervisors Minutes
July 13, 2016

- \$30,000 remaining of unspent funds may only be used to purchase Station 13-1 building construction type items. If no other uses can be identified, the unused money can be transferred into the reserve fund balance.

FIRE CALLS ANSWERED

- A) Mahlon Greene presented the following incident report for May and June
- 1 medic assist
 - 1 building fire-Deshka Landing, total loss, support for Willow.
 - 1 rescue – person rescued from fall into a barrel, Caswell area.

REPORTS/CORRESPONDENCE

- A) Budget Report – Mahlon Greene reported:
Fiscal Year Ending June 30, 2016 report reflected actual expenses were only 78% of the budgeted funds. Chief Greene stated he purposely did not spend in some budget lines in the event it became necessary to transfer funds to cover non-employment compensation. It often takes a month or more before all payroll figures are input and given a final balance. He expects there to be adequate funds to cover the non-employee compensation which is now at 98% of budget.

The FY 2016/17 budget is projected to show a \$109,000 deficit due to a required minimum of 4 air packs on board each engine and tanker as well as the increased number of responders now on payroll. If in the coming year the budget is not completely spent, some of the \$109,000 deficit will be covered and any remainder will be paid from the reserve fund balance.

Chief Greene reported Garret Davidson has been promoted to Captain, and Greg Bietsch has moved to the Lieutenant position for Caswell Fire Department.

NEW BUSINESS

Mahlon Greene reported the State of Alaska is shutting down their training facility in Fairbanks and has a 2006 Pierce custom

Caswell Fire Service Area Board of Supervisors Minutes
July 13, 2016

cab engine to offer a fire station needing it. Chief Greene has written a letter of interest but has had no response.

Department of Forestry has taken over responsibility of maintaining and changing the fire danger level on the Smokey Bear sign at Camp Caswell.

Chief Greene stated pumper service tests for capacity and overload have been completed. The older trucks have difficulty passing these tests.

Monday, July 25th, 2016 the ISO team will be in Alaska to review Palmer and have requested a visit to Caswell Station 13-1. The team will review equipment paperwork and tour the new facility. After the review there may be a possibility Caswell could receive an 8B rating.

Chief Greene's report on construction status of new area stations:

Nancy Lake Station- Construction is well on the way with electrical to be installed soon.

Willow 4-Mile- Warm storage building for \$600,000 should be started by August, 2016.

Discussion was held outlining necessary steps for Caswell FSA to consider in the planning process for construction of a warm storage building near Resolute Drive and Parks Highway (mile 86). \$600,000 in funds is required to get started. Three ways to accumulate these funds would include: a state grant; Emergency Services no-interest note; a temporary mil rate increase to build the station, then drop the mil rate back down.

MOTION:

Ken Eggleston made a motion requesting Chief Greene make an attempt to invite Directors, Barkley, Berends, and Gambel, to attend the August or the following scheduled Board of

Caswell Fire Service Area Board of Supervisors Minutes
July 13, 2016

Supervisors meeting to discuss the possibility of planning a warm storage building at mile 86. Larry Cline seconded the motion.

Chief Greene stated he would contact the Finance Department to work up a spread sheet showing the revenues that would result from various mil rate increase scenarios.

OTHER BUSINESS

Phil Rhode stated he will be stepping down from the Willow FSA Board of Supervisors and plans to become a fire fighter engineer.

Tam Boeve stated she has applied to the Willow FSA Board of Supervisors.

Garret Davidson stated he was contacted by Norm McDonald, State Forestry, the Fire Management Officer. Mr. McDonald asked for an opportunity to meet with Caswell residents and explain Forestry's successful Fire Wise efforts and the assistance they will provide landowners in clearing and mitigating dangerous stands of trees on their property.

BOARD COMMENTS

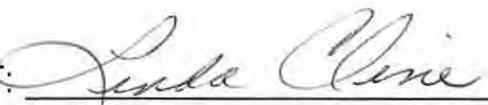
None

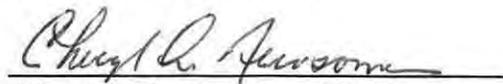
Next meeting scheduled for August 10, 2016, 6:30pm at the Caswell Fire Station, 19631 E. Deep Woods Way, Hidden Hills, Willow, Alaska.

ADJOURNMENT

Chairperson Newsome adjourned the meeting at 8:19 pm.

ATTEST:


Linda Cline, Secretary


Cheryl Newsome, Chairperson

MINUTES

I. CALL TO ORDER

The regular meeting of the Caswell Road Service Area Board of Supervisors was called to order at 6:35 pm at the Caswell Fire Station, Willow, Alaska by Chairperson, Larry Cline.

II. ROLL CALL-DETERMINATION OF QUORUM

Roll was called, a quorum was present: Present were Chairperson, Larry Cline and Vice Chair, Gordon Boeve. Board Member Phillip Johnson was not in attendance. Due notice had been published.

Also in attendance, Mike Lachelt, MSB Road Superintendent; James Ross, JA Spain & Sons; Dona Malhiot-Laubhan; Linda Cline, Secretary.

III. APPROVAL OF AGENDA

MOTION: Chairperson, Larry Cline moved to accept the Agenda, Gordon Boeve seconded the motion.

IV. APPROVAL OF MINUTES

Minutes of the January 6, 2016 meeting were reviewed. MOTION: Chairperson, Larry Cline moved to accept the Minutes, Gordon Boeve seconded the motion.

V. PERSONS TO BE HEARD

None

VI. STAFF REPORTS-- MIKE LACHELT

A) Road Maintenance –

James Ross reported it has been difficult to work on the roads when daytime temperatures are very warm and night temps do not get to freezing. This situation won't allow for the weight of heavy maintenance equipment to work the surface. Roads are beginning to dry up quite quickly now and crews will begin grading. James noted there are a number of cul-de-sac areas which need to be widened to facilitate safe turn-around of equipment, i.e. Jump Street, Otter, Montana Creek, Phido, and Snowshoe to list a few.

Mike Lachelt reported a few sink holes and mud holes have been found and mats were placed in those spots, especially Susitna Drive, near Wilderness Rim where a large muddy area was quickly addressed to resolve the issue.

Hidden Hills Road chip seal surface has seriously broken up in many spots during the spring thaw. Borough maintenance crews will be sent as

Matanuska-Susitna Borough
Caswell Lakes Road Service Area #15
Board of Supervisors
April 6, 2016

soon as possible to patch the holes. Some areas may need to be cut out and replaced with asphalt.

B). CIP PROJECT LIST

Wilderness Rim Road: Mike Lachelt reported letters were sent to subdivision residents for their response to the proposed removal of the center island on Wilderness Rim Road. The project was planned to improve drainage, widen the road for additional snow storage, and create a better turn out for the mail boxes. Power poles are too close to the road and all said the road does not meet Borough standards. Mike reported all the responses from residents regarding the project have been negative and he will speak with his director and representative, Randall Kowalke, to ascertain if the monies would be better used for another project.

Swordtale Cul de sac: Mike reported he will request the project be flagged by Paul Pilch, then request 3 quotes so work can be completed.

VII. REPORTS OF OFFICERS:

- A) Budget Report- Mike Lachelt
Mike reported Road Maintenance ending balance is at \$26,965. Fund balance is at \$41,967, very close to what is recommended.
- B) The two encumbrance errors on the January 2016 budget report were taken care of.
- C) Proposed budget for FY 16/17 has been submitted.

VIII OLD BUSINESS

None

IX NEW BUSINESS

- A) Dona Laubhan, representative from Eagle's Nest Homeowners Association, spoke to the traffic situation created by worker and tour company vehicles left parked in front of Dallas Seavey's dog racing kennel on S.Woodland Way as well as in the right of way. This parking situation makes traffic access to Eagles Nest difficult and hinders first responders residing in Eagle's Nest when they must respond to a call.

Matanuska-Susitna Borough
Caswell Lakes Road Service Area #15
Board of Supervisors
April 6, 2016

Additionally, a problem is created when snow from Seavey's as well as nearby neighbors is pushed across the road from their properties narrowing the roadway.

James Ross confirmed that vehicles parked on the roadway at this location also creates great difficulty in the ability of the contractor to maintain the road. Mike Lachelt stated he will contact Dallas with the Borough code and enforcement regulation.

- B). Gordon Boeve stated his neighbor on Sharon Drive is clearing trees on his 320 acre parcel with the intent of eventually putting in an air strip and subdividing into lots. Concern is that this work is being done without a permit to work in the right of way. Mike Lachelt stated he would contact Andy Dean to see if permitting has been issued.

X BOARD COMMENTS

None

XI ADJOURNMENT

Chairperson, Larry Cline motioned to adjourn the meeting at 7:23 pm.

Next scheduled meeting, August 3, 2016, 6:30pm at Caswell Fire Station, 19631 E. Deep Woods Way, Willow, Alaska.


Larry Cline, Chairperson


Linda Cline, Secretary

Matanuska-Susitna Borough
FISH AND WILDLIFE COMMISSION
Thursday, May 19, 2016 6:00pm

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MINUTES

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 6:05pm by Chair Terry Nininger at MSB in Palmer. Quorum was established with six members present: Howard Delo, Andy Couch, Larry Engel, Terry Nininger, Jim Sykes and Mike Wood. Also present: Bruce Knowles, Frankie Barker, Gerri Sumpter, Jessica Speed and Tom Brookover.

II. APPROVAL OF AGENDA

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

III. MINUTES OF PRECEEDING MEETING

Larry made a motion to approve the minutes from April 21, 2016. Howard seconded the motion. The motion was approved.

IV. CORRESPONDENCE/ ANNOUNCEMENTS

Larry and Andy were filmed by a TV crew fishing on the Little Susitna River. Andy, Howard and Larry met with the new publisher of the Frontiersman, Dennis Anderson. He will be going on a Deshka trip with Andy in June. He is open to the Fish and Wildlife Commission submitting information to the newspaper. Karl Johnstone published an article in the Alaska Dispatch News on May 5, 2016 about the federal management of fisheries in Cook Inlet.

V. PERSONS TO BE HEARD

Gerri Sumpter, with Senator Lisa Murkowski's office, spoke about fisheries issues that are part of the energy bill that the Senator is sponsoring. The Magnusson-Stevens act is now in the Senate. Public comments can still be submitted. She mentioned the purchase of sockeye salmon for food assistance for the Emergency Food Program. Jessica Speed indicated language is in the energy bill to solidify partnerships in the National Fish Habitat Partnership.

VI. MAT-SU BASIN SALMON HABITAT PARTNERSHIP

Jessica Speed gave a presentation about the partnership and distributed 2014-2015 Progress Reports. She mentioned that 78 projects have been funded since 2006 in the areas of science, restoration and conservation. The Partnership will be holding their annual Salmon Symposium on November 17 & 18, 2016 in Palmer.

VII. SPORTFISHING ECONOMIC STUDY (ADF&G)

Tom Brookover (ADF&G) spoke about the state's hiring freeze which is preventing them from hiring contractors to do the sportfishing economic study. They requested a waiver from the Governor but were not successful. ADF&G has \$80,000 in their budget plus the \$50,000 that the Borough awarded them as part of the fisheries research. Frankie indicated that there are still funds available in the fisheries research grant to cover the full amount of the study. Commissioners asked if ADF&G could collaborate with the Borough to do the study. ADF&G

staff would need to supply information to whatever contractor was chosen. Tom will check with his staff and get back to us. He discussed the FY2017 budget. The general fund will be reduced, but if revenues keep up, ADF&G should be okay. Tom indicated that the license fee increases passed the legislature so that will bring in more funds. He said the weirs are okay for now. Terry made a motion to direct Frankie to work with ADF&G on an alternate funding plan for the sportfishing economic survey. Howard seconded the motion and it was approved. Andy asked about changes in restrictions on Kings. Tom said that the Commissioner approved changes to restrict the commercial King fishery and is looking at liberalizing sportfishing. Tom left the meeting at 8:05pm.

VIII. RIPARIAN BUFFER ORDINANCE

Frankie reported on the public hearing held at the Planning Commission on May 16, 2016. Terry attended the meeting and testified on behalf of the commission. He noted that there were about 25 people who testified, most of whom were miners. The Planning Commission was concerned about the lack of public notice. Terry offered to contact the Alaska Miners Association. Several people mentioned newspaper, radio and other media avenues to get out the word. Terry made a motion to have a subcommittee to work on the issue. Howard seconded the motion and it was approved. Terry, Larry, Jessica, Jeff Davis and Mike were volunteered.

IX. BOF PREPARATION

Frankie indicated that the borough budget was approved which included \$60,000 for the FWC. She will work on getting contracts with Ray Beamesderfer for the publication and Mac Menard for meeting coordination. Several commissioners may attend the work session on the Kenai in October. Frankie will contact ADF&G to get copies of the BOF proposal book.

X. BOF FIELD TRIP

Terry suggested a two day trip in late August to show the BOF members around. He's been in contact with Glenn Haight, ADF&G Board Support staff and will send him a tentative itinerary. Terry made a motion to create a subcommittee to organize the tour. Howard seconded. The motion was approved. A subcommittee consisting of Terry, Frankie, Mike and Howard was designated.

XI. ALASKA JOURNAL OF COMMERCE ARTICLE

Commissioners thought the article by Karl Johnstone covered much of the subjects that might have been in the AJOC rebuttal article.

X. MEMBER COMMENTS

No member comments.

XV. ADJOURN

Meeting was adjourned at 9:30pm.

ATTEST:
FRANKIE BARKER, Staff



TERRY NININGER, Chair

REGULAR MEETING

1:00 PM

July 7, 2016

The regular meeting of the Matanuska-Susitna Borough Platting Board was held on July 7, 2016, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 1:00 P.M. by the Chairman, Mr. Jay Van Diest.

1. CALL TO ORDER**A. ROLL CALL AND DETERMINATION OF QUORUM (by Administrative Specialist)**

Platting Board members present and establishing a quorum:

- Mr. Jay Van Diest, District #1 (Chairman)
- Mr. LaMarr Anderson, District #2
- Mr. Stan Gillespie, District #3
- Mr. Jordan Rausa, District #4
- Mr. Tait Zimmerman, District #5 (Vice Chairman)
- Mr. Patrick Johnson, District #6
- Ms. Amy Hansen, District #7
- Mr. Marty Van Diest, Alternate 1 (**Excused**)
- Mr. Gregory Pugh, Alternate 2 (**Excused**)

Staff in attendance:

- Ms. Sloan Von Gunten, Administrative Specialist
- Mr. Fred Wagner, Platting Officer
- Ms. VickieLee Fenster, Platting Assistant
- Ms. Peggy Horton, Platting Technician
- Ms. Amy Otto-Buchanan, Platting Technician
- Ms. Cheryl Scott, Platting Technician

B. THE PLEDGE OF ALLEGIANCE

- The pledge of allegiance was led by Ms. Amy Hansen.

C. APPROVAL OF THE AGENDA

The Chairman, Jay Van Diest inquired if there were any changes to the agenda.

GENERAL CONSENT: The agenda was approved without objection.

2. APPROVAL OF MINUTES

The Chairman, Jay Van Diest inquired if there were any changes to the minutes.

GENERAL CONSENT: The minutes for June 16, 2016, was approved without objection.

3. UNFINISHED BUSINESS**4. PUBLIC HEARINGS**

A. ASLS 2015-18

Sloan Von Gunten (Administrative Specialist)

- Stated that 32 public hearing notices were mailed out on June 15, 2016, to this date there have been no returns, no objections, no non-objections, and no concerns.

Cheryl Scott (Platting Technician)

- Requesting to continue the case to July 21, 2016, due to notice corrections.

Jay Van Diest (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, kept the public hearing open.

MOTION:

- Mr. Gillespie moved to continue the preliminary plat for ASLS 2015-18 to July 21, 2016, seconded by Mr. Zimmerman.

VOTE:

- The motion passed with all in favor.

TIME: 1:06 P.M.

CD: 0:04:50

B. CHEYENNE MEADOWS ADDITION 1

Sloan Von Gunten (Administrative Specialist)

- Stated that 58 public hearing notices were mailed out on June 15, 2016, to this date there have been 3 returns, no objections, no non-objections, and no concerns.

Peggy Horton (Platting Technician)

- Gave an overview of the case.
- Would like to modify recommendation #5 in taking out the wording: along the road in the low area of

Jay Van Diest (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.

John Shadrach (Petitioner's Representative)

- Answered questions from the board on the roadways and easements.
- Agrees with all the recommendations and changes.

MOTION:

- Mr. Johnson moved to approve the preliminary plat for Cheyenne Meadows Addition 1, Seconded by Ms. Hansen. Modify recommendation #5.

DISCUSSION:

- Discussion on the warranty time line on maintaining roads and the drainage problem on Morgan Drive.

RECOMMENDATIONS:

- Modify #5: Provide a drainage easement within Lot 9 and provide a cross culvert to direct drainage from the north side of the road to the drainage easement per MSB DPW Engineer.

VOTE:

- The motion passed with 5 in favor (Mr. Rausa, Mr. Johnson, Mr. Zimmerman, Ms. Hansen, and Mr. Jay Van Diest) and 2 against. (Mr. Anderson and Mr. Gillespie) There are 7 findings.

TIME: 1:30 P.M.

CD: 0:29:33

C. BIRCHWOOD ESTATES

Sloan Von Gunten (Administrative Specialist)

- Stated that 77 public hearing notices were mailed out on June 15, 2016, to this date there have been no returns, no objections, no non-objections, and no concerns.

Peggy Horton (Platting Technician)

- Gave an overview of the case.
- Would like to remove recommendation #6 and add another recommendation on the 60' radius of the cul-de-sac.

DISCUSSION:

- Discussed the roadway and intersection location.

Jay Van Diest (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.

Tom Kirchner (Petitioner's Representative)

- Answered questions from the board on the roadway design and location.
- Agrees with all the recommendations and changes.

MOTION:

- Mr. Zimmerman moved to approve the preliminary plat for Birchwood Estates, seconded by Mr. Johnson. Remove recommendation #6 and #10, and add #21. Modify finding #6.

DISCUSSION:

- Discussion on recommendation #10.

FINDINGS:

- Modify #6: A professional engineer provided a useable area determination for the new design.

RECOMMENDATIONS:

- Remove #6 and #10.
- Add: Provide 60' radius at the permanent cul-de-sac per MSB 43.20.060(c).

VOTE:

- The motion passed with 5 in favor (Mr. Rausa, Mr. Zimmerman, Mr. Gillespie, Ms. Hansen, and Mr. Jay Van Diest) and 2 against. (Mr. Anderson and Mr. Johnson) There are 17 findings.

TIME: 2:40 P.M.

CD: 1:35:56

BREAK

TIME: 2:52 P.M.

CD: 1:36:10

D. RESOLUTION 16-54 ON TITLE 43 PROPOSED AMENDMENTS AND CHANGES

The Chairman, Jay Van Diest, suspended the rules.

DISCUSSION:

- Discussion on Resolution 16-54 on the Title 43 proposed amendments and changes.

The Chairman, Jay Van Diest returned the meeting back to order.

MOTION:

- Mr. Anderson moved to continue the resolution 16-54 on Title 43 proposed amendments and changes to August 4, 2016, seconded by Mr. Rausa.

VOTE:

- The motion passed with all in favor.

TIME: 4:14 P.M.

CD: 2:53:18

5. MISCELLANEOUS

6. RECONSIDERATIONS/APPEALS

7. **AUDIENCE PARTICIPATION** (*Three minutes per person, for items not scheduled for public hearing*)

Gary LoRusso

- Would like to see in writing the reasons on the memo items that the platting board is not changing to Title 43.

8. **PLATTING STAFF & OFFICER COMMENTS**

- There will be 1 case to be heard at the next platting board meeting.
- Ms. VickieLee Fenster will be a backup clerk for the platting board and will be practicing clerking the meeting for at the next few hearings.
- Staff will look up the items that the board said they did not want to change and write down why the board did not want them in Title 43.

9. **BOARD COMMENTS**

- Mr. Gillespie will not be at the July 21, 2016 meeting.
- Mr. Anderson stated on the responsibilities the board holds and wanting to be more pro-active on the cases being heard before them.

10. **ADJOURNMENT**

Adjourned: 04:23 P.M.

CD: 03:02:48


Jay Van Diest, Chairman


Sloan Von Gunten
Administrative Specialist

GVCC Minutes

(special summer meeting)

6/23/16

1. **Call to Order and Invitation to the Pledge:** 7:02 PM

--Review Secretary's report: May elections minutes error, needs to be changed from 17 votes to 77 votes for Treasurer. Teall made motion to accept both April 28's and May 26's minutes with that change applied to May's notes, Marty 2nded, vote passed.

-- Review Treasurer's Report: Lorraine has produced a new format for report; it will begin with January and list out all expenditures for calendar year to date. Marty made motion to accept as written, Kristi 2nded, vote passed.

2. **Call for the Book** - new name suggested by Keith Bayha "Glacier View Community History".
Lorraine made motion to accept this as new name, John E 2nded, vote passed

This is an informal accounting of people and events in our community, to be recorded in The Book. Need a chair, report or note. Events - People - Nature - Honorable Mentions: anybody have ideas?

3. **Financial Expenditures**

-- Joseph made announcement: " The Monday before a council meeting when the agenda is typically sent out, along with the council newsletter will be the Financial Expenditures list. If you have a project that will require a funding vote, please get it on the agenda by the Saturday before a council meeting so it may get in the council newsletter that Monday. This is to inform people of expenditures being brought to the council."

Requests: none to date

4. **Old Business**

-- Election - had the election for non-absentee voters, Paper ballot cost: \$399.87 to UPS Store and many hours of work. Results: President's position-- Joseph Davis had 60 votes, Garry Wolske had 18, Danny Allen had 1. Treasurer-- Lorrain Cordova had 77 votes.

Voting process and mailings will be examined according to by-laws in future meetings.

--Emergency Preparedness: **Always call 911 first, then work through emergency phone list!!**

Water Tank/Trailers / time to fill and test, and have a practice event

Wildfire equipment maintenance procedures? Who is lead?

Rick and Chuck may have names of people with tanks, and Chuck has info about foaming

pumps/equipment. We need to check with Wendy about DNR "water rights" for the school well.

--Sign Design design update in May, spoke with Andy who is getting us more info. Looking for two locations @ Mi 89 and 118. Joseph Lucia said he's available to help others with sign work.

--Cemetery Report: It's time for a non-profit board for applying for 501 (c) 3 and time to put people's signatures on the application, 4 - 5 for starters. Teall Eng has written up a survey, which will be sent out soon. Cemetery requires at least 2-5 acres land, donation would be very much appreciated. There will be significant fees involved, including surveys for land parcel, and each individual burial plot. Suggested that someone could be found to survey and donate their time. No land forthcoming from State.

--USPO mail box building update - Post Master Rick of Palmer approved idea for a building at Sheep Mountain Lodge. This would not interrupt regular mail delivery to your own mailbox. It would be secure location if you wanted to buy a box.

--Glacier View Gardens: next event scheduled-- garden tour @ Steadmans' greenhouse and garden, end of July, date TBA. Gardening classes coming this fall! Pat Holloway, Master Gardener will be coming up. Talk with Randi Hirschmann or Joseph if you want to know more.

--Meals on Wheels: Stay independent. Stay healthy. Sign up with Joseph or MatSu Senior Services (two new people signed up recently)

5. New Business

--Porta-Potty and Dumpster: Porta-potty company we used last year will no longer be available to come up here. Wendy is calling around trying to find someone else to rent from. Possibly check with Haags' son in Wasilla? Cost for renting from Eagle River is prohibitive. Fred H proposed rescinding the motion made in former meeting to "cap funding @ \$500 and anything above that would have to have a mailed-out ballot." After discussion, John E made motion to rescind the former motion for this one line item (porta-potties and dumpsters), and approve up to \$7200 for this service, Fred H 2nded, vote passed.

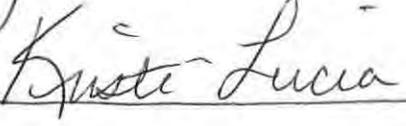
--July 9th Flea Market: Arnie has okayed using his lot by "99er Diner". Set up early, open @ 9AM. Talk to Joseph if you're interested.

--Next Council meeting: Sept. 29, last Thurs. of the month, 7 PM @ GVS

--Move to Adjourn: Marty made motion to adjourn @ 7:59, all approved!



(Joseph Davis, President)



(Kristi Lucia, Secretary)

6.23.2016
GUCC

Tom JORDAN
LORRAINE CORDOVA
Joseph Dant
RUBY HIRSCHMANN
FRED HIRSCHMANN
Jana Hitchcock
Beatrice Hitchcock
D. TEALL

John Eng
Kristi Lucia
Joseph Lucia
Wendy Smith-Wood
Richard Wood
MARTY RINKY
Keith Bayka

COUNCIL MEETING MINUTES

Regular Meeting 6:30 PM Thursday, July 21, 2016

- I. Meeting called to order 6:39 pm.
- II. Board Members in Attendance: Glenka, Miller and Grelson. Present Member: Lon McCullough and Assemblyman Randall Kowalke
- III. Reading and approval of minutes from May 19 and June 16, 2016
- IV. Assembly Report: Recreation bond cleared assembly and will now go to a vote of the people on the October ballot. \$75,000 of which would go to TCCSA for the park and community center.
- V. TCCSA CIP Report: CIP#4 \$2,063.05 remaining from the original fifty percent draw of \$10,000.
- VI. RSA 30 Report: None
- VII. Treasurer's Report: Checking \$20,867.02 & Savings \$25.29
- VIII. Revenue Sharing Project Updates:
 - A. FY2012
 - 1. Oral History – \$264.71 remaining
 - B. FY2013
 - 1. TCCSA Conex – \$1,366.54 remaining
 - C. FY2014
 - 1. TCCSA Operating Costs - \$1,860.48 remaining
 - 2. TCCC Operating Costs - \$431.50 remaining
 - 3. Nordic Ski Club – \$88.51 remaining
- IX. Current Mail: Read
- X. Public Forum: None
- XI. Unfinished Business:
- XII. New Business:
 - A. Borough authorization of revenue sharer project proposals and receipt of FY15 have been received.
 - B. Revenue reports to borough for first half of 2016 have been prepared and submitted to Borough.
 - C. Discussion of getting software and tech support for council computer.
- XIII. Date of next meeting scheduled for August 18, 2016
- XIV. Meeting adjourned at 7:32 pm

RECEIVED
AUG 26 2016
CLERKS OFFICE

(Minutes taken by Council Secretary, Levi Miller)

Approved: Paula Borden 8/18/16 Levi Miller 8/18/16
 Chairperson Date Secretary Date
 PG LM

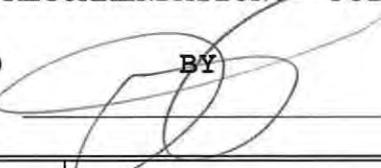
Trapper Creek Community Council
PO Box 13021, Trapper Creek, AK 99683-0321 (907) 733-7370 Teleconference

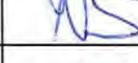
SUBJECT: Reporting of conclusion of contract for Bid no. 14-160B to Bristol Environmental Remediation Services for Mack Drive Extension/Clapp Street Improvements, for the final contract amount of \$6,648,456.73.

AGENDA OF: September 20, 2016

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: For information only.

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

Route To:	Department/Individual	Initials	Remarks
	Originator		
	Capital Projects Director		
	Purchasing Officer		
	Finance Director		
	Borough Attorney		
	Borough Clerk		9/12/16 

ATTACHMENT (S) : Fiscal Note: Yes No

SUMMARY STATEMENT: Pursuant to MSB Code, 3.08-170(F), the following is a summary of Bid no. 14-160B, Mack Drive Extension/Clapp Street Improvements.

The MSB engaged in a contract with Bristol Environmental Remediation Services on June 25, 2014, for Bid no. 14-160B, Mack Drive Extension/Clapp Street Improvements. The original contract amount of \$3,965,983.00 was approved through Assembly Action on AM No. 14-082 presented on June 17, 2014. The project required five (5) change orders totaling \$2,682,473.73 for a revised total final contract amount of \$6,648,456.73.

The change orders included the connection of Mack Road to Clapp Road, the addition of the realignment and signalization of the intersection of Clapp Street and KGB Road (funded by ADOT&PF), the widening and additional turn lanes at both approaches to the existing road in front of the Curtis Menard Sports Center, and

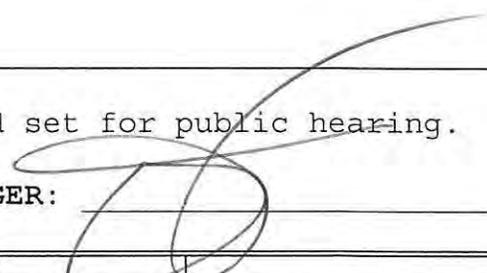
the relocation of existing signs, fire hydrant and mailboxes.

SUBJECT: REQUESTING A RE-APPROPRIATION OF \$56,883 FROM PROJECT NOS. 45265 AND 45267, FUND 425 TO PROJECT 45257, FUND 425, AND APPROVING THE SCOPE OF WORK AND BUDGET FOR PROJECT 45257 TO ALLOW FOR THE PURCHASE OF A VEHICLE AND RELATED EQUIPMENT FOR EMERGENCY SERVICES ADMINISTRATION.

AGENDA OF: September 6, 2016

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: 

Route To:	Department/Individual	Initials	Remarks
	Originator - Emergency Services	RG	
	Finance Director		
	Borough Attorney		
	Borough Clerk		8/29/16 

ATTACHMENT (S): Fiscal Note: YES X NO
 Ordinance Serial No. 16-110 (3 pp)
 Resolution Serial No. 16-077 (3 pp)

SUMMARY STATEMENT:

In the 2013 capital projects budget, \$100,000 in Areawide funds were appropriated to hire a consultant to perform a management study on the Emergency Services department. That project is complete and there remains \$31,394 in this project.

In the 2015 capital projects budget, \$45,000 in Areawide funds were appropriated to purchase a replacement command vehicle for the Emergency Medical Services division. That project is complete and there remains \$12,349 in this project.

On April 5, 2016, with Ordinance 16-030, the borough assembly approved an appropriation of \$13,140 in insurance proceeds

toward the purchase of a replacement Emergency Medical Services vehicle. The insurance proceeds were reimbursement for an Emergency Services Administration vehicle rather than an Emergency Medical Services vehicle, and as such, the funds should have been appropriated toward a vehicle for Emergency Services Administration.

Emergency Services Administration is in need of a replacement vehicle due to the age and deteriorating condition of current vehicles, as well as due to the loss of the wrecked vehicle. The Emergency Services Director has requested that the remaining project funds mentioned above, as well as the insurance proceeds, be appropriated to a project to replace a vehicle for Emergency Services Administration.

RECOMMENDATION OF ADMINISTRATION:

Approval of the attached legislation approving a re-appropriation of \$56,883 from Project Nos. 45265 and 45267, fund 425 to Project 45257, fund 425, and approving the scope of work and budget for Project 45257 to allow for the purchase of a vehicle and related equipment for Emergency Services Administration.

**MATANUSKA-SUSITNA BOROUGH
FISCAL NOTE**

Agenda Date: September 6, 2016

SUBJECT: A re-appropriation of \$56,883 from Project Nos. 45265 and 45267, fund 425 to Project 45257, fund 425, and approving the scope of work and budget for Project 45257 to allow for the purchase of a vehicle and related equipment for Emergency Services Administration.

ORIGINATOR: Bill Gamble

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT (YES) NO
AMOUNT REQUESTED \$ 56,883	FUNDING SOURCE <i>Ambulance & Emergency Svcs Cap Proj. Fund 425 AW Budget Approp; Enr. Proceeds</i>
FROM ACCOUNT # <i>425.000.000.4xx.xxx</i>	PROJECT # <i>45265, 45267</i>
TO ACCOUNT : <i>425.000.000.3xx.xxx</i>	PROJECT # <i>45257</i>
VERIFIED BY: <i>Barbara Faungit</i>	CERTIFIED BY:
DATE: <i>8/16/16</i>	DATE:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY2017	FY2018	FY2019	FY2020	FY2021	FY2022
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL	<i>56.8</i>					
---------	-------------	--	--	--	--	--

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

FUNDING: (Thousands of Dollars)

General Fund						
State/Federal Funds						
Other	<i>56.8</i>					
TOTAL	<i>56.8</i>					

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: _____ PHONE: _____
 DEPARTMENT: *Chapman Hill* _____ DATE: *8/16/16*
 APPROVED BY: *[Signature]* _____ DATE: _____

NON-CODE ORDINANCE

Sponsored By:
Introduced:
Public Hearing:
Adopted:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 16-110**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REQUESTING A RE-APPROPRIATION OF \$56,883 FROM PROJECT NOS. 45265 AND 45267, FUND 425 TO PROJECT 45257, FUND 425, TO ALLOW FOR THE PURCHASE OF A VEHICLE AND RELATED EQUIPMENT FOR EMERGENCY SERVICES ADMINISTRATION.

WHEREAS, in the 2013 capital projects budget, \$100,000 in Areawide funds were appropriated to hire a consultant to perform a management study on the Emergency Services department; and

WHEREAS, that project is complete and there remains \$31,394 in this project; and

WHEREAS, in the 2015 capital projects budget, \$45,000 in Areawide funds were appropriated to purchase a replacement command vehicle for the Emergency Medical Services division; and

WHEREAS, that project is complete and there remains \$12,349 in this project; and

WHEREAS, on April 5, 2016, with Ordinance 16-030, the borough assembly approved an appropriation of \$13,140 in insurance proceeds toward the purchase of a replacement Emergency Medical Services vehicle; and

WHEREAS, the insurance proceeds were reimbursement for an Emergency Services Administration vehicle rather than an

Emergency Medical Services vehicle, and as such, the funds should have been appropriated toward a vehicle for Emergency Services Administration rather than Emergency Medical Services; and

WHEREAS, Emergency Services Administration is in need of a replacement vehicle due to the age and deteriorating condition of current vehicles, as well as due to the loss of the wrecked vehicle; and

WHEREAS, the Emergency Services Director has requested that the remaining project funds mentioned above, as well as the insurance proceeds, be appropriated to a project to replace a vehicle for Emergency Services Administration; and

WHEREAS, no expenditures can be made until the scope of work and budget have been approved by the Assembly.

BE IT ENACTED:

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

Section 2. Re-appropriation Source. The Matanuska-Susitna Borough Assembly does hereby re-appropriate \$31,394 from the fiscal year 2013 areawide capital appropriation, Fund 425, project 45265, \$12,349 from the fiscal year 2015 areawide capital appropriation, fund 425, project 45267, and \$13,140 from fiscal year 2015 insurance proceeds, fund 425, project 45267, to

Project No. 45257, Fund 425, for the purchase of an Emergency Service Administration vehicle and related equipment.

Section 3. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this ___ day of _____, 2016.

VERN HALTER, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

Action:

**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 16-077**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING THE BUDGETS FOR PROJECTS 45265 AND 45267, AND APPROVING THE SCOPE OF WORK AND BUDGET FOR PROJECT 45257, FUND 425, TO PURCHASE A REPLACEMENT VEHICLE FOR EMERGENCY SERVICES ADMINISTRATION.

WHEREAS, in the 2013 capital projects budget, \$100,000 in Areawide funds were appropriated to hire a consultant to perform a management study on the Emergency Services department; and

WHEREAS, that project is complete and there remains \$31,394 in this project; and

WHEREAS, in the 2015 capital projects budget, \$45,000 in Areawide funds were appropriated to purchase a replacement command vehicle for the Emergency Medical Services division; and

WHEREAS, that project is complete and there remains \$12,349 in this project; and

WHEREAS, on April 5, 2016, with Ordinance 16-030, the borough assembly approved an appropriation of \$13,140 in insurance proceeds toward the purchase of a replacement Emergency Medical Services vehicle; and

WHEREAS, the insurance proceeds were reimbursement for an Emergency Services Administration vehicle rather than an Emergency Medical Services vehicle, and as such, the funds should have been appropriated to Emergency Services

Administration; and

WHEREAS, Emergency Services Administration is in need of a replacement vehicle due to the age and deteriorating condition of current vehicles, as well as due to the loss of the wrecked vehicle; and

WHEREAS, the Emergency Services Director has requested that the remaining project funds mentioned above, as well as the insurance proceeds, be appropriated to a project to replace a vehicle for Emergency Services Administration.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Assembly hereby approves the following amended budgets for Project Nos. 45265 and 45267, and approves the scope of work and budget for project 45257.

SCOPE OF WORK

Project No. 45257-1803 - Purchase of a vehicle and related equipment for Emergency Services Administration.

AMENDED BUDGETS

<u>Project/Account No.</u>	<u>Previously Approved Budgets</u>	<u>Amended Budgets</u>
EMS Management and Performance Study Project No. 45265-1801		

<u>Project/Account No.</u>	<u>Previously Approved Budgets</u>	<u>Amended Budgets</u>
Fiscal Year 2013 Areawide Capital Budget Appropriation	\$ 100,000	\$ 68,606
EMS Command Vehicle Replacement Project No. 45267-1805		
Fiscal Year 2015 Areawide Capital Appropriation	\$ 45,000	\$ 32,651
EMS Vehicle Replacement Project No. 45267-1806		
Fiscal Year 2015 Areawide Insurance Proceeds Appropriation	\$ 13,140	\$ -0-
Emergency Services Administration Vehicle Project No. 45267-1803		
Fiscal Year 2013 Areawide Capital Budget Appropriation	\$ -0-	\$ 31,394
Fiscal Year 2015 Areawide Capital Budget Appropriations	\$ -0-	\$ 12,349
Fiscal Year 2015 Areawide Insurance Proceeds Appropriation	\$ -0-	\$ 13,140
Total Project No. 45257-1803	<u>\$ -0-</u>	<u>\$ 56,883</u>

ADOPTED by the Matanuska-Susitna Borough Assembly this -
day of -, 2016.

VERN HALTER, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

Page 3 of 4

Resolution Serial No. 16-077
Ordinance Serial No. 16-110
IM No. 16-161

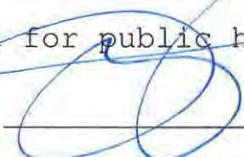
(SEAL)

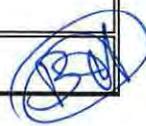
SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REPEALING MSB 4.10, AVIATION ADVISORY BOARD; ADOPTING MSB 4.27.005, PURPOSE; ADOPTING MSB 4.27.015, DUTIES; AMENDING 4.27.020 MEMBERSHIP; AMENDING MSB 4.27.040, MEETINGS, ORGANIZATION; REPEALING MSB 19.08.020(D); AMENDING MSB 19.08.020 (E); REPEALING MSB 4.43, TRANSPORTATION ADVISORY BOARD; ADOPTING MSB 4.46.005, PURPOSE; AMENDING MSB 4.46.020, FUNCTIONS; AMENDING MSB 4.46.030, COMPOSITION; ADOPTING MSB 4.46.035 MEETINGS; REPEALING MSB 4.46.040 TERM OF MEMBERS; AMENDING MSB 4.58.030, COMPOSITION; AMENDING MSB 4.58.040, MEETING, OFFICERS; AND ADOPTING MSB 4.85, TRANSPORTATION TECHNICAL ADVISORY COMMITTEE TO ASSIST IN MEETING BUDGET REDUCTION REQUIREMENTS.

AGENDA OF: September 6, 2016

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: 

Route To:	Department/Individual	Initials	Remarks
1	Originator: E. Probasco	EP	
2	Planning and Land Use Director	EP	
	Finance Director		
3	Borough Attorney	NS	
4	Borough Clerk	JMM	8/29/16 

ATTACHMENT (S) : Fiscal Note: YES NO X
 MSB 4.10 Aviation Advisory Board (3 pages)
 MSB 4.43 Transportation Advisory Board (2 pages)
 Assembly Work Order (1 page)
 Letter from Health Board Chair (1 page)
 Planning Department Board Summary (11 pages)
 Ordinance Serial No. 16-III (11 pp)

SUMMARY STATEMENT:

The Matanuska-Susitna Borough has 27 active boards and commissions. Currently the Department of Planning and Land Use staffs eight of those boards and commissions, only two of which

are mandated by State Statute, the Planning Commission and the Platting Board. In light of recent budget challenges, staff has been asked by the Assembly and administration to review the other boards/commissions and propose amendments to ensure they run as efficiently as possible, and that they are achieving the goals and priorities of the assembly.

BACKGROUND:

The Department of Planning and Land Use staffs the following eight boards:

1. Planning Commission - no recommended amendments
2. Platting Board- no recommended amendments
3. Fish and Wildlife Commission- no recommended amendments
4. Aviation Advisory Board
5. Transportation Advisory Board
6. Health and Social Services Board
7. Historical Preservation Commission
8. Borough Area Schools Site Selection Committee

Planning staff completed a comprehensive review of the code for each board. Staff members were asked 1) what works well for this board; 2) what does not work for this board; and 3) What code changes would you recommend? In addition, an estimate was made on the costs of facilitating such boards.

Summary of Financial Costs - The average amount of staff time for a board meeting once per month, is 20 hours per month. The average cost in staff time, salary plus benefits, for eight boards at 20 hours per board per month is \$9,900, for a total of \$118,800.00 per year. Should this ordinance be adopted, it would eliminate two of the boards and reduce meeting frequency of three other boards. These recommended changes will reduce the average time per board to approximately 10 hours per month and eliminate a total of 960 staff hours, resulting in a cost savings of approximately \$59,450 per year. With the current budget issues it is prudent to reevaluate the time spent on staffing these boards and more importantly, whether the boards are acting upon the actions requested by the assembly.

Aviation Advisory Board - Staff recommends that the Aviation Advisory Board (AAB) be disbanded.

1. AAB was originally recommended in the 2008 Regional Aviation System Plan as a Board that would sunset after 5 years; and TAB Resolution 08-08 recommended sunset after 3 years; staff included a sunset of 5 years in IM 09-139 and Ordinance 09-086. The ordinance was amended on the floor and the sunset date was removed.
2. The code states that the AAB should provide recommendations to the planning commission and platting board on aviation-specific issues related to CUPs and proposed subdivisions.

Time limits on platting and permitting actions preclude AAB involvement in this process. To facilitate AAB review the time lines for platting and permitting would have to be lengthened.

3. The MSB does not own any airports and currently does not restrict or protect aviation-specific land use practices through code, a board dedicated to aviation will likely need direct guidance from the assembly as to their purpose and duties.

Transportation Advisory Board - Staff recommends that the Transportation Advisory Board (TAB) be disbanded.

1. The primary purpose of this board is to provide advice to the Planning Commission and Assembly on Transportation Policy. The current member composition outlined in code does not have the background needed to provide the type of technical advice the Planning Commission and Assembly needs in order to make decisions; and most members currently reside within the core area, mainly near Wasilla, so it does not offer diverse community input.
2. The composition of this board since inception has been problematic. With 8 voting members and a 9th non-voting it allows for a lot of split votes and can result in little to no actual useful recommendations.
3. The current board composition includes representation from broad industries such as transportation, construction, environmental conservation, trails, the MSB School District and the RSA advisory board; this membership creates a board with a primary focus on surface transportation. The MSB needs a board of technical staff with the ability to provide technical advice on all aspects of transportation policy and planning within all regions of the Matanuska-Susitna Borough.
4. In the past the board has suggested pursuing certain activities/projects which have not been consistent with the Assembly priorities.

Health and Social Services Board - The current composition is 13 members and only eight of those seats are filled. The primary duty of this board has been the allocation of Human Services Matching Grant funds, and currently a significant portion of the membership works for agencies that apply for the funding. This raises the perception of ethics and fairness regarding the board's recommendations, as members work for agencies that receive grant funding. It was suggested by the current chair that the composition be changed to limit the number of non-profit agencies with members/employees serving on the board.

Historical Preservation Commission - It is important that the Board have technical expertise, especially in light of the

vacant position of the Cultural Resource Specialist II. However, the current composition does not encourage participation from local historical groups which may benefit from some of the financial (grant) benefits of being a recognized by the State of Alaska as a Certified Local Government (CLG). In addition, not having term limits is not best practices for advisory boards and committees, and should be corrected as soon as possible. It is recommended that the board should meet twice per year (which is the minimum required to retain CLG status with the State), or as needed and at the direction of the assembly or planning commission with a clear task or purpose for that meeting.

Borough Area Schools Site Selection Committee - Staff recommends changes to this Committee to better reflect best practices for composition and meeting frequency. With the current composition there can be times when the board has 8 members, which can allow for tie votes. By reducing the membership and making the Assembly member the chair this process can be improved. Meeting when a site is not needed is a waste of time and money therefore meetings should only take place as needed.

NEW Transportation Technical Advisory Committee (TTAC) - In speaking with current and past Transportation Advisory Board staff, the creation of a Technical Advisory Committee can help ensure the planning commission and Assembly receives the best advice and recommendations possible. This TTAC will replace both the Aviation Advisory Board and the Transportation Advisory Board with a committee of skilled technical staff members that meet twice per year, or as directed by the Assembly.

RECOMMENDATION OF ADMINISTRATION: Staff respectfully recommends assembly adoption of the ordinance repealing MSB 4.10, aviation advisory board; adopting MSB 4.27.005, purpose; adopting MSB 4.27.015, duties; amending 4.27.020 membership; amending MSB 4.27.040, meetings, organization; repealing MSB 19.08.020(D); amending MSB 19.08.020(E); repealing MSB 4.43, transportation advisory board; adopting MSB 4.46.005, purpose; amending MSB 4.46.020, functions; amending MSB 4.46.030, composition; adopting MSB 4.46.035 meetings; repealing MSB 4.46.040 term of members; amending MSB 4.58.030, composition; amending MSB 4.58.040, meeting, officers; and adopting MSB 4.85, transportation technical advisory committee.

CHAPTER 4.10: AVIATION ADVISORY BOARD

Section

- 4.10.010 Establishment and purpose
- 4.10.020 Duties
- 4.10.030 Composition
- 4.10.040 Meetings; officers

4.10.010 ESTABLISHMENT AND PURPOSE.

(A) The aviation advisory board is established for the purpose of providing advice to the assembly, the planning commission, the platting board and the administration on issues relating to airports and aviation within the borough.

(B) All matters pertaining to the board, unless otherwise specified in this section, shall be governed by MSB 4.05.

(Ord. 09-086, § 3 (part), 2009)

4.10.020 DUTIES.

(A) Broadly, the board shall make recommendations to the administration and the assembly, the planning commission, and the platting board on borough policy with respect to all issues relating to the preservation and establishment of safe airports, the preservation of the aviation lifestyle, and the promotion of aviation safety. Specifically, the board shall make recommendations on:

- (1) The implementation of the recommendations of the August 2008 Matanuska-Susitna Borough Regional Aviation System Plan;
- (2) Ordinances relating to airports and aviation, including airport construction and land use compatibility;
- (3) The advancement of air navigation methodologies and technology in the borough;
- (4) The enhancement of aviation safety through improved aircraft communications, pilot education, and other means;
- (5) Military aircraft operations within the borough;
- (6) Development of a safe and efficient system of public and private airports and seaplane/floatplane bases in the borough;
- (7) Airport and aviation studies conducted by the borough and airport owners in the borough; and
- (8) Ongoing aviation policy issues.

(B) The board shall provide recommendations to the planning commission and platting board on aviation-specific issues related to conditional use permits and on proposed subdivisions that include an airport or provide taxiway access to an airport.

(C) The board shall serve as the technical committee for airport and aviation studies conducted by the borough.

(Ord. 09-086, § 3 (part), 2009)

IM 116-164
OR 116-111

4.10.030 COMPOSITION.

- (A) The board shall consist of nine voting members.
- (B) All members of the board shall be residents of the borough.
- (C) As feasible, the board shall be composed of:
- (1) one standing member of the transportation advisory board;
 - (2) five members from among the following airport/aviation interests:
 - (a) licensed private pilots;
 - (b) licensed commercial pilots;
 - (c) float-rated licensed pilots;
 - (d) private airport owners;
 - (e) residential airpark property owners;
 - (f) municipal airport owners; and
 - (g) statewide aviation organizations;
 - (3) three representatives from among the following who cannot sit on other positions on the board:
 - (a) resident that lives near an airport/airpark from the following:
 - (i) one from assembly districts one, five, or seven; or
 - (ii) one from assembly districts two, three, four, or six;
 - (b) the land appraisal industry;
 - (c) the real estate sales industry; and
 - (d) community Chambers of Commerce.
- (D) The term of each voting member shall be three years.
- (E) No voting member shall serve more than two consecutive terms.
- (F) The board may, from time to time, invite representatives of the Federal Aviation Administration, Alaska Department of Transportation and Public Facilities, the U.S. military, and other aviation-related agencies to serve as nonvoting members.

(Ord. 12-006, § 2, 2012; Ord. 09-086, § 3 (part), 2009)

4.10.040 MEETINGS; OFFICERS.

- (A) The board shall meet at least quarterly or as called by the chair.
- (B) Officers of the board shall be as directed in MSB 4.05.110.

(Ord. 09-086, § 3 (part), 2009)

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The Matanuska-Susitna Borough Code is current through Ordinance 16-023, passed March 15, 2016.

Disclaimer: The Borough Clerk's Office has the official version of the Matanuska-Susitna Borough Code. Users should contact the Borough Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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CHAPTER 4.43: TRANSPORTATION ADVISORY BOARD

Section

- 4.43.010 Establishment and purpose
- 4.43.020 Duties
- 4.43.030 Composition
- 4.43.040 Compensation

4.43.010 ESTABLISHMENT AND PURPOSE.

(A) There is established a transportation advisory board to advise the assembly, planning commission, and the administration on borough transportation policy. The board shall report directly to the planning commission which shall review its findings.

(Ord. 04-080, § 29, 2004; Ord. 96-056AM, § 2, 1996; Ord. 93-029AM, § 3 (part), 1993)

4.43.020 DUTIES.

(A) The board shall make recommendations to the administration and the assembly on borough policy with respect to:

- (1) the Matanuska-Susitna Borough regional transportation plan;
- (2) the annual transportation program;
- (3) both long-range and short-range transportation plans;
- (4) methods of funding transportation systems;
- (5) the location and development of transportation systems, transportation corridors, traffic movement, those aspects of growth which facilitate or impede movement of people and goods, and those aspects of transportation that contribute to the orderly economic development of the borough; and
- (6) other matters relating to borough transportation policy as the assembly by ordinance or resolution may direct or the manager or planning commission by written request may direct.

(B) The board shall meet in session with planning department staff who shall assist the board in its work.

(Ord. 93-029AM, § 3 (part), 1993)

4.43.030 COMPOSITION.

(A) The board shall consist of eight members representing the following interest areas:

- (1) the chairperson of the local road service area advisory board, or if the chairperson is unable to serve, a member of that board;
- (2) one member from the transportation industry;
- (3) one member from the school district;
- (4) one member from the construction industry;
- (5) one member from the environmental conservation community;

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- (6) one member representing trails; and
- (7) two members at large.
- (8) the manager shall be a non-voting advisory member of the board.

(B) No more than two voting board members may reside within the same road service area.

(C) Five members shall constitute a quorum and a vote of five is necessary for the board to take action.

(Ord. 04-080, § 30, 2004; Ord. 96-056AM, § 3, 1996; Ord. 94-001AM, § 5 (part), 1994; Ord. 93-029AM, § 3 (part), 1993)

4.43.040 COMPENSATION.

Board 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. 00-079 § 2, 2000)

The Matanuska-Susitna Borough Code is current through Ordinance 16-023, passed March 15, 2016.

Disclaimer: The Borough Clerk's Office has the official version of the Matanuska-Susitna Borough Code. Users should contact the Borough Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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**Ordinance Request
Work Order**

Request Date: March 1, 2016

Requestor: Matt Beck, Barb Doty Assembly/Mayor
_____ Manager
_____ Planning Commission
_____ Other _____

What precipitated this request (what's happening or may happen)? A significant amount of staff time is being spent on facilitating the borough's approximately 24 active boards and commissions.

What is the purpose and need of this ordinance (what should the ordinance do or accomplish)? Want to ensure the boards and commissions are accomplishing the goals of the assembly, and that they are functioning efficiently.

Suggested action/language: Review MSB Title 4, Boards and Commissions and prepare a matrix of (at a minimum) Duties/Functions, Committee Composition, and meeting time and frequency. Prepare recommendation for assembly consideration.

Desired completion date: _____

IN HOUSE ONLY

Individual/Group/Agency (s) to involve: _____

Staff assigned: _____

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United Way of Mat-Su

550 S. Alaska Street Suite 205
Palmer, AK 99645

tel 907.373.5807
fax 907.745.0635

LIVE UNITED



Eileen Probasco
Planning and Land Use Director
350 E. Dahlia Avenue
Palmer, AK 99645

August 2, 2016

Dear Ms. Probasco,

I am writing to you on behalf of the MSB's Health and Social Services Board. During the past year, we have struggled to obtain the necessary quorum to be able to address the duties and responsibilities of the Board. I would like to request that the number of seats on this Board be reduced and for the composition to change so that the Board is not heavy with nonprofit agency directors. Having a majority of agency directors has caused barriers and unnecessary conflicts of interest for the work of the Board.

Finally, we have attempted to meet several times with a full quorum since June for the Human Services Community Matching Grant but have been unsuccessful. It is necessary at this time to move forward with determining the grant awards for this critical community funding. I would like to recommend for staff to allocate the funding based on the scores and move forward with the process.

Thank you so much for your time and consideration with these requests. It is a true pleasure working with Pam Graham on this Board.

Sincerely,

Stephanie L. Allen

Executive Director

Chair—MSB Health & Social Services Board

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Planning Commission

Code Sections:

MSB 4.20 MSB 15.04 MSB 15.08

Summary of Purpose/Intent:

Established with the powers and duties as set out in and created in accordance with A.S. 29.40.020 (SEE MSB 4.20) established to perform the areawide functions of planning, platting and zoning for the borough, except as otherwise provided in this title. (SEE MSB 15.04-010) Nothing is specifically spelled out as a purpose or intent for the commission.

Summary of Duties/Functions:

Prepare and recommend to the assembly a comprehensive plan, a zoning ordinance to implement the plan, a subdivision ordinance and official map of the borough and modification to these documents. The Commission shall publish notice and hold at least one public hearing before submitting its recommendations to the assembly. Investigate and report on the location and design of any public facility. Investigate and prepare the commission's recommendations on a capital improvement program and revise annually. Investigate and recommend published codes of technical regulations as relate to the functions of planning, platting and zoning. Investigate and prepare reports of the availability of public lands for borough purposes. Investigate and prepare reports on location and establishment of outdoor public recreation and public campgrounds. Review all requests for enactment or amendment to planning, platting and land use regulations, including MSB titles 8, 11, 15, 17, 28 & 43. (SEE MSB 15.04.015) shall by resolution state the position of the borough with regard to naming geographic features. (SEE MSB 15.04.025)

Summary of Composition:

Seven voting members (SEE MSB 15.08.010)

Proposed Changes

NO RECOMMENDED CHANGES

Platting Board

Code Sections:

MSB 4.22 MSB 43.10

Summary of Purpose/Intent:

Established with the powers and duties as set out in MSB 43.10 and created in accordance with A.S. 29.40.080 (SEE MSB 4.22) The platting board is delegated the platting function of the borough. (SEE MSB 43.10.010)

Summary of Duties/Functions:

Hear and decide application for approval of preliminary plats, variances, public use easements, plat not amendments, and vacations of public interest. (SEE MSB 43.10.010)

Summary of Composition:

Seven member and two additional at-large alternates. (SEE MSB 43.10.015)

Proposed Changes

NO RECOMMENDED CHANGES

Borough Area Schools Site Selection Committee

Code Sections:

MSB 4.27 and 19.08

Summary of Purpose/Intent:

Established to report and recommend to the assembly on the location of school building pursuant to MSB 19.08.020 (SEE MSB 4.27.010)

Summary of Duties/Functions:

No specific duties outline in code outside of the function: Established to report and recommend to the assembly on the location of school building pursuant to MSB 19.08.020 (SEE MSB 4.27.010)

Summary of Composition:

Seven or eight members, 2 Assembly, 2 Planning Commission, 2 school board, 1 community member at large, and if within a city the mayor or other official (SEE MSB 4.27.020)

Proposed Changes

Staff recommends changes to this Committee to better reflect best practices for composition and meeting frequency. With the current composition there can be times when the board has 8 members, which can allow for tie votes. By reducing the membership and making the Assembly member the chair this process can be improved. Meeting when a site is not needed is a waste of time and money therefore meetings should only take place as needed. The following code additions and deletions are recommended:

Adoption of Section. MSB 4.27.005 Purpose

4.27.005 Purpose

- A) The purpose of the Borough Area Schools Site Selection Committee is to recommend school site locations within the Matanuska-Susitna Borough.

Adoption of Section. MSB 4.27.015 Duties

4.27.015 Duties

- A) The duties of the Borough Area Schools Site Selection Committee are:
- 1) Review all requests for new school sites; and
 - 2) report on and recommend site, through consensus, to the Assembly for action.

Amendment of Subsection. MSB 4.27.020(A)

(A) The committee shall, as feasible, consist of five [SEVEN OR EIGHT] members as follows:

- (1) one [TWO] assembly member[S], which shall act as chair;

- (2) one [TWO] planning commissioner[S];
- (3) one [TWO] school board representative[S]; and
- (4) two [ONE] community members at large.
- (5) When a school site is being considered within the limit of a city, the mayor from that city will be appointed until the school site has been selected by the committee. The mayor is a voting member of the committee when discussing and voting on matters that pertain to the site selection within the city limits.
 - (a) In the event that the borough mayor does not appoint a city mayor, or in the event that a city mayor is not confirmed by the assembly, or in the event that a city mayor is unwilling or unable to serve, the borough mayor may appoint any other elected or appointed city official to represent that city.

Amendment of Section. MSB 4.27.040 Meetings, Organization

(A) The committee may hold meetings [AT A MINIMUM ON A QUARTERLY BASIS, OR MORE FREQUENTLY IF] as necessary, or at the direction of the assembly.

[(B) THE COMMITTEE SHALL ELECT A CHAIR AND VICE-CHAIR. A QUORUM OF FOUR IS NECESSARY FOR A VALID MEETING, AND A FAVORABLE VOTE OF FOUR IS NECESSARY FOR THE COMMITTEE TO TAKE ACTION.]

Repeal of Subsection: MSB 19.08.020. (D)

[(D) THE COMMITTEE SHALL HOLD A PUBLIC HEARING AND SHALL RECOMMEND A SITE OR SITES TO THE PLANNING COMMISSION, SCHOOL BOARD AND ASSEMBLY.]

Amendment of Subsection: MSB 19.08.020. (E)

(E) The assembly shall hold a public hearing to determine the location of school buildings with due consideration of the recommendation of the school board, planning commission and school site selection committee.

Aviation Advisory Board

Code Sections:
MSB 4.10

Summary of Purpose/Intent:

Established for the purpose of providing advice to the assembly, planning commission, platting board and administration on issues relating to airports and aviation within the borough. (SEE MSB 4.10.010)

Summary of Duties/Functions:

Make recommendations on borough policy with respect to preservation and establishment of safe airports, the aviation lifestyle, and the promotion of aviation safety. (SEE MSB 4.10.020)

Summary of Composition:

Nine Voting members with various interests/occupations including airport/aviation/community (SEE MSB 4.10.030)

Proposed Changes

Staff recommends that the Aviation Advisory Board (AAB) be disbanded.

1. AAB was originally recommended in the 2008 Regional Aviation System Plan as a Board that would sunset after 5 years; and TAB Resolution 08-08 recommended sunset after 3 years; staff included a sunset of 5 years in IM 09-139 and Ordinance 09-086. The ordinance was amended on the floor and the sunset date was removed.
2. The code states that the AAB should provide recommendations to the planning commission and platting board on aviation-specific issues related to CUPs and proposed subdivisions. Time limits on platting and permitting actions preclude AAB involvement in this process. To facilitate AAB review the time lines for platting and permitting would have to be lengthened.
3. The MSB does not own any airports and currently does not restrict or protect aviation-specific land use practices through code, a board dedicated to aviation will likely need direct guidance from the assembly as to their purpose and duties.

Transportation Advisory Board

Code Sections:
MSB 4.43

Summary of Purpose/Intent:

Established to advise the assembly, planning commission and administration on borough transportation policy; reports directly to the planning commission. (SEE MSB 4.43.010)

Summary of Duties/Functions:

Make recommendations to the administration and assembly on borough policy with respect to Transportation plans, programs, funding, location & development of transportation systems, corridors, and traffic movement, and other matters relating to transportation policy. (SEE MSB 4.43.020)

Summary of Composition:

Eight voting members with the borough manager as the 9th non-voting member. (SEE MSB 4.43.030)

Proposed Changes

Staff recommends that the Transportation Advisory Board (TAB) be disbanded.

1. The primary purpose of this board is to provide advice to the Planning Commission and Assembly on Transportation Policy. The current member composition outlined in code does not have the background needed to provide the type of technical advice the Planning Commission and Assembly needs in order to make decisions; and most members currently reside within the core area, mainly near Wasilla, so it does not offer diverse community input.
2. The composition of this board since inception has been problematic. With 8 voting members and a 9th non-voting it allows for a lot of split votes and can result in little to no actual useful recommendations.
3. The current board composition includes representation from broad industries such as transportation, construction, environmental conservation, trails, the MSB School District and the RSA advisory board; this membership creates a board with a primary focus on surface transportation. The MSB needs a board of technical staff with the ability to provide technical advice on all aspects of transportation policy and planning within all regions of the Matanuska-Susitna Borough.
4. In the past the board has suggested pursuing certain activities/projects which have not been consistent with the Assembly priorities.

Historical Preservation Commission

Code Sections:
MSB 4.46

Summary of Purpose/Intent:
None Stated in Code

Summary of Duties/Functions:

Advise the assembly in the identification, develop and maintain an inventory, advise borough and private property owners on the restoration and maintenance of historical building, landmarks, writings, and objects of historical, cultural, or geographical significance. Recommend same for listing on the national register of historic places. Recommend historical preservation and restoration programs to be implemented or supported by the borough. (SEE MSB 4.46.020)

Summary of Composition:

Nine citizens who have an interest, competence, or knowledge in historical and cultural foundations of the borough and the state. To the extent possible members should include a background in architecture, history, architectural history, planning, archaeology, or other historic related disciplines.

Proposed Changes

It is important that the Board have technical expertise, especially in light of the vacant position of the Cultural Resource Specialist II. However, the current composition does not encourage participation from local historical groups which may benefit from some of the financial (grant) benefits of being a recognized by the State of Alaska as a Certified Local Government (CLG). In addition, not having term limits is not best practices for advisory boards and committees, and should be corrected as soon as possible. It is recommended that the board should meet twice per year (which is the minimum required to retain CLG status with the State), or as needed and at the direction of the assembly or planning commission with a clear task or purpose for that meeting. Staff is proposing the following changes:

Adoption of Section. MSB 4.46.005

4.46.005 Purpose

A) The purpose of the Historic Preservation Commission is to act as a pass through agency for State Grant funding to local historic groups for projects which qualify for such funding within the Matanuska-Susitna Borough.

Amendment of Section. MSB 4.46.020 Functions

4.46.020 [FUNCTIONS] DUTIES.

(A) The commission shall act at the direction of the Assembly, and shall upon request:

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- (1) advise the assembly in the identification of buildings, sites, [AND] landmarks, [AND] writings and objects within the borough that are of historic, cultural or geographic importance;
- (2) develop and maintain an inventory of landmarks, historical buildings, [AND] sites, [AND] writings and objects within the borough; and
- [(3) ADVISE THE PLANNING COMMISSION ON PLANNING IN CONNECTION WITH HISTORIC PRESERVATION;
- (4) ADVISE THE BOROUGH AND PRIVATE PROPERTY OWNERS ON RESTORATION AND MAINTENANCE OF HISTORICAL BUILDINGS, SITES, [AND] LANDMARKS, [AND] WRITINGS AND OBJECTS;
- (5) COORDINATE, ASSIST AND AID IN THE PLANNING OF HISTORICAL PRESERVATION AND RESTORATION PROJECTS IN THE BOROUGH;
- (6) RECOMMEND TO THE ASSEMBLY BUILDINGS, SITES, [AND] LANDMARKS, [AND] WRITINGS AND OBJECTS OF HISTORICAL, CULTURAL OR GEOGRAPHIC SIGNIFICANCE IN THE BOROUGH ELIGIBLE FOR LISTING ON THE NATIONAL REGISTER OF HISTORIC PLACES BY THE UNITED STATES OR STATE GOVERNMENTS, AND SEEK APPROVAL FROM CITY COUNCILS ON RECOMMENDATIONS REGARDING HISTORIC PLACES WITHIN CITIES; AND
- (7) RECOMMEND TO THE ASSEMBLY HISTORICAL PRESERVATION AND RESTORATION PROGRAMS AND SITE IMPROVEMENTS TO BE IMPLEMENTED BY OR SUPPORTED BY THE BOROUGH]
- (8) coordinate pass through grant applications from local historical groups.

Amendment of Section. MSB 4.46.030 Composition
4.46.030 COMPOSITION.

(A) The commission shall consist of [NINE]seven citizens of the borough who have demonstrated an interest, competence, or knowledge in the historical and cultural foundations of the borough and the state. To the extent feasible [AVAILABLE IN THE BOROUGH], the mayor shall appoint a minimum of four members who represent a historical society or museum in the Matanuska-Susitna Borough, and the remaining should be professional members from the disciplines of architecture, history, architectural history, planning, archaeology, or other historic preservation related disciplines, such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology.

Adoption of Section. MSB 4.46.035 Meetings
4.46.035 Meetings

(A) The commission shall meet:

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- (1) two times a year;
- (2) as called by the chair; or
- (3) at the direction of the Assembly.

Repeal of Section. MSB 4.46.040 Term of Members

[4.46.040 TERM OF MEMBERS.

(A) IRRESPECTIVE OF THE LIMITS SPECIFIED IN MSB 4.05.040, A BOARD MEMBER MAY SERVE MORE THAN TWO CONSECUTIVE THREE-YEAR TERMS].

Health and Social Services Board

Code Sections:
MSB 4.58

Summary of Purpose/Intent:

Established for the purpose of providing advice to the assembly and administration on issues of health and social services, including seniors and for participation in the human services community matching grant program. (SEE MSB 4.58.010)

Summary of Duties/Functions:

Make recommendations to the administration and assembly on borough policy with respect to: borough wide health assessment, funding methods, and other matters relating to health and social service policy, as directed. Act as a liaison between the borough and community and state health and social service organizations, seek funds for health and social service projects, and participate in the human services matching grant program. (SEE MSB 4.58.020)

Summary of Composition:

13 members with representation from all seven assembly districts; majority should be licensed health care or human services professionals; and at least 2 members must represent seniors. (SEE MSB 4.58.030)

Proposed Changes

The current composition is 13 members and only eight of those seats are filled. The primary duty of this board has been the allocation of Human Services Matching Grant funds, and currently a significant portion of the membership works for agencies that apply for the funding. This raises the perception of ethics and fairness regarding the board's recommendations, as members work for agencies that receive grant funding. It was suggested by the current chair that the composition be changed to limit the number of non-profit agencies with members/employees serving on the board. Staff is recommending the following code changes:

Amendment of Section. MSB 4.58.030 Composition
4.58.030 COMPOSITION.

- (A) The board shall consist of [13]seven members.
- (B) As feasible, the board should be composed of representation from the Health and Social services field and include:
 - (1) One doctor [ALL SEVEN ASSEMBLY DISTRICTS];
 - (2) one nurse [THE MAJORITY OF THE BOARD SHOULD BE COMPRISED OF LICENSED HEALTH CARE OR HUMAN SERVICES PROFESSIONALS];

(3) one dentist; [AT LEAST ONE MEMBER SHALL REPRESENT THE SENIOR CITIZEN RESIDENTS OF ASSEMBLY DISTRICT 1, 5, OR 7; AND]

(4) one tribal representative; [AT LEAST ONE MEMBER SHALL REPRESENT THE SENIOR CITIZEN RESIDENTS OF ASSEMBLY DISTRICT 2, 3, 4, OR 6.]

(5) one senior representative;

(6) one mental health professional; and

(7) one social worker.

[(C) THE TERM OF EACH MEMBER SHALL BE THREE YEARS;

(1) UP TO TWO FULL TERMS MAY BE HELD CONSECUTIVELY.]

Amendment of Section. MSB 4.58.040(A)

(A) The board shall meet: [AT LEAST QUARTERLY; OR AS CALLED BY THE CHAIR.]

(1) two times a year;

(2) as called by the chair; or

(3) at the direction of the Assembly.

CODE ORDINANCE

Sponsored by:
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 16-111**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REPEALING MSB 4.10, AVIATION ADVISORY BOARD; ADOPTING MSB 4.27.005, PURPOSE; ADOPTING MSB 4.27.015, DUTIES; AMENDING 4.27.020 MEMBERSHIP; AMENDING MSB 4.27.040, MEETINGS, ORGANIZATION; REPEALING MSB 19.08.020(D); AMENDING MSB 19.08.020 (E); REPEALING MSB 4.43, TRANSPORTATION ADVISORY BOARD; ADOPTING MSB 4.46.005, PURPOSE; AMENDING MSB 4.46.020, FUNCTIONS; AMENDING MSB 4.46.030, COMPOSITION; ADOPTING MSB 4.46.035 MEETINGS; REPEALING MSB 4.46.040 TERM OF MEMBERS; AMENDING MSB 4.58.030, COMPOSITION; AMENDING MSB 4.58.040, MEETING, OFFICERS; AND ADOPTING MSB 4.85, TRANSPORTATION TECHNICAL ADVISORY COMMITTEE, TO ASSIST IN MEETING BUDGET REDUCTION REQUIREMENTS.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Repeal of Chapter. MSB 4.10 Aviation Advisory Board is hereby repealed in its entirety.

Section 3. Adoption of Section. MSB 4.27.005 Purpose is hereby adopted to read as follows:

4.27.005 Purpose

A) The purpose of the Borough Area Schools Site Selection Committee is to recommend school site locations within the Matanuska-Susitna Borough.

Section 4. Adoption of Section. MSB 4.27.015 Duties is hereby adopted to read as follows:

4.27.015 Duties

A) The duties of the Borough Area Schools Site

Selection Committee are:

- 1) Review all requests for new school sites; and
- 2) report on and recommend sites to the Assembly for action.

Section 5. Amendment of Subsection. MSB 4.27.020(A) is hereby amended to read as follows:

(A) The committee shall, as feasible, consist of five [SEVEN OR EIGHT] members as follows:

(1) one [TWO] assembly member[S], which shall act as chair;

(2) one [TWO] planning commissioner[S];

(3) one [TWO] school board representative[S]; and

(4) two [ONE] community memberss at large.

(5) When a school site is being considered within the limit of a city, the mayor from that city will be appointed until the school site has been selected by the committee. The mayor is a voting member of the committee when discussing and voting on

matters that pertain to the site selection within the city limits.

(a) In the event that the borough mayor does not appoint a city mayor, or in the event that a city mayor is not confirmed by the assembly, or in the event that a city mayor is unwilling or unable to serve, the borough mayor may appoint any other elected or appointed city official to represent that city.

Section 6. Amendment of Section. MSB 4.27.040 Meetings, Organization Duties is hereby amended to read as follows:

(A) The committee may hold meetings [AT A MINIMUM ON A QUARTERLY BASIS, OR MORE FREQUENTLY IF] as necessary, or at the direction of the assembly.

[(B) THE COMMITTEE SHALL ELECT A CHAIR AND VICE-CHAIR. A QUORUM OF FOUR IS NECESSARY FOR A VALID MEETING, AND A FAVORABLE VOTE OF FOUR IS NECESSARY FOR THE COMMITTEE TO TAKE ACTION.]

Section 7. Repeal of Subsection: MSB 19.08.020. (D) is hereby repealed in its entirety.

[(D) THE COMMITTEE SHALL HOLD A PUBLIC HEARING AND SHALL RECOMMEND A SITE OR SITES TO THE PLANNING COMMISSION, SCHOOL BOARD AND ASSEMBLY.]

Section 8. Amendment of Subsection: MSB 19.08.020. (E) is

hereby amended to read:

(E) The assembly shall hold a public hearing to determine the location of school buildings with due consideration of the recommendation of the school board, planning commission and school site selection committee.

Section 9. Repeal of Chapter. MSB 4.43 Transportation Advisory Board is hereby repealed in its entirety.

Section 10. Adoption of Section. MSB 4.46.005 Purpose is hereby adopted to read as follows:

4.46.005 Purpose

A) The purpose of the Historic Preservation Commission is to act as a pass through agency for State Grant funding to local historic groups for projects which qualify for such funding within the Matanuska-Susitna Borough.

Section 11. Amendment of Section. MSB 4.46.020 Functions, is hereby amended to read as follows:

4.46.020 [FUNCTIONS] DUTIES.

(A) The commission shall act at the direction of the Assembly, and shall upon request:

(1) advise the assembly in the identification of buildings, sites, [AND] landmarks, [AND] writings and objects within the borough that are of historic,

cultural or geographic importance;

(2) develop and maintain an inventory of landmarks, historical buildings, [AND] sites, [AND] writings and objects within the borough; and

[(3) ADVISE THE PLANNING COMMISSION ON PLANNING IN CONNECTION WITH HISTORIC PRESERVATION;

(4) ADVISE THE BOROUGH AND PRIVATE PROPERTY OWNERS ON RESTORATION AND MAINTENANCE OF HISTORICAL BUILDINGS, SITES, [AND] LANDMARKS, [AND] WRITINGS AND OBJECTS;

(5) COORDINATE, ASSIST AND AID IN THE PLANNING OF HISTORICAL PRESERVATION AND RESTORATION PROJECTS IN THE BOROUGH;

(6) RECOMMEND TO THE ASSEMBLY BUILDINGS, SITES, [AND] LANDMARKS, [AND] WRITINGS AND OBJECTS OF HISTORICAL, CULTURAL OR GEOGRAPHIC SIGNIFICANCE IN THE BOROUGH ELIGIBLE FOR LISTING ON THE NATIONAL REGISTER OF HISTORIC PLACES BY THE UNITED STATES OR STATE GOVERNMENTS, AND SEEK APPROVAL FROM CITY COUNCILS ON RECOMMENDATIONS REGARDING HISTORIC PLACES WITHIN CITIES; AND

(7) RECOMMEND TO THE ASSEMBLY HISTORICAL PRESERVATION AND RESTORATION PROGRAMS AND SITE IMPROVEMENTS TO BE IMPLEMENTED BY OR SUPPORTED BY THE

BOROUGH]

(8) coordinate pass through grant applications from local historical groups.

Section 12. Amendment of Section. MSB 4.46.030 Composition is hereby amended to read as follows:

4.46.030 COMPOSITION.

(A) The commission shall consist of [NINE]seven citizens of the borough who have demonstrated an interest, competence, or knowledge in the historical and cultural foundations of the borough and the state. To the extent feasible [AVAILABLE IN THE BOROUGH], the mayor shall appoint a minimum of four members who represent a historical society or museum in the Matanuska-Susitna Borough, and the remaining should be professional members from the disciplines of architecture, history, architectural history, planning, archaeology, or other historic preservation related disciplines, such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology.

Section 13. Adoption of Section. MSB 4.46.035 Meetings is hereby adopted to read as follows:

4.46.035 Meetings

(A) The commission shall meet:

- (1) two times a year;
- (2) as called by the chair; or
- (3) at the direction of the Assembly.

Section 14. Repeal of Section. MSB 4.46.040 Term of Members is hereby repealed in its entirety:

[4.46.040 TERM OF MEMBERS.

(A) IRRESPECTIVE OF THE LIMITS SPECIFIED IN MSB 4.05.040, A BOARD MEMBER MAY SERVE MORE THAN TWO CONSECUTIVE THREE-YEAR TERMS].

Section 15. Amendment of Section. MSB 4.58.030 Composition is hereby amended to read as follows:

4.58.030 COMPOSITION.

(A) The board shall consist of [13] seven members.

(B) As feasible, the board should be composed of representation from the Health and Social services field and include:

(1) One doctor [ALL SEVEN ASSEMBLY DISTRICTS];

(2) one nurse [THE MAJORITY OF THE BOARD SHOULD BE COMPRISED OF LICENSED HEALTH CARE OR HUMAN SERVICES PROFESSIONALS];

(3) one dentist; [AT LEAST ONE MEMBER SHALL REPRESENT THE SENIOR CITIZEN RESIDENTS OF ASSEMBLY

DISTRICT 1, 5, OR 7; AND]

(4) one tribal representative; [AT LEAST ONE MEMBER SHALL REPRESENT THE SENIOR CITIZEN RESIDENTS OF ASSEMBLY DISTRICT 2, 3, 4, OR 6.]

(5) one senior representative;

(6) one mental health professional; and

(7) one social worker.

[(C) THE TERM OF EACH MEMBER SHALL BE THREE YEARS;

(1) UP TO TWO FULL TERMS MAY BE HELD CONSECUTIVELY.]

Section 16. Amendment of Section. MSB 4.58.040(A) is hereby amended to read as follows:

(A) The board shall meet: [AT LEAST QUARTERLY; OR AS CALLED BY THE CHAIR.]

(1) two times a year;

(2) as called by the chair; or

(3) at the direction of the Assembly.

Section 17. Adoption of Chapter. MSB 4.85 Transportation Technical Advisory Committee is hereby adopted to read as follows:

4.85 TRANSPORTATION TECHNICAL ADVISORY COMMITTEE

4.85.005 Establishment and Purpose

4.85.010 Composition

4.85.015 Meetings; Organization

4.85.005 Establishment and Purpose

(A) There is established a Transportation Technical Advisory Committee of technical staff to advise the Assembly on transportation plans and policies within the Matanuska-Susitna Borough.

(B) the intent of this chapter is to establish the basis for a standing committee of technical staff from the Matanuska-Susitna Borough, and the Cities of Houston, Palmer, and Wasilla to provide technical advice to the Assembly on transportation plans and policies within the Matanuska-Susitna Borough.

4.85.010 Composition

(A) As feasible, the committee shall consist of 9 members from the following agencies:

(1) one representative from the Matanuska-Susitna Borough Planning Department, who shall be the chair;

(2) one representative from the Matanuska-Susitna Borough Public Works Department;

(3) one representative from the Matanuska-Susitna Borough Capital Projects Department;

(4) one staff member, elected

official, or appointed representative from the City of Houston;

(5) one staff member from the City of Palmer Department of Community Development;

(6) one staff member from the City of Wasilla Planning Office;

(7) two representatives from the transit providers operating within the Matanuska-Susitna Borough; and

(8) one representative from the Matanuska-Susitna Borough School District.

4.85.015 Meetings; Organization

(A) The committee will meet;

(1) two times a year;

(2) as called by the chair; or

(3) at the direction of the Assembly.

Section 18. Effective date. This ordinance shall take effect on November 1, 2016.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2016.

VERN HALTER, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

SUBJECT: REAPPROPRIATE \$350,000 FROM THE VALLEY PATHWAYS SCHOOL CAPITAL PROJECT 40188, FUND 400 TO THE EMERGENCY POWER GENERATOR & SWITCH GEAR, 9-SCHOOLS CAPITAL PROJECT 40194, FUND 400.

AGENDA OF: September 6, 2016

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY John Moosey, BOROUGH MANAGER

Route To:	Department/Individual	Initials	Remarks
1	Originator	gfo	
2	Finance Director	[Signature]	
3	Borough Attorney	NS	
4	Borough Clerk	[Signature]	8/29/16 [Signature]

ATTACHMENT (S): Fiscal Note: Yes No
 Ordinance Serial No. 16-112 (pp)
 Letter from Finance Director to Department of Education and Early Development (DEED) (2pp)
 Letter from DEED granting request for redirecting bond proceeds (1pp)
 DEED DR-12-115 and DR 12-123 Amendments (5pp)

SUMMARY STATEMENT:

In 2013, General Obligation Bonds were issued for the Emergency Power Generator & Switch Gear, 9-Schools project and the Valley Pathways School project.

On March 9, 2016, the Borough awarded a contract in the amount of \$2,145,000 to install generators in the school district in accordance with Department of Education and Early Childhood Development (DEED) project number DR 12-123. Several unforeseen conditions have been discovered and additional funds are needed to complete the project. The conditions are as follows:

- \$46,000 is needed to replace CT Cans at Big Lake and Snowshoe Elementary Schools per the electrical utility Matanuska Electric Association (MEA).

- \$65,000 is needed for a line extension at Palmer High School due to inaccurate MEA drawings.
- \$35,500 is estimated MEA additional costs.
- 5,000 is needed to replace asphalt and concrete after the electrical line install.
- \$18,000 is needed to remove three existing generators not in drawings.

The Valley Pathways School Project is complete with no open contracts and has been closed in accordance with DEED Agreement DR-12-115. A balance of 1,283,744 remains in the construction category.

On June 30, 2016, DEED approved the Borough request to transfer \$350,000 from the Valley Pathways capital project 40188 to the Power Generator & Switch Gear, 9-Schools capital project 40194 per 4 AAC 31.064. Additionally, the Bond Counsel has been consulted and concurs with this request.

RECOMMENDATION OF ADMINISTRATION: Approve the attached ordinance, which will reappropriate \$350,000 from the Valley Pathways School project 40188, fund 1004 to the Emergency Power Generator & Switch Gear, 9-Schools project 40194, fund 400.

MATANUSKA-SUSITNA BOROUGH
FISCAL NOTE

Agenda Date: September 6, 2016

SUBJECT: Reappropriate \$350,000 from Valley Pathways School Capital Project 40188, FUND 400 to the Emergency Power Generator & Switchgear Capital Project 40194, FUND 400.

ORIGINATOR: Cheyenne Heindel

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <u>YES</u> NO
AMOUNT REQUESTED <u>\$ 350,000</u>	FUNDING SOURCE <u>Bond funds</u>
FROM ACCOUNT # <u>400.000.000.4xx.xxx</u>	PROJECT # <u>40188</u>
TO ACCOUNT: <u>400.000.000.3xx.xxx</u>	PROJECT # <u>40194</u>
VERIFIED BY: <u>Barbara Baumgartner</u>	CERTIFIED BY:
DATE: <u>8/23/16</u>	DATE:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL		<u>350</u>				
---------	--	------------	--	--	--	--

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

FUNDING: (Thousands of Dollars)

General Fund						
State/Federal Funds						
Other <u>Bonds</u>		<u>350</u>				
TOTAL		<u>350</u>				

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: _____ PHONE: _____
 DEPARTMENT: Cheyenne Heindel _____ DATE: _____
 APPROVED BY: [Signature] _____ DATE: 8/23/16

COPY



MATANUSKA-SUSITNA BOROUGH

Director of Finance

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-8629 • Fax 861-8592

www.matsugov.us

June 21, 2016

Transmitted via email to tim.mearig@alaska.gov

Tim Mearig, Facilities Manager
State of Alaska
Department of Education and Early Development (DEED)
PO Box 110500
Juneau, Alaska 99801-0500

RE: Emergency Power Generator & Switch Gear – Project # DR 12-123, Budget Amendment No. 2

Dear Mr. Mearig,

On March 9 2016, the Borough awarded a contract in the amount of \$2,145,000.00 to install generators in the school district in accordance with the referenced project agreement. Work is now underway with several unforeseen conditions having been discovered resulting in the project not having sufficient funds to complete. These unforeseen conditions to date are as follow.

- A. \$46,000 is needed to replace CT Cans at Big Lake and Snowshoe ES per the electrical utility (MEA).
- B. \$65,000 is needed for a line extension at Palmer HS due to inaccurate MEA drawings.
- C. \$33,500 is estimated MEA additional costs.
- D. \$5,000 is needed to replace asphalt/concrete after electrical line install.
- E. \$18,000 is needed to remove three existing generators not in drawings.

Per 4 AAC 31.064 the Borough respectfully requests a transfer of \$350,000 from the Valley Pathways School Project, Agreement DR-12-115, into the construction line item of the above referenced project to facilitate completion of the generator project to include future unforeseen conditions. Valley Pathways School is complete with no open contracts and has a balance of \$1,633,744.58 in the construction category. Bond Counsel has been consulted and concurs with this request.

This fund transfer will not generate a new project but will facilitate completion of an existing project under Project Agreement DR-12-123. Upon DEED approval, legislation will be presented to the assembly for approval.

1 OF 2

Providing Outstanding Borough Services to the Matanuska-Susitna Community.

Im16-165
OR16-112

Time is of the essence to avoid work stopping on the generator install project. We thank in advance for your assistance. If you have any questions, please feel free to contact myself or the Lead Project Manager, Jeff Walden at (907) 861-7710.

Sincerely,



Tammy E. Clayton, CPA
Director of Finance

2 OF 2



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

COPY

Department of Education
& Early Development

SCHOOL FINANCE FACILITIES

810 West 10th Street, Suite 200
P.O. Box 110500
Juneau, Alaska 99811-0500
Main: 907.465.6470
Fax: 907.463.5279

Email: Courtney.Preziosi@alaska.gov

June 30, 2016

Tammy E. Clayton, Director of Finance
Matanuska-Susitna Borough
350 East Dahlia Avenue
Palmer, AK 99645

Re: DEED #DR-12-115; Valley Pathways School – Amendment 1
DEED #DR-12-123; Emergency Power Generators & Switch Gear, 9 Schools – Amendment 2

Tammy,

This responds to the request in your June 21, 2016 letter to increase the funding in the Emergency Power Generator & Switch Gear project (DR 12-123) by \$350,000 to accomplish work which arose as a result of unforeseen conditions—primarily work required by the local electric utility as needed to accomplish the project. Following a review of the project scope and the additional work items, the department has determined that the requested work qualifies as additional work within the project’s scope as defined in Appendix A of the Project Agreement, and is not a scope change. The work is hereby approved.

You also requested that funding for the additional work in the amount of \$350,000 be approved as redirected bond proceeds from the Valley Pathways School project (DR 12-115) under the provisions of 4 AAC 31.064. This regulation allows for redirection of bond proceeds if: 1) a municipality has bond proceeds remaining after construction of a project approved by the department for debt retirement, and 2) the bond proposition originally approved by the local voters authorized the use of any excess bonds for school capital projects. With your request, you provided evidence that construction is complete on the Valley Pathways School project. You also provided communications from your bond counsel that affirmed there was the appropriate ballot language allowing this redirection. Redirection of \$350,000 in bond proceeds from DR 12-115 to DR 12-123 is hereby approved.

In support of this redirection, it is expected that the Borough provide closeout documentation for the Valley Pathways School project or an available timeline for expected closeout.

Enclosed are two original amendments for each named project. Please sign both copies of the amendments and return both copies for final execution. A fully executed original will be returned for your records.

Please let me know if you have any questions. Thank you.

Sincerely,

Courtney Preziosi

Courtney Preziosi, School Finance Specialist II

1 OF 1

Enclosures

cc. Jeff Walden, Lead Project Manager <via email>

IM16-165
DR16-112



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

COPY Department of Education
& Early Development

SCHOOL FINANCE / FACILITIES

810 West 10th Street, Suite 200
P.O. Box 110500
Juneau, Alaska 99811-0500
Main: 907.465.6470
Fax: 907.463.5279
Email: Courtney.Preziosi@alaska.gov

August 2, 2016

Cheyenne Heindel, Director of Finance
Matanuska-Susitna Borough
350 East Dahlia Avenue
Palmer, AK 99645

Re: DEED #DR-12-115; Valley Pathways School – Amendment 1
DEED #DR-12-123; Emergency Power Generators & Switch Gear, 9 Schools – Amendment 2

Dear Ms. Heindel,

Enclosed please find Amendment 2 which increases the funding in the Emergency Power Generator & Switch Gear project (DR 12-123) by \$350,000 to accomplish work which arose as a result of unforeseen conditions— primarily work required by the local electric utility as needed to accomplish the project.

Also, enclosed is Amendment 1 for the Valley Pathways School which redirects \$350,000 to DR-12-123 fund the work mentioned. In support of this redirection, it is expected that the Borough provide closeout documentation for the Valley Pathways School project or an available timeline for expected closeout.

Please let me know if you have any questions. Thank you.

Sincerely,

Courtney Preziosi, School Finance Specialist II

Enclosures

cc. Jeff Walden, Lead Project Manager <via email>
Layla Lesley, Executive Finance Secretary

10F5

Im16-165
DR16-112

Alaska Department of Education & Early Development

Amendment No. 2 to the Project Agreement *Appendix A - Budget*

2. Project Funds: Emergency Power Generator & Switch Gear, 9-Schools

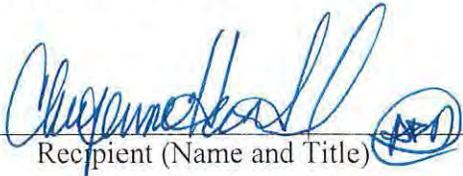
AS 14.11.100(a)(16)

	Current Budget	Change This Amendment	Revised Funding Source Total
Approved Principal Amount:	\$2,600,000	\$0	\$2,600,000
Redirected from DR-12-115:	\$0	\$350,000	\$350,000
Project Total	\$2,600,000	\$350,000	\$2,950,000

3. Project Budget

Cost Category	Current Budget	Change This Amendment	% of Const.	Revised Total Project Budget
1. CM (by consultant)	\$43,157	\$0	1.72%	\$43,157
2. Land	\$0	\$0	N/A	\$0
3. Site Investigation	\$0	\$0	N/A	\$0
4. Design Services	\$172,920	\$0	6.90%	\$172,920
5. Construction	\$2,157,828	\$350,000	100.00%	\$2,507,828
6. Equipment	\$21,395	\$0	0.85%	\$21,395
7. District Administrative Overhead	\$129,470	\$0	5.16%	\$129,470
8. Percent for Art	\$0	\$0	0.00%	\$0
9. Project Contingency	\$75,230	\$0	3.00%	\$75,230
Totals	\$2,600,000	\$350,000	117.63%	\$2,950,000

In witness whereof, the parties hereto have executed this Amendment to the Contract as of the 30th day of June, 2016.



Recipient (Name and Title)



Department of Education & Early Development

2 OF 5

EED Initials 

Imile-1105
OR16-112

Alaska Department of Education & Early Development

Amendment No. 1 to the Project Agreement *Appendix A - Budget*

2. Project Funds - Valley Pathways School

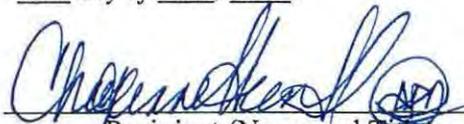
AS 14.11.100(a)(16)

	Current Budget	Change This Amendment	Revised Funding Source Total
Approved Principal Amount:	\$22,515,000	\$0	\$22,515,000
Redirected to DR-12-123:	\$0	-\$350,000	-\$350,000
Project Total	\$22,515,000	-\$350,000	\$22,165,000

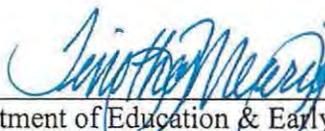
3. Project Budget

Cost Category	Current Budget	Change This Amendment	% of Const.	Revised Total Project Budget
1. CM (by consultant)	\$357,381	\$0	2.04%	\$357,381
2. Land	\$0	\$0	N/A	\$0
3. Site Investigation	\$0	\$0	N/A	\$0
4. Design Services	\$714,762	\$0	4.08%	\$714,762
5. Construction	\$17,869,054	(\$350,000)	100.00%	\$17,519,054
6. Equipment	\$1,429,524	\$0	8.16%	\$1,429,524
7. District Administrative Overhead	\$1,072,135	\$0	6.12%	\$1,072,135
8. Percent for Art	\$178,691	\$0	1.02%	\$178,691
9. Project Contingency	\$893,453		5.10%	\$893,453
Totals	\$22,515,000	-\$350,000	126.52%	\$22,165,000

In witness whereof, the parties hereto have executed this Amendment to the Contract as of the 30th day of June, 2016.



Recipient (Name and Title)



Department of Education & Early Development

3 OF 5

EED Initials 

IM16-165
OR16-112

Alaska Department of Education & Early Development

Amendment No. 1 to the Project Agreement *Appendix A - Budget*

2. Project Funds - Valley Pathways School

AS 14.11.100(a)(16)

	Current Budget	Change This Amendment	Revised Funding Source Total
Approved Principal Amount:	\$22,515,000	\$0	\$22,515,000
Redirected to DR-12-123:	\$0	-\$350,000	-\$350,000
Project Total	\$22,515,000	-\$350,000	\$22,165,000

3. Project Budget

Cost Category	Current Budget	Change This Amendment	% of Const.	Revised Total Project Budget
1. CM (by consultant)	\$357,381	\$0	2.04%	\$357,381
2. Land	\$0	\$0	N/A	\$0
3. Site Investigation	\$0	\$0	N/A	\$0
4. Design Services	\$714,762	\$0	4.08%	\$714,762
5. Construction	\$17,869,054	(\$350,000)	100.00%	\$17,519,054
6. Equipment	\$1,429,524	\$0	8.16%	\$1,429,524
7. District Administrative Overhead	\$1,072,135	\$0	6.12%	\$1,072,135
8. Percent for Art	\$178,691	\$0	1.02%	\$178,691
9. Project Contingency	\$893,453		5.10%	\$893,453
Totals	\$22,515,000	-\$350,000	126.52%	\$22,165,000

In witness whereof, the parties hereto have executed this Amendment to the Contract as of the 30th day of June, 2016.

Recipient (Name and Title)

Department of Education & Early Development

4 OF 5

EED Initials



Im 16-165
OR 16-112

Alaska Department of Education & Early Development

Amendment No. 2 to the Project Agreement *Appendix A - Budget*

2. Project Funds: Emergency Power Generator & Switch Gear, 9-Schools

AS 14.11.100(a)(16)

	Current Budget	Change This Amendment	Revised Funding Source Total
Approved Principal Amount:	\$2,600,000	\$0	\$2,600,000
Redirected from DR-12-115:	\$0	\$350,000	\$350,000
Project Total	\$2,600,000	\$350,000	\$2,950,000

3. Project Budget

Cost Category	Current Budget	Change This Amendment	% of Const.	Revised Total Project Budget
1. CM (by consultant)	\$43,157	\$0	1.72%	\$43,157
2. Land	\$0	\$0	N/A	\$0
3. Site Investigation	\$0	\$0	N/A	\$0
4. Design Services	\$172,920	\$0	6.90%	\$172,920
5. Construction	\$2,157,828	\$350,000	100.00%	\$2,507,828
6. Equipment	\$21,395	\$0	0.85%	\$21,395
7. District Administrative Overhead	\$129,470	\$0	5.16%	\$129,470
8. Percent for Art	\$0	\$0	0.00%	\$0
9. Project Contingency	\$75,230	\$0	3.00%	\$75,230
Totals	\$2,600,000	\$350,000	117.63%	\$2,950,000

In witness whereof, the parties hereto have executed this Amendment to the Contract as of the 30th day of June, 2016.

Recipient (Name and Title)

Department of Education & Early Development

5 OF 5

EED Initials

IM16-1105
OR16-112

NON-CODE ORDINANCE

Sponsored By: Borough Manager
Introduced:
Public Hearing:
Adopted:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 16-112**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY TO REAPPROPRIATE \$350,000 FROM THE VALLEY PATHWAYS SCHOOL CAPITAL PROJECT 40188, FUND 400, TO THE EMERGENCY POWER GENERATOR AND SWITCH GEAR, 9-SCHOOLS CAPITAL PROJECT 40194, FUND 400.

WHEREAS, Matanuska-Susitna Borough Assembly approved the issuance of the 2013 Series A, General Obligation School Bonds; and

WHEREAS, these bonds were issued for 12 projects, one of which was the Emergency Power Generator & Switch Gear, 9-Schools and a second of which was the Valley Pathways School; and

WHEREAS, the Emergency Power Generator & Switch Gear, 9-Schools project needs additional funds to complete due to unforeseen electrical costs; and

WHEREAS, expenditure of these funds will avoid electrical code violations and ensure the project meets all mechanical codes; and

WHEREAS, the Valley Pathways School project is complete with no open contracts and has a balance of 1,283,744 in the construction category; and

WHEREAS, the Department of Education and Early Childhood Development has approved reappropriation of \$350,000 from the

Valley Pathways School project to the Emergency Power Generator & Switch Gear, 9-Schools project as per 4 ACC 31.064; and

WHEREAS, the Bond Counsel concurs with the Department of Education and Early Development;

BE IT ENACTED:

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

Section 2. Acceptance and Appropriation Source. There is hereby reappropriation by the Matanuska-Susitna Borough Assembly \$350,000 from the Valley Pathways School project number 40188, fund 400 to the Emergency Power Generator & Switch Gear, 9-Schools project number 40194, fund 400.

Section 3. Effective Date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this ___ day of _____, 2016.

VERN HALTER, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVING AN INTERIM MATERIALS DISTRICT KNOWN AS DENALI HIGHWAY MILE 99, LOCATED WITHIN TOWNSHIP 19 SOUTH, RANGE 2 WEST, SECTIONS 10 AND 15, FAIRBANKS MERIDIAN.

AGENDA OF: September 6, 2016

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: _____

Route To:	Department/Individual	Initials	Remarks
	Originator - S.Lee	SKL	
	Planning and Land Use Director	EP	
	Borough Attorney	NS	
	Borough Clerk	JRM	8/29/16 [Signature]

ATTACHMENT (S) : Fiscal Note: YES ___ NO X
 Ordinance Serial No. 16-113 (6 pp)
 Staff Report and application material (125 pp)
 Planning Commission Resolution No. 16-28 (6 pp)

SUMMARY STATEMENT:

An Interim Materials District (IMD) application has been submitted for an IMD designation on 69.91 acres. The request is to remove up to 500,000 cubic yards of material until the year 2060. The Department of Transportation & Public Facilities (DOT&PF) proposes to use this site for material extraction to improve and maintain the Denali Highway. Mining volumes will be less than 10,000 cubic yards of material per year.

An Interim Materials District (IMD) may be established on private or public lands for earth material extraction and processing activities on 20 contiguous acres or greater, where material extraction is intended to last for more than two years.

The subject property is located in Assembly District 1 and not located within a community council boundary.

The proposed site is not located within a community council boundary. A community comprehensive plan has not been adopted for this area. The property reverts to the guidelines established in the Borough Wide Comprehensive Plan (2005 Update). The plan does not specifically address earth material extraction activities. The proposed use is consistent with Land Use Goal LU-1: *Provide and enhance the public safety, health, and welfare of Borough residents.* Policy LU-1: Provide for consistent, compatible, effective, and efficient development within the Borough. The proposed IMD is also consistent with Community Quality Goal CQ-1: *Protect natural systems and features from the potentially negative impacts of human activities, including, but not limited to, land development.* Policy CQ1-2: 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. The proposed IMD is consistent with the Borough Wide Comprehensive Plan (2005 Update).

The Planning Commission recommended approval of the Interim Materials District.

RECOMMENDATION OF ADMINISTRATION:

Staff respectfully requests approval of an Interim Materials District, known as Denali Highway Mile 99.

STAFF REPORT



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822 • Fax (907) 861-7876

www.matsugov.us

DEVELOPMENT SERVICES DIVISION STAFF REPORT

File Number: 172820150006

Applicant: State of Alaska, Department of Transportation & Public Facilities

Property Owner: State of Alaska

Request: Planning Commission Resolution 16-28

A resolution recommending Assembly approval of an Interim Materials District (IMD), known as Denali Highway Mile 99, in accordance with MSB 17.28 - Interim Materials District, for the extraction of up to 500,000 cubic yards of material within a 69.91 acre parcel of property

Location: Denali Highway, Mile 99; within Township 19 South, Range 2 West, Sections 10 and 15, Fairbanks Meridian

Public Hearing: August 15, 2016

Planning Commission Action: The planning commission shall conduct a public hearing and render a recommendation to Borough Assembly on a designation for an Interim Materials District

Reviewed By: Eileen Probasco, Planning & Land Use Director *E. Probasco*
Alex Strawn, Development Services Manager *A. Strawn*

Staff: Susan Lee, Planner II *Susan*

Staff Recommendation: Approval with conditions

EXECUTIVE SUMMARY

An Interim Materials District (IMD) application has been submitted for an IMD designation on the above referenced parcel where a mining operation is proposed. The request is to extract up to 500,000 cubic yards of material until the year 2060 within a 69.91 acre parcel of property. The Department of Transportation & Public Facilities (DOT&PF) proposes to use this site for

material extraction to improve and maintain the Denali Highway. Mining volumes will be less than 10,000 per year.

An IMD designation is required under MSB 17.28 for sites where extraction activities are greater than 20 acres. An IMD may be established on private or public parcels and where extraction activities occur on 20 contiguous acres or greater. The subject parcel is located in Assembly District 1.

LAND USE

Existing Land Use:

The subject parcel is currently undeveloped. The property is located on the south side of the Denali Highway.

Surrounding Land Uses:

Surrounding property is owned by the State of Alaska and is primarily used for recreational purposes. About one-quarter of a mile to the west of this site is a privately owned five acre parcel of property that is used as a commercial lodge operation.

COMPREHENSIVE PLAN

This property is not located within a community council planning area. A comprehensive plan has not been adopted for this area. Currently, the MSB Comprehensive Plan (2005 Update) is used for the general guidance of planning activities.

REVIEW OF APPLICABLE CRITERIA AND FINDINGS

MSB 17.03 – Public Notification

The notification area of an IMD is a one-mile radius of the proposed site. However, since this is a remote area, notices were mailed to the owners of the five tax parcels nearest the property that is the subject of the application, per the requirements of MSB 17.03.020(A)(2). Notices were mailed to six property owners. Notification of this request was published in the June 28, 2016 Frontiersman. The application material was also posted on the Borough website. The property is not located within a community council boundary. One written comment was submitted.

Section 17.28.040 Required Compliance With State And Federal Laws

(A) All applicants for interim materials district designation are required to demonstrate compliance with state and federal law. Prior to final approval of the interim materials district, the applicant or agent shall provide written documentation of compliance with the following:

- (1) mining license as required by the Alaska State Department of Revenue, pursuant to A.S. 42.65;*
- (2) mining permit as required by the Alaska State Department of Natural Resources (ADNR) if extraction activities are to take place on state land;*
- (3) reclamation plan as required by ADNR, pursuant to A.S. 27.19;*
- (4) notice of intent (NOI) for construction general permit or multi-sector general permit and storm water pollution prevention plan, and other associated permits or plans*

required by the Environmental Protection Agency (EPA) pursuant to the Alaska Pollutant Discharge Elimination System (APDES) requirements; and
(5) United States Army Corps of Engineers permit pursuant to Section 404 of the Clean Water Act, 33 U.S.C. 1344, if material extraction activity is to take place within wetlands, lakes and streams.

Finding: A State of Alaska Department of Revenue license is not required for this application because Alaska law was amended in 2012 and rock, sand and gravel quarries are now exempt from the requirement.

Finding: A State of Alaska Department of Natural Resources (ADNR) Mining and Reclamation Plan has been approved.

Finding: The application material states that DOT&PF will acquire the Notice of Intent (NOI) as applicable. An Alaska NOI will be filed as part of a larger construction project impacting more than one acre and needing an Alaska Construction General Permit. A Multi-Sector General Permit (MSGP) will be applied for if the State finds this is the preferred permit.

Finding: A United States Army Corps of Engineers permit pursuant to Section 404 of the Clean Water Act is not required for this application as the applicant is not proposing any extraction activity to take place within identified wetlands, lakes, streams, or other waterbodies. The applicant provided a copy of a wetlands delineation report that was conducted for this site.

Finding: The applicant had wetlands delineation report prepared which identified some wetland formations within one mile of the site.

Conclusion of Law: All of the requirements to demonstrate compliance with state and federal law have been met (MSB 17.28.040(A)).

Section 17.28.050 Site Development Plan Required

(A) The application for an interim materials district shall include a site development plan. The site development plan shall include, but not be limited to the following, as required by the conditions of the site, and shall be consistent with the standards in MSB 17.28.060:

(1) identification of surrounding property owners, existing land uses, and wetlands and waterbodies within one-quarter mile of the site;

Finding: Surrounding property is owned by the State of Alaska and is primarily used for recreational purposes. About one-quarter of a mile to the west of this site is a privately-owned five acre parcel of property that is used as a commercial lodge operation.

Finding: The applicant had a wetlands and waterbodies delineation and functional assessment report prepared for this site. (A copy of this report is included with the application material).

Conclusion of Law: The surrounding property ownership, existing land uses, and wetlands and waterbodies within the notification area have been identified (MSB 17.28.050(A)(1)).

(2) planned location of permanent and semipermanent structures for verification of setback requirements;

Finding: The application material states that no semi-permanent or permanent structures are planned for the site. However, a generator, conveyor, and crusher will be on-site for one-month.

Finding: The application material states that a generator, conveyor, and crusher will be mobilized to the site for temporary projects and will be located variably within the site limits, as needed. This equipment will be used for operational and safety requirements and will be demobilization upon completion.

Finding: The equipment used on site will be placed in compliance with the setback requirements of MSB 17.55.

Conclusion of Law: Equipment used will be used for about one-month durations and will be required to be sufficiently set back from property lines and right-of-ways to meet MSB 17.55 setback requirements (MSB 17.28.050(A)(2)).

(3) proposed phases of mining activities;

Finding: The proposed phases of mining have been identified in the site plan and application, which are included in the record showing the location of each phase of mining activity within the subject parcel.

Finding: Mining will occur in five acre cells and as the cell is depleted, it will be reclaimed and closed out.

Finding: The application material states that one cell will be fully developed, as much as practical, and reclaimed, before the next cell is opened. Parts of one or more cells may be left open to be used as staging/work areas as needed.

Conclusion of Law: Phases of proposed mining activities have been identified on the site plan (MSB 17.28.050(A)(3)).

(4) roads and access plan;

Finding: According to the application material, there will be one gravel driveway, approximately 30 feet wide, constructed to the extraction area and will be approximately 1,200 feet long.

Finding: The driveway will access directly onto the Denali Highway.

Finding: According to the application material, the intersection with the highway will have adequate site distances for safety.

Finding: Traffic generated from this site will be associated with the maintenance of the Denali Highway.

Finding: The application material states that no problems with road maintenance are anticipated, as ADOT is responsible for maintenance of the Denali Highway and this material site will be used to aid in those efforts.

Conclusion of Law: The proposed traffic route has been identified. Traffic generated from the proposed use will not exceed 100 vehicles during the morning or afternoon peak hours or more than 750 vehicles a day, as specified in MSB 17.61.090, Traffic Standards (MSB 17.28.050(A)(4)).

(5) visual screening measures;

Finding: Esker ridges near the road will be left intact to serve as a visual screen. A 100-foot wide undisturbed buffer will be maintained along the Denali Highway right-of-way and along the section line easement on the east boundary. A 50-foot wide undisturbed buffer will be maintained around the remaining perimeter of the site.

Finding: The application material states that if mining activities are to take place within 300 feet of the property boundaries, visual buffers a minimum of ten feet in height, including vegetative buffers and/or earthen berms will be employed.

Conclusion of Law: Natural vegetation, topography and berms will be used to meet the visual screening methods (MSB 17.28.050(A)(5)).

(6) noise mitigation measures; and

Finding: The site will be buffered with natural vegetation, topography, and berms

Finding: The site is remote with very low potential for disturbances from noise.

Finding: No blasting is planned at this site.

Finding: There are no identified significant or sensitive sound receptors within the vicinity of the proposed development.

Finding: The application material states that hours of operation may vary depending on the project schedule. However, the site may be utilized up to seven days a week from 7 am to 9 pm.

Finding: The site will be used May through September, depending on conditions and the project.

Conclusion of Law: Noise mitigation measures include retention of natural vegetation and topography. Proximity from sound receptors will ensure that sounds generated from earth material extraction activities do not exceed sound levels set forth in MSB 17.28.060(A)(5)(a). Noise levels exceeding the levels in 17.28.060(A)(5)(a) are prohibited.

(7) proposed lighting.

Finding: Most of the work will be conducted during the summer and operations will primarily occur during daylight hours.

Finding: If lighting is needed it will only be used to illuminate activities in the work area.

Finding: Any exterior lighting will be located and shielded to direct light towards the ground to minimize light spillage onto adjacent properties and upward into the night sky.

Finding: Illumination or other fixtures mounted higher than 20 feet or greater than 150 watts must have downward directional shielding.

Conclusion of Law: Based on the findings above, the applicant meets lighting standards in accordance with MSB 17.28.050(A)(7).

Section 17.28.060 Site Development Standards

(A) Standards for the interim materials district site development plan are as follows:

(1) identification of surrounding property owners, existing land uses, and wetlands and waterbodies within one-quarter mile of the site;

Finding: Surrounding property is owned by the State of Alaska and is primarily used for recreational purposes. About one-quarter of a mile to the west of this site is a privately-owned lodge on a five acre parcel of property.

Finding: The applicant had a wetlands and waterbodies delineation and functional assessment report prepared for this site. A copy of this report is included with the application material.

Finding: The proposed activities will not take place within any wetlands.

Finding: An undisturbed buffer of 100 linear feet will be maintained between all earth material extraction activities and all identified wetlands and waterbodies.

Conclusion of Law: Based on the above findings, the surrounding property ownership, existing land uses, and wetlands and water bodies within one mile have been identified (MSB 17.28.060(A)(1)).

(2) phases of proposed mining activities including a map showing the area to be mined, a description of the topography and vegetation, approximate time sequence for mining at particular locations, and general anticipated location of semi-permanent equipment such as conveyor belts, crushers, dredges, batch plants, etc.

Finding: The site contains several eskers, fluvial-glacial deposits formed into discrete ridges. Material in the eskers generally consists of sand and gravel with silt, cobbles and boulders.

Finding: Vegetation on the site consists of scattered spruce, dwarf birch, alder and tundra.

Finding: The proposed phases of mining have been identified in the site plan and application showing the location of each phase of mining activity within the subject parcel.

Finding: The applicant's planned location of the equipment conform to the setback requirements.

Conclusion of Law: Phases of proposed mining activities, description of the topography and vegetation, and approximate time sequence for the duration of the mining activity have been determined. Equipment will not be located within the required setbacks (MSB 17.28.60(A)(2)).

(3) The road and access plan shall include anticipated routes and traffic volumes, and shall be approved by the director. If the level of activity exceeds the minimum levels specified in MSB 17.61.090, traffic standards, a traffic control plan consistent with state regulations may be required;

Finding: According to the application material, there will be one driveway directly accessing the Denali Highway.

Finding: The traffic generated from this site will be for the maintenance of the Denali Highway.

Conclusion of Law: The proposed traffic route and traffic volumes have been identified. Traffic generated from the proposed use will not exceed 100 vehicles during the morning or afternoon peak hours or more than 750 vehicles a day, as specified in MSB 17.61.090, Traffic Standards (MSB 17.28.60(A)(3)).

(4) visual screening measures shall include a detailed description of the type of visual screening to be utilized, and shall be maintained as necessary during the course of extraction activities. Visual screening may include, but is not limited to, berms, natural vegetation, solid fences, walls, evergreen hedges or other means as approved by the commission. If mining is planned to be conducted within 300 feet of the property line, berms or other visual screening methods shall be a minimum of ten feet in height. If mining is planned to be conducted greater than 300 feet from the property line, the applicant shall utilize commission-approved screening methods to minimize visual impacts of the mining operation. The commission shall adopt policies and procedures to assist applicants in developing screening plans. In its discretion, the commission may waive screening requirements where the topography of the property or the placement of natural barriers makes screening not feasible or not necessary. Screening requirements shall be required in consideration of and in accordance with existing uses of adjacent property at the time of designation of the interim materials district. An interim materials district shall not be required to screen the district from uses which arise after the designation of the interim materials district;

Finding: Esker ridges near the road will be left intact to serve as a visual screen. A 100-foot wide undisturbed buffer will be maintained along the Denali Highway right-of-way and along the section line easement on the east boundary. A 50-foot wide undisturbed buffer will be maintained around the remaining perimeter of the site.

Finding: The application material states that if mining activities are to take place within 300 feet of property boundaries, visual buffers a minimum of 10 feet in height, including vegetative buffers and/or earthen berms will be employed.

Finding: All wetlands and waterbodies will be buffered by a 100 foot wide strip of natural vegetation.

Conclusion of Law: Natural vegetation, existing topography and berms will be used to meet the visual screening requirements (MSB 17.28.60(A)(4)).

(5) *noise mitigation measures shall include a description of measures to be taken by the applicant to mitigate or lessen noise impacts to surrounding properties and shall include, but not be limited to, hours of operation of noise-producing equipment, erecting noise barriers (i.e., berms a minimum of ten feet in height) between noise-producing equipment and adjacent uses, location of noise-producing equipment (i.e., below grade in excavated pit areas), and measures to utilize equipment with noise reduction features.*

(a) *no sound resulting from the earth materials extraction activities shall create a sound level that exceeds the limits set forth for the existing receiving land use category in Table 1 when measured at or within the property boundary of the receiving land us:*

Table 1. Sound Levels by Receiving Land Use

<i>Receiving Land Use Category</i>	<i>Time</i>	<i>Sound Level Limit (dB(A))</i>
<i>Residential Use</i>	<i>7 a.m. – 10 p.m.</i>	<i>60</i>
	<i>10 p.m. – 7 a.m.</i>	<i>50</i>
<i>Commercial Use</i>	<i>7 a.m. – 10 p.m.</i>	<i>70</i>
	<i>10 p.m. – 7 a.m.</i>	<i>60</i>
<i>Industrial Use or Undeveloped Land</i>	<i>At all times</i>	<i>80</i>

(b) *[Repealed by Ord. 08-150, § 2, 2008]*

(c) *for any sound that is of short duration, between the hours of 7 a.m. and 7 p.m. the levels established in Table 1 may be increased by:*

(i) five dB(A) for a total of 15 minutes in any one hour; or

(ii) ten dB(A) for a total of five minutes in any hour; or

(iii) fifteen dB(A) for a total of one and one-half minutes in any one-hour period.

(d) *an interim materials district or a conditional use permit for earth materials extraction activities shall not be required to provide noise mitigation measures to*

mitigate or lessen noise impacts if a land use requiring lesser noise levels than for an industrial area arises on properties adjacent to earth materials extraction sites after the designation of the interim materials district or the effective date of the conditional use permit.

Finding: The application material states that hours of operation may vary depending on the project schedule. However, the site may be utilized up to seven days a week from 7 am to 9 pm.

Finding: The site will be used May through September, depending on conditions and the project.

Finding: The site is located in a remote area along the Denali Highway.

Finding: The closest developed property is about one-quarter of a mile west of this site.

Conclusion of Law: Noise mitigation measures include retaining vegetation and topography to ensure that sounds generated from earth material extraction activities do not exceed sound levels set forth in MSB 17.28.060(A)(5)(a). Noise levels exceeding the levels in 17.28.060(A)(5)(a) are prohibited.

(6) lighting standards are:

(a) exterior lighting shall be located and shielded to direct the light towards the ground, in order to minimize light spillage onto adjacent properties and upward into the night sky.

(b) illumination or other fixtures mounted higher than 20 feet or 150 watts or more shall have downward directional shielding.

Finding: According to the application material most of the work will be conducted during the summer season and operations will primarily occur during daylight hours without the need for artificial lighting.

Finding: If lighting is needed it will only be used to illuminate activities in the work area.

Finding: Exterior lighting will be located and shielded to direct light towards the ground in order to minimize light spillage onto adjacent properties and upward into the night sky.

Finding: Illumination or other fixtures mounted higher than 20 feet, or greater than 150 watts must have downward directional shielding.

Conclusion of Law: Based on the above finding, the applicant meets lighting standards in accordance with MSB 17.28.060(A)(6).

(7) Except as permitted by MSB 17.30.037, the following restrictions shall apply: an undisturbed buffer shall be left and no earth material extraction activities shall take place within 100 linear feet from a lake, river, stream, or other water body, including wetlands (unless permitted by U.S. Army Corps of Engineers 404 Permit, MSB 17.28.040(A)(5)).

Finding: The applicant had a wetlands delineation report prepared and there are not any wetlands in the extraction site.

Finding: The proposed activities will not take place within any wetlands.

Finding: The application material indicates an undisturbed buffer of 100 linear feet will be maintained between all earth material extraction activities and all identified wetlands and waterbodies.

Conclusion of Law: Based on the above findings, the applicant will not conduct earth material extraction activities within 100 linear feet of any identified wetland, stream, river or other waterbody (MSB 17.28.60(A)(7)).

Section 17.28.080 Procedures For Initiating An Interim Materials District (IMD)

17.28.080(C)(2) The commission shall report to the assembly on whether the applicant has met the standards delineated in MSB 17.28.050 and 17.28.060 and what effect the proposed interim materials district would have on the public health, safety, and general welfare of the Matanuska-Susitna Borough. The commission in its report to the assembly shall recommend to the assembly approval, denial, modifications, or conditions of approval for the proposed action, and shall include findings on the following:

(a) whether the proposed interim materials district is compatible with the goals and objectives of the comprehensive plan;

Finding: The proposed site is not located within a community council boundary. A community comprehensive plan has not been adopted for this area.

Finding: The property reverts to the guidelines established in the MSB Comprehensive Plan (2005 Update). The Plan does not specifically address earth material extraction activities.

Finding: Land Use Goal LU-1: *Protect and enhance the public safety, health, and welfare of Borough residents.* Policy LU-1: Provide for consistent, compatible, effective, and efficient development within the Borough.

Finding: Community Quality Goal CQ-1: *Protect natural systems and features from the potentially negative impacts of human activities, including, but not limited to, land development.* Policy CQ1-2: 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.

Conclusion of Law: Based on the above findings, the proposed IMD is consistent with the Matanuska-Susitna Borough Comprehensive Plan (2005 Update) (17.28.080(C)(2)(a)).

(b) whether the proposed interim materials district negatively affects public health, safety or general welfare; and

Finding: According to the application material, the operation will stay at a minimum four feet above the water table.

Finding: Test pits will be dug within each cell to ensure there is suitable depth of material four feet above the water table prior to commencement of mining operations; mining operations will be revised if necessary.

Finding: Slopes will be no steeper than 2H:1V to provide acceptable public safety, stability and erosion control.

Finding: Mining will occur in five acre cells and as the cell is depleted, it will be reclaimed and closed out.

Finding: Land uses within one mile of the site include undeveloped property owned by the State of Alaska and a privately owned five acre parcel that is used as a commercial lodge operation.

Finding: Dust control will be addressed as needed during operations by watering or other standard methods.

Finding: A Storm Water Pollution Prevention Plan (SWPPP) is not needed at this time. A SWPPP is only required if a single project will be disturbing one or more acres of ground and has the potential to discharge runoff to waters of the U.S. When a project is planned for the site that meets those criteria, a SWPPP and associated tasks will be implemented.

Conclusion of Law: Based on the information provided, the proposed use with conditions, will not be harmful to the public health, safety, convenience and welfare (MSB 17.28.080(C)(2)(b)).

(c) whether the proposed interim materials district has met the site development standards of this chapter including compliance with all required local, state, and federal laws.

Finding: All of the site plan and site development requirements have been provided.

Conclusion of Law: The applicant has met all of the requirements of MSB 17.28.050 and 17.28.060 and the applicant has demonstrated the ability to comply with State and Federal laws (17.28.080(C)(2)(c)).

STAFF RECOMMENDATIONS

Staff recommends approval of the Interim Materials District with the following conditions:

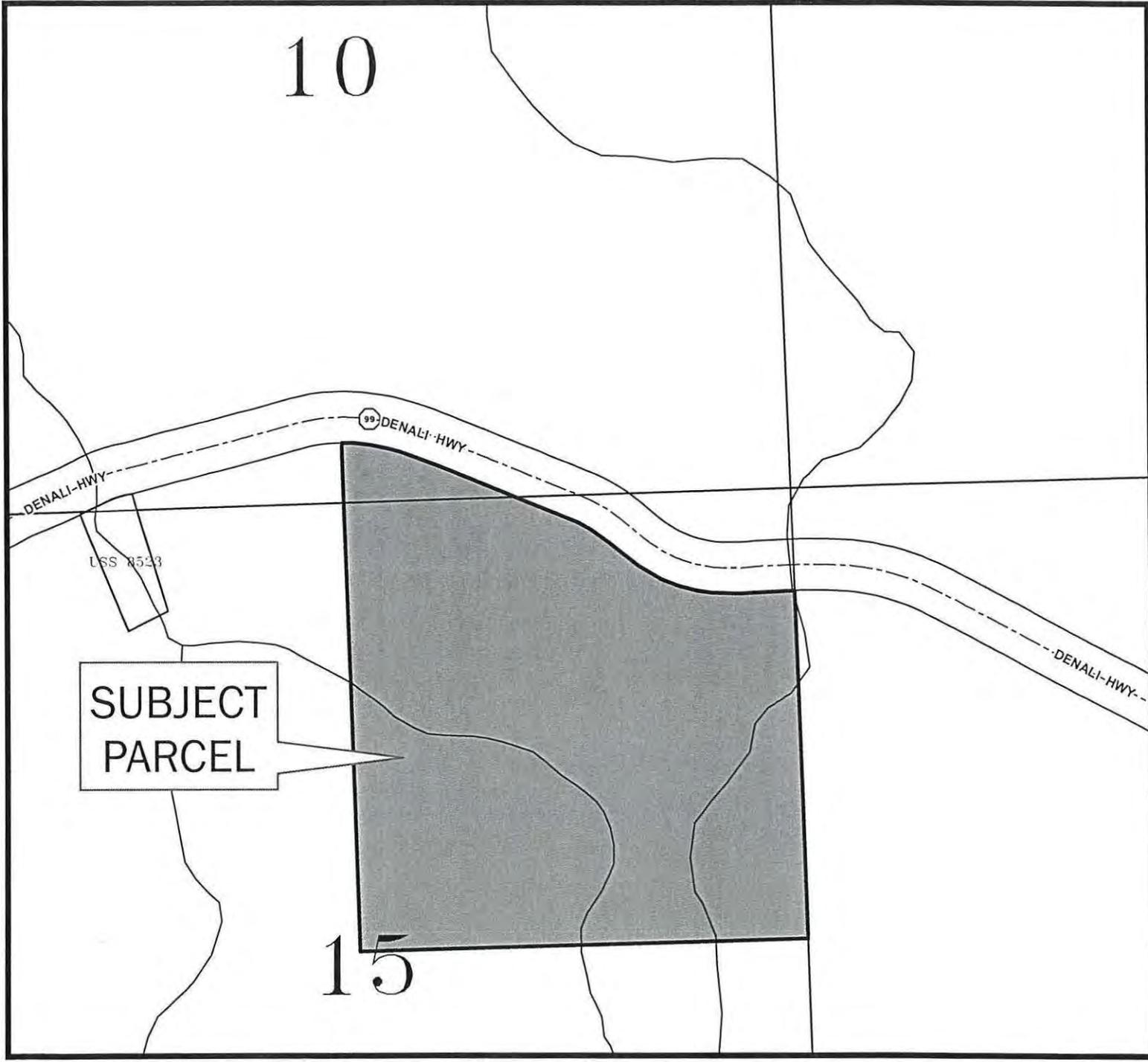
1. The owner and/or operator shall comply with all other applicable federal, state, and local regulations.
2. All aspects of the operation shall comply with the description detailed in the application material and an amendment to the IMD shall be required prior to any alteration or expansions of the material extraction operation.
3. Material extraction shall be limited to the areas identified in the site plan received by the borough June 8, 2016.
4. Vehicles and equipment shall be staged at a designated location and all equipment shall be inspected by the operator for leaks at the end of each day.

5. On-site maintenance of vehicles shall be done in an area where all leaks can be contained with drip pans or other discharge prevention devices.
6. All hazardous materials, drips, leaks, or spills shall be promptly attended to and properly treated.
7. If a project is planned for the site that requires a Storm Water Pollution Prevention Plan (SWPPP), a copy of the approved SWPPP shall be provided to the Planning Department prior to operating.
8. All construction exits shall comply with standard Alaska Pollutant Discharge Elimination System requirements to minimize off-site vehicle tracking of sediments and discharges to storm water.
9. A four-foot vertical separation shall be maintained between all excavation and the seasonal high water table.
10. The operation shall comply with the maximum permissible sound level limits allowed in MSB Code, per the requirements of MSB 17.28.060(A)(5)(a) – Site Development Standards and MSB 8.52 – Noise, Amplified Sound, and Vibration.
11. If illumination devices are required, they shall not be greater than 20 feet in height, shall utilize downward directional shielding devices, and shall meet the requirements of MSB 17.28.060(A)(6) Lighting Standards.
12. If cultural remains are found during material extraction activities, the MSB Planning Department shall be contacted immediately so the remains can be documented.
13. Borough staff shall be permitted to enter onto any portion of the property to monitor compliance with permit requirements. Such access will at a minimum be allowed on demand when activity is occurring and, with prior verbal or written notice, and at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of the Interim Materials District.
14. The applicant and/or operator shall comply with the reclamation standards of MSB 17.28.067.
15. Visual screening shall be achieved and maintained by using a combination of the esker ridges near the Denali Highway and a 100-foot wide undisturbed buffer maintained along the Denali Highway right-of-way and along the section line easement on the east boundary. A 50-foot wide undisturbed buffer will be maintained around the remaining perimeter of the site.
16. If mining activities take place within 300 feet of the property boundaries, visual buffers a minimum of ten feet in height, including vegetative buffers and/or earthen berms shall be employed.
17. All activity shall be conducted in compliance with state or federal regulations governing the items listed in MSB 17.28.040(B)(1), 17.28.040(B)(2), and 17.28.040(B)(3).

The IMD must be approved by the Matanuska-Susitna Borough Assembly. If the Planning Commission chooses to recommend denial of this IMD, findings for denial must be prepared by the Commission.

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OR 116-113
Page 12 of 12

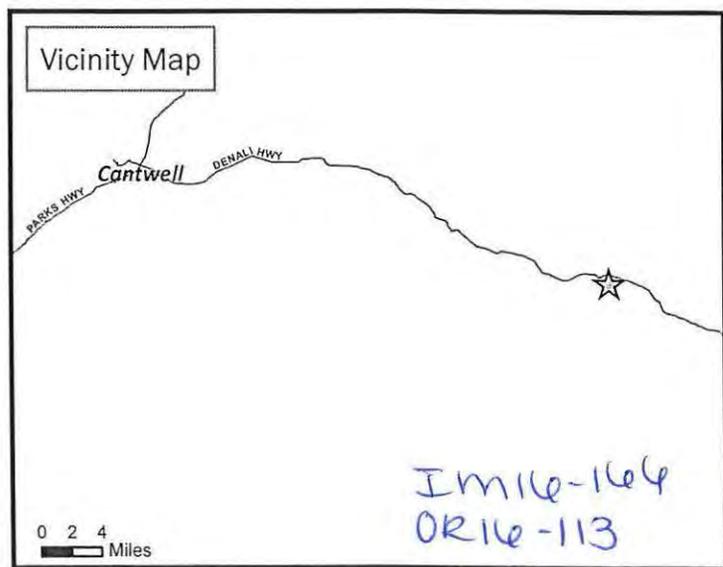
VICINITY MAP



19S02W10
19S02W15

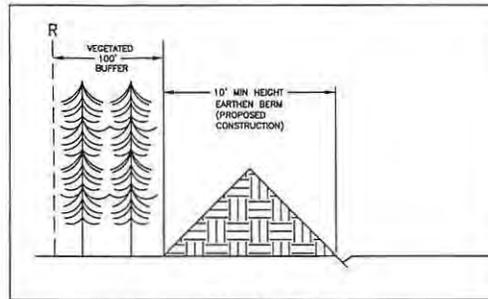
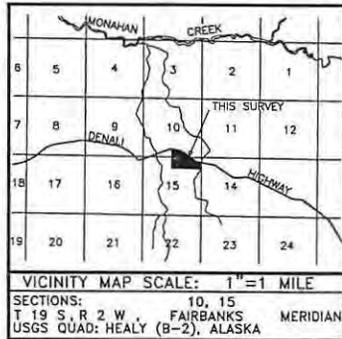


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SITE PLAN

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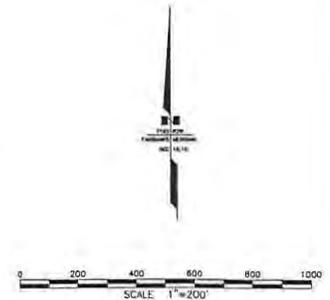
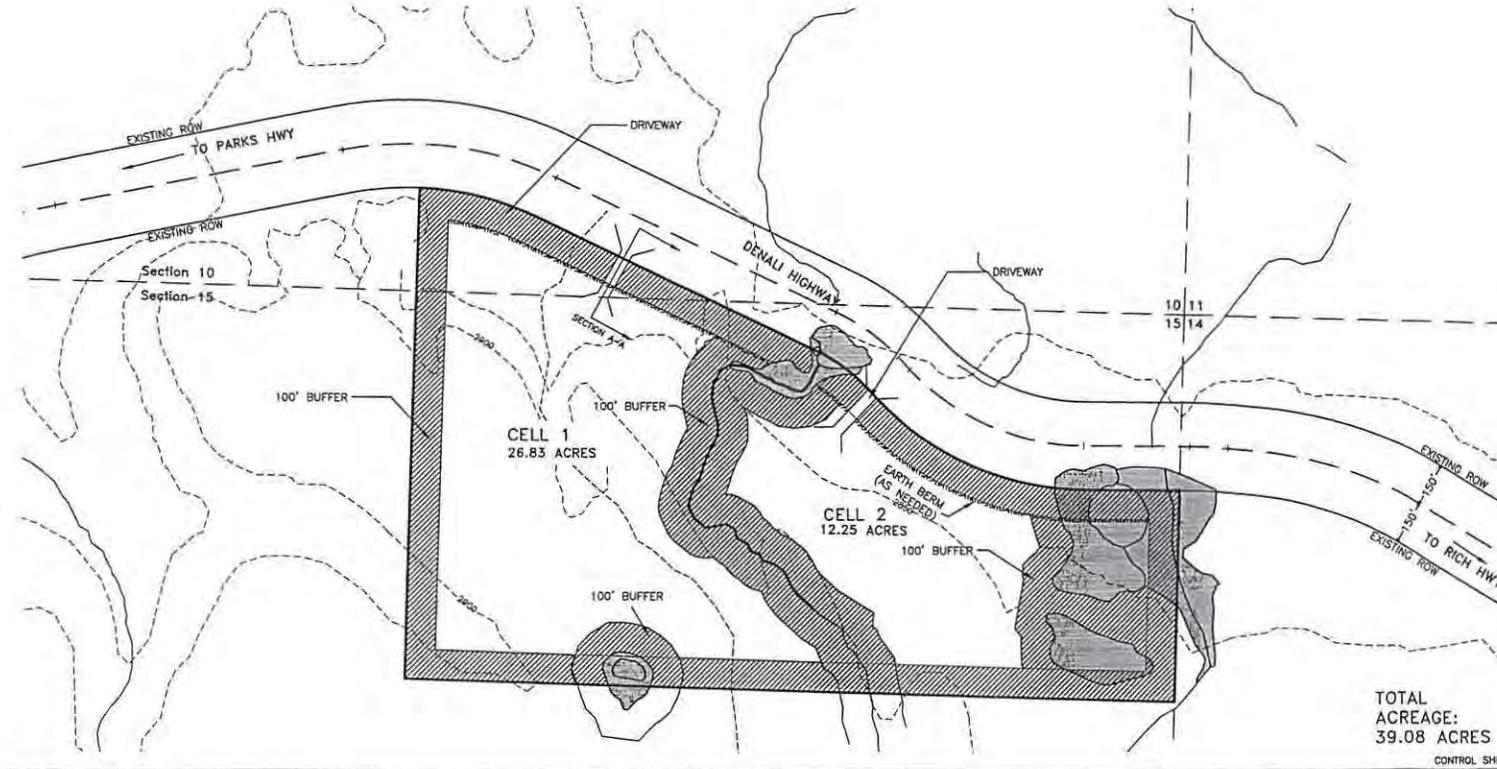


Matanuska - Susitna Borough
Development Services

JUN 08 2016

Received

- NOTE:
- CONTOURS ARE TAKEN FROM "USGS TOPOGRAPHY MAP"
 - EARTHEN BERM TO BE CONSTRUCTED AS NEEDED.



TOTAL
ACREAGE:
39.08 ACRES
CONTROL SHEET

DATE:	
NAME AND ADDRESS: Department of Transportation and Public Facilities (DOT&PF) 2301 Peffer Road Fairbanks, Alaska 99704	
SITE PLAN	
DRAWING OF MS 52-2-092-2 DENALI HIGHWAY MATERIAL SITE M.P. 99 AKSAS PROJECT #82374 within UNSURVEYED SECTIONS 10 AND 15, T 19 S, R 2 W, FAIRBANKS MERIDIAN, ALASKA NENANA RECORDING DISTRICT	
DRAWN BY:	FILE NO.:
SCALE: 1"=200'	CHECKED BY:

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H:\CAD\MTR\MatSites\52-2-092-2\SITEPLAN-52-2-092-2_Denali_MF99_receiver.dwg Jun 08, 2016 - 8:27:30am

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OR 16-113

APPLICATION MATERIAL



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

350 East Dahlia, Palmer, Alaska 99645
(907)861-7822 * fax (907)861-7876

PermitCenter@matsugov.us

Matanuska - Susitna Borough
Development Services

APPLICATION
Earth Materials Extraction

JUN 08 2016

Received

Carefully read instructions and applicable borough code. Fill out forms completely. Attach information as needed. Incomplete applications will not be processed.

THIS APPLICATION IS FOR MATERIALS EXTRACTION THAT DOES NOT OCCUR WITHIN FOUR FEET OF THE SEASONAL HIGH WATER TABLE. IF YOUR PLAN INCLUDES EXTRACTION WITHIN FOUR FEET OF THE SEASONAL HIGH WATER TABLE YOU MUST COMPLETE THE APPLICATION SPECIFIC TO THAT PURPOSE.

Application fee must be attached, check one:

- \$ 500 for Administrative Permit
\$1,000 for Conditional Use Permit
\$2,000 for Interim Materials District

Prior to public hearing, the applicant must also pay for costs of advertising and mailing of public notices.

Subject property Township: 19S, Range: 2W, Section: 10 & 15, Meridian F

MSB Tax Account #

SUBDIVISION: BLOCK(S): LOT(S):

STREET ADDRESS:

(US Survey, Aliquot Part, Lat. /Long. etc) See attached site development plan and survey

** A legal description must be provided for partial-lot Interim Materials Districts**

Ownership If the applicant is different from the owner, then a Letter of Authorization must be included.

Is authorization attached? Yes No N/A

Name of Property Owner

Name of Agent/ Contact for application

State of Alaska, DNR

Northern Region ROW, DOT&PF

Address: 550 W. 7th Ave. Suite 900

Address: 2301 Peger Road MS 2553

Anchorage, Alaska 99501-3577

Fairbanks, Alaska 99709-5316

Phone: Hm Fax

Phone: Hm Fax

Wk 907 269-8560 Cell

Wk 907 451-5425 Cell

E-mail Chandler.porter@alaska.gov

E-mail kahlil.wilson@alaska.gov

Description What type(s) of material is being extracted?

sand, gravel, with silt, cobbles and boulders

Total acreage area of all parcels on which the activity will occur: 69.91

Total acreage area of earth material extraction activity: Dependant on Project needs

Total cubic yards extraction per year: Less than 10,000cy

Total projected cubic yards to be extracted: 500,000cy

What is the estimated final year extraction will occur? 2060

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Required information

1. Attach a plan of sufficient detail to demonstrate compliance with the requirements of MSB 17.28.050 and MSB 17.28.060.

Plan of Operation	Attached
Provide seasonal start and end dates	X
Provide days of the week operations will take place.	X
Provide hours of operation.	X
Estimated end date of extraction	X
Estimated end date of reclamation	X
Describe all other uses occurring on the site	X
Describe methods used to prevent problems on adjacent properties, such as lateral support (steep slopes), water quality, drainage, flooding, dust control and maintenance of roads	X
Provide quantity estimates and topographical information such as cross section drawings depicting depth of excavation, slopes and estimated final grade	X

2. Submit a site plan. Drawings must be detailed and drawn to scale. Drawings under seal of an engineer or surveyor are recommended but not required.

SITE PLAN REQUIREMENTS	Attached
Identify location of permanent and semi-permanent structures on the site for verification of setback requirements. Include wells and septic systems.	X
Depict buffer areas, driveways, dedicated public access easements, and noise buffers (such as fences, berms or retained vegetated areas), and drainage control such as ditches, settling ponds etc.	X
Identify wetlands and waterbodies on site and within one mile	X
Identify existing surrounding land uses within one mile	X
Identify surrounding property ownership (i.e. public vs. private) within one mile of exterior boundaries	X
Show entire area intended for gravel/material extraction activity and the boundary of the lot(s) containing the operation. Identify areas used for past and future phases of the activity. Identify phases of proposed mining activities including a map showing the area to be mined, a description of the topography and vegetation, approximate time sequence for mining at particular locations, and general anticipated location of semi-permanent equipment such as conveyor belts, crushers, dredges, batch plants, etc.	X
Road and access plan that includes anticipated routes and traffic volumes. If the level of activity exceeds the minimum levels specified in MSB 17.61.090, traffic standards, a traffic control plan consistent with state regulations may be required	X
Visual screening measures that include a detailed description of the type of visual screening to be utilized. Visual screening may include, but is not limited to, berms, natural vegetation, solid fences, walls, evergreen hedges or other means as approved by the commission	X
Noise mitigation measures that include a description of measures to be taken by the applicant to mitigate or lessen noise impacts to surrounding properties. Measures shall include, but not be limited to, hours of operation of noise-producing equipment,	X

erecting noise barriers (i.e., berms a minimum of 10 feet in height) between noise-producing equipment and adjacent uses, location of noise-producing equipment (i.e., below grade in excavated pit areas), and measures to utilize equipment with noise reduction features	
Proposed lighting plan	X
Other (as required by MSB Planning Department)	X

3. Submit a reclamation plan including the following:

Reclamation Plan	Attached
Provided timeline for reclamation at particular locations	X
Provide copy of reclamation financial assurance filed with the State of Alaska (If exempt, provide qualifying documents for exemption)	X

4. Submit documentation of compliance with borough, state and federal laws:

COMPLIANCE WITH BOROUGH, STATE AND FEDERAL LAWS	Applied for (list file #)	Attached (list file #) or N/A
Mining license as required by the Alaska State Department of Revenue, pursuant to A.S.42.65		X
Mining permit as required by the Alaska State Department of Natural Resources (ADNR) if extraction activities are to take place on state land		X
Reclamation plan as required by ADNR, pursuant to A.S. 27.19		X
Notice of intent (NOI) for construction general permit or multi-sector general permit and storm water pollution prevention plan, and other associated permits or plans required by the Environmental Protection Agency (EPA) pursuant to the National Pollutant Discharge Elimination System (NPDES) requirements		X
United States Army Corps of Engineers permit pursuant to Section 404 of the Clean Water Act, 33 U.S.C. 1344, if material extraction activity is to take place within wetlands, lakes and streams.		X
Others (list as appropriate)		X

5. OWNER'S STATEMENT: I am owner of the following property:

MSB Tax parcel(s) ID #(s) Legal Description: See attached Site Development Plan and Survey
and,

I hereby apply for approval of material extraction activity on that property as described in this application.

I understand all activity must be conducted in compliance with all applicable standards of MSB 17.28, MSB 17.30 and with all other applicable borough, state or federal laws, including but not limited to, air quality, water quality, and use and storage of hazardous materials, waste and explosives, per MSB 17.28.040.

I understand that other rules such as local, state and federal regulations, covenants, plat notes, and deed restrictions may be applicable and other permits or authorization may be required. I understand that the borough may also impose conditions and safeguards designed to protect the public's health, safety and welfare and ensure the compatibility of the use with other adjacent uses.

I understand that it is my responsibility to identify and comply with all applicable rules and conditions, covenants, plat notes, and deed restrictions, including changes that may occur in such requirements.

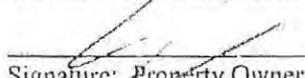
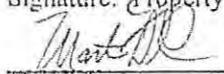
I understand that this permit and zoning status may transfer to subsequent owners of this land and that it is my responsibility to disclose the requirements of this status to operators on this property, and to the buyer when I sell the land.

I understand that changes from the approved operational plan may require further authorization by the borough planning commission or Assembly. I understand that failure to provide applicable documentation of compliance with approved requirements, or violation of such requirements will nullify legal status, and may result in penalties.

I understand it is my responsibility to provide the borough code compliance division with up to date reports, notification of proposed changes, and contact information for approved person(s) to whom I sell this property and to whom I assign responsibility for daily operations on the site.

I grant permission for borough staff members to enter onto the property as needed to process this application and monitor compliance with permit requirements. Such access will at a minimum, be allowed when the activity is occurring and, with prior notice, at other times necessary to monitor compliance.

The information submitted in this application is accurate and complete to the best of my knowledge.

	<u>Clark Cox</u>	<u>5-6-16</u>
Signature: Property Owner	Printed Name	Date
	<u>MARTIN D SHUPPE</u>	<u>5-6-2016</u>
Signature: Agent	Printed Name	Date

.....

 MSB USE ONLY: MSB file # _____
 Date complete application received: _____, Approved, Yes ___ No ___
 Additional conditions: Yes ___ (see attached) No ___ Comments: _____
 Planning Commission Action (date): _____ Resolution No.: _____
 Assembly Action (date): _____ Ordinance No.: _____
 Date permit (circle one) issued or denied: _____

*Im 16-106
OR 16-113*

**State of Alaska
Department of Transportation & Public Facilities**

**Mining and Reclamation Guidelines and
Site Development Plan**

**Material Site 52-2-092-2
Denali Highway Mile 99**

These guidelines are subject to the Matanuska-Susitna Borough Interim Materials District (MSB-IMD) requirements and standards and the Alaska Department of Natural Resources (DNR) Material Sale Contract ADL 230954 and stipulations contained therein.

Legal Description

T19S, R2W, FM:

Section 10: That portion of the SE ¼ lying south of the Denali Highway;

Section 15: That portion of the N ½ NE ¼ lying south of the Denali Highway.

The material site contains 69.91 acres.

Purpose

DOT&PF proposes to use this site for material extraction to improve and maintain the Denali Highway in the vicinity of the site. Maintenance will enhance road performance and safety for local residents as well as tourists. DOT&PF Maintenance & Operations (M&O) wish to utilize this site to provide crushed aggregate and borrow starting in the summer of 2016. Mining volumes for M&O will be less than 10,000 cubic yards per year. At this time, no major construction/road improvement project is planned, but if one is proposed in the future (ie. next 20 years), this site could provide a larger volume of material for such a project.

General Information

This site lies south of the Denali Highway at Mile 99. The site contains several eskers, fluvial-glacial deposits formed into discrete ridges. Material in the eskers generally consists of sand and gravel with silt, cobbles and boulders. DOT&PF conducted geotechnical exploration at the site in 1988. Vegetation consists of scattered spruce, dwarf birch, alder and tundra. Overburden consists of 6 to 12 inches of organic mat and 6 to 12 inches of silt. Permafrost was present. Perched groundwater was noted above frozen ground in some test holes. Additional site information is available at the DOT&PF Materials office, 2301 Peger Road, Fairbanks, Alaska 99709.

Surrounding Property Owners

1. State of Alaska
2. USS 8523 (Private property, 5 acres): located ¼ mile west of proposed material site.

Existing Land Uses

The proposed material site is undeveloped. The surrounding land is pristine wilderness, used largely for recreational purposes.

Wetlands and Water bodies

The site generally slopes uphill from the highway. A Final Wetlands and Waterbodies Delineation and Functional Assessment Report of the material site and those lands within a one mile radius of the site, was completed in May 2015. There are two unnamed creeks on either side of the material site boundary (see site map). These are outside the target mining area and will not be affected.

A 100-foot-wide undisturbed buffer will be maintained along the identified creeks or water bodies. see site plan.

Structures - none

No semi-permanent or permanent structures are planned for the site. The following equipment will be on-site temporarily, for about one month duration: generator, conveyor, and crusher. Equipment mobilized to the site for a temporary project will be located variably within site limits as needed for operational and safety requirements and demobilized upon completion,

Access Road

A single gravel access road, approximately 30 feet wide, will be constructed to the extraction area at the south side of the site in the approximate location shown on the attached map. The road will be approximately 1200 feet long. The intersection with the highway will have adequate site distances for safety. Total road area within the material site is 1 acre.

Visual Screen / Buffers

Esker ridges near the road will be left intact to serve as a visual screen. A 100-foot-wide undisturbed buffer will be maintained along the Denali Highway right-of-way and along the section line on the east boundary. A 50-foot-wide undisturbed buffer will be maintained around the remaining perimeter of the site.

If mining activities are to take place within 300' of the property boundaries. Visual buffers a minimum of 10' in height, including vegetative buffers and/or earthen berms will be employed.

Noise Mitigation Measures and Lighting

The site is remote with very low potential for noise or lighting impacts. No blasting is planned. Lighting would likely not be required. If it is, the topography/screens are expected to contain it within the immediate work area.

Dust Control

Dust control will be addressed as needed during operations by watering or other standard methods. Any water used will be source via an approved Temporary Water Use Permit with ADNR.

Water Table

Test pits will be dug within each cell to ensure there is suitable depth of material 4' above the water table prior to commencement of mining operations; operations will be revised if necessary.

Plan of Operation

Site work would commence in June 2016. Work will consist of building a road and work pad, stripping in Cell 1, extraction of up to 10,000 cubic yards of gravel, and crushing the material. A stockpile of the crushed material will be placed on the work pad to be used for highway maintenance. When in operation, site would be utilized up to 7 days per week, from 7 am to 9 pm. Other than gravel extraction, processing (crushing), and stockpiling, no other uses are planned for this site. Mining volumes for DOT M&O will be up to 10,000 cubic yards per year. Crushing-related equipment will be removed after crushing is complete (est. July 31). Reclamation will be accomplished by August 31, 2016; the road, work pad and active mining area will be stabilized and remain usable for future operations.

Compliance with Borough, State and Federal law

1. Notice of Intent/Multi-Sector General Permit: DOT&PF will acquire as applicable. An Alaska NOI will be filed as part of a larger construction project impacting more than one acre and needing an Alaska Construction General Permit. An MSGP will be applied for if the State finds this is the preferred permit.
2. A 404/10 Wetlands permit will be acquired from the U.S. Army Corp of Engineers if the site is found to contain wetlands under USACE jurisdiction. This permit is routinely applied for as part of a construction project, or as an M&O maintenance activity prior to ground disturbing activities. This may be an Individual Permit or a Nationwide Permit, as determined by the USACE.
3. Coordination will take place with the State Historic Preservation Office for any needed cultural resources clearance prior to ground disturbing activities.
4. All mining and stockpiling activities shall be in accordance with applicable Construction General Permits and Storm Water Pollution Prevention Plans (SWPP).

Site Development Plan

The proposed mining area is the large esker at the south part of the site, as shown on the attached map. Mining will occur in 5 acre cells. As a cell is depleted, it will be reclaimed and closed out.

1. The contractor or user shall locate the material site boundaries to verify work areas are within the site.
2. Maintain undisturbed buffers and mark buffer lines in work areas. Do not disturb buffers or place any debris or material in them.
3. Stockpile surface vegetation and organic soils separately, if possible, from overburden and place for future reclamation or use directly for reclamation of mined-out areas.

4. Do not place organics or overburden piles in future mining area or where they would need to be moved again.
5. Inactive working faces shall not exceed 1H:1V. Final reclaimed slopes shall not exceed 3H:1V.
6. No mining shall occur within 4 vertical feet of the water table.
7. Grade pit floor to a gently-sloping shape to match surrounding terrain. Do not allow drainage to escape the site
8. After each use, remove all equipment and non-native debris or waste from the site. No construction debris may be placed, stored, or abandoned in the site.
9. All mining and stockpiling activities shall be in accordance with applicable Construction General Permits and Storm Water Pollution Prevention Plans.

Reclamation Objectives and Guidelines

The reclamation plan has several objectives:

5. To not preclude or hinder future development of un-mined areas.
6. To blend with previous reclamation and surrounding topography.
7. To prevent erosion and sediment transport to surrounding, undisturbed areas.
8. To allow reestablishment of native vegetation and wildlife habitat.
9. To leave the site in a safe condition that does not endanger people or wildlife.

Reclamation activities will include:

1. Grading slopes just inside the perimeter buffers or where future development is not anticipated at 3H: 1V or flatter.
2. Grade pit floor smooth and gently sloping into the pit. Do not allow drainage to exit the pit.
3. Spread available overburden and then organic material on reclaimed slopes. Site will revegetate naturally; do not place seeds or fertilizers.

Project Mining and Reclamation Plan

Prior to use of the site for construction or crushing projects, the contractor or user shall submit a Project Mining and Reclamation Plan, in accordance with AS 27.19 and 11 AAC 97 to DNR for approval, subject to review by DOT&PF. The Plan describes the proposed plan of operation and shall be in compliance with guidelines listed here. Upon approval, the Plan will be followed by the contractor or user and if applicable, the DOT&PF Project Engineer. The plan should include the following:

Sketch Map

The sketch map shall include:

1. Site boundaries
2. Proposed extraction area, working limits and buffers, to be marked on the ground
3. Organic debris and overburden stockpile areas
4. Work pad, material stockpile locations, processing facilities.

5. Scale of drawing, north arrow, and specific dimensions as appropriate

Narrative

The narrative shall include:

1. Methods of operation
2. Estimated quantities for removal
3. Estimated areal extents (acreage)
4. Length and times of operation (day, month, year, and working hours)
5. Air and water pollution control measures
6. Reclamation measures

Supplements and amendments

Supplements and amendments to an approved mining and reclamation plan may be initiated by the contractor, user or the DOT&PF Project Engineer, when conditions warrant such action. Supplements and amendments must be mutually agreed upon and proper approval obtained prior to commencement of work of a changed nature.

1. Minor changes are those that affect details of the operation, but remain in compliance with the development guidelines. These changes may be authorized by the DOT&PF Project Engineer.
2. Major changes are those which cause the final outcome of the site to be significantly different from the approved mining and reclamation plan or are not in compliance with the development guidelines. These require approval by DNR, subject to review by the DOT&PF Project Engineer.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Transportation and
Public Facilities

NORTHERN REGION
Right of Way Division

2301 Peger Road
Fairbanks, AK 99709-5399
Main: 907.451.5400
TDD: 907-451-2363
Fax: 907-451-5411
Toll Free: 1-800-475-2464

May 6, 2016

Susan Lee

Planner II
Planning and Land Use Department
350 East Dahlia
Palmer, Alaska 99645

Re: Material site application MS 52-2-092-2, MP 99 of the Denali Highway.

On November 17, 2015 DOT&PF receive a letter from your office regarding our application the material site at mile 99 of the Denali Highway. The letter stated that our application was incomplete and listed 18 points that DOT&PF needed to address before the MSB would continue processing of our application. Below are DOT&PF's responses to the points raised in your letter.

1. The Site Plan has been revised accordingly. **See Attached, SITEPLAN-52-2-092-2_Denali_MP99_Final**
2. There are no semi-permanent structures of any kind planned to be located on site. In the event that this changes, the MSB will be notified appropriately. Any equipment mobilized to the site for temporary mining and crushing activities will be located variably within the site limits as needed for operational and safety requirements; and demobilized upon completion of work. This equipment cannot practically be indicated on a mining plan at this time.
3. Mining activity will be conducted in cells, as shown on the site plan. One cell will be fully developed, as much as practical, and reclaimed, before the next cell is opened. Parts of one or more cells may be left open to be used as staging/work areas as needed, but this will be minimized.
4. A working face of 2:1 is impractical. When temporary work activities are completed, slopes will be graded back to the natural angle of repose or a 2:1 slope, whichever is shallower. When a cell is closed out, the sloped will be graded back to 3:1 or shallower. **See Typical Cross Section attached to the revised M&R, 52-2-092-2 M&R V2**
5. The Mining and Reclamation Plan (M&RP) has been revised accordingly and approved by DNR-SCRO on 4/22/2016.
6. Cells will be reclaimed as they are no longer actively needed. The timeline for reclamation will depend on future maintenance needs on the Denali Highway, and final reclamation is not anticipated for many years.

"Keep Alaska Moving through service and infrastructure."

7. The M&RP has been filed and approved by DNR. A copy of the DNR approved M&R was provided to the MSB on 4/22/2016.
8. Total area of the material site is 69.91 acres. Anticipated ultimate total mining area is 39.08 acres.
9. Dust control will be addressed as needed during operations by watering or other standard methods. Any water used will be sourced via an approved Temporary Water Use Permit with ADNR.
10. No problems with road maintenance are anticipated. ADOT is responsible for maintenance on the Denali Highway, and this material site will be used to aid in those efforts. Access roads within the material site will be maintained as needed for safe operations, but will not be open to the public.
11. Wetlands are identified on the attached report, **FINAL_MS52-2-092-2_DenaliMP99_Wetland Report**
12. See above. A wetlands permit is not required at this time as no work currently planned will disturb any identified wetland areas. If and when disturbance of wetlands is required for operations within the site, a permit will be obtained from the Corps of Engineers.
13. Buffer zones have been depicted on the site plan. Perimeter control, such as vegetative buffers and/or spoil berms, and other BMPs as necessary will be implemented and maintained as needed to protect the identified creeks.
14. A SWPPP is not needed at this time. Per the Construction General Permit, a SWPPP is only required if a single project will be disturbing one or more acres of ground –and has the potential to discharge runoff to waters of the U.S. When a project is planned for the site that meets those criteria, a SWPPP and associated tasks will be implemented. **Refer to the memo from the Regional Stormwater Engineer in the revised M&R, 52-2-092-2 M&R V2 .**
15. Test pits will be dug within each cell to ensure there is suitable depth of material above the water table prior to commencement of mining operations; operations will be revised if necessary.
16. Appropriate visual buffers, including vegetative buffers and/or berms will be employed if mining activities are to take place within 300' of the property boundaries, as shown on the revised site plan.
17. Initial work within this site is anticipated to take place during the summer of 2016.
18. A new application for an Interim Materials District for the proposed site is included with this letter.

If you need any more information or have questions regarding the attached information please contact me.

Sincerely,

Kahlil Wilson, ROW Agent III
DOT&PF
2301 Peger Road, Fairbanks 99709
907 451-5425
907 978-2536

STATE OF ALASKA
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF MINING, LAND & WATER
 Southcentral Region
 550 W. 7th, Suite 900C
 Anchorage, Alaska 99501-3577

NEGOTIATED MATERIAL SALE CONTRACT
ADOT Material Sale ADL 230954 MS 52-2-092-2
MP 99 Denali Highway
Expires May 31, 2024

Under AS 38.05.550-38.05.565 (Disposal of Materials) AS 38.05.125 and AS 38.05.810(a) and the regulations implementing these statutes, the State of Alaska, Department of Natural Resources, the seller, whose address is 550 W. 7th Avenue, Suite 900C, Anchorage, AK 99501-3577, agrees to sell, and the State of Alaska, Department of Transportation and Public Facilities (DOT&PF), the buyer, whose address is 2301 Peger Road Fairbanks Alaska 99709, agrees to buy, the material designated in this contract, subject to the provisions which follow:

1. Description: Location, Material, Quantity, and Price.

- (a) The material sale area covered by this contract contains approximately 80 acres within Township 19 South Range 2 West, Section 10; that portion of the SE1/4 lying south of the Denali Highway and Section 15; that portion of the N1/2NE1/4 lying south of the Denali Highway, Fairbanks Meridian. (MATERIAL SITE ADL 231377) for the removal of gravel . The area is further designated by the boundaries shown on the attached sale area map, which is made part of this contract, or as designated on the ground by the seller.
- (b) The material to be removed and the price are:

Kind of Material	No. Of Units	Unit Price	Total Price
Gravel	up to 500,000 cy	\$.50/cubic yard	See 2(a) below

2. Payments and Deposits. No part of the materials sold under this contract may be extracted from the sale area by the buyer except in accordance with the following terms:

- (a) In accordance with Director's Policy File 93-06, Fee Schedule Section (17), Material Sales for Public Projects, Sale of materials to be used in constructing, reconstructing or maintaining a public project:

- (1) for the first 5,000 cubic yards of material to be removed there will be no charge; for maintenance on an ongoing basis, a project is considered to last one year.
- (2) for each cubic yard of material beyond 5,000 cubic yards, the base fee listed in the annual base price schedule under 11 AAC 71.090 will be charged. For the fiscal years 2013, the base price has been set at \$0.50 per cubic yard.

(b) Payment becomes due and payable on December 31 of each subsequent year this contract is in effect, without prior notice to the buyer, for the value of material extracted as of that date. The payment must be based on records required in paragraph 3 of this contract and must be submitted to the seller no later than the fifth working day following the date the installment is due.

(c) A final accounting and payment for material removed must be made no later than 30 days, following contract completion or termination of the contract by the seller or by operation of law. The Director of the Division of Mining, Land and Water will decide whether completion is satisfactory within 30 days after receiving the final accounting report.

(d) If the buyer fails to make a payment provided for in this contract, the seller may, under paragraph 8(b) of this contract, order all material extraction suspended immediately. Materials extracted by the buyer during any period of suspension are considered taken in trespass and are to be charged to and paid for by the buyer at triple the unit contract price. Resumption of the lawful taking of material may be authorized, in writing, by the Division of Mining, Land and Water only after the payments in arrears plus the penalty provided for in paragraph 2(f) have been made.

(e) A late-payment penalty equal to one and one-half percent of the amount due will be assessed for each month, or portion thereof, of any period a payment is delinquent.

(f) All payments and deposits must be remitted to the Division of Mining, Land and Water, Southcentral Region Office, 550 W. 7th Avenue, Suite 900c, Anchorage, AK 99501-3577 and must be made payable to the Alaska Department of Revenue.

(g) Special Provisions. The following special provisions also apply to payments and deposits under this contract: **N/A.**

3. Method of Volume Determination.

(a) Use records will be due to the Division of Mining, Land and Water, Southcentral Region Office, 550 W. 7th Avenue, Suite 900C, Anchorage, AK 99501-3577, with the final use records due 30 days following contract completion.

(b) The buyer shall keep accurate and up-to-date records of all materials extracted. These records are subject to verification by check measure and inspection of the buyer's books by the seller at any time without notice.

(c) Special Provisions. The following special provisions also apply to volume determinations under this contract: **N/A.**

4. Operating Requirements.

(a) Boundary Lines and Survey Monuments. No boundary mark of the sale area nor any survey line or witness tree for any survey corner or monument, may be severed or removed, nor may any survey corner or monument be damaged or destroyed. Any violation of this clause requires the buyer to bear the expense of re-establishing the line, corner, or monument by a registered surveyor in a manner approved by the seller.

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(b) Standard of Operations. The buyer shall properly locate himself and his improvements within the sale area, and may not commit waste, whether ameliorated or otherwise. In addition to complying with all laws, regulations, ordinances, and orders, the buyer shall maintain the land in a reasonably neat and clean condition, and shall take all prudent precautions to prevent or suppress grass, brush, or forest fires, and to prevent erosion or destruction of the land.

(c) Erosion Control and Protection of Waters. Road construction or operations in connection with this contract must be conducted so as to avoid damage to streams, lakes, or other water areas and land adjacent to them. Vegetation and materials may not be deposited into any stream or other water area. Locations and improvements necessary for stream crossings for haul roads must be approved in advance by the seller. All roads to be abandoned must be treated with measures necessary to prevent erosion in a manner acceptable to the seller. Any damage resulting from failure to perform these requirements must be repaired by the buyer to the satisfaction of the seller. This includes waters defined in 5 AAC 95.010 - 5 AAC 95.050, Protection of Fish and Game Habitat.

(d) Fire Protection. The buyer shall take all necessary precautions for the prevention of wild fires and is responsible for the suppression, and must bear the suppression costs, of all destructive or uncontrolled fires occurring in or outside the sale area resulting from any of the buyer's operations under this contract. The buyer shall comply with all laws, regulations, and ordinances promulgated by all governmental agencies responsible for fire protection in the area.

(e) Roads. Before constructing any mainhaul, secondary, or spur road across state land, the buyer shall obtain written approval of the proposed location and construction standards of the road from the seller.

(f) Supervision. The buyer shall maintain adequate supervision at all times when operations are in progress to insure that the provisions of this contract and all applicable federal, state, and local laws, regulations, and operations are in progress, the buyer or a person authorized by him to assume the responsibilities imposed by this contract, shall be present on the sale area.

(g) Agents. The provisions of this contract apply with equal force upon an agent, employee, or contractor designated by the buyer to perform any of the operations relating to extraction of the materials sold under this contract. The buyer is liable for noncompliance caused by any such agent, employee, or contractor.

(h) Location. The buyer is responsible for the accurate location of operations under this contract, including any survey that may be necessary for accurate location unless otherwise specified in this contract.

(i) Access. The seller makes no representations that it will construct or maintain access to the land. Access over any route not under the seller's control is the responsibility of the buyer. The buyer agrees that any permanent access or right-of-way obtained over privately owned property will provide a permanent easement to the seller.

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5. Indemnity of Seller and Bonding. N/A

(a) The buyer shall indemnify and hold the seller harmless from:

1. all claims and demands for loss or damage, including property damage, personal injury, wrongful death, and wage or employment claims, arising out of or in connection with the use or occupancy of the land or operations by the buyer or his successors, or at his invitation; and
2. any accident or fire on the land; and
3. any nuisance on the land; and
4. any failure of the buyer to keep the land in a safe and lawful condition consistent with applicable laws, regulations, ordinances, or orders; and
5. any assignment, sublease, or conveyance, attempted or successful, by the buyer which is contrary to the provisions of this contract.

The buyer will keep all goods, materials, furniture, fixtures, equipment, machinery, and other property on the land at his sole risk, and will hold the seller harmless from any claim of loss or damage to them by any cause.

(b) The buyer will be required to file a bond to insure the buyer's performance and to help protect the seller against any liability that may arise as a result of the activities of the buyer. The bond will also be applicable to the development/reclamation plan submitted to the state. A bond acceptable to the seller in the amount of \$ N/A must be filed with the seller at the time of execution of this contract to insure the buyer's performance and financial responsibility.

6. Improvements and Occupancy.

(a) Any improvements or facilities including crushers, mixing plants, buildings, bridges, roads, etc., constructed by the buyer in connection with this sale and within the sale area must be in accordance with plans approved by the seller.

(b) The buyer must, within 60 days after contract completion or termination of the contract by the seller or by operation of law, remove his equipment and other personal property from the sale area. After removal, the buyer must leave the land in a safe and clean condition, which is acceptable to the seller. If the buyer can demonstrate undue hardship, the time for removal of the improvements under this paragraph may be extended at the seller's discretion.

(c) If any of the buyer's property having an appraised value in excess of \$10,000, as determined by the seller, is not removed within the time allowed, that property may, upon 30 days notice to the buyer, be sold at public auction under the direction of the seller. The proceeds of the sale will inure to the buyer after satisfaction of the expense of the sale and deduction of all amounts than owed to the seller. If there are no other bidders at the sale, the seller may bid on the property, and the seller will acquire all rights, both legal and equitable, which any other purchaser could acquire through a sale and purchase.

(d) If any of the buyer's property having an appraised value of \$10,000 or less, as determined by the seller, is not removed within the time allowed, title to that property automatically vests in the seller.

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(e) Special Provisions. The following special provisions also apply to improvements and occupancy under this contract: **N/A**

7. Inspection.

(a) The seller must be accorded access, at all times, to the sale area and to the books and records of the buyer, his contractors, and any subcontractors relating to operations under this contract for purposes of inspection to assure the faithful performance of the provisions of this contract and other lawful requirements.

(b) At all times when construction or operations are in progress, the buyer shall have a representative readily available to the area of operations who is authorized to receive, on behalf of the buyer, any notices and instructions given by the seller in regard to performance under this contract, and to take appropriate action as is required by this contract.

8. Termination and Suspension.

(a) The seller may terminate the buyer's rights under this contract if the buyer breaches the contract and fails to correct this breach within 30 days after written notice of the breach is served upon the buyer.

(b) If the buyer fails to comply with any of the provisions of this contract, the seller may shut down the buyer's operations upon issuance of written notice, until corrective action, as specified by the seller in its notice, is taken. If this corrective action is not taken within 30 days after written notice is served upon the buyer, the seller may terminate the contract under paragraph 8(a) of this contract. The buyer's failure to take immediate corrective action when ordered to remedy dangerous conditions or unwarranted damage to natural resources may be corrected by the seller to prevent danger or additional damage. Any cost incurred by the seller as a result of this corrective action, or by the buyer's failure to take corrective action, must be paid by the buyer.

(c) This contract may also be terminated by mutual agreement of both parties on terms agreed to in writing by both parties.

9. Reservations. The seller reserves the right to permit other compatible uses, including the sale of materials, on the land in the sale area if the seller determines that those uses will not unduly impair the buyer's operations under this contract. Under AS 38.05.125 the seller further expressly reserves to itself, and its successors, forever,

(a) All oil, gas, coal, ores, minerals, fissionable materials, geothermal resources, and fossils of every kind, which may be in or upon the land described above, or any part of it; and

(b) The right to explore the land for oil, gas, coal, ores, minerals, fissionable materials, geothermal resources, and fossils; and

(c) The right to enter by itself or its agents, attorneys, and servants on the land, or any part of it, at any time for the purpose of opening, developing, drilling, and working mines or wells on this or other land and taking out and removing from it all oil, gas, coal, ores, minerals, fissionable materials, geothermal resources, and fossils; and

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OR 16-113

(d) The right by itself or its agents, attorneys, and servants at any time

- (1) to construct, maintain, and use all buildings, machinery, roads, pipelines, power lines, and railroads;
- (2) to sink shafts, drill wells, and remove soil; and
- (3) to occupy as much of the land as may be necessary or convenient for these purposes; and

(e) Generally all rights to and control of the land, which are reasonably necessary or convenient to make beneficial and efficient the complete enjoyment of the property and rights, which are expressly reserved.

10. Inclusion of Application Laws and Regulations. The buyer shall comply with all laws and regulations applicable to operations under this contract, including the Alaska Fire Control Act, the provisions of AS 38.05.110 - 38.05.120, material sale regulations 11 AAC Chapter 71, state fish and game regulations pertaining to the protection of wildlife and wildlife habitat, and state regulations pertaining to safety, sanitation, and the use of explosives. These laws and regulations are, by this reference, made a part of this contract, and a violation of them is cause for termination or suspension of this contract in addition to any penalties prescribed by law. These laws and regulations control if the terms of this contract are in conflict with them in any regard.

11. Assignment. This contract may not be assigned by the buyer without the seller's prior written consent to the assignment.

12. Permits. Any permits necessary for operations under this contract must be obtained by the buyer before commencing those operations.

13. Passage of Title. All right, title and interest in or to any material included in the contract shall remain in the State until it has been paid for; provided however that the right, title and interest in or to any material which has been paid for but not removed from the sale area by the buyer within the period of the contract or any extension thereof as provided for in this contract shall vest in the seller.

14. Expiration and Extension. This contract expires **May 31, 2024** unless an extension is granted by the seller in accordance with 11 AAC 71.210 (Material Sale Regulations).

15. Warranties. This sale is made without any warranties, express or implied, as to quantity, quality, merchantability, profitability, or fitness for a particular use, of the material to be extracted from the area under contract.

16. Valid Existing Rights. This contract is entered into and made subject to all valid existing rights, including easements, rights-of-way, reservations, or other interests in land, in existence on the date the contract is entered into.

17. Notices. All notices and other writings required or authorized under this contract must be made by certified mail, postage prepaid, to the parties at the following address:

To the Seller: Alaska Department of Natural Resources
Southcentral Region, Division of Mining, Land and Water
550 W. 7th Avenue, Suite 900C
Anchorage, Alaska 99501-3577

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OR16-113

To the Buyer: Alaska Department of Transportation and Public Facilities
2301 Peger Road
Fairbanks AK 99709

18. Integration and Modification. This contract, including all laws and documents which by reference are incorporated in it or made a part of it, contains the entire agreement between the parties.

This contract may not be modified or amended except by a document signed by both parties to this contract. Any amendment or modification which is not in writing, signed by both parties, and notarized is of no legal effect.

19. Severability of Clauses of Sale Contract. If any provision of this contract is adjudged to be invalid, that judgment does not affect the validity of any other provision of this contract, nor does it constitute any cause of action in favor of either party as against the other.

20. Construction. Words in the singular number include the plural, and words in the plural number include the singular.

21. Headings. The headings of the numbered paragraphs in this contract shall not be considered in construing any provision of this contract.

22. "Extracted", "Extraction". In this contract, use of the terms "extracted" and "extraction" encompasses the severance or removal, as well as extraction, by the buyer of any materials covered by this contract.

23. Waiver. No agent, representative or employee of the seller has authority to waive any provision of this contract unless expressly authorized to do so in writing by the director of the Division of Mining, Land and Water.

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OR 16-113

ADL 230954 ADOT&PF Contract Special Stipulations
Attachment "B"

The Material Sale Contract will be subject to the following Special Stipulations:

1. **Extraction Area.** This contract authorizes removal of material only from the area defined in Section 1(a) of this contract. The buyer is responsible for properly locating the material site area and the working limits within that area.
2. **Use of Material.** This contract authorizes the excavation and use of up to *500,000 cy* of material for the express purpose of *providing material for reconstruction and maintenance of Denali Highway*. The buyer is required to provide DNR with records of material usage.
3. **Site Operations.** The buyer is responsible for all aspects of material extraction and transport. Any survey stakes or markers that are removed must be replaced at the buyer's expense. The work area will be maintained in a neat, clean condition, free of any solid waste, debris or litter. The disposal of hazardous substances or hydrocarbons is prohibited. After completion, expiration, or termination of the contract, the site will be left in a condition that is acceptable to the seller, and reclaimed in accordance with the approved reclamation plan.
4. **Screening:** Material sites along the Denali Highway should be screened from roads, residential areas, recreational areas and other areas of significant human use. Material Site ADL 231377 shall have the following screenings: a 100 foot- treed buffer shall be maintained along the Denali Highway right-of-way and along the section line on the east boundary. A 50 foot wide undisturbed buffer will be maintained around the remaining perimeter of the site. A 100 foot wide undisturbed buffer will be maintained along the identified creeks or water bodies.
5. **Compliance.** All operations of the buyer, including completion, must comply with the contract and with the approved Mining and Reclamation Plan for this material site. The Special Stipulations of the contract take precedence over the approved Mining and Reclamation plan should a contradiction exist. The buyer shall inform and ensure compliance with the provisions of this contract by its agents, employees and contractors, including subcontractors, at any level.
6. **Reclamation.** Upon completion, expiration, or termination of the contract, the site will be left in a condition that is acceptable to the Division of Mining, Land and Water and reclaimed in accordance with the approved Mining and Reclamation plan. Reclamation shall be to the standards of the Division and shall include repair of access roads to and within the site, disposal of remaining stockpiles, other procedures that will be used to stabilize and reclaim the area and any other site specific measures that may be necessary. During the term of the contract, mining activities shall occur as described in the buyer's DNR-approved Mining and Reclamation plan.
7. **Fill.** No construction material, fill, waste asphalt, damaged culverts, pavement planning or any other debris shall be stockpiled, stored or disposed of within pit boundaries. Stockpiled material shall not be placed in wetlands.
8. **Alaska Historic Preservation Act.** The buyer will consult the Alaska Heritage Resources Survey (907) 269-8721 so that known historic, archaeological and paleontological sites may be avoided. The Alaska Historic Preservation Act (AS 41.35.200) prohibits the appropriation, excavation, removal, injury or destruction of any state-owned historic, prehistoric (paleontological) or archaeological site without a permit from the commissioner. Should any sites be discovered during the course of field operations, activities that may damage the site will cease and the Office of History and Archaeology in the Division of Parks and Outdoor Recreation (907) 269-8721 and will be notified immediately. Alaska Statute also prohibits the removal or disturbing of human remains or burial artifacts (AS

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OR 16-113

11.46.482(3)(B)) If human remains are discovered, immediately contact the Alaska State Troopers and the Office of History and Archaeology.

9. **Vehicle Maintenance.** Vehicle maintenance will be performed only over an effective impermeable barrier.
10. **Fuel and Hazardous Substances.** Secondary containment shall be provided for fuel or hazardous substances.
- a. **Container marking.** All independent fuel and hazardous substance containers shall be marked with the contents and the permittee's or contractor's name using paint or a permanent label.
 - b. **Fuel or hazardous substance transfers.** Secondary containment or a surface liner must be placed under all container or vehicle fuel tank inlet and outlet points, hose connections, and hose ends during fuel or hazardous substance transfers. Appropriate spill response equipment must be on hand during any transfer or handling of fuel or hazardous substances to respond to a spill of up to five gallons. Trained personnel shall attend transfer operations at all times. Vehicle refueling shall not occur within the annual floodplain or tidelands.
 - c. **Storing containers within 100 feet of waterbodies.** Containers with a total capacity larger than 55 gallons, which contain fuel or hazardous substances, shall **NOT** be stored within 100 feet of a waterbody.
 - d. **Exceptions.** The Authorized Officer may under unique or special circumstances grant exceptions to this stipulation on a case-by-case basis. Requests for exceptions should be made to the Authorized Officer.
 - e. **Definitions.**
 - "Containers" means any item that is used to hold fuel or hazardous substances. This includes tanks, drums, double-walled tanks, portable testing facilities, fuel tanks on small equipment such as light plants and generators, flow test holding tanks, slop oil tanks, bladders, and bags. Manifolder tanks or any tanks in a series must be considered as single independent containers. Vehicles, including mobile seismic tanks, are not intended to be included under this definition.
 - "Hazardous substances" are defined under AS 46.03.826(5) as (a) an element or compound which, when it enters the atmosphere, water, or land, presents an imminent and substantial danger to the public health or welfare, including fish, animals, or vegetation; (b) oil; or (c) a substance defined as a hazardous substance under 42 U.S.C. 9601(14).
 - "Secondary containment" means an impermeable diked area or portable impermeable containment structure capable of containing 110 percent of the volume of the largest independent container. Double-walled tanks do not qualify as secondary containment unless an exception is granted for a particular tank.
 - "Surface liner" means any safe, non-permeable container (e.g., drips pans, fold-a-tanks, etc.) designed to catch and hold fluids for the purpose of preventing spills. Surface liners should be of adequate size and volume based on worst-case spill risk.
11. **Spill Notification.** The permittee shall notify the Department of Natural Resources of all spills that must be reported under 18 AAC 75.300 under timelines of 18.AAC 75.300. These requirements can be found at the following website: <http://www.dec.state.ak.us/spar/spillreport.htm#requirements>.

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OR 116-113

All fires and explosions must be reported to DNR immediately. The DNR 24 hour spill report number is (907) 451-2678; the fax number is (907) 451-2751. The DEC oil spill report number is (800) 478-9300. DNR and DEC shall be supplied with all follow-up incident reports.

12. **Destruction of Markers.** All survey monuments, witness corners, reference monuments, mining claim posts, bearing trees, and un-surveyed lease corner posts shall be protected against damage, destruction and obliteration. The permittee shall notify the Authorized Officer of any damaged, destroyed or obliterated markers and shall reestablish the markers at the permittee's expense in accordance with accepted survey practices of the Division of Mining, Land and Water.
13. **Water Quality.** The buyer shall comply with the State of Alaska water quality standards pursuant to 18 AAC 70, including discharge standards when conducting material washing operations.
14. **Potential Processing Activities and Other Authorizations.** The issuance of this authorization does not alleviate the necessity of the purchaser to obtain authorizations required by other agencies for this activity. Any asphalt processing or related activities and associated structures will not be allowed without prior approval from DNR, the Department of Environmental Conservation and other agencies that require authorizations from the buyer.
15. **Survey.** If a survey is requested by the SCRO manger, the contract holder shall submit a material site boundary survey acceptable to the standards of the Division of Mining, Land and Water. This survey shall depict the dimensions of each side of the material site, and the acreage of the modified material site boundaries.
16. **Failure to Report.** An annual report is due by January 31st of each year, without prior notice to the buyer that details the volume of material removed during the calendar year of January 1 through December 31. This report shall be filed regardless of whether material was removed during the reporting period. Failure to submit the required report may subject the permitted site to a final inspection. The contract holder shall be assessed a fee for this inspection per 11 AAC 05.010(a)(7)(M).

BY SIGNING THIS CONTRACT, the State of Alaska, as seller, and the buyer, agree to be bound by its provisions as set out above.

[Signature]
For Kevin L. Smith Date: 5-9-2014 [Signature] Date: 5/9/14

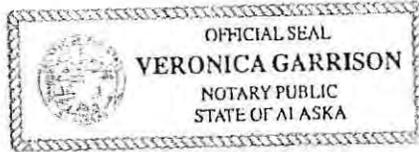
BUYER: STATE OF ALASKA
Right of Way
Northern Region

SELLER: STATE OF ALASKA
Regional Manager
Southcentral Region

STATE OF ALASKA)
Fourth)ss.
Third Judicial District)

This is to certify that on May 9th, 2014, before me appeared Martin Shurr known by me to be the person named in and who executed this Negotiated Material Sale Contract and acknowledged voluntarily signing it as buyer.

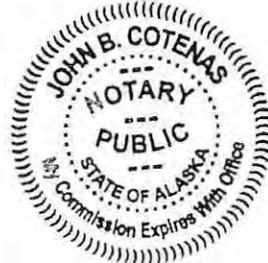
[Signature]
Notary Public in and for the State of Alaska
My commission expires: with office



STATE OF ALASKA)
)ss.
Third Judicial District)

This is to certify that on May 9, 2014, before me appeared Sandra Singh known by me to be the Acting Regional Manager Southcentral Regional Office, Division of Mining, Land and Water, Department of Natural Resources, and who executed this Negotiated Material Sale Contract voluntarily signing it on behalf of the State of Alaska as seller.

[Signature]
Notary Public in and for the State of Alaska
My commission expires: with office



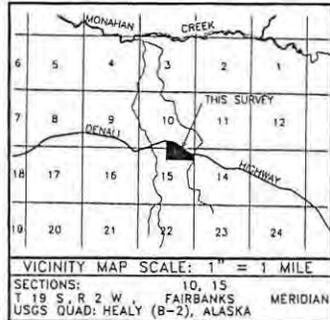
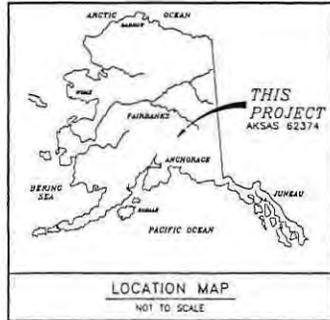
Im16-1166
OR16-113 124

DRAWING NUMBER

DRAWING NUMBER

Sheet L-2 - Drawing 242
Denali Highway Mile Post 99
Master Material Site #2374
AKSAS
6/2/14

DRAWING NUMBER



NOTES

- ALL DISTANCES SHOWN ARE GROUND DISTANCES, IN US SURVEY FEET. DISTANCES WERE SCALED FROM ALASKA STATE PLANE ZONE 3 GRID DISTANCES TO GROUND DISTANCES USING SCALE FACTOR 0.99987620 AT POINT #401.
- THE BASIS OF COORDINATES FOR THIS SURVEY IS AN OPUS SOLUTION FOR ALASKA STATE PLANE ZONE 3 COORDINATES AT POINT #401. THE LOCAL COORDINATES FOR POINT #401 ARE: NORTHING: 3394831.9509, EASTING: 1324936.7957
- THE BASIS OF BEARINGS FOR THIS SURVEY IS A GRID AZIMUTH OF ALASKA STATE PLANE ZONE 3. BEARINGS MATCH CLOSELY TO RECORD BEARINGS ON DENALI HIGHWAY MILEPOST 80-104, PLAT 2004-1, NENANA RECORDING DISTRICT.
- PROTRACTED SECTION LINES SHOWN HEREIN WERE LOCATED AT THE PROTRACTED NAD83 COORDINATES RELATIVE TO THE RECORD NAD83 COORDINATES AT THE BASIS OF COORDINATES FOR THIS SURVEY.
- THE RIGHT-OF-WAY FOR THE DENALI HIGHWAY WAS COMPUTED FROM A "BEST FIT" CENTERLINE FROM FOUND ADJDT REFERENCE POINT MONUMENTS DEFINED BY DENALI HIGHWAY MILEPOST 80-104, PLAT 2004-1, NENANA RECORDING DISTRICT.
- THE NORTHERLY BOUNDARY OF MS 52-2-092-2 IS THE SOUTHERLY RIGHT-OF-WAY LINE OF THE DENALI HIGHWAY AS DEFINED BY PLAT IN NOTE 5
- THIS SURVEY DOES NOT CONSTITUTE A SUBDIVISION AS DEFINED BY AS 40.15.900(5).
- DOT&PF MATERIAL SALE CONTRACT ADL 230954, EXPIRES MAY 31, 2024.

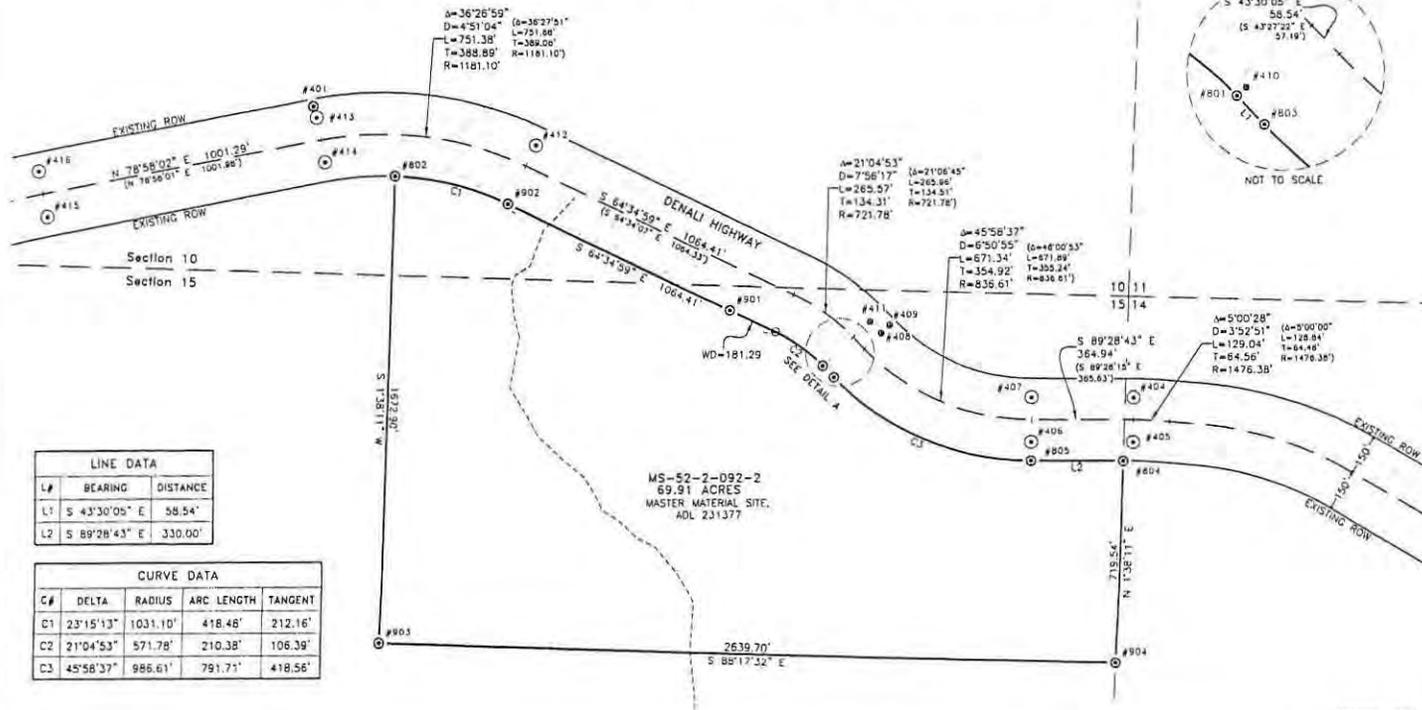
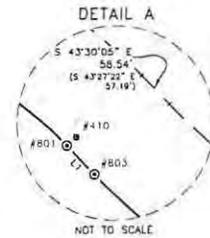
I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT TO THE EXTENT SHOWN HEREON.

DATE: 5/15/14 REGISTRATION NUMBER 4269-5
DONALD E. MULLIKEN REGISTERED LAND SURVEYOR



LEGEND

- RECOVERED REBAR AND CAP
- RECOVERED REBAR
- ⊙ SET ALUMINUM CAP ON 5/8" REBAR
- POINT NOT SET
- UNSURVEYED LINE
- COMPUTED RIGHT-OF-WAY LINE
- TRAIL (8' WIDE)
- 364.97' MEASURED THIS SURVEY
- RECORD - DENALI HIGHWAY MILEPOST 80-104 PLAT 2004-1, NENANA RECORDING DISTRICT



LP	BEARING	DISTANCE
L1	S 43°30'05" E	58.54'
L2	S 89°28'43" E	330.00'

C#	DELTA	RADIUS	ARC LENGTH	TANGENT
C1	23°15'13"	1031.10'	418.48'	212.16'
C2	21°04'53"	571.78'	210.38'	106.39'
C3	45°58'37"	986.61'	791.71'	418.56'



STATE BUSINESS - NO CHARGE FOR RECORDING DATE: 05/12/14

DATE OF SURVEY Beginning: 07/27/13 Ending: 08/04/13	NAME AND ADDRESS Department of Transportation and Public Facilities (DOT&PF) 2301 Piper Road Fairbanks, Alaska 99709
---	--

RECORD OF SURVEY			
CONTROL DRAWING OF MS 52-2-092-2 DENALI HIGHWAY MATERIAL SITE M.P. 99 AKSAS PROJECT #62374 within UNSURVEYED SECTIONS 10 AND 15, T 19 S, R 2 W, FAIRBANKS MERIDIAN, ALASKA NENANA RECORDING DISTRICT			
DRAWN BY: PJD/CLM	SCALE: 1"=200'	CHECKED BY: DEM/CLM	FILE NO.:

CONTROL SHEET 1 OF 2

Plat 2014-8 Renewal

Imit-109
0210-113

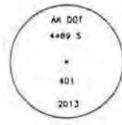
DRAWING NUMBER

DRAWING NUMBER

Sheet 2 of 2 Drawing 1475
Denali Highway Material Site MS
Merrill, Sta. 52-2-092-2
42714

DRAWING NUMBER

Imv-114
Gr11-113



SET 2" ALUM. CAP ON 3/8" REBAR, 0.2' ABOVE GROUND, WITH CARSONITE 1.0' N.



FOUND 2" ALUM. CAP ON 3/8" REBAR, 0.3' ABOVE GROUND



FOUND 2" ALUM. CAP ON 3/8" REBAR



FOUND 2" ALUM. CAP ON 3/8" REBAR, 0.2' ABOVE GROUND



FOUND 2" ALUM. CAP ON 3/8" REBAR, 1.1' ABOVE GROUND



FOUND 3/8" REBAR, 0.5' ABOVE GROUND, NO CAP



FOUND 3/8" REBAR, 0.5' ABOVE GROUND, NO CAP, WET AREA



FOUND 3/8" REBAR, 0.4' ABOVE GROUND, GOOD CONDITION



FOUND 3/8" REBAR, 0.4' ABOVE GROUND, GOOD CONDITION



FOUND 2" ALUM. CAP ON 3/8" REBAR, 0.3' ABOVE GROUND, GOOD CONDITION, WITH CARSONITE 3.6' NE



FOUND 2" ALUM. CAP ON 3/8" REBAR, 0.2' ABOVE GROUND, WITH CARSONITE 3.3' NW



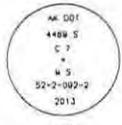
FOUND 2" ALUM. CAP ON 3/8" REBAR, 0.2' ABOVE GROUND



FOUND 2" ALUM. CAP ON 3/8" REBAR, 0.4' ABOVE GROUND, GOOD CONDITION



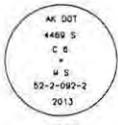
FOUND 2" ALUM. CAP ON 3/8" REBAR, 0.4' ABOVE GROUND, FAIR CONDITION



SET 2" ALUM. CAP ON 3/8" REBAR, FLUSH, WITH CARSONITE 1.0' S.



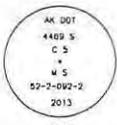
SET 2" ALUM. CAP ON 3/8" REBAR, 0.2' ABOVE GROUND, WITH CARSONITE 1.0' S.



SET 2" ALUM. CAP ON 3/8" REBAR, FLUSH, WITH CARSONITE 1.0' S.



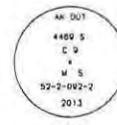
SET 2" ALUM. CAP ON 3/8" REBAR, 0.2' ABOVE GROUND, WITH CARSONITE 1.0' S.



SET 2" ALUM. CAP ON 3/8" REBAR, 0.2' ABOVE GROUND, WITH CARSONITE 1.0' S.



SET 2" ALUM. CAP ON 3/8" REBAR, 0.2' ABOVE GROUND, WITH CARSONITE 1.0' S.



SET 2" ALUM. CAP ON 3/8" REBAR, 0.2' ABOVE GROUND, WITH CARSONITE SW



SET 2" ALUM. CAP ON 3/8" REBAR, 0.4' ABOVE GROUND, WITH CARSONITE 1.0' SE



SET 2" ALUM. CAP ON 3/8" REBAR, 0.3' ABOVE GROUND, WITH CARSONITE 0.7' SE

RECOVERED MONUMENTS			
Point #	Northing	Easting	Description
404	3393581.5642	1327877.3306	2" ALUMINUM CAP ON 5/8" REBAR
405	3393417.5824	1327875.9511	2" ALUMINUM CAP ON 5/8" REBAR
406	3393420.9010	1327510.4686	2" ALUMINUM CAP ON 5/8" REBAR
407	3393584.8990	1327511.7857	2" ALUMINUM CAP ON 5/8" REBAR
408	3393820.8884	1326971.5697	5/8" REBAR
409	3393850.2641	1327001.7530	5/8" REBAR
410	3393715.3029	1326777.1423	5/8" REBAR
411	3393882.3598	1326932.1698	5/8" REBAR
412	3394491.9107	1325732.5400	2" ALUMINUM CAP ON 5/8" REBAR
413	3394590.9887	1324948.7550	2" ALUMINUM CAP ON 5/8" REBAR
414	3394430.0275	1324980.2113	2" ALUMINUM CAP ON 5/8" REBAR
415	3394238.2342	1323996.9717	2" ALUMINUM CAP ON 5/8" REBAR
416	3394399.4156	1323965.7451	2" ALUMINUM CAP ON 5/8" REBAR

MONUMENTS SET THIS SURVEY			
Point #	Northing	Easting	Description
401	3394631.9509	1324936.7957	2" ALUMINUM CAP ON 5/8" REBAR
801	3393702.7802	1326763.4439	2" ALUMINUM CAP ON 5/8" REBAR
802	3394381.5364	1325229.0945	2" ALUMINUM CAP ON 5/8" REBAR
803	3393680.3145	1326803.7444	2" ALUMINUM CAP ON 5/8" REBAR
804	3393349.8969	1327840.4016	2" ALUMINUM CAP ON 5/8" REBAR
805	3393352.9003	1327510.4110	2" ALUMINUM CAP ON 5/8" REBAR
901	3393903.4316	1326430.3616	2" ALUMINUM CAP ON 5/8" REBAR
902	3394282.4888	1325632.7248	2" ALUMINUM CAP ON 5/8" REBAR
903	3392709.3211	1325181.3237	2" ALUMINUM CAP ON 5/8" REBAR
904	3392630.6478	1327819.8550	2" ALUMINUM CAP ON 5/8" REBAR

DATE: 05/12/14

DATE OF SURVEY Beginning: 01/27/13 Ending: 08/04/13	NAME AND ADDRESS: Department of Transportation and Public Facilities (DOT/DPF) 2301 Peppir Road Fairbanks, Alaska 99709
---	---

RECORD OF SURVEY

CONTROL DRAWING OF
DENALI HIGHWAY MATERIAL SITE M.P. 99
MS 52-2-092-2
with
UNSURVEYED SECTIONS 10 AND 15,
19 S, R 2 W,
FAIRBANKS MERIDIAN, ALASKA
HEMERA RECORDING DISTRICT

DRAWN BY: PJD/CLM	SCALE: N/A	CHECKED BY: DEM/CLM	FILE NO.:
----------------------	---------------	------------------------	-----------

CONTROL SHEET 2 OF 2

Place 2014. 8 Reason

Susan Lee

From: Porter, Chandler J (DNR) <chandler.porter@alaska.gov>
Sent: Friday, April 22, 2016 2:14 PM
To: Wilson, Kahlil A (DOT)
Cc: Susan Lee
Subject: Approved Reclamation Plan ADL 230954
Attachments: ADL230954_ADOTMP99Denali_RecPlanAcceptance.pdf

Good Afternoon,

Attached is the approval document for the Mining & Reclamation (M&R) plan for the material site located at MP 99 Denali Highway.

Susan, please note that moving forward the Southcentral Regional Office (SCRO) will no longer supply LAS Abstracts displaying 'accepted' or 'approved' status for reclamation plans. Instead, we will issue an approval document similar to the one attached. We are aiming at being consistent across the regions.

Thank you,

Chandler Porter

Natural Resource Specialist II
(907) 269-8560

Department of Natural Resources
Division of Mining, Land & Water-Land Office
550 West 7th Avenue Suite 900c
Anchorage, AK 99501



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Natural Resources

Division of Mining, Land & Water
Northern Regional Land Office

3700 Airport Way
Fairbanks, Alaska 99709-4699
Main: 907-451-2770
Fax: 907-451-2751

April 22, 2016

Kahlil Wilson
Alaska Department of Transportation & Public Facilities
2301 Peger Road
Fairbanks, AK 99709

Re: ADL 230954 – Material Sale Contract

To whom it may concern,

The Department of Natural Resources, Division of Mining, Land and Water, Southcentral Regional Office, received your Material Site Plan with attachments on April 22, 2016. The subject site is located on State-owned land in the SE1/4 of Section 10 and N1/2NE1/4 of Section 15, Township 19 South, Range 2 West, of the Fairbanks Meridian.

Thank you for submitting a Mining & Reclamation (M&R) plan for activities taking place during 2016-2024. After reviewing your reclamation plan, the Division has determined that the plan is acceptable, provided that the operation is conducted in a manner that will prevent unnecessary and undue degradation of land and water resources, and the operation shall be reclaimed using current reclamation methods so that the site is left in stable and safe condition. This includes making sure that the site has been regraded of depressions, no holes exist.

This acceptance letter does not alleviate the necessity to obtain authorizations required by other agencies and entities for this activity.

Please contact me if you have questions. I can be reached at (907) 269-8560 or at chandler.porter@alaska.gov. We look forward to seeing how the site is developed and reclaimed.

Sincerely,

A handwritten signature in black ink, appearing to read "Chandler Porter".

Chandler Porter
Natural Resource Specialist II

Electronic Cc: Susan Lee, Matsu Borough Planner

Susan Lee

From: Porter, Chandler J (DNR) <chandler.porter@alaska.gov>
Sent: Friday, April 22, 2016 3:05 PM
To: Wilson, Kahlil A (DOT)
Cc: Susan Lee
Subject: RE: Approved Reclamation Plan ADL 230954
Attachments: ADL230954_ADOT_DevPlan_2016_MP99Denali.pdf; ADL230954_ADOT_ReclamationPlan.pdf

Additionally, attached is the M&R plan for your reference.

Thanks,

Chandler Porter

Natural Resource Specialist II
(907) 269-8560

Department of Natural Resources
Division of Mining, Land & Water-Land Office
550 West 7th Avenue Suite 900c
Anchorage, AK 99501

From: Wilson, Kahlil A (DOT)
Sent: Friday, April 22, 2016 2:16 PM
To: Porter, Chandler J (DNR) <chandler.porter@alaska.gov>
Subject: RE: Approved Reclamation Plan ADL 230954

Thank you

From: Porter, Chandler J (DNR)
Sent: Friday, April 22, 2016 2:14 PM
To: Wilson, Kahlil A (DOT)
Cc: slee@matsugov.us
Subject: Approved Reclamation Plan ADL 230954

Good Afternoon,

Attached is the approval document for the Mining & Reclamation (M&R) plan for the material site located at MP 99 Denali Highway.

Susan, please note that moving forward the Southcentral Regional Office (SCRO) will no longer supply LAS Abstracts displaying 'accepted' or 'approved' status for reclamation plans. Instead, we will issue an approval document similar to the one attached. We are aiming at being consistent across the regions.

Thank you,

Chandler Porter

Natural Resource Specialist II
(907) 269-8560

Department of Natural Resources
Division of Mining, Land & Water-Land Office
550 West 7th Avenue Suite 900c
Anchorage, AK 99501

State of Alaska
Department of Transportation & Public Facilities

Mining and Reclamation Guidelines and
Site Development Plan

Material Site 52-2-092-2
Denali Highway Mile 99

These guidelines are subject to the Matanuska-Susitna Borough Interim Materials District (MSB-IMD) requirements and standards and the Alaska Department of Natural Resources (DNR) Material Sale Contract ADL 230954 and stipulations contained therein.

Legal Description

T19S, R2W, FM:

Section 10: That portion of the SE ¼ lying south of the Denali Highway;

Section 15: That portion of the N ½ NE ¼ lying south of the Denali Highway.

The material site contains ~ 78.8 acres.

Purpose

DOT&PF proposes to use this site for material extraction to improve and maintain the Denali Highway in the vicinity of the site. Maintenance will enhance road performance and safety for local residents as well as tourists. DOT&PF Maintenance & Operations (M&O) wish to utilize this site to provide crushed aggregate and borrow starting in the summer of 2016. Mining volumes for M&O will be less than 10,000 cubic yards per year. At this time, no major construction/road improvement project is planned, but if one is proposed in the future (ie. next 20 years), this site could provide a larger volume of material for such a project.

General Information

This site lies south of the Denali Highway at Mile 99. The site contains several eskers, fluvial-glacial deposits formed into discrete ridges. Material in the eskers generally consists of sand and gravel with silt, cobbles and boulders. DOT&PF conducted geotechnical exploration at the site in 1988. Vegetation consists of scattered spruce, dwarf birch, alder and tundra. Overburden consists of 6 to 12 inches of organic mat and 6 to 12 inches of silt. Permafrost was present. Perched groundwater was noted above frozen ground in some test holes. Additional site information is available at the DOT&PF Materials office, 2301 Peger Road, Fairbanks, Alaska 99709.

Surrounding Property Owners

1. State of Alaska
2. USS 8523 (Private property, 5 acres): located ¼ mile west of proposed material site.

Existing Land Uses

The proposed material site is undeveloped. The surrounding land is pristine wilderness, used largely for recreational purposes.

Wetlands and Water bodies

The site generally slopes uphill from the highway. A Final Wetlands and Waterbodies Delineation and Functional Assessment Report of the material site and those lands within a one mile radius of the site, was completed in May 2015. There are two unnamed creeks on either side of the material site boundary (see site map). These are outside the target mining area and will not be affected.

A 100-foot-wide undisturbed buffer will be maintained along the identified creeks or water bodies. see site plan.

Structures - none

No semi-permanent or permanent structures are planned for the site. The following equipment will be on-site temporarily, for about one month duration: generator, conveyor, and crusher. Equipment mobilized to the site for a temporary project will be located variably within site limits as needed for operational and safety requirements and demobilized upon completion,

Access Road

A single gravel access road, approximately 30 feet wide, will be constructed to the extraction area at the south side of the site in the approximate location shown on the attached map. The road will be approximately 1200 feet long. The intersection with the highway will have adequate site distances for safety. Total road area within the material site is 1 acre.

Visual Screen / Buffers

Esker ridges near the road will be left intact to serve as a visual screen. A 100-foot-wide undisturbed buffer will be maintained along the Denali Highway right-of-way and along the section line on the east boundary. A 50-foot-wide undisturbed buffer will be maintained around the remaining perimeter of the site.

If mining activities are to take place within 300' of the property boundaries. Visual buffers a minimum of 10' in height, including vegetative buffers and/or earthen berms will be employed.

Noise Mitigation Measures and Lighting

The site is remote with very low potential for noise or lighting impacts. No blasting is planned. Lighting would likely not be required. If it is, the topography/screens are expected to contain it within the immediate work area.

Dust Control

Dust control will be addressed as needed during operations by watering or other standard methods. Any water used will be source via an approved Temporary Water Use Permit with ADNR.

Water Table

Test pits will be dug within each cell to ensure there is suitable depth of material 4' above the water table prior to commencement of mining operations; operations will be revised if necessary.

Plan of Operation

Site work would commence in June 2016. Work will consist of building a road and work pad, stripping in Cell 1, extraction of up to 10,000 cubic yards of gravel, and crushing the material. A stockpile of the crushed material will be placed on the work pad to be used for highway maintenance. When in operation, site would be utilized up to 7 days per week, from 7 am to 9 pm. Other than gravel extraction, processing (crushing), and stockpiling, no other uses are planned for this site. Mining volumes for DOT M&O will be up to 10,000 cubic yards per year. Crushing-related equipment will be removed after crushing is complete (est. July 31). Reclamation will be accomplished by August 31, 2016; the road, work pad and active mining area will be stabilized and remain usable for future operations.

Compliance with Borough, State and Federal law

1. Notice of Intent/Multi-Sector General Permit: DOT&PF will acquire as applicable. An Alaska NOI will be filed as part of a larger construction project impacting more than one acre and needing an Alaska Construction General Permit. An MSGP will be applied for if the State finds this is the preferred permit.
2. A 404/10 Wetlands permit will be acquired from the U.S. Army Corp of Engineers if the site is found to contain wetlands under USACE jurisdiction. This permit is routinely applied for as part of a construction project, or as an M&O maintenance activity prior to ground disturbing activities. This may be an Individual Permit or a Nationwide Permit, as determined by the USACE.
3. Coordination will take place with the State Historic Preservation Office for any needed cultural resources clearance prior to ground disturbing activities.
4. All mining and stockpiling activities shall be in accordance with applicable Construction General Permits and Storm Water Pollution Prevention Plans (SWPP).

Site Development Plan

The proposed mining area is the large esker at the south part of the site, as shown on the attached map. Mining will occur in 5 acre cells. As a cell is depleted, it will be reclaimed and closed out.

1. The contractor or user shall locate the material site boundaries to verify work areas are within the site.
2. Maintain undisturbed buffers and mark buffer lines in work areas. Do not disturb buffers or place any debris or material in them.
3. Stockpile surface vegetation and organic soils separately, if possible, from overburden and place for future reclamation or use directly for reclamation of mined-out areas.

4. Do not place organics or overburden piles in future mining area or where they would need to be moved again.
5. Inactive working faces shall not exceed 1H:1V. Final reclaimed slopes shall not exceed 3H:1V.
6. No mining shall occur within 4 vertical feet of the water table.
7. Grade pit floor to a gently-sloping shape to match surrounding terrain. Do not allow drainage to escape the site
8. After each use, remove all equipment and non-native debris or waste from the site. No construction debris may be placed, stored, or abandoned in the site.
9. All mining and stockpiling activities shall be in accordance with applicable Construction General Permits and Storm Water Pollution Prevention Plans.

Reclamation Objectives and Guidelines

The reclamation plan has several objectives:

5. To not preclude or hinder future development of un-mined areas.
6. To blend with previous reclamation and surrounding topography.
7. To prevent erosion and sediment transport to surrounding, undisturbed areas.
8. To allow reestablishment of native vegetation and wildlife habitat.
9. To leave the site in a safe condition that does not endanger people or wildlife.

Reclamation activities will include:

1. Grading slopes just inside the perimeter buffers or where future development is not anticipated at 3H: 1V or flatter.
2. Grade pit floor smooth and gently sloping into the pit. Do not allow drainage to exit the pit.
3. Spread available overburden and then organic material on reclaimed slopes. Site will revegetate naturally; do not place seeds or fertilizers.

Project Mining and Reclamation Plan

Prior to use of the site for construction or crushing projects, the contractor or user shall submit a Project Mining and Reclamation Plan, in accordance with AS 27.19 and 11 AAC 97 to DNR for approval, subject to review by DOT&PF. The Plan describes the proposed plan of operation and shall be in compliance with guidelines listed here. Upon approval, the Plan will be followed by the contractor or user and if applicable, the DOT&PF Project Engineer. The plan should include the following:

Sketch Map

The sketch map shall include:

1. Site boundaries
2. Proposed extraction area, working limits and buffers, to be marked on the ground
3. Organic debris and overburden stockpile areas
4. Work pad, material stockpile locations, processing facilities.

5. Scale of drawing, north arrow, and specific dimensions as appropriate

Narrative

The narrative shall include:

1. Methods of operation
2. Estimated quantities for removal
3. Estimated areal extents (acreage)
4. Length and times of operation (day, month, year, and working hours)
5. Air and water pollution control measures
6. Reclamation measures

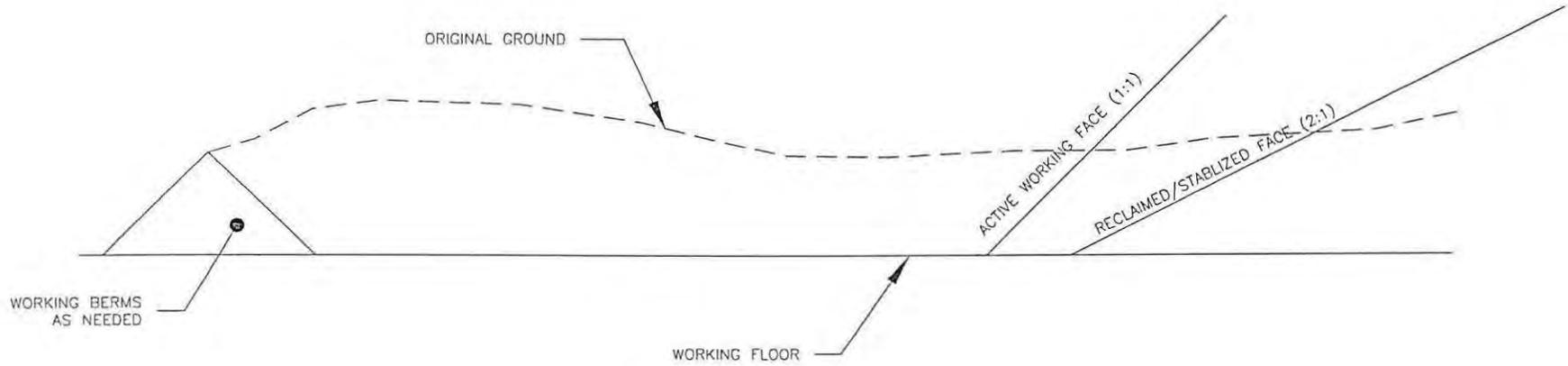
Supplements and amendments

Supplements and amendments to an approved mining and reclamation plan may be initiated by the contractor, user or the DOT&PF Project Engineer, when conditions warrant such action. Supplements and amendments must be mutually agreed upon and proper approval obtained prior to commencement of work of a changed nature.

1. Minor changes are those that affect details of the operation, but remain in compliance with the development guidelines. These changes may be authorized by the DOT&PF Project Engineer.
2. Major changes are those which cause the final outcome of the site to be significantly different from the approved mining and reclamation plan or are not in compliance with the development guidelines. These require approval by DNR, subject to review by the DOT&PF Project Engineer.

Apr 21, 2016 - 11:26am - Tab: TYPICAL WORKING FACES\52-2-092-2\052-2-092-2-TYPICAL SECTION

Imilio-104
DR10-113



TYPICAL CROSS SECTION

NOT TO SCALE

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES	
DATA:	M.S. 52-2-092-2 MP 99 DENALI HIGHWAY TYPICAL SECTION
DRAWN: BAM	PROJECT NO.
APPROVED:	
DATE: APRIL 2016	

**STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER**

Northern Region
3700 Airport Way
Fairbanks, AK 99709
(907) 451-2740

Southcentral Region
550 W 7th Ave., Suite 900C
Anchorage, AK 99501-3577
(907) 269-8552

Southeast Region
400 Willoughby, #400
P.O. Box 111020
Juneau, AK 99801
(907) 465-3400

**MATERIAL SITE RECLAMATION PLAN OR
LETTER OF INTENT/ANNUAL RECLAMATION STATEMENT
AS 27.19.030 – 27.19.050**

Non-refundable filing fee for reclamation plan: \$100

In accordance with Alaska Statute 27.19, reclamation is required of all mining operations, including sand and gravel extraction. Completion of this form will meet the law's requirements for a reclamation plan (see below for filing requirements; due date: at least 45 days before mining is proposed to begin; requires approval by the Division of Mining, Land and Water). Completion of this form will also serve as a letter of intent for operations exempt from the plan requirement (due date: before mining begins). No approval is required for a letter of intent, but a miner who files a letter of intent must, before December 31, file an annual reclamation statement (Section 8 of this form).



Check applicable box:

A. RECLAMATION PLAN (REQUIRED if the operation will disturb five or more acres this year, OR 50,000 cubic yards, OR if the operation has a cumulative disturbed area of five or more acres)

C. LETTER OF INTENT (less than five acres to be disturbed AND less than 50,000 cubic yards AND less than five acres unreclaimed area)
NOTE: A miner who files a letter of intent is also required to file an annual reclamation statement at the end of the year.

B. RECLAMATION PLAN—VOLUNTARY (for an operation below limits shown in Box A but wanting to qualify for the statewide bonding pool)

THIS RECLAMATION PLAN/LETTER OF INTENT IS FOR CALENDAR YEAR 2016-2024.
(IF YOU CHECKED EITHER BOX A OR B ABOVE AND PROPOSE A MULTI-YEAR PLAN, STATE ALL YEARS COVERED.)

1. MINER INFORMATION (IF THERE IS MORE THAN ONE MINER, ATTACH A LIST OF THE NAMES, ADDRESSES, AND TELEPHONE NUMBERS OF ALL OTHER OWNERS, OPERATORS, OR LEASEHOLDERS OF THE MINING OPERATION)

Department of Transportation and Public Facilities

NAME OF MINER WHO WILL SERVE AS AGENT FOR NOTICE PURPOSES

2301 Peger Road

ADDRESS (NOTIFY THE DEPARTMENT OF ANY LATER CHANGE OF ADDRESS)

Fairbanks	AK	99709	907 451-5425
CITY	STATE	ZIP CODE	TELEPHONE

State of Alaska

NAME OF LANDOWNER (IF OTHER THAN MINER) OR PUBLIC LAND MANAGEMENT AGENCY

ADL 230954

FEDERAL OR STATE CASEFILE NUMBER (IF ANY) ASSIGNED TO THE SITE

102-4018 (Rev. 04/06)

2. LEGAL DESCRIPTION OF PROPOSED MINING SITE

Section 10: That portion of the SE1/4 lying South of the Denali Hwy

Section 15: That portion of the N1/2NE1/4 lying South of the Denali Hwy

19 South

2 West

Fairbanks

LEGAL SUBDIVISION/ SECTION/ QUARTER-SECTION	TOWNSHIP	RANGE	MERIDIAN
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3. DESCRIPTION OF THE MINING OPERATION (IF YOU CHECKED BOX A OR B ON P. 1 OF THIS FORM AND ARE PROPOSING A MULTI-YEAR RECLAMATION PLAN, ATTACH SEPARATE SHEETS AS NEEDED SHOWING ACREAGE TO BE MINED, VOLUME TO BE MINED, AND EXISTING ACREAGE OF MINED AREA FOR EACH YEAR COVERED BY THE PLAN)

- a. <10 acres Total acreage to be mined or disturbed during the year.
- b. up to 10,000 Cu. yds. Estimated total volume to be mined or disturbed, including overburden.
Sand & Gravel with silt, cobbles,
- c. and boulders Type of material (sand, gravel, peat, etc.).
- d. ~79 acres Existing acreage of mined area (disturbed area that has not yet been reclaimed, but counting only acreage disturbed after October 15, 1991)

4. DESCRIPTION OF THE RECLAMATION OPERATION

- a. The total acreage that will be reclaimed during the year (or each year, if for a multi-year reclamation plan) is: ~10 acres. See DOT&PF Mining and Reclamation Guidelines. In addition DOT&PF contractors will be required to provide DNR their project specific M&R Plan.
- b. Provide a list of equipment (type and quantity) to be used during the reclamation operation.
See Mining and Reclamation Guidelines
- c. A time schedule of reclamation measures shall be included as part of the plan.
See Mining and Reclamation Guidelines

The following measures must be considered in preparing and implementing the reclamation plan. Please mark those measures appropriate to your reclamation activity:

- Topsoil that is not promptly redistributed to an area being reclaimed will be separated and stockpiled for future use. This material will be protected from erosion and contamination by acidic or toxic materials and preserved in a condition suitable for later use.
- The area will be backfilled, graded and recontoured using strippings, overburden, and topsoil to a condition that allows for the reestablishment of renewable resources on the site within a reasonable period of time. It will be stabilized to a condition that will allow sufficient moisture to be retained for natural revegetation.
- Stockpiled topsoil will be spread over the reclaimed area to promote natural plant growth that can reasonably be expected to revegetate the area within five years.
- Stream channel diversions will be relocated to a stable location in the flood plain.
- Exploration trenches or pits will be backfilled. Brush piles, vegetation, topsoil, and other organics will be spread on the backfilled surface to inhibit erosion and promote natural revegetation.
- All buildings and structures constructed, used, or improved on land owned by the State of Alaska will be removed, dismantled, or otherwise properly disposed of at the completion of the mining operation.
- Any roads, airstrips or other facilities constructed to provide access to the mining operation shall be reclaimed (unless otherwise authorized) and included in the reclamation plan.
- Peat and topsoil mine operations shall ensure a minimum of two inches of suitable growing medium is left or replaced on the site upon completion of the reclamation activity.

Im 16-166
OR 16-113

- If extraction occurs within a flood plain, the reclamation activity shall reestablish a stable bed and bank profile such that river currents will not be altered and erosion and deposition patterns will not change.

NOTE: If you propose to use reclamation measures other than those shown above, or if the private landowner or public land manager of the site requires you to use stricter reclamation measures than those shown above, attach a list of those measures to this plan.

5. ALTERNATE POST-MINING LAND USE

- The mining site is public land. The land management agency's land use plan (if any) for post-mining land use is:
_____.
- The mining site is public land. As allowed by AS 27.19.030(b), I propose to reclaim it to the following post-mining land use: Multiple Use.
_____.
- The mining site is private property. The private landowner plans to use it for the following post-mining land use: _____
_____.

6. ATTACHMENTS

- If the mining operation has additional owners, operators, or leaseholders not shown on p. 1 of this form, attach a list of their names, addresses, and telephone numbers.
- Attach a USGS map at a scale no smaller than 1:63,360 (inch to the mile) showing the general vicinity of the mining operation and the specific property to be mined. Option: If you checked Box C on the first page of this form and the mining site is adjacent to an airport or public highway, state the name of the airport or the name and milepost of the public highway.
- Attach a diagram of the mined area (this term includes the extraction site, stockpile sites, overburden disposal sites, stream diversions, settling ponds, etc.) and the mining operation as a whole (this term includes the roads you plan to build, your power lines, support facilities, etc.). Show and state the number of acres to be mined during the year. (If you checked Box A or B on the first page of this form and your plan covers more than one year, show each year's work.) Show the location corners or property boundaries of the site in relation to the reclamation work and any other areas affected by the operation.
- Attach a list of the equipment (type and quantity) to be used during the reclamation activity.
- A time schedule of events must be attached that includes dates and activities related to this reclamation plan.
- If the site is private land not owned by the miner, attach a signed, notarized statement from the landowner indicating the landowner's consent to the operation. The landowner may also use the consent statement to notify the department that the landowner plans a post-mining land use incompatible with natural revegetation and therefore believes that reclamation to the standard of AS 27.19.020 is not feasible.
- For those miners that are required to file an annual reclamation statement, attach photographs and/or videotapes dated and described as to location of the reclamation activity that was completed.
- If you propose to use reclamation measures other than those listed on this form, or if the private landowner or public land manager of the site requires you to use stricter reclamation measures, attach a list of those measures.

7. RECLAMATION BONDING (REQUIRED ONLY IF YOU CHECKED BOX A or B ON THE FIRST PAGE OF THIS FORM)

The total acreage of my mining operation that is subject to the bonding requirement for the current year is _____ acres (add acreages stated in Section 3(a) and 3(d) of this form).

The per-acre bond amount is \$750/acre or a total bond amount of \$_____.

Please check the appropriate bonding method that you will apply toward this reclamation plan:

- Participation in the statewide bonding pool.
- Posting a corporate surety bond.
- Posting a personal bond accompanied by a letter of credit, certificate of deposit, or a deposit of cash or gold.
- Posting a bond or financial guarantee with another government agency that has jurisdiction over the mining operation, as allowed by a cooperative management agreement between that agency and the Division of Mining, Land and Water.
- Posting a general performance bond with a state agency that meets the requirements of 11 AAC 97.400(4).

The above reclamation plan/letter of intent and all attachments are correct and complete to the best of my knowledge.



Signature of Miner

4-22-2016

Date

AS 27.19.030 and AS 27.19.050 require a miner either to file a reclamation plan for approval or to file a letter of intent followed by an annual reclamation statement. AS 38.05.035(a) authorizes the director to decide what information is needed to process an application for the sale or use of state land and resources. This information is made a part of the state public land records and becomes public information under AS 40.25.110 and 40.25.120 (unless the information qualifies for confidentiality under AS 38.05.035(a)(9) and confidentiality is requested). Public information is open to inspection by you or any member of the public. A person who is the subject of the information may challenge its accuracy or completeness under AS 44.99.310, by giving a written description of the challenged information, the changes needed to correct it, and a name and address where the person can be reached. False statements made in an application for a benefit are punishable under AS 11.56.210.

8. ANNUAL RECLAMATION STATEMENT—REQUIRED IF YOU FILED A LETTER OF INTENT (CHECKED BOX C ON THE FIRST PAGE) FOR THIS OPERATION. DUE DATE: DECEMBER 31, _____. YOU MUST FILE EVEN IF THE MINING DESCRIBED IN YOUR LETTER OF INTENT DID NOT TAKE PLACE.

This _____ annual reclamation statement is for:
(year)

- a. _____ acres Total acreage mined.
- b. _____ cu. yds. Total volume mined or disturbed, including overburden.
- c. _____ acres Total acreage reclaimed.
- d. _____ acres Cumulative total of unreclaimed acreage.
- e. Reclamation measures that were used (check appropriate measures from Section 4, DESCRIPTION OF THE RECLAMATION OPERATION, and attach list of additional or stricter measures if applicable).

The above annual reclamation statement and all attachments are correct and complete to the best of my knowledge.

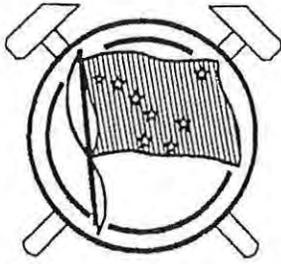


4-22-2016

Signature of Miner

Date

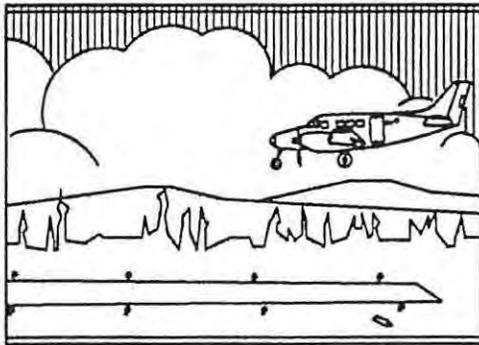
AS 27.19.030 and AS 27.19.050 require a miner either to file a reclamation plan for approval or to file a letter of intent followed by an annual reclamation statement. This information is made a part of the state public land records and becomes public information under AS 40.25.110 and 40.25.120 (unless the information qualifies for confidentiality under AS 38.05.035(a)(9) and confidentiality is requested). Public information is open to inspection by you or any member of the public. A person who is the subject of the information may challenge its accuracy or completeness under AS 44.99.310, by giving a written description of the challenged information, the changes needed to correct it, and a name and address where the person can be reached. False statements made in an application for a benefit are punishable under AS 11.56.210.



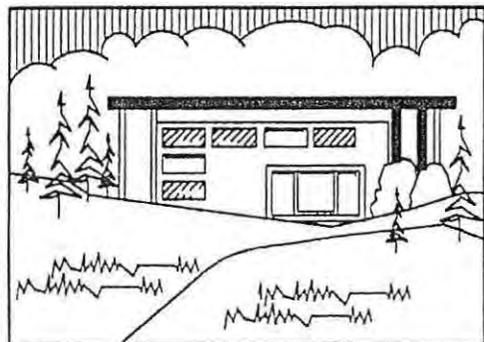
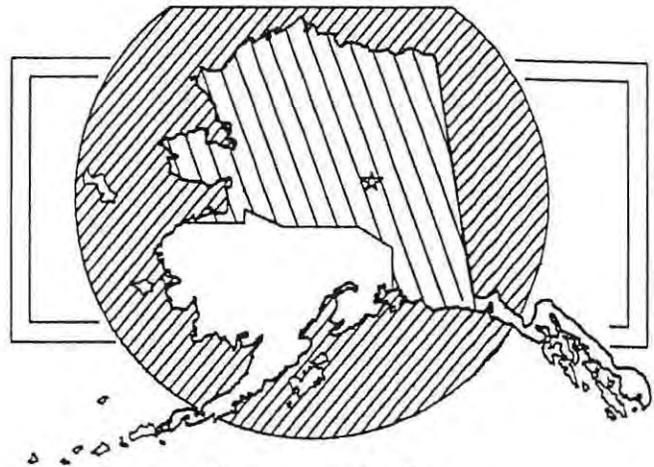
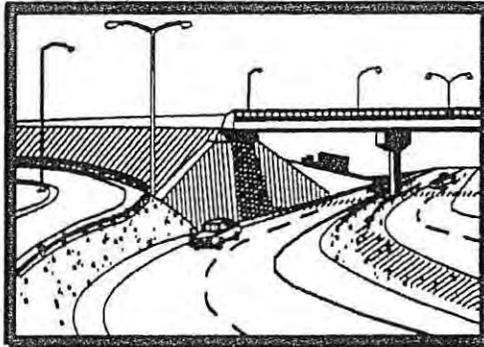
GEOTECHNICAL REPORT

DENALI HIGHWAY 80 MILE WEST

FEDERAL PROJECT NO, RS-0750(7), STATE PROJECT NO. 63388



STATE OF ALASKA
Department of Transportation
and Public Facilities



Prepared By
NORTHERN REGION

ENGINEERING SERVICES
GEOLOGY

APRIL 1992

Im 16-166
OR 16-113

GEOTECHNICAL REPORT
MATERIAL SITES
DENALI HIGHWAY, 80 MILE WEST REHABILITATION
FEDERAL PROJECT NUMBER RS-0750(7)
STATE PROJECT NUMBER 63388
NORTHERN REGION

INTRODUCTION

The Alaska Department of Transportation and Public Facilities (DOT&PF) intends to rehabilitate the roadbed and place subbase on the surface of the Denali Highway between the Susitna River and Cantwell. This report discusses the material sites between the Susitna River and Brushkana Creek. (See the location sketch).

At the request of Joe Keeney, Project Manager, existing geotechnical information on material sites within the project limits was reviewed. It was determined additional information on the existing sites was needed and that some new borrow sites would be required to satisfy current project and long term borrow requirements.

The geotechnical field investigation was conducted from July 19 to August 1, 1988; August 11 to 30, 1989; September 25 to 28, 1990; and August 12 to 15, 1991.

A Central Mine Equipment (CME) 45B drill was used in 1988 and in 1990. The drill was equipped with a 6-inch diameter, solid-stem, continuous-flight auger. A Caterpillar D-5 tractor equipped with a blade and backhoe was used in the 1989 exploration. Seismic data was collected with a Bison Model 1570B signal-enhancement seismograph in 1989. A Brunton compass and 300-foot tape were used in 1991 to locate the holes and test trenches in each site.

The 1988 and 1989 test hole and test trench work was under the direction of Peter J. Ondra, Engineering Geologist. A. Isaacson and J. Manthey, Drillers, operated the drill and the backhoe. Gary Brazo, Engineering Geologist, directed the 1989 seismograph work, the 1990 drilling and the 1991 location work. T. Johnson and J. Nelson helped with the seismic study while Manthey and Nelson operated the drill in 1990 and assisted with the 1991 location work. A total of 125 test holes and trenches were logged for this report. Samples were taken directly from the auger flight, the backhoe bucket or with hand tools and were visually identified in the field by the geologist.

A total of 136 samples were taken and transported to the Northern Region Materials Laboratory for further analysis and testing. All of the laboratory test results, the test hole and test trench logs and the results of the seismic survey are presented in this report.

LOCATION

The beginning of the project (BOP) is located at the west end of the Susitna River Bridge, about Mile 79.5 of the Denali Highway. The end of the project (EOP) is at the Brushkana Creek Bridge at approximately Mile 104.5. The Denali Highway is about 200 miles south of Fairbanks and approximately 250 miles north of Anchorage and enables travellers to drive between the towns of Cantwell on the Parks Highway and Paxson on the Richardson Highway.

MS 52-2-092-2

LOCATION AND ACCESS

This site is located south of and adjacent to the Denali Highway ROW near Mile 99.0. An existing "two track" trail connects the highway and the site. An improved access could be built at some convenient location in the vicinity of Mile 99.0. Small eskers screen much of the site from the immediate view of the highway.

DESCRIPTION

The bulk of this site of approximately 120 acres is comprised of a 75 to 100-foot high hill that is 600 to 1000 feet wide and about a half mile long. The hill is part of the ice contact deposits of the kame and esker terrain resulting from glacial retreat and alluvial outwash deposition in the immediate project vicinity. A small kame and 2 small eskers lie between the larger hill and the highway and should be left undisturbed to aid in screening the site.

The alluvial material present in the larger hill includes layered or bedded sand, gravelly sand, and sandy gravel. Cobbles and boulders to about 18 inches in diameter were noted in the test trenches and on the surface and should be anticipated throughout this site.

The large hill is undeveloped, however, some borrow activity has occurred from the smaller eskers on the south side of the highway.

CLEARING AND STRIPPING

Vegetation on the hill contains clumps to dense stands of 3 to 5-foot high dwarf birch bushes. Alder bushes to 6 feet high grow in small channels and depressions. Ground cover is grass, lichen and blueberry bushes. Spruce trees to 8 inches in diameter are widely scattered over the hill.

Overburden consists of a 6 to 12-inch thick organic mat and 6 to 12 inches of organic silt.

WATER TABLE

A water table was noted 6 to 8 feet beneath surface in test holes from the east to west end of the hill. The water was generally perched 1 to 2 feet above frozen soil. In two cases, water was noted sandwiched between frozen soils, 8 to 9.5 feet and 12 to 16 feet beneath the surface. The occurrence of water above and between frozen layers is not unusual and should be expected elsewhere in the site.

Surficial drainage is generally away from the hill. An existing drainageway bounds the south side of the hill. A closed depression near the east end of the hill contains a small pond.

FROZEN GROUND

Frozen materials were noted 5 to 10 feet beneath the surface in nearly all of

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the test holes and test trenches. As mentioned above, water was present between frozen layers in a few testholes. Most test holes reaching frozen material continued in frozen materials to their full depth.

LAND STATUS

The land this site occupies is administered by the BLM. The DOT&PF has made application for the use of this site.

QUALITY OF MATERIALS

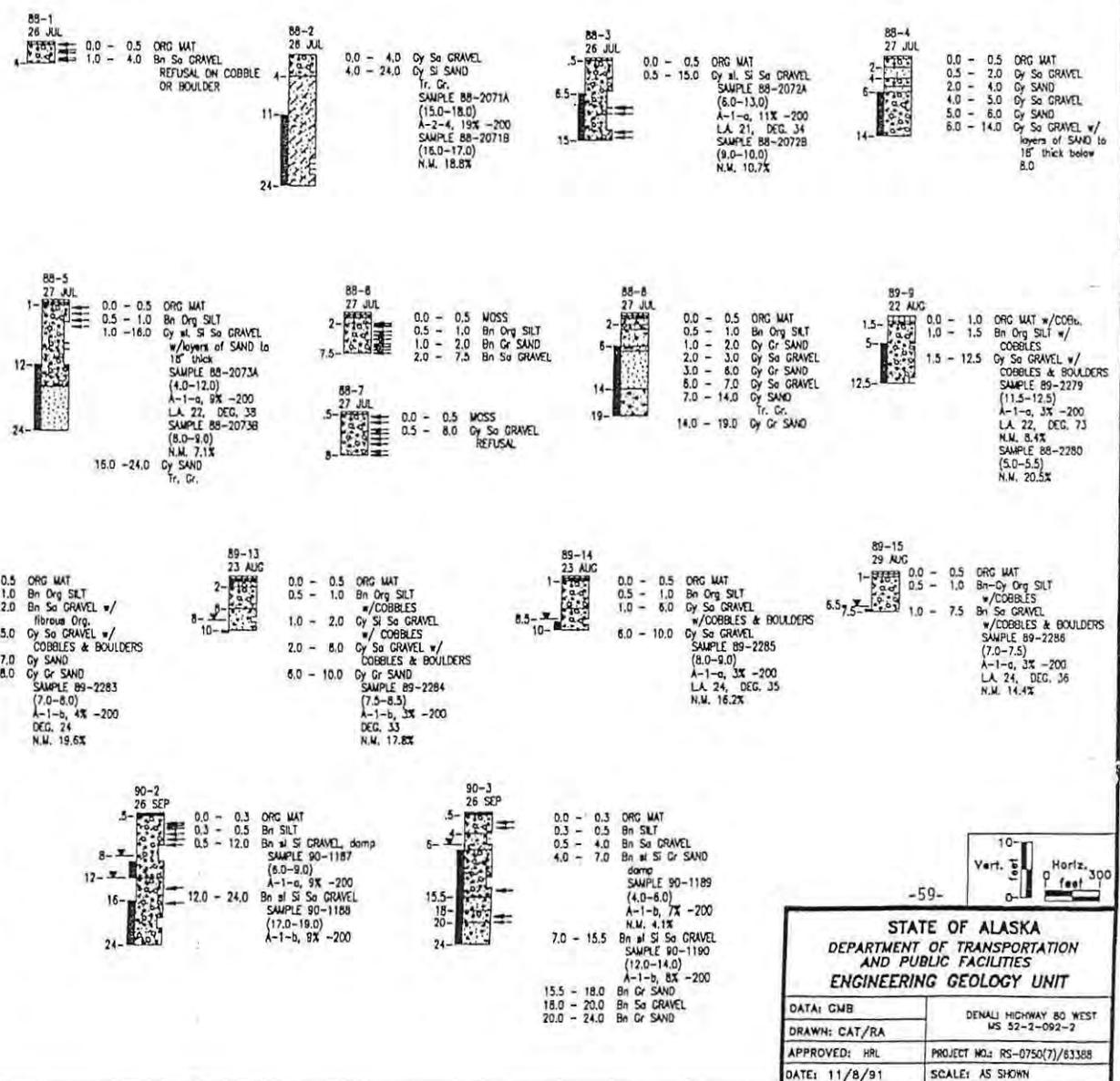
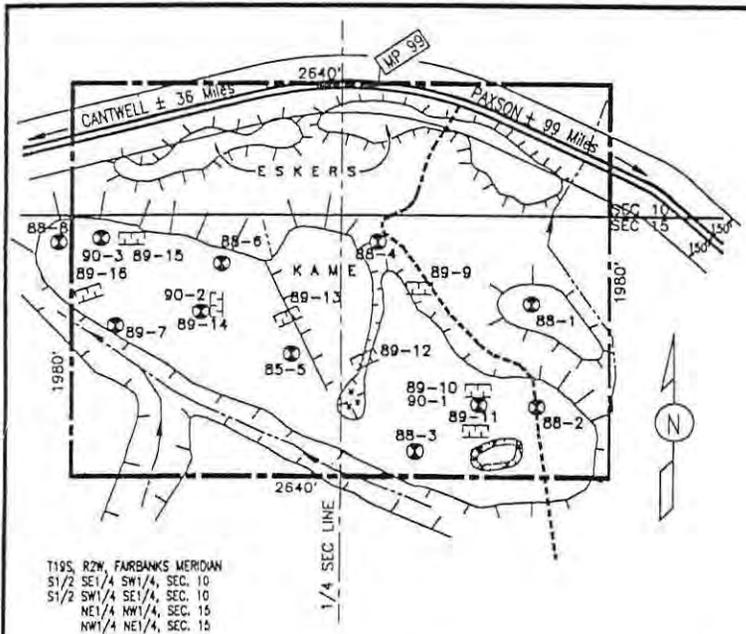
Laboratory test results of materials taken from this site indicate the sand, gravelly sand and sandy gravel generally meet the requirements for Selected Material, Type A, B, and C. With a reduction in the degradation requirement to a minimum of 25, the sandy gravel will meet the requirements for subbase.

MINING PLAN GUIDELINES

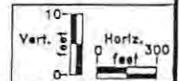
Burn clearing debris and place stripped overburden between the kame and esker. Excavate the interior of the hill leaving a ridge of material surrounding the excavation sufficient to screen the work area. Paralleling the hillside contour will accomplish this. Use 1½:1 backslopes for stability. Do not block the existing drainage on the south side of the hill.

REHABILITATION PLAN GUIDELINES

It is anticipated this large site will be developed in stages, i.e. in parcels, or cells, as project and maintenance requirements demand. After each parcel has been mined to the practical depth limits of available material and backslope requirements, shape and smooth the backslopes to conform to the surrounding terrain. Spread overburden on the excavated slopes. Slope the site floor to drain. Seed if necessary to prevent erosion, otherwise allow to revegetate naturally. Leave suitable access for future use.



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 2610-114
 2610-115



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STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES ENGINEERING GEOLOGY UNIT	
DATA: GMB	DENALI HIGHWAY 80 WEST MS 52-2-092-2
DRAWN: CAT/RA	
APPROVED: HRL	PROJECT NO: RS-0750(7)/83386
DATE: 11/8/91	SCALE: AS SHOWN

Maintenance and Operations, Denali District
Material Site 52-2-092-2

Final Wetlands and Waterbodies
Delineation and
Functional Assessment Report
Denali Highway,
Milepost 99, Alaska

May 2015

Prepared for:
Alaska Department of Transportation and Public Facilities,
Northern Region
2301 Peger Road, MS-2550
Fairbanks, Alaska 99709





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APPENDICES

Appendix A: Wetland Determination Forms and Photographs

Appendix B: Observation Points—Photographs

Appendix C: Wetland and Waterbody Function and Services Assessment Forms

Appendix D: Plant Species List



ACRONYMS AND ABBREVIATIONS

AWC	<i>Anadromous Waters Catalog</i>
CFR	Code of Federal Regulations
DOT&PF	Alaska Department of Transportation and Public Facilities
GIS	Geographic Information System
GPS	Global Positioning System
HDR	HDR, Inc.
HGM	Hydrogeomorphic
MP	Milepost
MS	Material Site
MSB	Matanuska-Susitna Borough
NRCS	Natural Resources Conservation Service
NWI	National Wetlands Inventory
RGL	Regulatory Guidance Letter
SPN	Special Public Notice
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service



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1.0 Introduction and Purpose

The State of Alaska Department of Transportation and Public Facilities (DOT&PF) Maintenance and Operations, Denali District is evaluating development of a new material site (MS) 52-2-092-2 at approximately Milepost (MP) 99 of the Denali Highway. Development of MS 52-2-092-2 would support DOT&PF's upcoming work and routine maintenance activities.

This wetlands and waters delineation and functional assessment report identifies locations within the study area that are potentially subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE) under authority of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899. Information presented here complies with the USACE guidance for jurisdictional determination reports, Special Public Notice (SPN) 2010-45 (USACE 2010).

The proposed MS 52-2-092-2 is located approximately 35 miles east of the community of Cantwell, Alaska and 99 miles west of the community of Paxon, Alaska, within the Matanuska-Susitna Borough (MSB; Figure 1). MS 52-2-092-2 is located in the vicinity of Monahan Creek, within the Headwaters of Nenana River watershed (Hydrologic Unit Code 1904050802). The legal description of the proposed material site is Sections 10 and 15 of Township 19 South and Range 2 West, Fairbanks Meridian.

The field-investigation study area is located within the boundaries of DOT&PF's proposed material site area. The proposed material site area encompasses approximately 119 acres. Additional office-based wetland and waterbody mapping includes the area within 1 mile of the proposed material site to meet MSB Earth Materials Extraction permitting requirements. The MSB permit wetland and waterbody mapping area comprises approximately 3,250 acres.

The study area is characterized by rolling topography with numerous solifluction features. Elevations range roughly from 2,750 feet to 2,900 feet above sea level. The area includes dry swales, ridges, and three creek drainages. Two unnamed perennial streams flow south to north into Monahan Creek. One unnamed intermittent stream flows from south to north and discharges into a pond located adjacent to the study area.

A consideration for siting and selection of a material site is the presence of waters of the U.S., including wetlands. By federal law and associated policy, it is necessary to first avoid project impacts to wetlands wherever practicable, minimize impacts that cannot be avoided, and, in some cases, compensate for unavoidable impacts. Wetlands, waterbodies, and uplands (non-wetlands), as referenced in this report, are defined as follows:

Wetlands: "Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 Code of Federal Regulations [CFR] Part 328.3(b)). Wetlands are a subset of "waters of the U.S." Note that the "wetlands" definition does not include unvegetated areas such as streams and ponds. As defined in the 1987 *Corps of Engineers Wetlands Delineation Manual (Wetlands Delineation Manual)* and in the 2007 *Regional Supplement to the Corps of Engineers Wetland Delineation Manual, Alaska Region (Regional Supplement; USACE 1987, 2007)*, wetlands must possess the following



three characteristics: (1) a vegetation community dominated by plant species that are typically adapted for life in saturated soils, (2) inundation or saturation of the soil during the growing season, and (3) soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions.

Waterbodies: Waterbodies are defined as open water areas that do not support an abundance of vegetation that extends above the water surface. These include rivers, lakes, ponds, and streams.

Uplands: Non-water and non-wetland areas are called uplands.

The USACE Regulatory Branch must also consider impacts to wetland functions and services when evaluating Section 404/10 permit applications. Wetland functions are defined as the chemical, physical, and biological processes or attributes that contribute to the self-maintenance of a wetland and relate to the ecological significance of wetland properties without regard to subjective human values (American Society for Testing and Materials 1999). Services and values are the benefits that human populations receive from functions that occur in ecosystems, such as the use of wetlands for recreation or flood control. Not all wetlands perform all functions, nor do they perform all functions to the same extent. For example, a wetland's geographic location may determine its habitat functions, and the location of a wetland within a watershed may determine hydrologic or water quality functions. The principal factors that determine how a wetland performs these functions are climatic conditions, quantity and quality of water entering and leaving the wetland, and disturbances or alteration within the wetland or the surrounding ecosystem (Novitzki et al. 1997).

2.0 Methods

2.1 Field Work

On August 12 and August 14, 2014, HDR, Inc. (HDR) wetland scientists Irina Lapina and Alena Gerlek conducted an on-site investigation of wetlands and waterbodies within the 119.0-acre study area (Figure 1). Soil conditions, hydrology, and plant communities were studied using methods described in the 1987 *Wetlands Delineation Manual* and 2007 *Regional Supplement* (USACE 1987, 2007). When it was feasible, wetland/upland boundaries were determined by completing paired data plots. This process involved completing standard USACE Wetland Determination Forms (taken from the 2007 *Regional Supplement*) near observable transition zones between wetter and drier areas. A data form was completed in the wet area to verify its wetland status, and then a second plot was completed in the drier area to verify its upland status. The wetland/upland boundary between the two data plots was then identified and marked on field maps. The field work occurred within the USACE's recommended growing season (May 24 to October 3) for the Alaska Range ecoregion in which the study area is located (USACE 2007).

Standard USACE Wetland Determination Forms were completed at seven sites. Wetland Determination Forms and photographs taken at each site are included in Appendix A. Photographs and observational data were collected at 19 additional locations (Observation Points) to document sites that were similar to those for which a Wetland Determination Form had already been completed, or to document the presence (or absence) of a waterbody or stream. Photographs taken at these Observation Points are included in Appendix B. Locations of Wetland Determination Form sites and Observation Points were logged into a



handheld global positioning system (GPS) unit and then loaded to a GIS map. In total, 26 locations were visited during the 2-day site visit. Site locations are shown on Figure 2.

2.2 Wetland Mapping and Classification

Upon returning from the field, scientists analyzed field-collected data and reviewed the following datasets to help delineate and classify wetlands and waterbodies in the study area:

- Color digital ortho-rectified aerial photography with a ground pixel resolution of 1 foot (DigitalGlobe 2010)

Other data sets typically referenced for wetland delineations (e.g., Natural Resource Conservation Service [NRCS] area-specific soil survey mapping, U.S. Fish and Wildlife Service [USFWS] National Wetland Inventory [NWI] mapping) are not currently available for the study area.

GPS locations of field-visited sites were overlain on the aerial photography to identify and classify wetlands and other waters of the U.S. present within the study area. Aerial photography vegetation signatures from these field-visited sites were then extrapolated to similar locations throughout the study area and wetland/upland boundaries were digitized into GIS. Delineating wetlands from aerial photography includes the following methods:

- *Vegetation clues*: Scientists examine aerial photographs for saturation-adapted vegetation communities; indicative canopy structure and height; and presence of hydrophytic plant species.
- *Evidence of soil saturation*: A site's proximity to streams, open water habitat, and marshes can be indicative of shallow subsurface water. Scientists, therefore, look for visible evidence of wetland hydrology, including surface water and darker areas of photos indicating surface saturation.
- *Topography*: Evidence of topographic high points, sloped surfaces that would allow soils to drain, and dry drainages supported classifying those areas as upland. Topographic depressions and flat topography serve as indicators of potentially poor soil drainage.

Wetlands were classified based on a review of field notes, data forms, and site photographs. GIS polygons were attributed with NWI mapping codes based on the USFWS *Classification of Wetlands and Deepwater Habitats of the U.S.* (Cowardin et al. 1979). Streams were mapped as polygons when a stream channel was visible on aerial imagery; otherwise, stream features were mapped as line features. The acreage of line features was calculated based the feature length and the width of the stream channel observed in the field. This area was then subtracted from surrounding uplands and wetlands to prevent double-counting acreage.

In addition to the field-verified delineation of the proposed material site area, office-based wetland and waterbody mapping was prepared for an area within one-mile of the proposed material site to meet MSB Earth Materials Extraction permitting requirements.

2.3 Functional Assessment

An assessment of wetland functions was performed using *The Highway Methodology Workbook Supplement: Wetland Functions and Values* (Highway Methodology) published by the USACE New England District (USACE 1999), which provides a qualitative approach for documenting the physical



characteristics of wetlands and waterbodies and evidence of functions and services performed. This assessment evaluates 14 functions and services, including:

- Groundwater recharge
- Flood flow alteration
- Fish and shellfish habitat
- Sediment and toxicant reduction
- Nutrient removal
- Production export
- Sediment and shoreline stability
- Wildlife habitat
- Recreation
- Education and scientific value
- Uniqueness and heritage
- Visual quality and aesthetics
- Endangered species habitat
- Other

Physical features that may contribute to or prevent certain functions from occurring were also evaluated for the wetlands and waterbodies within the study area. Examples of such indicators include the wetland's proximity to waterbodies, the wetland's vegetation type, the amount of open water present, and the wetland's topographic position and location in the watershed. For each wetland type, scientists considered these indicators and observations across the study area to complete a Wetland Function and Services Assessment Form. Wetland data sheets, site photographs, and GIS data layers were also used to help identify indicators of wetland function and complete the forms. Wetland Function and Services Assessment Forms are included in Appendix C.

Highway Methodology allows wetland evaluators to use best professional judgment to place each wetland assessed into a management category. In accordance with the 2009 USACE Alaska District's *Regulatory Guidance Letter (RGL) No. 09-01* (USACE 2009) and subsequent changes to the wetland categories proposed by USACE (USACE 2014), wetlands and waters within the study area were categorized based on their functional performance, as follows:

Category I – High functioning wetlands: These are wetlands that: (1) provide habitat for threatened or endangered species that has been documented; (2) represent a high quality example of a rare wetland type; (3) are rare within a given region; (4) provide habitat for very sensitive or important wildlife or plants; and/or (5) are undisturbed and contain ecological attributes that are impossible to replace within a human lifetime, if at all. Examples of the latter are mature, very productive forested wetlands unique to an ecoregion that may take a century to develop, and certain bogs and fens with their special plant populations that have taken centuries to develop. The position and function of the wetland in the landscape plays an integral role in overall watershed health.

Category II – Moderate functioning wetlands: [These wetlands] can be important for a variety of wildlife species and can be critical for the watershed depending on where they are located. In contrast to Category I wetlands, Category II wetlands do not provide critical habitat for any threatened or endangered species or species of concern. Generally these wetland are pristine, not fragmented; common but more productive and sustain higher biodiversity compared to Category III wetlands.

Category III – Low functioning wetlands: These wetlands are usually plentiful in the watershed often with the least biodiversity. Category III wetlands are not rare or unique and overall productivity and species diversity in Category III wetlands are relatively low. These wetlands may be impacted by man (or by fire or other natural events) and are not considered to be "pristine" examples and as a result in some cases require less than 1:1 [compensation].



3.0 Summary of Wetland Indicators

The vegetation, hydrology, and soil conditions described below are based on the field investigation conducted by HDR on August 12 and August 14, 2014. Wetland conditions were recorded at four of the seven Wetland Determination Form sites visited. The remaining three sites had hydrophytic vegetation and/or wetland hydrology conditions, but did not meet all three criteria to be considered a wetland. These three sites were classified as upland. Table 1 summarizes the data collected at Wetland Determination Form sites. Completed Wetland Determination Forms and site photographs are included in Appendix A.

Table 1. Summary of Wetland Determination Form Sites

Plot Number	Latitude	Longitude	NWI Code ^a	HGM Class ^b	Hydrophytic Vegetation	Hydric Soils	Wetland Hydrology
020	63.276075	-147.919943	PSS1/EM1C	Depressional	Y	Y	Y
021	63.276094	-147.919631	U	N/A	Y	N	Y
023	63.276902	-147.921599	PSS1F	Slope	Y	Y	Y
043	63.276705	-147.906783	PSS1C	Riverine	Y	Y	Y
045	63.276643	-147.907669	PFO4/SS1C	Riverine	Y	Y	Y
047	63.276900	-147.909287	U	N/A	Y	N	N
048	63.275275	-147.907111	U	N/A	Y	N	N

^a Cowardin subclasses documented in the study area. P: palustrine; FO4: needle-leaved evergreen forested; SS1: broad-leaved deciduous scrub-shrub; EM1: persistent emergent; U: upland. Water regimes C: seasonally flooded; F: semi-permanently flooded. (Cowardin et al. 1979). Y: yes; N: no.

^b Brinson 1993

In addition to the seven Wetland Determination Form sites visited, 19 Observation Points were also documented. Observation data were collected at these points to document the wetland or upland status of an area that exhibited characteristics similar to those of areas where a data form had already been completed, or to document the presence (or absence) of a waterbody or stream feature. A summary of the data collected at Observation Points, including the NWI code and hydrogeomorphic (HGM) class, is summarized in Table 2. Observation Point photographs are included in Appendix B.

Table 2. Summary of Observation Point Data

Site Number	Latitude	Longitude	NWI Code ^a	HGM Class ^b
022	63.275839	-147.921357	U	N/A
024	63.276573	-147.921082	U	N/A
025	63.277335	-147.914723	U	N/A
026	63.276538	-147.914607	U	N/A
044	63.276779	-147.907330	R3UBH	N/A
046	63.276770	-147.908317	PSS1B	Slope
049	63.274743	-147.907269	PSS1C	Slope
050	63.274587	-147.907578	U	N/A
051	63.274544	-147.908186	R4SBC	N/A
052	63.273282	-147.908329	U	N/A
053	63.272117	-147.909740	PSS1/EM1C	Depressional



Table 2. Summary of Observation Point Data

Site Number	Latitude	Longitude	NWI Code ^a	HGM Class ^b
054	63.272194	-147.912779	U	N/A
055	63.273347	-147.911974	U	N/A
056	63.274329	-147.915933	U	N/A
057	63.273199	-147.917684	U	N/A
058	63.273013	-147.920976	R3UBH	N/A
059	63.273059	-147.920713	U	N/A
060	63.274738	-147.921175	U	N/A
061	63.274911	-147.917954	U	N/A

^a Cowardin subclasses documented in the study area. SS1: broad-leaved deciduous scrub-shrub; EM1: persistent emergent; R3UB: upper perennial with unconsolidated bottom; R4SB intermittent riverine streambed; U: upland. Water regimes B: saturated; C: seasonally flooded; H: permanently flooded. (Cowardin et al. 1979). Y: yes; N: no.

^b Brinson 1993

3.1 Vegetation

Vegetation communities in the study area vary based on slope, aspect, and proximity to waterbodies. Vegetation within the study area is predominantly low shrub and dwarf shrub communities, with some woodlands and tall shrubs within the riparian corridors, and grass-dominated meadows in low-lying features and depressions. The Denali Highway crosses the study area from east to west roughly parallel to the northern boundary. Numerous gravel pullouts along the highway are regularly used and lack significant vegetation. The highway and pullouts constitute approximately 5 percent of the study area. Table 3 lists dominant plant species observed at the seven locations where Wetland Determination Forms were completed. A list of all plant species observed during the field visit and the total percent cover at each site is included in Appendix D.

Table 3. Summary of Dominant Plants at Data Collection Locations

Species	Common Name	Indicator Status ^a	Species	Common Name	Indicator Status ^a
<i>Betula glandulosa</i>	Resin Birch	FAC	<i>Equisetum arvense</i>	Field Horsetail	FAC
<i>Calamagrostis canadensis</i>	Bluejoint Reedgrass	FAC	<i>Picea glauca</i>	White Spruce	FACU
<i>Carex aquatilis</i>	Leafy Tussock Sedge	OBL	<i>Rubus chamaemorus</i>	Cloudberry	FACW
<i>Carex bigelowii</i>	Bigelow Sedge	FAC	<i>Salix alaxensis</i>	Felt-Leaf Willow	FAC
<i>Carex canescens</i>	Hoary Sedge	FAC ^b	<i>Salix barclayi</i>	Barclay's Willow	FAC
<i>Carex saxatilis</i>	Russet Sedge	FACW	<i>Salix pulchra</i>	Diamond-Leaf Willow	FACW
<i>Carex viridula</i>	Little Green Sedge	OBL	<i>Vaccinium uliginosum</i>	Alpine Blueberry	FAC
<i>Dasiphora fruticosa</i>	Shrubby Cinquefoil	FAC			

^a Wetland Indicator Status (Lichvar 2013): FAC: Facultative: species equally likely to occur in wetlands and non-wetlands; FACU: Facultative Upland: species usually occurs in non-wetlands; FACW: Facultative Wetland: species usually occurs in wetlands; OBL: Species almost always occurs under natural conditions in wetlands.

^b Subregional indicator status for Interior Alaska Mountains Subregion.

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Low shrub communities are the predominant vegetation type in the study area. These communities commonly occur on moderately to steeply sloped shoulders, terraces, and hillsides, and in shallow swales that characterize a large portion of the study area. The low shrub communities were closed and open low shrub birch scrub (Insets 1 and 2, respectively), closed and open low willow scrub (Inset 3 and 4, respectively), and closed and open mixed low shrub birch-willow scrub (Inset 5 and 6, respectively). These communities were documented at five of the seven Wetland Determination Form sites and at 11 Observation Points. At all sites where Wetland Determination Forms were completed, low shrub-scrub communities were determined to have hydrophytic vegetation. Dominant shrub species were resin birch (*Betula glandulosa*), diamond-leaf willow (*Salix pulchra*), felt-leaf willow (*S. alaxensis*), and Barclay's willow (*S. barclayi*). Other low shrub species observed included shrubby cinquefoil (*Dasiphora fruticosa*), marsh Labrador-tea (*Rhododendron tomentosum*), and alpine blueberry (*Vaccinium uliginosum*).

White spruce woodland was documented at two sites, both located within stream drainage (Sites 045 and 048, Inset 7). The woodland understory was formed by tall shrubs, such as felt-leaf willow, diamond-leaf willow, and Barclay's willow. There was a prominent herbaceous layer of field horsetail (*Equisetum arvense*) with bluejoint reedgrass (*Calamagrostis canadensis*), and leafy tussock sedge (*Carex aquatilis*). Both white spruce woodland communities sampled were found to have hydrophytic vegetation.

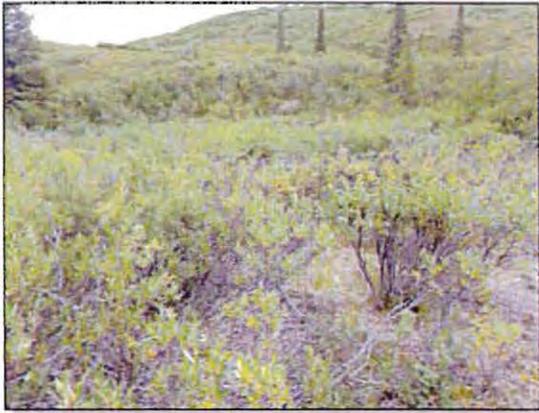
In areas within stream drainage, the percentage of white spruce cover declines and tall willows become dominant forming a closed tall willow shrub layer. Closed tall willow communities were documented at two Observation Point sites (Site 049 and 051, Inset 8). The shrub and herbaceous strata in this vegetation community were formed by the same plant species as in white spruce woodland. White spruce trees were still present, but at a percent cover of less than 10 percent.



Inset 1: Typical closed low shrub birch scrub (Site 047).



Inset 2: Typical open low shrub birch scrub (Site 057).



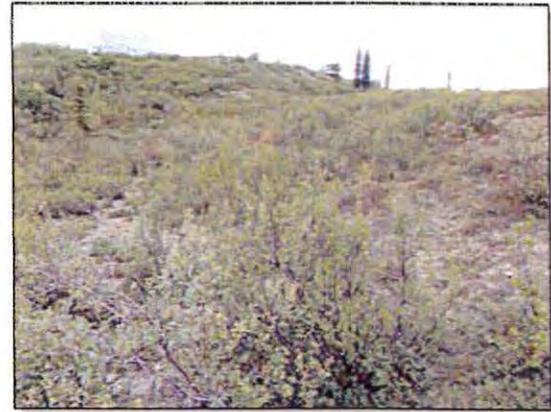
Inset 3: Typical closed low willow scrub (Site 021).



Inset 4: Open low willow scrub around the pond (Site 053).



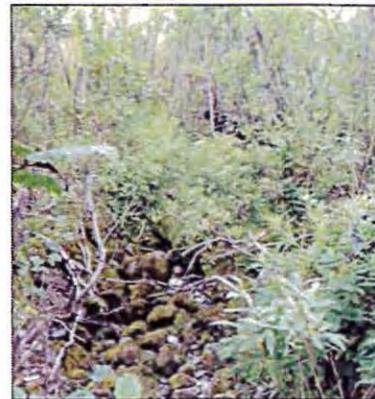
Inset 5: Typical closed low shrub birch-willow scrub (Site 052).



Inset 6: Typical open low shrub birch-willow scrub (Site 025).



Inset 7: Wet white spruce woodland (Site 045).



Inset 8: Closed tall willow shrub community along a dry stream channel (Site 051).

An ericaceous dwarf scrub community was documented at two Observation Points (Sites 046 and 056, Inset 9). This dwarf scrub vegetation was observed throughout the study area on slopes and windswept ridges with well-drained mineral soils. It was dominated by alpine blueberry, black crowberry (*Empetrum nigrum*), and black torpedoberry (*Arctous alpinus*). Prostrate net-vein willow (*S. reticulata*) was also

common. It was determined that both sites where an ericaceous dwarf scrub community was documented were uplands.

Two dry fescue meadows were documented at Observation Points (Sites 026 and 054, Inset 10), with rough fescue (*Festuca altaica*), Rocky Mountain goldenrod (*Solidago multiradiata*), and tall Jacob's-ladder (*Polemonium acutiflorum*) as the dominant plant species. It was determined that both fescue meadows were uplands.



Inset 9: Typical ericaceous dwarf scrub (Site 056).



Inset 10: Typical dry graminoid meadow (Site 026).

3.2 Soils

According to the Alaska State soil survey, the majority of the study area is located in the zone of the Interior Alaska Mountains-Boreal Glaciated Plains and Hills Soils, and the southwest corner, which constitutes less than 3 percent of the study area, is located within the Interior Alaska Mountains-Boreal Alpine-Rounded Mountains Soils (NRCS 2014). No NRCS area-specific soil mapping exists for the study area.

Site-specific soil characteristics were documented at each of the seven Wetland Determination Form locations and at eight of the Observation Points. Within the study area, hydric soils were found at four of the seven Wetland Determination Form locations. Hydric soil indicators observed at each site are shown in Table 4. Appendix A includes specific characteristics of the sampled soils, including color and texture, and photographs showing soil conditions for each site.

Table 4. Hydric Soil Indicators at Data Collection Locations

Site	Histosol or Histel	Hydrogen Sulfide	Alaska Redox with 2.5Y Hue	Hydric Soil Present? (Y/N)
020		X		Y
021				N
023		X		Y
043			X	Y
045	X	X		Y
047				N
048				N
TOTAL	1	3	1	4

A histosol was observed at one location within the white spruce woodland in a stream drainage complex (Site 045). The site was characterized by 16 inches of organic material, which was saturated at the ground surface (Inset 11). This site had surface water in microlows between hummocks, and in channelized features through the plot. Hydrogen sulfide odor within was detected at the soil surface.

At two other sites, hydrogen sulfide odor within 12 inches of the soil surface was also detected (Sites 020 and 023). Both sites were located in the northwest corner of the study area adjacent to the Denali Highway. Hydrogen sulfide was noted at 6 inches below the soil surface at Site 02 (Inset 12), and at 1 inch below the soil surface at Site 023. Soils with a hydrogen sulfide odor recorded were determined to be hydric.



Inset 11: Soil profile meeting the histosol and hydrogen sulfide odor hydric soil indicators (Site 045).



Inset 12: Soil profile meeting the hydrogen sulfide odor hydric soil indicator (Site 020).

One site had Alaska Redox with 2.5Y Hue indicator for problem soils (Site 043, Inset 13). This site had a mineral layer with a dominant hue of 2.5Y with a chroma of 2 based on colors from the *Munsell Soil-Color Chart* (Munsell Color 2009), with 15 percent of prominent redox concentrations occurring in matrix and pore linings. This layer starts at 7 inches from the soil surface. The site had hydrophytic vegetation and evidence of primary indicators of wetland hydrology, which meet the requirements for a problematic hydric soil situation. Therefore, soils at this site were determined to be hydric. All hydric soils were characterized as very poorly drained, except for one that was characterized as poorly drained.



Inset 13: Soil profile meeting the Alaska Redox with 2.5Y Hue problematic hydric soil indicator (Site 043).



Inset 14: Typical non-hydric soil profile (Site 048).

In addition to the hydric soils described above, non-hydric soils were found in the study area (Inset 14). Non-hydric soils were documented at three of the seven sites where Wetland Determination Forms were completed. Two sites with non-hydric soils had a relatively thin horizon of organic material (up to 4 inches) underlain by sand or sandy loam mineral soil with cobbles. The mineral horizons were mostly 10YR in hue, based on colors from the *Munsell Soil-Color Chart* (Munsell Color 2009). One site (Site 021) was observed to have 8 inches of organic material that was not saturated at the time of the field visit. This site did not meet the criteria to satisfy wetland problematic situations and the site was determined to be upland. Non-hydric soils were characterized as moderately well to well drained.

3.3 Hydrology

In order to determine the degree to which any recent climatic events (e.g., abnormal wet or dry conditions) may have influenced field hydrology, recent precipitation data can be compared with normal totals according to the NRCS *Engineering Field Handbook* method (NRCS 1997). This method requires recent and historical climate data. These data were not available at any weather station in close enough proximity to the study area to have precipitation trends that would be assumed to be similar.

Wetland hydrology (at least one primary indicator or two secondary indicators) was documented at five of the seven sites where Wetland Determination Forms were completed. The remaining two sites (Sites 047 and 048) had evidence of only one secondary wetland hydrology indicator, and therefore did not meet the wetland hydrology standard. Hydrology indicators observed at each site are shown in Table 5.

Table 5. Hydrology Indicators at Data Collection Locations

Site	Primary Indicators						Secondary Indicators					Wetland Hydrology Present? (Y/N)
	Surface Water	High Water Table	Saturation	Inundation Visible on Aerial Imagery	Iron Deposits	Hydrogen Sulfide Odor	Drainage patterns	Presence of Reduced Iron	Geomorphic Position	Microtopographic Relief	FAC-Neutral Test	
020	X	X	X	X		X		X	X	X	X	Y
021							X		X		X	Y
023	X	X	X		X	X				X	X	Y
043	X	X	X						X	X		Y
045	X	X	X			X			X	X		Y
047									X			N
048									X			N
TOTAL	4	4	4	1	1	3	1	1	6	4	4	6

The most common primary wetland hydrology indicators observed were surface water (Inset 15), high water table (within 12 inches of the soil surface; Inset 16), and saturation. Hydrogen sulfide odor, inundation visible on aerial imagery, and iron deposits were also recorded.

The most common secondary indicators observed were geomorphic position, microtopographic relief, and the FAC-neutral test. Geomorphic positions conducive to the collection and retention of water within the study area were depressions, toeslopes, and floodplains (Inset 17). The presence of hummocks (Inset 18) and drainage patterns at several sites indicated that surface water had been present for some period of time. Reduced iron in soils, as indicated by a positive alpha, alpha-dipyridyl color change, was found at one site (Site 020). One sites (Site 021) had no primary hydrology indicators, but at least two secondary indicators were recorded. A single secondary hydrology indicator was recorded at Sites 047 and 048, which is insufficient for meeting the criteria for wetland hydrology.



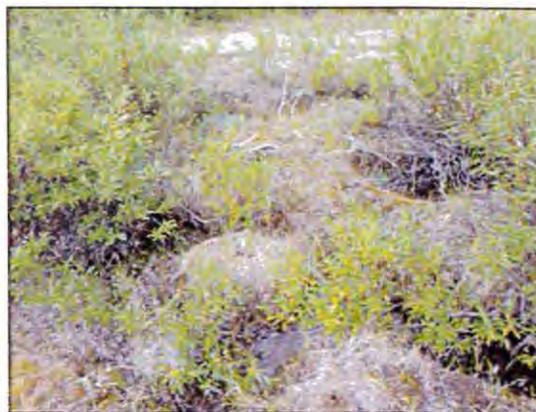
Inset 15: Surface water (Site 023).



Inset 16: High water table observed in a soil pit (Site 046).



**Inset 17: Geomorphic position (depression)
(Site 021).**



**Inset 18: Microtopographic relief (hummocks)
(Site 020).**

Not every Wetland Determination Form site where wetland hydrology was observed was determined to be a wetland. Only four of the five sites that were found to exhibit wetland hydrology were also determined to have hydric soils and hydrophytic vegetation, and thus be classified as wetland.

Specific information about the different indicators (e.g., depth to saturation within the soil pit) can be found on the data forms included in Appendix A. These indicators are further described in the 2007 *Regional Supplement* (USACE 2007).

3.4 Wetland and Waterbody Classes Observed

Wetlands were identified where wetland scientists observed indicators of hydrophytic vegetation, wetland hydrology, and hydric soils. If any of these three requirements were not met under normal conditions, the site did not meet the USACE criteria for being classified as a wetland, and therefore would not be subject to Section 404 regulations. Wetland/upland determinations were made at seven sites where Wetland Determination Forms were completed and at an additional 16 sites where Observation Points were documented. Three waterbody Observation Points were also completed.

Evergreen Forested/Deciduous Scrub-Shrub Wetland

A needle-leaved evergreen forested/deciduous scrub-shrub wetland was documented at one Wetland Determination Form site (Site 045). This white spruce woodland wetland is located in the northeastern corner of the study area within the floodplain of the unnamed stream. This wetland type was characterized by 20 percent white spruce trees and saplings and an understory of tall willows and low ericaceous shrubs. Soil at this site contained 16 inches of organic material that was saturated to the top of the soil surface. This site had strong indicators of wetland hydrology, including surface water in microlows and side channels, high water table (5 inches of the soil surface), hydrogen sulfide odor at the soil surface, geomorphic position, and microtopographic relief. This site appeared to receive overbank flooding from the adjacent perennial stream.

Deciduous Scrub-Shrub Wetlands

Scrub-scrub wetland were documented at two of the seven sites where Wetland Determination Forms were completed (Sites 023 and 043), and at two of the 19 Observation Points (Sites 046 and 049). These

wetlands were dominated by resin birch with diamond-leaf willow, felt-leaf willow, and Barclay's willow. Bluejoint reedgrass, leafy tussock sedge, and purple marshlocks (*Comarum palustre*) were the dominant herbaceous species. Three sites were located at the toeslopes of a bench and had surface water in the microlows. Site 043 was located within the floodplain channel in the northeast corner of the study area. Water regimes at these deciduous scrub-shrub wetlands varied from saturated to semipermanently flooded.

Scrub-Shrub/Emergent Wetlands

A mixed deciduous scrub-shrub/emergent wetland was documented at one of the seven sites where a Wetland Determination Form was completed (Site 020) and at one Observation Point (Site 053). Both sites were located within small isolated depressions. These wetlands contained a significant percentage of both shrub and herbaceous species. Shrubs were predominantly diamond-leaf willow and herbaceous species were hoary sedge and russet sedge. Hydrogen sulfide was detected within the upper 12 inches of the soil profile and the presence of reduced iron was indicated by a positive alpha, alpha-dipyridyl color change at both sites. Site 020 was located in northwest portion of the study area, immediately south of the highway. The site was hummocky and was inundated at the lowest point due to very recent flooding. One Observation Point (Site 053) was located within a vegetated margin of pond in the southeast portion of the study area. This site appeared to be semipermanently flooded.

Streams

Two perennial streams and one intermittent stream drainage were documented at three Observation Points. An active channel of the unnamed stream that flows from south to north in the southwest corner of the study area was documented at one Observation Point (Site 058). This unnamed stream was approximately 10 feet wide and up to 2 feet deep, with gravel and cobble substrate and occasional boulders (Inset 19). The banks of this stream were clearly defined, approximately 2 to 5 feet above the water level. The drainage corridor was vegetated with felt-leaf willow, resin birch, and alpine blueberry. No fish were observed at time of the field visit.

An unnamed intermittent stream that flows from south to north along the easternmost boundary of the study area was documented at one Observation Point (Site 051). This dry stream bed was up to 5 feet wide and was located at the bottom of a deep (up to 10 feet) gulch with steep sides. The dry streambed was made of large cobbles. Evidence of past inundation, such as watermarks on the bark of woody stems and vegetation litter deposits were observed. The stream banks are upland, with tall shrubs dominated by felt-leaf willow (Inset 8). Multiple signs of ground water discharge were observed at the lower reaches of the stream around the Site 049. Irregular channelized features discharge into a pond located just outside the study area.

Although the pond is located outside the study area, the perennial outlet originates from the pond entering the study area and flows roughly to north through mixed forested/scrub-shrub wetland in the northeast corner of the study area. Site 044 documents the unnamed perennial stream originating from the pond. This stream had well-defined streambed and stream banks, with very mucky substrate underlain with cobbles (Inset 20). The stream channel had notably irregular width and depth, which varied from several inches to 2 feet in places. Numerous pools of different size and side channels with fast-moving water were documented within the stream drainage. Floating mats of vegetation was observed at this site.



Inset 19: Unnamed perennial stream (Site 058).



Inset 20: Unnamed perennial stream (Site 044).

Lakes and Ponds

Small portions of two perennial ponds are located within the study area (Figure 2). The edges of the ponds within the study area constitute approximately 0.06 acre of open water.

Uplands

Uplands account for the majority of the study area. Uplands were documented at three sites where Wetland Determination Forms were completed and at 13 Observation Points.

4.0 Wetland Mapping Results

Wetlands were identified where HDR scientists observed indicators of hydrophytic vegetation, wetland hydrology, and hydric soils. Areas that appear on aerial photographs to be similar to wetlands identified in the field were also identified as wetlands.

Approximately 6.0 acres of wetlands were identified within the 119.0-acre study area. Wetland types are needle-leaved evergreen forest and deciduous broad-leaved scrub-shrub, broad-leaved deciduous scrub-shrub, and needle-leave deciduous scrub-shrub and persistent emergent. An additional 0.4 acre (<0.5 percent) of the study area was identified as waterbodies. The waterbody types included upper perennial and intermittent riverine systems and ponds, although it should be noted that ponds are located largely outside the study area. The remaining 112.7 acres (approximately 95 percent) of the study area were identified as upland. Wetland and waterbody classes found within the study area and acreages of each NWI classification are provided in Table 6.

Figure 2 displays wetland, upland, and waterbody boundaries, the boundaries between different wetland and waterbody types identified in the study area. Locations of the Wetland Determination Form sites and Observation Points are also shown.

Additional office-based wetland and waterbody mapping completed within the MSB Earth Materials Extraction permitting area is shown on Figure 3.



Table 6. Mapping Summary

Map Code	Description	Representative Data Form Sites	Representative Observation Points	Acres
Forested				
PFO4/SS1C	Seasonally flooded needle-leaved evergreen forest – broad-leaved deciduous scrub-shrub wetland	045	-	2.81
Scrub-Shrub Wetlands				
PSS1B	Saturated broad-leaved deciduous scrub-shrub wetland	-	046	0.23
PSS1C	Seasonally flooded broad-leaved deciduous scrub-shrub wetland	043	049	0.83
PSS1F	Semipermanently flooded broad-leaved deciduous scrub-shrub wetland	023	-	1.90
Scrub-Shrub/Emergent Wetlands				
PSS1/EM1C	Seasonally flooded broad-leaved deciduous scrub-shrub and persistent emergent wetland	020	053	0.20
Total Wetland Area ^a				5.95
Waterbodies				
R3UBH	Permanently flooded upper perennial stream with an unconsolidated bottom	-	044, 058	0.17
R4SBC	Seasonally flooded intermittent stream bed	-	051	0.17
PUBH	Permanently flooded pond with an unconsolidated bottom	-	-	0.03
PABH	Permanently flooded pond with aquatic bed	-	053	0.03
Total Other Waters of the U.S. ^a				0.41
U	Upland	047, 048	021, 022, 024, 025, 026, 050, 052, 054, 055, 056, 057, 059, 060, 061	112.67
Total Mapped Area ^a				119.03

^a Total acreage present may not reflect the sum of the individual cells due to rounding

5.0 Summary of Wetland Functions Observed

A total of 6.36 acres of wetlands and waterbodies were evaluated for their contributions to the local ecosystem. Vegetation type, knowledge of hydrological inputs and outputs, HGM class, wildlife information, and topographic settings were used to complete the Wetland Function and Services Assessment Forms and assess functions for each wetland type. The following sections describe the functions and services identified at each site. Completed data forms, including explanation for the ranking of functions and services at specific sites, are included in Appendix C.

5.1 Evergreen Forested and Deciduous Scrub-Shrub Wetland

Approximately 2.8 acres of needle-leaved evergreen forest –broad-leaved deciduous scrub-shrub wetlands occur within the study area. The assessment of functions and services present in the needle-leaved

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evergreen forest - deciduous scrub-shrub wetland was documented at Site 045. This wetland complex was documented as having a Riverine HGM class. The position of this wetland along the creek provides the opportunity for the wetland to perform functions at a high or moderate level. Functions provided include flood flow alteration, sediment/toxicant reduction, sediment/shoreline stability, wildlife habitat, and visual quality/aesthetics. Overall, this wetland is not considered to be exceptional based on the relatively common occurrence of this wetland type in the region. This wetland was determined to be moderate functioning. A summary of functions observed at evergreen forested and scrub-shrub wetland is shown in Table 7.

Table 7. Wetland Functions for Evergreen Forested and Scrub-Shrub Wetland

Site	045
NWI Code	PFO4/SS1C
HGM Class	Riverine
Function or Service	Degree Function or Service Notably Present
Groundwater Recharge	-
Flood flow Alteration	High
Fish and Shellfish Habitat	-
Sediment and Toxicant Reduction	High
Nutrient Removal	-
Production Export	-
Sediment/Shoreline Stability	High
Wildlife Habitat	Moderate
Recreation	-
Education and Scientific Value	-
Uniqueness and Heritage	-
Visual Quality and Aesthetics	Moderate
Endangered Species Habitat	-
Wetland Functional Category	Category II

5.2 Deciduous Scrub-Shrub and Deciduous Scrub-Shrub/Persistent Emergent Wetlands

Approximately 3.1 acres of deciduous scrub-shrub and deciduous scrub-shrub/persistent emergent wetlands occur within the study area. The assessment of functions and services present in the deciduous scrub-shrub wetlands was completed at two Wetland Determination Form sites (Sites 023 and 043).

The scrub-shrub wetland at Site 023 was located at a toeslope within the upper portion of an extensive scrub-shrub wetland complex that expands into a large area north outside the study area. This wetland was determined to have a Slope HGM class. It was found to serve multiple functions at a high or moderate level. These include groundwater flood flow alteration, sediment/toxicant reduction, recreational opportunities, and visual quality/aesthetics. The wetland was also found to provide nutrient



removal, although at a low level. The scrub-shrub wetland documented at Site 043 is part of riverine wetland complex. This wetland serves several functions at a high level, including flood flow alteration, sediment and toxicant reduction, and wildlife habitat. It also serves functions of recreational opportunities and aesthetic value at low and moderate degrees, respectively. Overall, the wetlands documented at Sites 023 and 043 were found to be moderate functioning, as they are not considered exceptional based on the relatively common occurrence of this wetland type in the region.

A Wetland Function and Services Assessment Form was completed at Site 020, a deciduous scrub-shrub—persistent emergent wetland. Due to its proximity to the road fill and gravel pullouts, as well as its location in isolated depression, the site performed the functions of ground water recharge at a moderate level and wildlife habitat at low level.

A summary of functions observed at the scrub-shrub wetland and scrub-shrub/persistent emergent wetland sites is shown in Table 8.

Table 8. Wetland Functions for Deciduous Scrub-Shrub Wetlands

Site(s)	020	023	043
NWI Code	PSS1/EM1C	PSS1F	PSS1C
HGM Class	Depressional	Slope	Riverine
Function or Service	Degree Function or Service Notably Present		
Groundwater Recharge	Moderate	-	
Flood flow Alteration	-	Moderate	High
Fish and Shellfish Habitat	-	-	-
Sediment and Toxicant Reduction	-	Moderate	High
Nutrient Removal	-	Low	-
Production Export	-	-	-
Sediment/Shoreline Stability	-	-	-
Wildlife Habitat	Low	-	High
Recreation	-	Moderate	Low
Education and Scientific Value	-	-	-
Uniqueness and Heritage	-	-	-
Visual Quality and Aesthetics	-	Moderate	Moderate
Endangered Species Habitat	-	-	-
Wetland Functional Category	Category III	Category II	Category II

Although a Wetland Function and Services Assessment Form was not completed at each scrub-shrub wetland within the study area, these wetlands are expected to serve similar functions at the same degree as those evaluated at Sites 023 and 043. Other scrub-shrub wetlands in the study area were determined to be moderately functioning.

In total, 3.0 acres of deciduous scrub-shrub and deciduous scrub-shrub/persistent emergent wetlands found within the study area were categorized as Category II. An additional 0.1 acre of deciduous scrub-shrub/persistent emergent wetlands was categorized as Category III.

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5.3 Waterbodies

Monahan Creek is the only named perennial stream in the vicinity. It is not listed as a stream providing habitat for anadromous fish by the State of Alaska's *Anadromous Waters Catalog* (ADF&G 2014a), but is documented to support species of resident fish, including Arctic grayling and slimy sculpin (ADF&G 2014a, 2014b).

Two unnamed perennial streams in the study area were categorized as Category II because these sites likely serve several functions at a high level, including fish and shellfish habitat, flood flow alteration, production export, and wildlife habitat. The intermittent stream within the study area was categorized as Category III because it does not provide fish habitat, and likely performs flood flow alteration and wildlife habitat functions at a moderate or low degree.

Two perennial ponds are located in the project vicinity. Only small portions of these ponds are situated within the study area. These ponds do not provide anadromous fish habitat, but are likely to support resident fish species. Both ponds are assumed to serve several functions at a moderate to high level, and thus both ponds were categorized as Category II. Functions include fish and shellfish habitat, groundwater recharge, flood flow alteration, wildlife habitat, and visual quality. The pond located to the east of the study area is part of a wetland complex that extends upstream and downstream. An intermittent stream flows into this pond and a perennial stream flows from the pond to the north.

Streams and small portions of the ponds within the study area were evaluated for their contributions to the local ecosystem and were categorized Category II and III based on their functional performance. Figure 4 displays streams and ponds mapped within the study area by functional category. Perennial streams make up approximately 0.17 acre, and an intermittent stream makes up 0.17 acre within the study area.

6.0 Functional Assessment Mapping Results

A total of 6.36 acres of wetlands and waterbodies were evaluated for their contributions to the local ecosystem. Data from Wetland Determination Forms, Observation Points, and Function and Services Assessment Forms were evaluated accounting for vegetation type, hydrological inputs and outputs, wildlife information, and topographic settings. Wetlands and waterbodies within the study area were categorized as Category II or III based on their functional performance (USACE 2009). The evergreen forest and deciduous scrub-shrub wetland, deciduous scrub-shrub wetlands, one deciduous scrub-shrub/persistent emergent wetland, two perennial streams, and two perennial ponds were classified as Category II. One isolated deciduous scrub-shrub/persistent emergent wetland and one intermittent stream were classified as Category III. Figure 4 displays wetlands and waterbodies mapped within the study area by functional category. The total acreage of wetland and waterbodies within each functional category within the study area is provided in Table 9.

Category II wetlands within the study area were evergreen forested and deciduous scrub-shrub, deciduous scrub-shrub, and deciduous scrub-shrub/persistent emergent wetlands located within larger wetland complexes that have a hydrological connection to or are in close proximity to streams. These sites performed several functions at a high or moderate level, but are relatively common within the region.



Functional Category	Total Acreage
Category II	6.08
Category III	0.28

Two areas were categorized as Category III wetlands and waterbodies; an isolated deciduous scrub-shrub/persistent emergent wetland and an intermittent stream. This wetland and stream serve multiple functions, but at lower levels than the Category II wetlands and waterbodies.

7.0 References

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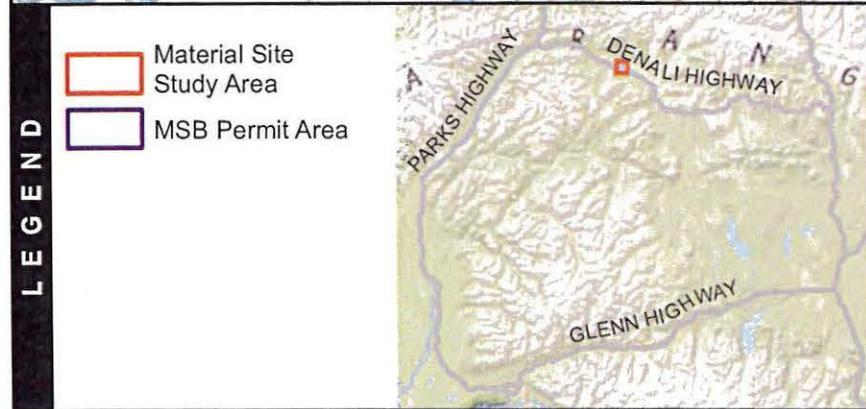
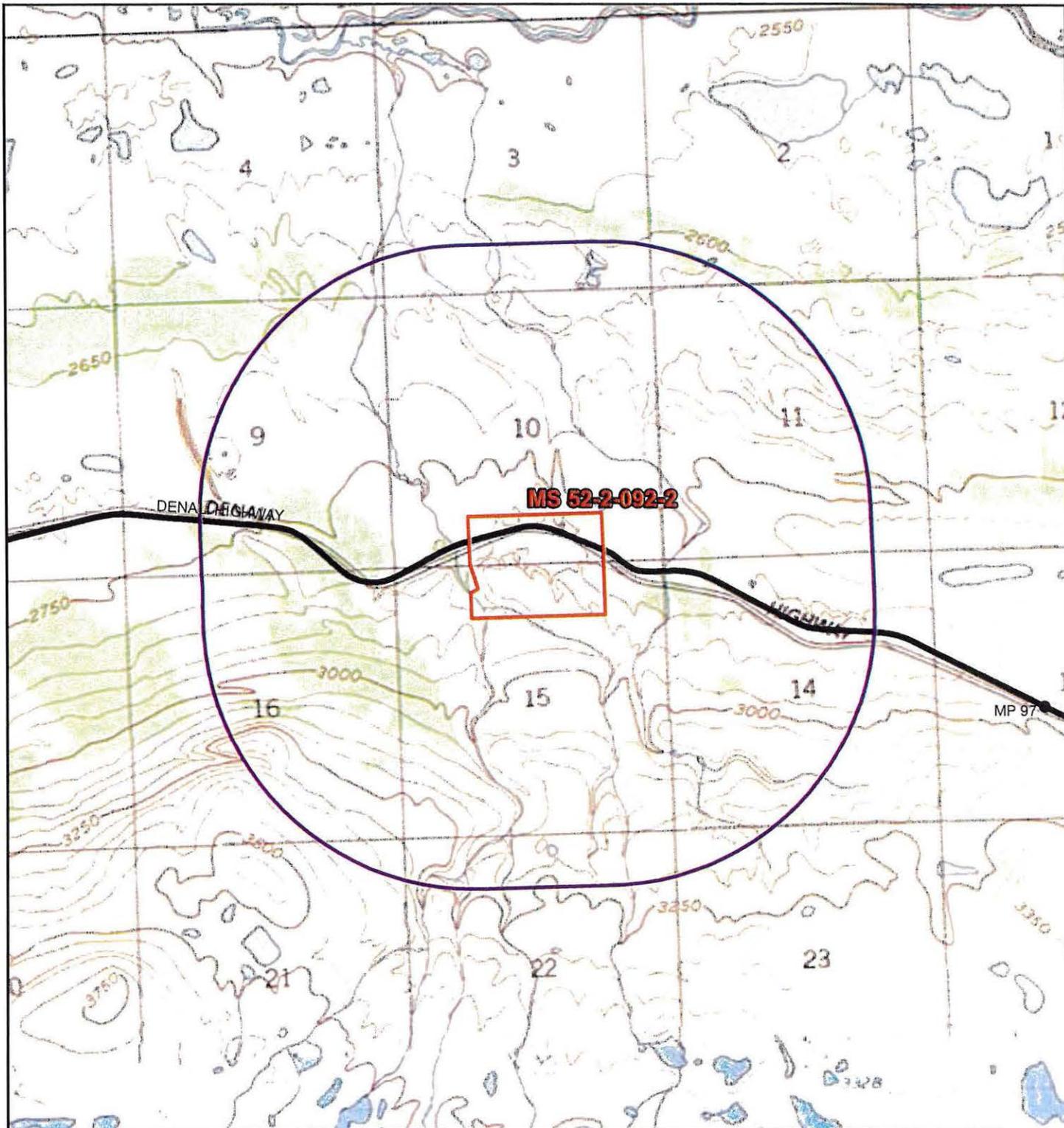
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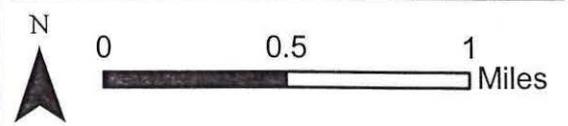
Figures



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ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
Figure 1: Study Area and Project Vicinity
 Denali Highway, Alaska



Created by HDR, May 20, 2015 

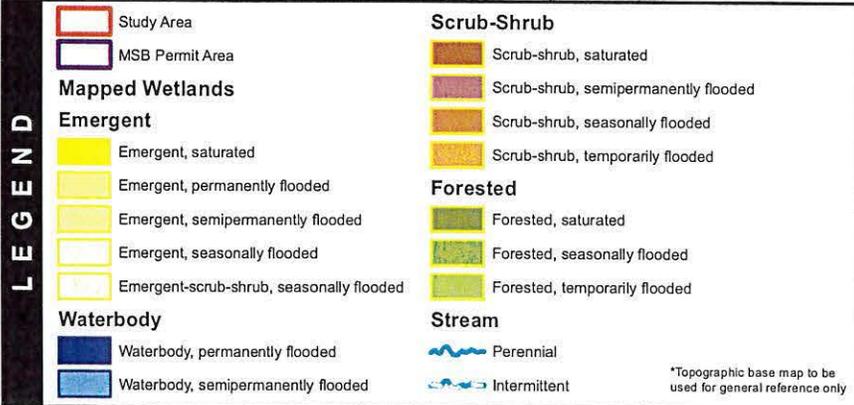
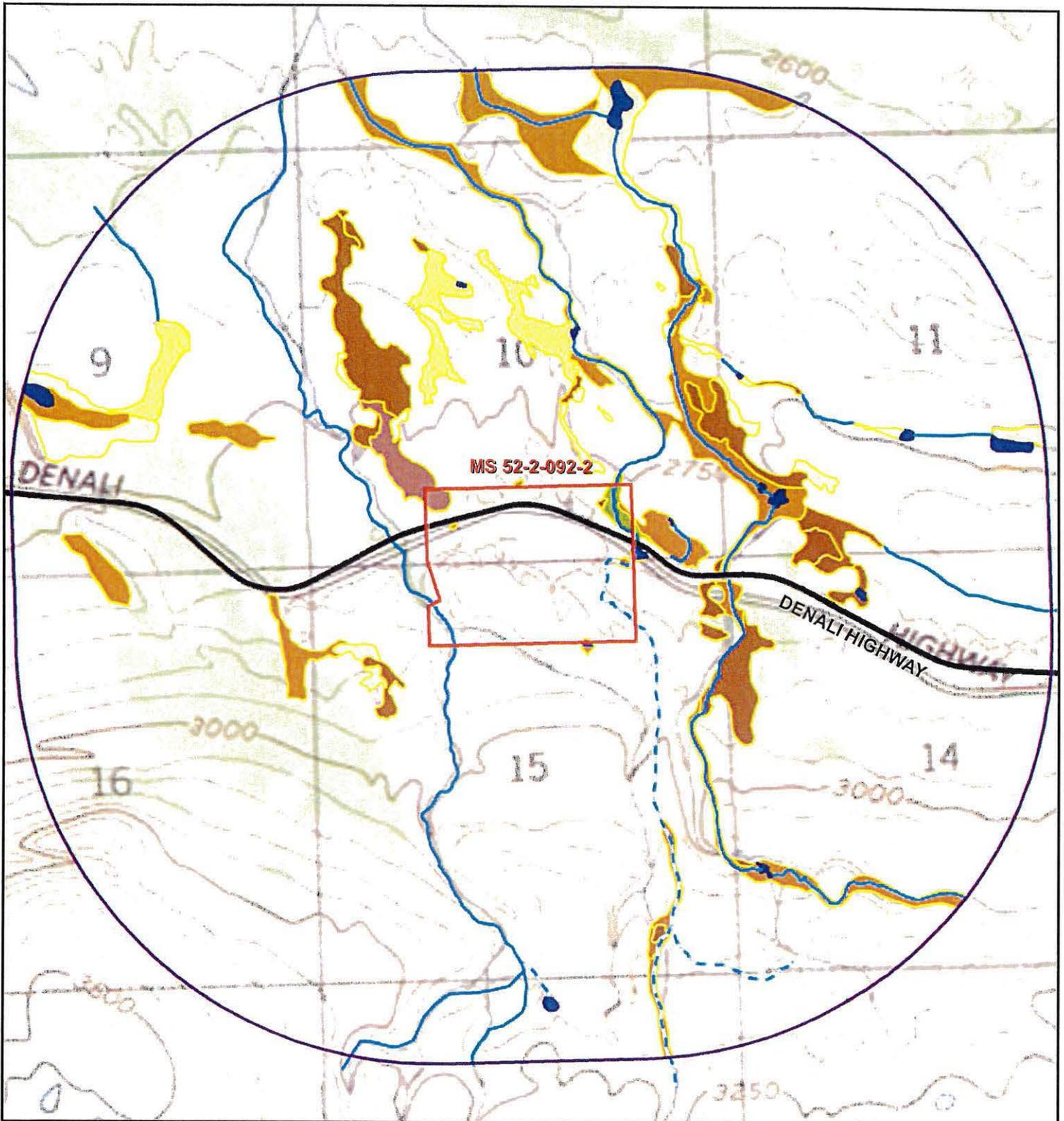
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ALASKA DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

**Figure 3. Wetland and Waterbody
Mapping MSB Permit Area**

Denali Highway, Alaska

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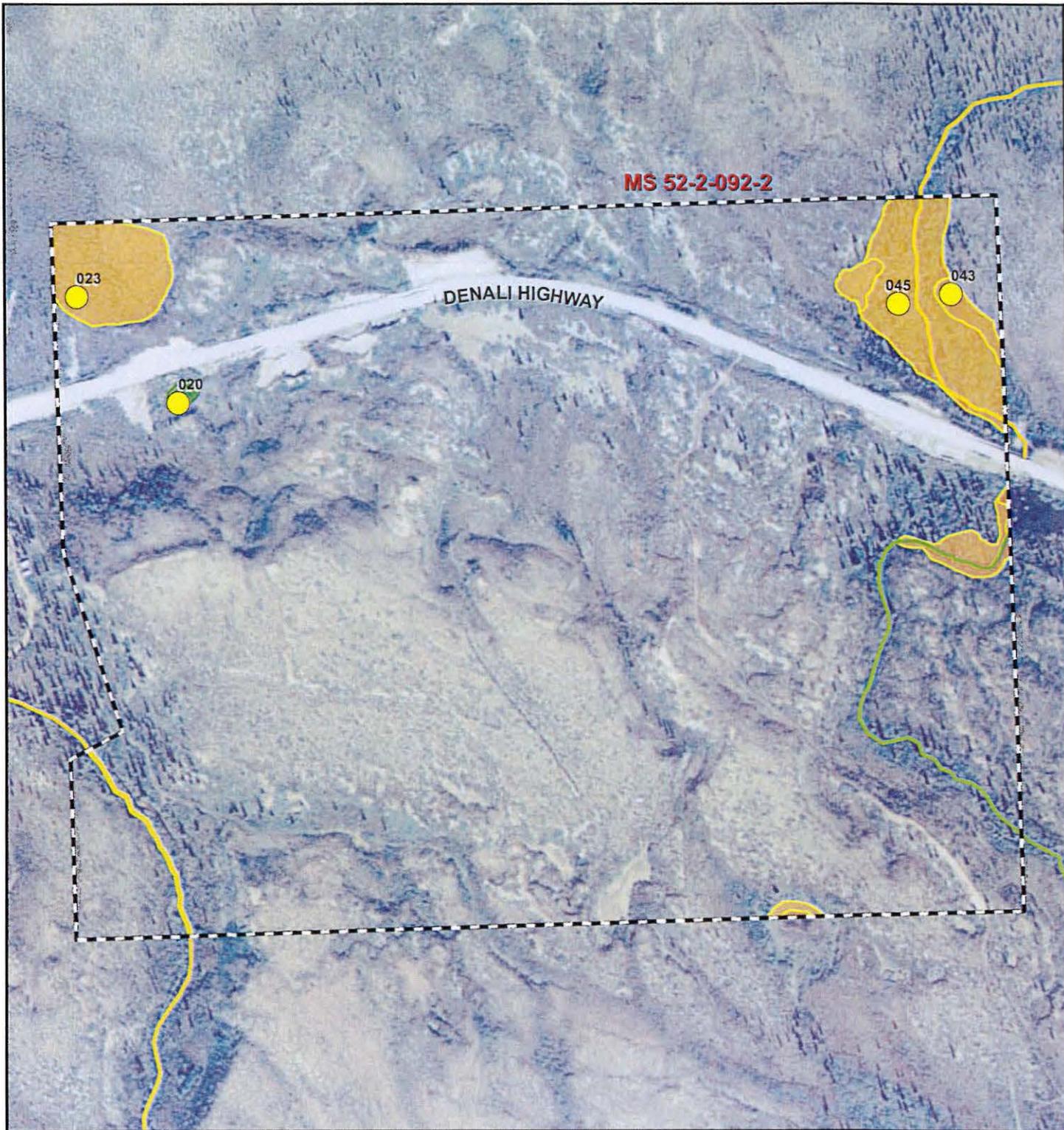
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MS 52-2-092-2



LEGEND



Study Area



Functional Data Collection Site

Wetland and Waterbody Functional Categories



Category II



Category III

Stream Functional Categories



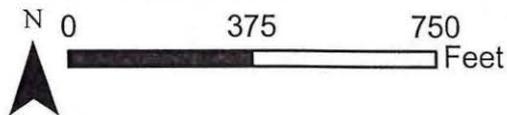
Category II



Category III

ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
Figure 4. Wetland and Waterbody Functional Categories

Denali Highway, Alaska



Created by HDR, May 20, 2015





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SITE PHOTOGRAPHS

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IM16-166
OR16-113



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COMMENTS



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Cultural Resources Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 745-9859 • Fax (907) 745-9876

Matanuska - Susitna Borough
Development Services

JUN 22 2016

Received

MEMORANDUM

DATE: 21 June 2016
TO: Susan Lee, Planner II
FROM: Sandra Cook, Cultural Resources
SUBJECT: Interim Materials District
TITLE: Mile 99 Denali Highway—ADOT&PF
LEGAL: Section 10 & 15, T19S, R02W, FM
TAX MAP: DH00

NO OBJECTION --CAUTION

Cultural Resources Division staff has reviewed the above application and finds there is are known *recorded* sites on said property. This conclusion was derived through research of the documented sites on file in the Cultural Resources Division of the Matanuska-Susitna Borough and sites documented in Alaska Heritage Resource files at the State Office of History and Archaeology.

While we have no objection to the proposed action on the said property, we recommend caution during construction or related activities in the event cultural remains may come to light or be recovered. If cultural resources are found as a result of the above mentioned activity we would appreciate the chance to document them to augment our knowledge of local history. Cultural remains may include features such as cache pits, house pits, garbage pits, depressions and/or other non removable indications of human activity, as well as, artifacts, buildings, machinery, etc.

Recording of cultural resources or other remains does not change ownership status of materials found, they belong to the property owner, nor does it prohibit your activity request. If cultural remains are located please contact this office at (907) 861-8655 as soon as possible. This would enable us to photograph and record any cultural materials that may be observed. Thank you for your cooperation. We appreciate you helping us learn more about our past.

Sincerely

Sandra Cook
Cultural Resources

NOTE§A.S.11.46.482 (a) of the Alaska Statutes states that

A person commits the crime of criminal mischief in the third degree if, having not right to do so or any reasonable grounds to believe the person have such a right...

(3) If a person knowingly

(A) defaces, damages or desecrates a cemetery or the contents of a cemetery or a tomb, grave, or memorial regardless of whether the tomb, grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or memorial appears to be abandoned, lost, or neglected; (B) removes human remains or associated burial artifacts from a cemetery, tomb, grave, or memorial regardless of whether the cemetery, tomb, grave, or memorial appears to be abandoned, lost or neglected.

Susan Lee

From: Theresa Taranto
Sent: Thursday, June 23, 2016 10:33 AM
To: Susan Lee
Subject: RE: Denali Highway IMD

This area is not mapped.
No other comments.

Thanks,

Theresa Taranto
Development Services
Administrative Specialist

Mat-Su Borough
350 E Dahlia Ave.
Palmer, Alaska 99645
907-861-8574

From: Susan Lee
Sent: Thursday, June 16, 2016 10:04 AM
To: allen.kemplen@alaska.gov; kevin.vakalis@alaska.gov; tucker.hurn@alaska.gov; melanie.nichols@alaska.gov; Mike Bethe (mike.bethe@alaska.gov); Elizabeth Weiant; Sandra Cook; regpagemaster@usace.army.mil; Theresa Taranto; Eileen Probasco; jimsykesdistrict1@gmail.com
Subject: Denali Highway IMD

Hi all:

The State of Alaska, Department of Transportation & Public Facilities has submitted an Interim Materials District (IMD) application for the extraction of up to 500,000 cubic yards of material until the year 2060 within a 69.91 acre parcel of property. The proposed material extraction site is located at Mile 99 of the Denali Highway; within Township 19 South, Range 2 West, Sections 10 & 15, Fairbanks Meridian.

The Planning Commission will conduct a public hearing concerning this application on Monday, August 15, 2016.

Please review and submit any comments you may have to me by **July 27, 2016**. If you have any questions or require additional information please let me know.

Susan

Susan Lee
Planner II
Matanuska-Susitna Borough
907-861-7862 (Direct Line)
907-861-7876 (FAX)



Matanuska-Susitna Borough
 Planning & Land Use Department
 Development Services Division
 350 East Dahlia Avenue
 Palmer, Alaska 99645



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Matanuska - Susitna Borough
 Development Services

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 LIBBEY ROBERT M & KAROL J.
 LIBBEY ROBERT J
 14901 WILDIE DR
 ANCHORAGE, AK 99516

5 JUL 26 2016

Received

FIRST CLASS MAIL

The Planning Director of the Matanuska-Susitna Borough will consider the following:

Application: Application for an Interim Materials District (IMD)
MSB Code Section: MSB 17.28 – Interim Materials District
Applicant/Property Owner: State of Alaska, Department of Transportation & Public Facilities
Location: Mile 99 Denali Highway; within Township 19 South, Range 2 West, Sections 10 and 15, Fairbanks Meridian.
Request: An application for an Interim Materials District (IMD) has been submitted for the extraction of up to 500,000 cubic yards of material until the year 2060 within a 69.91 acre parcel of property.

The Planning Commission will conduct a public hearing in the Borough Assembly chambers, Palmer, Alaska, on this item on August 15, 2016. The meeting begins at 6:00 p.m. **Public hearing begin at 6:15 p.m.** This may be the only presentation of this item before the Planning Commission and you are invited to attend.

Application material may be viewed online at www.matsugov.us and clicking on 'Public Notices'. Application material may also be reviewed in the Borough Permit Center. If you have any questions or would like to send us comments concerning the proposed action, this form may be used for your convenience by filling in the information below and mailing it to the Matanuska-Susitna Borough, Development Services Division, 350 E. Dahlia Avenue, Palmer, Alaska 99645. You may fax comments to 861-7876 or e-mail to slee@matsugov.us. For more information, please contact Susan Lee at 861-7862. Comments received prior to July 27, 2016 will be included in the Planning Commission packet for the Commissioner's review and information. Please be advised that comments received from the public after that date will not be included in the staff report to the Planning Commission. If there is not enough room below, please attach this sheet to another piece of paper.

Name: Robert & Karol Libbey Mail Address: 14901 Wildie Drive, Anchorage, AK 99516

Location/Legal Description of your property: Mile 100, Denali Hwy

Comments: We were advised that the permit would apply only to gravel south of the Denali Hwy. On the north side, at approximately Mile 99, are some "world class" examples of recent glacial activities in the region in the form of eskers, that clearly demonstrate the influence of merging glaciers moving in different directions. Because of the elevation, all this remains clearly visible. People are fascinated by this, and they are on tour packages originating at Denali NP. It would be reckless to destroy these eskers just for a little gravel - which is abundant along almost the entire length

Note: Vicinity Map Located on Reverse Side of the Denali Hwy.

IM16-164
 OR16-113

Susan Lee

From: Bohner, Christina M (DNR) <christina.bohner@alaska.gov>
Sent: Tuesday, April 15, 2014 11:20 AM
To: Sullivan, Joe P (DOT); Stevens, Deanne S P (DNR); Palmer, Charley (DEC); Vanderhoek, Richard (DNR); Susan Lee; DNR Land Sales (DNR sponsored)
Cc: Bohner, Christina M (DNR)
Subject: Final Finding MP 99 Denali Highway
Attachments: SCRO Land001.pdf

Attached is the final finding.
Thanks for your participation during the comment period..
Chris

Christina Bohner (Chris)
Material Girl
ADNR/SCRO
550 W. 7th Avenue Suite 900C
Anchorage AK 99501
P: 907-269-8560
F: 907-269-8913

Do good and good will come to you.

-----Original Message-----

From: dnrscro@alaska.gov [mailto:dnrscro@alaska.gov]
Sent: Tuesday, April 15, 2014 11:49 AM
To: Bohner, Christina M (DNR)
Subject: SCRO Land

Please open the attached document. It was scanned and sent to you using a Xerox multifunction device.

Attachment File Type: pdf

multifunction device Location: machine location not set
Device Name: XRX_0000AAFA128B

SCRO Land

State of Alaska
Department of Natural Resources
Division of Mining, Land and Water
Southcentral Regional Office

Final Finding and Decision
ADL 231377 ADNR Material Site
ADL 230954 ADOT Material Contract

Proposed Action: Under AS 38.05.550- AS 38.05.565, and AS 38.05.035(e) The Division of Mining, Land and Water (DMLW) proposes to establish a material site (ADL 231377) under AS 38.05.550 (b) for the continuous use as a site for the extraction and sale of materials as defined under AS 38.05.965 (10). Once designated, this site will remain open for material sales indefinitely or until closed by the department. Contracts for the sale of material may be issued by the department either by negotiated, competitive or limited and public and charitable material sale methods. Contracts issued under the authority of AS 38.05.810 (a) Public and Charitable will be issued at less than Fair Market Value (FMV).

ADL 231377: The establishment of an 80 acre material site to sell in the future negotiated, competitive, and limited material sale contracts as well as public and charitable sales under the authority of AS 38.05.810(a) at less than FMV.

ADL 230954: Issue a ten (10 year) material sale contract to ADOT&PF for the extraction of material for public projects

Authority: This material sale application is being adjudicated pursuant to AS 38.05.550 - AS38.05.565, AS 38.05.035(e), AS 38.05.945, 11 AAC 71, AS 27.19, and 11 AAC 97.

Administrative Record: ADL 231377 and ADL 230954 and the statutes and regulations that implement them.

Legal Description: Township Range 19 South Range 2 West, Section 10: that portion of the SE1/4lying south of the Denali Highway and Section 15: that portion of the N1/2ME1/4 lying south of the Denali Highway, Fairbanks Meridian. (Attachment A)

General Location: At approximately MP 99 of the Denali Highway

Borough: Matanuska Susitna Borough

USGS Map: Healy A2 A3 B2 B3 (Attachment A)

Regional Corporation: Ahtna, Inc.

Public Notice: Notice was posted on the State of Alaska's public notice webpage <http://dnr.alaska.gov/commis/pic/pubnotfrm.htm> from February 21 to April 1 2014. Copies of the PD were sent to state, federal and local agencies and Ahtna Inc. Notice was also posted in the Cantwell Alaska post office.

Comments Received:

DNR-DGGS

The proposed material site is located in the zone of discontinuous permafrost, so perennially-frozen ground may be encountered during excavation. Surficial materials in this area are glacialic and are likely to be composed of a wide variety of grain sized and degree of sorting. Ice-contact deposits may include local concentrations of well-washed, well-sorted gravel and sand. Fine-grained materials may be ice-rich. The material site is located approximately 30 miles (48 KM) from the Susitna Glacier fault, which last ruptured in 2002.

None of these considerations are significant limitations to development of a material site at this location.

ADEC-Division of Environmental Health-Drinking Water

The proposed material site is not near a public water system (PWS). However, we recommend that the project adhere to the requirements and recommendations found in the DEC "User's Manual of BMPs for Gravel/Rock Extraction" (September 2012).

DNR-Land Sales

No concerns regarding the material site.

ADNR-SHPO

According to OHA's AHRs records the archaeological site HEA-00272 lies inside the boundary of the proposed sale, not to the west of the parcel as stated in the ADOT response. We do concur with the ADOT Environmental assessment that the parcel should have an archaeological survey before any ground-disturbing activities take place.

ADNR Response

Before any ADOT& PF site specific project occurs at the site, an archeological survey of the site will be performed.

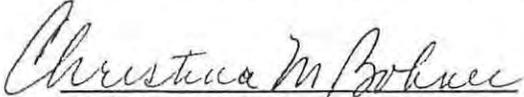
Matanuska Susitna Borough

In 2012 ADOT submitted an Interim Materials District (IMD) application for this proposed material site. The application was deemed incomplete and a letter was sent to ADOT noting the application deficiencies. To date, ADOT has not submitted any additional information for the IMD application.

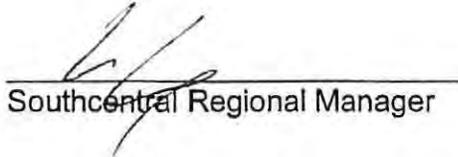
ADNR Response

It is the responsibility of ADOT to obtain any state, federal or local permits before extracting materials from the site.

Finding and Decision: I find that all applicable statutes and regulations have been met thus far, and it is in the best interest of the State of Alaska to open a material site for negotiated, competitive, limited and public and charitable material sale contracts and to issue a ten-year (10) public and charitable material contract to ADOT&PF.


Christina M. Bohner
Natural Resource Specialist II

Date April 7, 2014


Southcentral Regional Manager

Date 4-15-14

A person affected by this decision may appeal it in accordance with 11 AAC 02. Any appeal must be received within 20 days of issuance as defined in 11 AAC 02.040(c) and (d) and may be mailed or delivered to The Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918, or sent by e-mail to dnr.appeals@alaska.gov. This decision takes effect immediately. If no appeal is filed by the appeal deadline, this decision becomes a final administrative order and decision of the department on the 31st day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to the Superior Court.

A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.

STATE OF ALASKA
Department of Natural Resources
Division of Mining, Land and Water
Southcentral Region

AS 38.05.945 Public Notice
Preliminary Finding and Decision
Designated Master Material Site ADL 231377

Proposed Action

The Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Southcentral Regional Office (SCRO) received an application (ADL 230954) from the Alaska Department of Transportation and Public Facilities (ADOT&PF) for the development of a new Master Material Site (MMS) and the purchase of material for public purposes. The proposed material site is located at approximately MP 99 of the Denali Highway.

Master Material Site Designation (MMS)

This Preliminary Finding and Decision proposes to designate the MP 99 Denali Highway site as a MMS ADL 231377. The designation as a MMS under AS 38.05.550(b) will allow, if deemed appropriate, the use and operation of the material site for the long-term sale and extraction of materials until closed by the DMLW. Contracts for the sale of material may be issued by DMLW either by negotiated, competitive, limited, or public and charitable material sale methods. Contracts issued under AS 38.05.550-565, material sales, will be issued at a representative sale price per cubic yard determined by the DNR Commissioner or at fair market value determined by appraisal. Some sales under AS 38.05.565, Sale or Disposal of Materials for Special Purposes, may be without cost. Contracts issued under the authority of AS 38.05.810(a) Public and Charitable will be issued at less than fair market value.

Although the DMLW may continuously sell materials without further finding or notice once the site is designated as a MMS, the DMLW must also ensure that state land and natural resources be available for the maximum use consistent with the public interest. To the end, the DMLW will continue to carefully review individual sale requests and operation plans once sites have been designated, to ensure resource consideration and multiple use issues are appropriately evaluated.

Public and Charitable Sale

The Preliminary Finding and Decision also proposes to allow ADOTPF to extract material and purchase the materials for use in public projects. The material would be sold at less than fair market value established under AS 38.05.550(d)(1). The current representative regional sales

price for material contracts issued under the authority of AS 38.05.810(a) is .50 cubic yard. A ten year contract will be issued to ADOT &PF.

Legal Description

Township 19 South Range 2 West, Section 10: That portion of the SE ¼ lying south of the Denali Highway and Section 15: That portion of the N1/2 NE1/4 lying south of the Denali Highway, Fairbanks Meridian at approximately MP 99 of the Denali Highway

The public is invited to comment on the Preliminary Finding and Decision regarding the MMS designation and the Public and Charitable Material Sale. The case file and Preliminary Finding and Decision are available for review at the address listed above. The SCRO must receive, in writing, any comments, objections, or expression of interest concerning the proposed action, no later than **5:00 PM April 1, 2014**. To be eligible to appeal, a person must provide written comment during the comment period. Notification of the Final Finding and Decision will be sent to any person who comments on the Preliminary Finding and Decision. If you have any questions, please contact Christina Bohner, at christina.bohner@alaska.gov or at (907)269-8560 or fax (907)269-8913.

If public comment in response to this notice indicates the need for significant change in the decision, additional public notice will be given. If no significant change is required, the decision, including any minor changes, will be issued as a final decision.

All programs and services provided by the State of Alaska are available to all qualified individuals regardless of age, race, social and economic status or gender, or disability. The State of Alaska, Department of Natural Resources, complies with Title II of the Americans with Disabilities Act of 1990. The State is prepared to accommodate individuals with disabilities by providing auxiliary aids when requested. Individuals with audio impairments who wish to respond to the decision by telephone may call the DNR Public Information Center in Anchorage between the hours of 10:00 a.m. and 5:00 p.m., M-F at TDD (907) 269-8411

The Division of Mining, Land and Water reserves the right to waive technical defects in this notice.

Southcentral Regional Manager, Division of Mining, Land and Water
Publish Date: February 21, 2014

State of Alaska, Department of Natural Resources
Division of Mining, Land & Water
Southcentral Regional Office

Preliminary Finding and Decision

Master Material Site ADL 231377
Mile 99 of the Denali Highway

The Alaska Department of Natural Resources (DNR), Division of Mining, Land and Water (MLW), Southcentral Region (SCRO) is accepting public comment on the following Preliminary Decision (PD) document for the establishment of a material site. **Written comments must be received by 5:00 p.m April 1, 2014.** Only the applicant and those who submit written comments have the right to appeal the Final Finding and Decision (FD)

Proposed Action: The Alaska Department of Transportation and Public Facilities (ADOT&PF) Northern Region has submitted an application (ADL 230954) to extract material from MP 99 of the Denali Highway for public road purposes.

MLW proposes to designate a Master Material Site (MMS ADL 231377) under AS 38.05.035 (e), authorizing development of the site. Once designated, as per AS 38.05.550(b), MLW may approve contracts for material sales, including the Public and Charitable Sale at less than Fair Market Value (FMV) to ADOT&PF. This document serves as the State's best interest finding regarding this material site.

Scope of Review and Proposed Finding

The scope of the administrative review, under AS 38.05.035 (e) (1)-(2), is limited to the opening of an 80acre material site for the continuous sale and extraction of materials, by purchasers until the site is closed by the division. Contracts for the sale of material may be issued by MLW either by negotiated, competitive, limited and public and charitable material sale methods. Contracts issued under AS 38.05.550-565 will be issued at a representative sale price per cubic yard determined by the commissioner or a FMV determined by appraisal. Some sales under AS 38.05.565 may be without cost. Contracts issued under the authority of AS 38.05.810(a) Public and Charitable will be issued at less than FMV.

The material extraction site is located at approximately MP 99 of the Denali Hwy. Material sale authorizations will include standard state material sale contract stipulation and site- specific stipulations in the "Special Stipulations Section" of the contract.

Background:

ADOT & PF submitted an application (ADL 230954- MS 52-2-092-2) for a material sale contract for material to be used in future Denali Highway road projects. There are limited areas for material extraction along the highway. Opening a material sale site will be to the benefit of the public and will generate revenue for the State of Alaska from the sale of natural resources.

Authority:

The designation of this MMS ADL 231377 is being adjudicated pursuant to AS 38.05.035(e) AS 38.05.550- AS 38.05.565, AS 38.05.945, 11 AAC 71, 11 AAC 97 and AS 27.19. The authority to execute the PD, the MMS, and any material sale contract is delegated to the Southcentral Regional Manager, MLW, SCRO.

Administrative Record

The Division considered the following documentation in compiling this PD : The Division's Material Site File ADL 231377, ADL 230954 (ADOT Material Sale Application) ADOT & PF TWUP A2011-64 (Temporary Water Use Permit) (Matsu-Borough Earth Materials Extraction Permit) (ADFG Permit) comprises the administrative record for this case.

IM16-166
OR16-113

Location and Legal Description

Legal Description: Township 19 South Range 2 West, Section 10: That portion of the SE ¼ lying south of the Denali Highway and Section 15: That portion of the N ½ NE ¼ lying south of the Denali Highway, Fairbanks Meridian Alaska.

General Location: MP 99 Denali Highway

Borough: Located within the Matanuska Susitna Borough.

USGS Map: Healy A2, A3, B2, B3 Attachment A Site Map

Regional Corporation: Ahtna, Inc.

Title: GS 5203 November 10, 1986 TA Land and Minerals

Restrictions: Standard reservations.

Other Conflicts and Pending Interests: No third party interests or know conflicts exist at the time of the PD.

Planning and Classification

Land Management Plan and Classification: Susitna Area Plan-Talkeetna Mountains, Management Unit 1-C Denali Highway Classification SC-86-014 is classified PUR and WHB.

Subunit 1 C: The federal and state lands that constitute the remainder of the area should be managed for multiple use including habitat protection, mining, and public recreation.

Material sites should be screened from roads, residential areas, and recreational areas and other areas of significant human use. (Stipulation 4)

Material extraction is consistent with the intent of the area plan.

Zoning: Matanuska Susitna Borough

Reclamation Plan:

In accordance with AS 27.19, reclamation is required for all mining operations. Each applicant for a material sale purchase will be required to submit a reclamation plan with the material sale application, and that application will be made a part of that individual material sale file.

Access:

Access along the Denali Highway.

Survey and Appraisal

Survey: There is no survey required at this time. The Southcentral Regional Manager reserves the right to have a contract holder perform a survey if deemed necessary.

Appraisal: An appraisal is not required to sell materials to ADOT/PF. 11 AAC 05.10(e)(16) requires government agencies to pay for materials used in construction, reconstruction or maintaining a public project as follows: a) for the first 5,000 cy of material to be used on a project per year, there is no charge; b) for materials in excess of 5,000 cy, the unit price is listed in the administrative base price schedule established under 11 AAC 71.090. The 2014 price is \$0.50 cy.

Im16-166
OR16-113

Environmental Risk:

As part of each individual material sale contract application process, the applicant will be required to submit a signed environmental risk questionnaire. The questionnaire asks for information on potentially hazardous materials that may be stored or used on the designated site. Based on the information provided in the questionnaire, MLW will develop site-specific stipulations to be included in the material sale contract.

Method of Excavation:

Methods for the excavation of the material from designated sites will be stipulated in the individual material sale contract issued under AS 38.05.550-565 and AS 38.05.810(a).

Other Permits or Authorizations:

It is the material sale applicant's responsibility to obtain other local, state or federal permits that may be necessary to extract materials under a sale contract from a designated site.

Water Quality:

Each permittee authorized from the material site will be required to comply with the requirements of the Alaska Pollutant Discharge Elimination System (APDES), and if applicable, to maintain and operate the site in accordance with an approved Storm Water Pollution Prevention Plan (SWPPP) if necessary.

Performance Guarantee and Insurance

Performance guarantees, including a bond and deposit, apply to private contractors prior to the MLW entering into a material sale contract. Performance guarantees ensure that the terms and conditions of the contract are fulfilled and that funds are in place necessary to remedy any damage resulting from a permittee's failure to meet contract conditions. The MLW will also require permittee's to carry comprehensive general liability insurance and provide proof thereof to the MLW. Each permittee is expected to consult with a licensed insurance professional, secure appropriate insurance policies and coverage, and ensure that the State of Alaska is included as an additional insured. However, under 11 AAC 96.060-065, no bonding will be required for the ADOT&PF contract.

Agency Comments and Public Notice

Agency Review: Agency review was conducted from May 1 through May 18, 2012. The following agency comments were received:

Matanuska Susitna Borough Planning: Requested information regarding reclamation. ADOT will address their concerns directly through the Interim Mining District Application.

Rich Vanderhoek- ADNR- SHPO: The proposed material site will require an archaeological survey. One archaeological site (HEA-272) has been reported from the property of the material sale, and other sites have been found nearby. These sites were found because they have cultural material exposed on the surface. It is probable that other sites are present.

ADNR/ADOT Response: ADOT & PF Environmental inspected the site in 1994. The report identified Archeological Site (HEA 272), consisting of one lithic flake and one projectile point fragment. HEA 272 lies west of the proposed boundary of the subject material site. Environmental also reported high archeological potential in the local ridges, some of which extend into the proposed material site area. He recommended that an archeological survey be accomplished, particularly along the ridges and overlooks.

Before any ADOT& PF site specific project occurs at the site, an archeological survey of the site will be performed.

Merry Johnson: Water Resources Section- ADNR: The Water Resources Section has no objection to the opening of Material Site ADL 231377 or ADL Contract 230954. If work out of this site requires a significant amount of water withdrawal a Temporary Water Use Permit will be required. ADOT's authorization is TWUP A2011-64.

Public Notice:

Public notice according to AS 38.05.945 will be initiated and posted on the Alaska Online Public Notice System website. Notice will be sent to post offices located in the area, state and federal agencies, local governing authorities and native organizations. This PD is subject to agency and public comments. If significant changes occur due to comments received in response to the notice, the FD will address those changes and additional notice may be sent to those who provided written comments during this decision period. Only those who provided written comments during the comment period will be eligible to appeal the FD.

Discussion

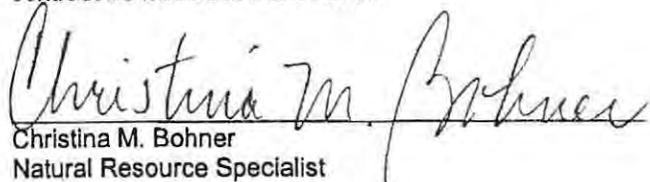
The Alaska State Constitution directs the DNR to provide for a variety of uses on state land while conserving natural resources. DNR is directed to establish a balanced combination of land available for public and private purposes. It directs that the land and natural resources be available for the maximum use consistent with public interest. To that end, MLW will continue to carefully review individual material sale requests and operation plans once sites have been designated, to ensure resource considerations and multiple use issues are appropriately evaluated. .

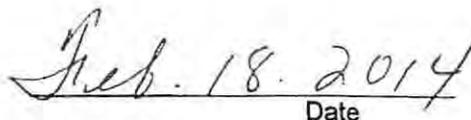
Recommendation

MLW, SCRO has completed a review of the information in the case file and application provided by ADOT&PF and an examination of the documents and associated information germane to the proposed action. This decision considers ownership of the site, the need for reasonable access to material sources in the region and project site, agency concerns, and project specific needs. The use of this material will enhance the development of the state's natural resources, assist with maintaining public infrastructure and facilitate the need for material along the Denali Highway.

The Division shall continue to sell material from the above-described site. The site will be deemed a "designated site" under AS 38.05.550-565 and subject to the provisions therein and forthcoming regulations. The recommendation is subject to the following special stipulations. The Regional Manager reserves the right, at any time, to amend these stipulations and other general stipulations contained in the material sale contracts.

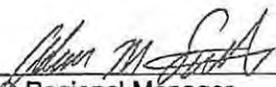
It is my recommendation to the regional manager that a material site for 80 acres is created, and a 10 year material sales contract be issued to ADOT&PF.

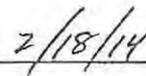

Christina M. Bohner
Natural Resource Specialist


Date

I concur

I do not concur


SCRO Regional Manager


DATE:

**ADL 230954 ADOT&PF Contract Special Stipulations
Attachment "B"**

The Material Sale Contract will be subject to the following Special Stipulations:

1. **Extraction Area.** This contract authorizes removal of material only from the area defined in Section 1(a) of this contract. The buyer is responsible for properly locating the material site area and the working limits within that area.
2. **Use of Material.** This contract authorizes the excavation and use of up to **500,000 cy** of material for the express purpose of **providing material for reconstruction and maintenance of Denali Highway**. The buyer is required to provide DNR with records of material usage.
3. **Site Operations.** The buyer is responsible for all aspects of material extraction and transport. Any survey stakes or markers that are removed must be replaced at the buyer's expense. The work area will be maintained in a neat, clean condition, free of any solid waste, debris or litter. The disposal of hazardous substances or hydrocarbons is prohibited. After completion, expiration, or termination of the contract, the site will be left in a condition that is acceptable to the seller, and reclaimed in accordance with the approved reclamation plan.
4. **Screening:** Material sites along the Denali Highway should be screened from roads, residential areas, recreational areas and other areas of significant human use. Material Site ADL 231377 shall have the following screenings: a 100 foot- treed buffer shall be maintained along the Denali Highway right-of-way and along the section line on the east boundary. A 50 foot wide undisturbed buffer will be maintained around the remaining perimeter of the site. A 100 foot wide undisturbed buffer will be maintained along the identified creeks or water bodies.
5. **Compliance.** All operations of the buyer, including completion, must comply with the contract and with the approved Mining and Reclamation Plan for this material site. The Special Stipulations of the contract take precedence over the approved Mining and Reclamation plan should a contradiction exist. The buyer shall inform and ensure compliance with the provisions of this contract by its agents, employees and contractors, including subcontractors, at any level.
6. **Reclamation.** Upon completion, expiration, or termination of the contract, the site will be left in a condition that is acceptable to the Division of Mining, Land and Water and reclaimed in accordance with the approved Mining and Reclamation plan. Reclamation shall be to the standards of the Division and shall include repair of access roads to and within the site, disposal of remaining stockpiles, other procedures that will be used to stabilize and reclaim the area and any other site specific measures that may be necessary. During the term of the contract, mining activities shall occur as described in the buyer's DNR-approved Mining and Reclamation plan.
7. **Fill.** No construction material, fill, waste asphalt, damaged culverts, pavement planning or any other debris shall be stockpiled, stored or disposed of within pit boundaries. Stockpiled material shall not be placed in wetlands.
8. **Alaska Historic Preservation Act.** The buyer will consult the Alaska Heritage Resources Survey (907) 269-8721 so that known historic, archaeological and paleontological sites may be avoided. The Alaska Historic Preservation Act (AS 41.35.200) prohibits the appropriation, excavation, removal, injury or destruction of any state-owned historic, prehistoric (paleontological) or archaeological site without a permit from the commissioner. Should any sites be discovered during the course of field operations, activities that may damage the site will cease and the Office of History and Archaeology in the Division of Parks and Outdoor Recreation (907) 269-8721 and will be notified immediately. Alaska Statute also prohibits the removal or disturbing of human remains or burial artifacts (AS 11.46.482(3)(B)). If human remains are discovered, immediately contact the Alaska State Troopers and the Office of History and Archaeology.
9. **Vehicle Maintenance.** Vehicle maintenance will be performed only over an effective impermeable barrier.
10. **Fuel and Hazardous Substances.** Secondary containment shall be provided for fuel or hazardous substances.
 - a. **Container marking.** All independent fuel and hazardous substance containers shall be marked with the contents and the permittee's or contractor's name using paint or a permanent label.

- b. **Fuel or hazardous substance transfers.** Secondary containment or a surface liner must be placed under all container or vehicle fuel tank inlet and outlet points, hose connections, and hose ends during fuel or hazardous substance transfers. Appropriate spill response equipment must be on hand during any transfer or handling of fuel or hazardous substances to respond to a spill of up to five gallons. Trained personnel shall attend transfer operations at all times. Vehicle refueling shall not occur within the annual floodplain or tidelands.
- c. **Storing containers within 100 feet of waterbodies.** Containers with a total capacity larger than 55 gallons, which contain fuel or hazardous substances, shall NOT be stored within 100 feet of a waterbody.
- d. **Exceptions.** The Authorized Officer may under unique or special circumstances grant exceptions to this stipulation on a case-by-case basis. Requests for exceptions should be made to the Authorized Officer.
- e. **Definitions.**

"Containers" means any item that is used to hold fuel or hazardous substances. This includes tanks, drums, double-walled tanks, portable testing facilities, fuel tanks on small equipment such as light plants and generators, flow test holding tanks, slop oil tanks, bladders, and bags. Manifolder tanks or any tanks in a series must be considered as single independent containers. Vehicles, including mobile seismic tanks, are not intended to be included under this definition.

"Hazardous substances" are defined under AS 46.03.826(5) as (a) an element or compound which, when it enters the atmosphere, water, or land, presents an imminent and substantial danger to the public health or welfare, including fish, animals, or vegetation; (b) oil; or (c) a substance defined as a hazardous substance under 42 U.S.C. 9601(14).

"Secondary containment" means an impermeable diked area or portable impermeable containment structure capable of containing 110 percent of the volume of the largest independent container. Double-walled tanks do not qualify as secondary containment unless an exception is granted for a particular tank.

"Surface liner" means any safe, non-permeable container (e.g., drips pans, fold-a-tanks, etc.) designed to catch and hold fluids for the purpose of preventing spills. Surface liners should be of adequate size and volume based on worst-case spill risk.

- 11. **Spill Notification.** The permittee shall notify the Department of Natural Resources of all spills that must be reported under 18 AAC 75.300 under timelines of 18.AAC 75.300. These requirements can be found at the following website: <http://www.dec.state.ak.us/spar/spillreport.htm#requirements>.

All fires and explosions must be reported to DNR immediately. The DNR 24 hour spill report number is (907) 451-2678; the fax number is (907) 451-2751. The DEC oil spill report number is (800) 478-9300. DNR and DEC shall be supplied with all follow-up incident reports.

- 12. **Destruction of Markers.** All survey monuments, witness corners, reference monuments, mining claim posts, bearing trees, and un-surveyed lease corner posts shall be protected against damage, destruction and obliteration. The permittee shall notify the Authorized Officer of any damaged, destroyed or obliterated markers and shall reestablish the markers at the permittee's expense in accordance with accepted survey practices of the Division of Mining, Land and Water.
- 13. **Water Quality.** The buyer shall comply with the State of Alaska water quality standards pursuant to 18 AAC 70, including discharge standards when conducting material washing operations.
- 14. **Potential Processing Activities and Other Authorizations.** The issuance of this authorization does not alleviate the necessity of the purchaser to obtain authorizations required by other agencies for this activity. Any asphalt processing or related activities and associated structures will not be allowed without prior approval from DNR, the Department of Environmental Conservation and other agencies that require authorizations from the buyer.

15. **Survey.** If a survey is requested by the SCRO manger, the contract holder shall submit a material site boundary survey acceptable to the standards of the Division of Mining, Land and Water. This survey shall depict the dimensions of each side of the material site, and the acreage of the modified material site boundaries.
16. **Failure to Report.** An annual report is due by January 31st of each year, without prior notice to the buyer that details the volume of material removed during the calendar year of January 1 through December 31. This report shall be filed regardless of whether material was removed during the reporting period. Fallure to submit the required report may subject the permitted site to a final inspection. The contract holder shall be assessed a fee for this inspection per 11 AAC 05.010(a)(7)(M).

Jm16-166
OR16-113

PLANNING COMMISSION RESOLUTION

By: Susan Lee
Introduced: August 1, 2016
Public Hearing: August 15, 2016
Action: Approved

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 16-28**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING ASSEMBLY APPROVAL OF AN INTERIM MATERIALS DISTRICT, KNOWN AS DENALI HIGHWAY MILEPOST 99, LOCATED WITHIN TOWNSHIP 19 SOUTH, RANGE 2 WEST, SECTIONS 10 AND 15, FAIRBANKS MERIDIAN.

WHEREAS, an application for an Interim Materials District (IMD) was submitted by the State of Alaska, Department of Transportation & Public Facilities (DOT&PF) to extract up to 500,000 cubic yards of material within a 69.91 acre parcel of property located within Township 19 South, Range 2 West, Sections 10 and 15, Fairbanks Meridian; and

WHEREAS, it is the intent of the Matanuska-Susitna Borough to recognize the value and importance of promoting the utilization of natural resources within its boundaries; and

WHEREAS, the purpose of MSB 17.28 is to establish an Interim Materials District within the Borough to allow resource extraction activities as an interim use of land while promoting the public health, safety, order, prosperity, and general welfare of the borough through regulation of land use to reduce the adverse impacts of land uses and development between and among properties; and

WHEREAS, it is the further purpose of MSB 17.28 to promote compatible and orderly development; and

WHEREAS, the Planning Commission has reviewed this application, associated materials, and the staff report, with respect to standards set forth in MSB 17.28; and

WHEREAS, findings of fact and conclusions of law have been listed in the staff report; and

WHEREAS, the Planning Commission conducted a public hearing on August 15, 2016, regarding this IMD request; and

WHEREAS, the Planning Commission finds that the proposed Interim Materials District is compatible with the goals and policies of the Matanuska-Susitna Borough Comprehensive Plan (2005 Update); and

WHEREAS, the Planning Commission finds that the proposed Interim Materials District will not be harmful to the public health, safety, or general welfare; and

WHEREAS, the Planning Commission finds that the proposed Interim Materials District has met the site development standards of this chapter including compliance with all required local, state, and federal laws; and

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby finds that this application does meet the standards of MSB 17.28 and adopts the findings of fact and conclusions of law within the staff report and hereby

recommends approval of the designation of Interim Material District known as Denali Highway Milepost 99, with the following conditions:

1. The owner and/or operator shall comply with all other applicable federal, state, and local regulations.
2. All aspects of the operation shall comply with the description detailed in the application material and an amendment to the IMD shall be required prior to any alteration or expansions of the material extraction operation.
3. Material extraction shall be limited to the areas identified in the site plans received by the borough June 8, 2016.
4. Vehicles and equipment shall be staged at a designated location and all equipment shall be inspected by the operator for leaks at the end of each day.
5. On-site maintenance of vehicles shall be done in an area where all leaks can be contained with drip pans or other discharge prevention devices.
6. All hazardous materials, drips, leaks, or spills shall be promptly attended to and properly treated.
7. If a project is planned for the site that requires a Storm Water Pollution Prevention Plan (SWPPP), a copy

of the approved SWPPP shall be provided to the Planning Department prior to operating.

8. All construction exits shall comply with standard Alaska Pollutant Discharge Elimination System requirements to minimize off-site vehicle tracking of sediments and discharges to storm water.
9. A four-foot vertical separation shall be maintained between all excavation and the seasonal high water table.
10. The operation shall comply with the maximum permissible sound level limits allowed in MSB Code, per the requirements of MSB 17.28.060(A)(5)(a) - Site Development Standards and MSB 8.52 - Noise, Amplified Sound, and Vibration.
11. If illumination devices are required, they shall not be greater than 20 feet in height, shall utilize downward directional shielding devices, and shall meet the requirements of MSB 17.28.060(A)(6) Lighting Standards.
12. If cultural remains are found during material extraction activities, the MSB Planning Department shall be contacted immediately so the remains can be documented.

13. Borough staff shall be permitted to enter onto any portion of the property to monitor compliance with permit requirements. Such access will at a minimum be allowed on demand when activity is occurring and, with prior verbal or written notice, and at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of the Interim Materials District.
14. The applicant and/or operator shall comply with the reclamation standards of MSB 17.28.067.
15. Visual screening shall be achieved and maintained by using a combination of the esker ridges near the Denali Highway and a 100-foot wide undisturbed buffer maintained along the Denali Highway right-of-way and along the section line easement on the east boundary. A 50-foot wide undisturbed buffer will be maintained around the remaining perimeter of the site.
16. If mining activities take place within 300 feet of the property boundaries, visual buffers a minimum of ten feet in height, including vegetative buffers and/or earthen berms shall be employed.
17. All activity shall be conducted in compliance with state or federal regulations governing the items

listed in MSB 17.28.040(B)(1), 17.28.040(B)(2), and 17.28.040(B)(3).

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission recommends approval of the designation of Interim Materials District for the Denali Highway Milepost 99 Pit.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 15th day of August, 2016.



JOHN KLAPPERICH, Chair

ATTEST



MARY BRODIGAN, Planning Clerk

(SEAL)

YES: *Klapperich, Anderson, Stealy, Vague, Kendig, and*
NO: *Rachensstein*

*Im16-164
OR16-113*

CODE ORDINANCE

Sponsored by:
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 16-113**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.28.090(A), ADDING AN INTERIM MATERIALS DISTRICT KNOWN AS DENALI HIGHWAY MILE 99, LOCATED WITHIN TOWNSHIP 19 SOUTH, RANGE 2 WEST, SECTIONS 10 AND 15, FAIRBANKS MERIDIAN.

WHEREAS, the rationale and intent of this ordinance are found in IM 16-166 which accompanies this ordinance, and Planning Commission Resolution 16-28; and

WHEREAS, an application for an Interim Materials District was submitted by the State of Alaska, Department of Transportation & Public Facilities to remove material from 69.91 acres located within Township 19 South, Range 2 West, Sections 10 and 15, Fairbanks Meridian; and

WHEREAS, it is the intent of the Matanuska-Susitna Borough to recognize the value and importance of promoting the utilization of natural resources within its boundaries; and

WHEREAS, the purpose of MSB 17.28 is to establish an Interim Materials District within the Borough to allow resource extraction activities as an interim use of land while promoting the public health, safety, order, prosperity, and general welfare of the borough through regulation of land use to reduce the adverse impacts of land uses and development between and

among properties; and

WHEREAS, it is the further purpose of MSB 17.28 to promote compatible and orderly development; and

WHEREAS, the Planning Commission has reviewed this application, associated materials, and the staff report, with respect to standards set forth in MSB 17.28; and

WHEREAS, the Planning Commission conducted a public hearing on August 15, 2016 regarding this IMD request; and

WHEREAS, the Planning Commission found that the proposed Interim Materials District is compatible with the goals and policies of the Borough Wide Comprehensive Plan (2005 Update); and

WHEREAS, the Planning Commission found that the proposed Interim Materials District has met the site development standards of MSB 17.28 including compliance with all required local, state, and federal laws; and

WHEREAS, on August 15, 2016 the Planning Commission adopted Resolution 16-28 recommending approval of the Interim Materials District.

BE IT ENACTED:

Section 1. Classification. Sections 1, 3, and 4 are non-code, Section 2 of this ordinance is of a general and permanent nature and shall become part of the Borough Code.

Section 2. Amendment of section. MSB 17.28.090(A) is hereby

amended as follows:

(13) Denali Highway Mile 99, Township 19 South
Range 2 West, Section 10: That portion of the SE1/4
lying south of the Denali Highway and Section 15:
That portion of the N1/2 NE1/4 lying south of the
Denali Highway, Fairbanks Meridian.

Section 3. Special Conditions. The approved Interim Materials District shall be subject to the following conditions:

1. The owner and/or operator shall comply with all other applicable federal, state, and local regulations.
2. All aspects of the operation shall comply with the description detailed in the application material and an amendment to the IMD shall be required prior to any alteration or expansions of the material extraction operation.
3. Material extraction shall be limited to the areas identified in the site plans received by the borough June 8, 2016.
4. Vehicles and equipment shall be staged at a designated location and all equipment shall be inspected by the operator for leaks at the end of each day.
5. On-site maintenance of vehicles shall be done in an area where all leaks can be contained with drip pans or other discharge prevention devices.

6. All hazardous materials, drips, leaks, or spills shall be promptly attended to and properly treated.
7. If a project is planned for the site that requires a Storm Water Pollution Prevention Plan (SWPPP), a copy of the approved SWPPP shall be provided to the Planning Department prior to operating.
8. All construction exits shall comply with standard Alaska Pollutant Discharge Elimination System requirements to minimize off-site vehicle tracking of sediments and discharges to storm water.
9. A four-foot vertical separation shall be maintained between all excavation and the seasonal high water table.
10. The operation shall comply with the maximum permissible sound level limits allowed in MSB Code, per the requirements of MSB 17.28.060(A)(5)(a) - Site Development Standards and MSB 8.52 - Noise, Amplified Sound, and Vibration.
11. If illumination devices are required, they shall not be greater than 20 feet in height, shall utilize downward directional shielding devices, and shall meet the requirements of MSB 17.28.060(A)(6) Lighting Standards.
12. If cultural remains are found during material

extraction activities, the MSB Planning Department shall be contacted immediately so the remains can be documented.

13. Borough staff shall be permitted to enter onto any portion of the property to monitor compliance with permit requirements. Such access will at a minimum be allowed on demand when activity is occurring and, with prior verbal or written notice, and at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of the Interim Materials District.
14. The applicant and/or operator shall comply with the reclamation standards of MSB 17.28.067.
15. Visual screening shall be achieved and maintained by using a combination of the esker ridges near the Denali Highway right-of-way and along the section line easement on the east boundary. A 50-foot wide undisturbed buffer will be maintained around the remaining perimeter of the site.
16. If mining activities take place within 300 feet of the property boundaries, visual buffers a minimum of ten feet in height, including vegetative buffers and/or earthen berms shall be employed.
17. All activity shall be conducted in compliance

with state or federal regulations governing the items listed in MSB 17.28.040(B)(1), 17.28.040(B)(2), and 17.28.040(B)(3).

Section 4. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2016.

VERN HALTER, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSTINA BOROUGH ASSEMBLY APPROPRIATING UP TO \$800,000 FROM THE LAND MANAGEMENT PERMANENT FUND, FUND 203 TO FUND 400, SCHOOL CAPITAL PROJECTS; AND A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET TO DEMOLISH THE OLD IDITAROD ELEMENTARY SCHOOL AND TO APPROPRIATE PROCEEDS FROM THE EVENTUAL SALE OF THE PARCEL DESCRIBED AS TRACT B, IDITAROD ELEMENTARY-WASILLA HIGH SCHOOL REPLAT 2016, TO THE LAND MANAGEMENT PERMANENT FUND, FUND 203 AND THE SCHOOL SITE ACQUISITION RESERVE, FUND 100 (MSB007140).

AGENDA OF: September 6, 2016

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: 

Route To:	Department/Individual	Initials	Remarks
	Originator	ga	8/24/16
	Capital Projects Director	JB	8/24/16
	Community Development Director	cl	8/24
	Finance Director	Cp	
	Borough Attorney	NS	
	Borough Clerk	JRM	8/29/16 

ATTACHMENT (S): Fiscal Note: YES X NO
 Ordinance Serial No. 16-114 (3 pp)
 Resolution Serial No. 16-078 (2 pp)

SUMMARY STATEMENT: The original Iditarod Elementary School was constructed in 1971 and requires extensive upgrades and hazardous materials abatement. The Matanuska-Susitna Borough School District identified the school for replacement due to the high cost of the required upgrades and abatement, resulting in funding for a new facility.

A new Iditarod Elementary School was constructed to replace the original school and opened for the 2016 school year.

The Borough and the City of Wasilla evaluated numerous options to utilize the old facility with all options proving too costly to upgrade and abate for other uses. The building is now vacant and is a liability to the Borough and reduces the value of the land. It is in the best interest of the Borough to demolish the old building.

The Borough is currently seeking bids to demolish the old building. Funding for this project would come from the Land Management Permanent Fund, Fund 203 with bids expected to come in below \$800,000.

The Borough may eventually sell the parcel, legally described as Tract B, Iditarod Elementary-Wasilla High School Replat 2016. In accordance with a motion made and unanimously approved at the August 17, 2016, Borough Assembly meeting, profits from the sale are to be appropriated to the Areawide School Site Acquisition Reserve, Fund 100. As funds to demo the school were first thought to come from the School Site Acquisition Reserve, only to find inadequate balance in said fund, the Land Management Permanent Fund, Fund 203 was determined to be the demolition funding source; therefore, the Land Management Permanent Fund, Fund 203 shall be reimbursed from sale proceeds for all costs associated with demolition of the school.

RECOMMENDATION OF ADMINISTRATION: Staff respectfully requests Assembly approval of the appropriation up to \$800,000.00 from the Land Management Permanent Fund, Fund 203 to Fund 400, School Capital Projects, and the resolution approving the scope of work and budget to demolish the old Iditarod Elementary School, and to appropriate proceeds from the eventual sale of the parcel described as Tract B, Iditarod Elementary-Wasilla High School Replat 2016 to the Land Management Permanent Fund, Fund 203 and the Areawide School Site Acquisition Reserve, Fund 100.

**MATANUSKA-SUSITNA BOROUGH
FISCAL NOTE**

Agenda Date: SEPTEMBER 6, 2016

ORIGINATOR: Jeff Walden, PM, Capital Projects

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSTINA BOROUGH ASSEMBLY APPROPRIATING UP TO \$800,000 FROM THE LAND MANAGEMENT PERMANENT FUND, FUND 203 TO SCHOOL CAPITAL PROJECTS, FUND 400; AND A RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET TO DEMOLISH THE OLD IDITAROD ELEMENTARY SCHOOL; AND TO APPROPRIATE PROCEEDS FROM THE EVENTUAL SALE OF THE PARCEL DESCRIBED AS TRACT B, IDITAROD ELEMENTARY-WASILLA HIGH SCHOOL REPLAT 2016 TO THE LAND MANAGEMENT PERMANENT FUND, FUND 203 AND THE SCHOOL SITE ACQUISITION RESERVE, FUND 100 (MSB007140).

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT (YES) NO
AMOUNT REQUESTED \$800,000	FUNDING SOURCE Land Mgt Perm Fund 203
FROM ACCOUNT # 203 262,400	PROJECT # 40191
TO ACCOUNT: 450,000,000, 3xx,xxx	PROJECT #
VERIFIED BY: <i>[Signature]</i>	CERTIFIED BY:
DATE: 8/24/16	DATE:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY2017	FY2018	FY2019	FY2020	FY2021	FY2022
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						
CAPITAL	800					
REVENUE						

FUNDING: (Thousands of Dollars)

General Fund						
State/Federal Funds						
Other	800					
TOTAL	800					

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: _____ PHONE: _____
 DEPARTMENT: *Chesenne D'Amico* DATE: 8/25/16
 APPROVED BY: *[Signature]* DATE: 8/25/16

NON-CODE ORDINANCE

Sponsored By:
Introduced:
Public Hearing:
Adopted:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 16-114**

AN ORDINANCE OF THE MATANUSKA-SUSTINA BOROUGH ASSEMBLY APPROPRIATING UP TO \$800,000 FROM THE LAND MANAGEMENT PERMANENT FUND, FUND 203 TO SCHOOL CAPITAL PROJECTS, FUND 400; AND TO APPROPRIATE PROCEEDS FROM THE EVENTUAL SALE OF THE PARCEL DESCRIBED AS TRACT B, IDITAROD ELEMENTARY-WASILLA HIGH SCHOOL REPLAT 2016, TO THE LAND MANAGEMENT PERMANENT FUND, FUND 203 AND THE AREAWIDE SCHOOL SITE ACQUISITION RESERVE, FUND 100 (MSB007140).

WHEREAS, the old Iditarod Elementary School was constructed in 1971; and

WHEREAS, the Matanuska-Susitna Borough School District identified the old school as needing significant upgrades; and

WHEREAS, the school contains substantial amounts of asbestos and other hazardous materials which would require significant costs to abate; and

WHEREAS, constructing a new facility was deemed most cost effective for the borough; and

WHEREAS, the new Iditarod Elementary School was constructed and open in time for the 2016 school year; and

WHEREAS, the borough entertained many options to utilize the old facility; however, each proved too costly to upgrade and abate the building for other uses; and

WHEREAS, it is in the best interest of the Borough to demolish the old building; and

WHEREAS, funds from the eventual sale of the property will be appropriated to the Areawide School Site Selection Reserve, Fund 100 with reimbursement for all costs associated with demolition of the school to be appropriated to the Land Management Permanent Fund, Fund 203.

WHEREAS, the Assembly must approve a scope of work and budget prior to funds being expended.

BE IT ENACTED:

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

Section 2. Appropriation Source. There is hereby appropriated by the Assembly up to \$800,000 from the Land Management Permanent Fund, Fund 203 to School Capital Projects Fund 400, for the demolition of the old Iditarod Elementary School.

Section 3. Appropriation Source. Upon the sale of the parcel described as Tract B, Iditarod Elementary-Wasilla High School Replat 2016, there is hereby appropriated by the Assembly profits from the sale are to be deposited to the Areawide School Site Acquisition Reserve, Fund 100, and reimbursement for all

costs associated with demolition of the school are to be deposited to the Land Management Permanent Fund, Fund 203.

Section 4. Effective Date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this ___ day of _____, 2016.

VERN HALTER, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

Action:

**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 16-178**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVING THE SCOPE OF WORK AND BUDGET TO DEMOLISH THE OLD IDITAROD ELEMENTARY SCHOOL, PROJECT NO. 40023.

WHEREAS, the old Iditarod Elementary School was constructed in 1971; and

WHEREAS, the Matanuska-Susitna Borough School District identified the school as needing significant upgrades; and

WHEREAS, the school contains substantial amounts of asbestos, and other hazardous materials which would require significant costs to abate; and

WHEREAS, constructing a new facility was deemed most cost effective for the borough; and

WHEREAS, the new Iditarod Elementary School was constructed and open in time for the 2016 school year; and

WHEREAS, the Borough entertained many options to utilize the old facility; however, each proved too costly to upgrade and abate the building for other uses; and

WHEREAS, it is in the best interest of the Borough to demolish the old building; and

WHEREAS, Ordinance Serial No. 16-114 appropriated up to \$800,000 to demolish the old Iditarod Elementary School.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Assembly hereby approves the following scope of work and budget to demolish the old Iditarod Elementary School.

SCOPE OF WORK

Demolish the Old Iditarod Elementary School.

BUDGET

Iditarod Elementary School Project No. 40023/Fund 400 FY 17 Land Management Permanent Fund, Fund 203	<u>\$800,000</u>
Total	\$800,000

ADOPTED by the Matanuska-Susitna Borough Assembly this -
day of -, 2016.

VERN HALTER, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPTING MSB 3.08.517 TO ESTABLISH THAT ROAD MAINTENANCE CONTRACTS SOLICITED AFTER JANUARY 1, 2017 WILL NOT CONTAIN PERFORMANCE CRITERIA.

AGENDA OF: September 6, 2016

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: _____

Route To:	Department/Individual	Initials	Remarks
	Originator		
	Public Works Director	<i>TAL</i>	<i>Recommend defent 25 Aug 16</i>
	Finance Director	<i>CP</i>	
	Borough Attorney	<i>JS</i>	
	Borough Clerk		<i>BSA</i>

ATTACHMENT (S) : Fiscal Note: YES _____ NO X
 Ordinance Serial No. 16-115 (2 pp)

SUMMARY STATEMENT: This ordinance is being brought forward by Assemblymember Kowalke.

Under this ordinance, all requests for bids or proposals for Road Service Maintenance contracts will not contain performance criteria set by the borough.

The sponsor of the ordinance believes that the Matanuska-Susitna Borough has been inconsistent in its approach to the administration of road maintenance contracts. The sponsor has received complaints from the public, other contractors, and borough employees that some contractors spend money and effort to be diligent and perform the contracts in a proper fashion while others do not.

It appears that because the Matanuska-Susitna Borough is unwilling or unable to fairly apply contractual requirements to all contractors, that some contractors may be gaining a competitive advantage.

It is the belief of the sponsor that contracts containing the same specifications of performance should be treated the same and that nobody should gain a competitive edge by being dilatory and taking advantage of a situation where the Matanuska-Susitna Borough is unwilling or unable to place consequences for failing to perform.

For these reasons, the sponsor believes that when the Borough solicits bids or proposals for road maintenance, the Borough should not specify any criteria for performance of the individual contracts. Instead, it can be a "free for all" where standards can be set by bidders.

It is recognized that this may lead to situations where service standards vary and some areas may be subject to reduced maintenance and poor standards. However, if this is happening anyway, at least this ordinance will conform the code to what is actually happening. People who live in areas with lesser performance should not be saddled with the costs of paying for a contract with specifications which are not being met and yet the Borough continues the contract. If the board of supervisors and/or residents of those areas are satisfied with lesser performance, then they should get a savings via the contract.

RECOMMENDATION OF ADMINISTRATION: Adoption of legislation.

CODE ORDINANCE

Sponsored by: Assemblymember Kowalke

Introduced:

Public Hearing:

Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 16-115**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPTING MSB 3.08.517 TO ESTABLISH THAT ROAD MAINTENANCE CONTRACTS SOLICITED AFTER JANUARY 1, 2017 WILL NOT CONTAIN PERFORMANCE CRITERIA.

WHEREAS, the intent and rationale of this ordinance are contained in the accompanying Informational Memorandum.

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 3.08.517 is hereby enacted to read as follows:

MSB 3.08.517 ROAD MAINTENANCE CONTRACTS. All contracts for maintenance of roads, streets, sidewalks and related drainage facilities entered into after January 1, 2017 will not contain any criteria for performance of such maintenance when solicited by the Borough. Contractors may choose to propose criteria for individual contracts.

Section 3. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this -
day of -, 2016.

VERN HALTER, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

SUBJECT: Award of Bid 17-026B to Northern Gravel and Trucking in the contract amount of \$620,102.00 for the Purchase of Winter Sand and Chips

AGENDA OF: September 20, 2016

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Present to the assembly for consideration.

APPROVED BY *for* JOHN MOOSEY, BOROUGH MANAGER: *[Signature]*

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>[Signature]</i>	
	Public Works Director	<i>TAD</i>	8 Sep 16
	Finance Director	<i>[Signature]</i>	
	Borough Attorney	<i>[Signature]</i>	
	Borough Clerk	<i>[Signature]</i>	9/12/16 <i>[Signature]</i>

ATTACHMENT (S) : Fiscal Note: Yes X No _____
 Advertising: 1 page
 Bid Analysis: 2 pages

SUMMARY STATEMENT: On August 15, 2016, the Matanuska-Susitna Borough issued solicitation 17-026B seeking bids from qualified contractors to supply and deliver winter sand and chips for winter road maintenance purposes. In response to the advertisement, three (3) bids were received.

Award recommendation is being made to Northern Gravel and Trucking as the lowest responsive and responsible bid. The Contractor shall deliver to various points within the Borough and work shall be completed by October 15, 2016. The Public Works Department, Operation and Maintenance Division will be administering the contract.

RECOMMENDATION OF ADMINISTRATION: Award of BID 17-026B,
PURCHASE OF WINTER CHIPS AND SAND to NORTHERN GRAVEL AND
TRUCKING for the contract amount of SIX HUNDRED TWENTY THOUSAND
ONE HUNDRED TWO AND NO/100 DOLLARS (\$620,102.00).

MATANUSKA-SUSITNA BOROUGH
FISCAL NOTE

Agenda Date: September 20, 2016

SUBJECT: Award of Bid 17-026B to Northern Gravel and Trucking in the contract amount of \$620,102.00 for the Purchase of Winter Sand and Chips

ORIGINATOR: Purchasing

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <input checked="" type="radio"/> YES <input type="radio"/> NO
AMOUNT REQUESTED <u>\$620,102</u>	FUNDING SOURCE <u>BSA operating budgets</u>
FROM ACCOUNT # <u>270-292.000.000.433900</u>	PROJECT #
TO ACCOUNT :	PROJECT #
VERIFIED BY: <u>Barbara Saunz</u>	CERTIFIED BY:
DATE: <u>9/9/16</u>	DATE:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY2017	FY2018	FY2019	FY2020	FY2021	FY2022
Personnel Services						
Travel						
Contractual						
Supplies	<u>620</u>					
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	<u>620</u>					

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
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FUNDING: (Thousands of Dollars)

General Fund						
State/Federal Funds						
Other	<u>620</u>					
TOTAL	<u>620</u>					

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: _____ PHONE: _____
 DEPARTMENT: Chapman Small DATE: 9/16/16
 APPROVED BY: _____ DATE: _____

MATANUSKA-SUSITNA BOROUGH
350 East Dahlia Ave.
Palmer, Alaska 99645

A D V E R T I S E M E N T

VENDOR		ACCOUNT #	DATE FOR ADVERTISEMENT
Anchorage Dispatch News		MATA 0070	August 14, 2016
Frontiersman		CONTRACT	August 17, 2016
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
REQUEST FOR BID 17-026B
Purchase Winter Sand & Chips

The Matanuska-Susitna Borough is soliciting bids to supply winter sand and chips for road maintenance purposes.

Bid documents are available beginning **August 15, 2016** from the Purchasing Division, Matanuska-Susitna Borough, 350 E. Dahlia Ave., Palmer AK 99645. For information call (907) 861-8601, Fax (907) 861-8617, or e-mail Purchasing@matsugov.us. This bid document may be available on the internet at www.matsugov.us. A document fee of \$10.00 will be charged for materials picked-up and \$15.00 for materials mailed.

Bids open: **September 6, 2016 @ 2:00 PM in the Purchasing Division**

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

Each sealed bid must be received before the date and time due and must be marked with the appropriate Bid Number to be considered.

Persons needing accommodation in order to participate should contact the borough ADA coordinator at (907) 861-8404.

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

8/12/16	Requested by: Signature on File	Approved by: Signature on File
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DEPARTMENT ACCOUNT NUMBER: **265.000.000.422.000**

**MATANUSKA-SUSITNA BOROUGH
 BID #17-026B
 Purchase of Winter Sand and Chips
 ANALYSIS SHEET**

MSB-PURCH #16SEPO6 PRO2000

BIDDER		WESTERN CONSTRUCTION		NORTHERN GRAVER		GRANITE CONSTRUCTION	
Signed Bid Form		OK		OK		OK	
Receipt of Addendum One (1)		OK		OK		OK	
Other items as required in Instructions to Bidders and Specifications/Scope of work		OK		OK		OK	
LINE ITEM	DESCRIPTION	UNIT PRICE	BID PRICE	UNIT PRICE	BID PRICE	UNIT PRICE	BID PRICE
Sand							
1.	12,800 tons delivered to Central Landfill, located @ 1101 North 49th State Street, Palmer	7.00	89,600.00	8.00	102,400.00	8.95	114,560.00
2.	11,450 tons delivered to Northern Asphalt, located @ 3750 North Meadow Lakes Loop, Wasilla	9.50	108,775.00	10.75	123,087.50	10.95	125,377.50
3.	600 tons delivered to J.A. Spain & Sons, located @ Willow Transfer Site, 15469 North Willow Station Road, Willow	17.00	10,200.00	14.13	8,478.00	16.95	10,170.00
4.	4,000 tons Delivered to Tew's Inc, located @ 459 North Victor Road, Big Lake	13.00	52,000.00	11.88	47,520.00	12.95	51,800.00

Continued on the Next One (1) Page

Am 16-083

**MATANUSKA-SUSITNA BOROUGH
 BID #17-026B
 Purchase of Winter Sand and Chips
 ANALYSIS SHEET**

BIDDER		WESTERN CONST		NORTHERN GRAVEL		CRAWFORD CONST	
LINE ITEM	DESCRIPTION	UNIT PRICE	BID PRICE	UNIT PRICE	BID PRICE	UNIT PRICE	BID PRICE
Chips							
5.	7,950 tons Delivered to Central Landfill, located @ 1101 North 49th State Street, Palmer	17.00	135,150.00	16.75	133,162.50	19.95	158,602.50
6.	4,250 tons Delivered to Northern Asphalt, located @ 3750 North Meadow Lakes Loop, Wasilla	22.00	93,500.00	19.00	80,750.00	22.95	97,537.50
7.	800 tons Delivered to J.A. Spain & Sons, located @ Willow Transfer Site, 15469 North Willow Station Road, Willow	28.00	22,400.00	22.13	17,704.00	25.95	20,760.00
8.	5,000 tons Delivered to Tew's Inc., located @ 459 North Victor Road, Big Lake	24.00	120,000.00	19.88	99,400.00	23.95	119,750.00
9.	200 tons Delivered to D & S Road Services, located @ 35269 South Hopper Drive, Talkeetna	40.00	8,000.00	38.00	7,600.00	40.00	8,000.00
TOTAL OF AMOUNT BID		639,625.00		629,102.00		706,557.50	

RECOMMENDATION: ALL BIDS TALKED UNDER ADVISEMENT

PURCHASING OFFICER _____ DATE 9/6/16	ASST PURCHASING OFFICER _____ WITNESS _____	BUYER _____ WITNESS _____	CONST PROCUREMENT SPECIALIST _____ WITNESS _____
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Am 116-083

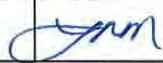
SUBJECT: Award of Proposal 17-013P, Foothills Blvd. and Caswell Creek Fish Passage Design, to Lounsbury and Associates, Inc. in the contract amount of \$209,556.00.

AGENDA OF: September 20, 2016

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Present to the assembly for consideration.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: 

Route To:	Department/Individual	Initials	Remarks
	Originator		
	Public Works Director		Dep 16
	Finance Director		
	Borough Attorney		
	Borough Clerk		9/12/16 

ATTACHMENT (S) : Fiscal Note: Yes X No _____
Advertising: 1 page

SUMMARY STATEMENT: On July 6, 2016, the Matanuska-Susitna Borough issued solicitation 17-013P seeking proposals from qualified firms to provide design services to enhance flood capacity and fish passage at the crossing of Foothills Blvd. at Lucille Creek and Caswell Creek at Caswell Lake Road. In response to the advertising, nine proposals were received and scored. The award recommendation is being made to Lounsbury & Associates, Inc.

This contract will be administered and monitored by the Public Works Department, Operations and Maintenance Division. Final bid ready documents are expected to be delivered in December, 2016.

RECOMMENDATION OF ADMINISTRATION: Award of PROPOSAL 17-013P, Foothills Blvd. and Caswell Creek Fish Passage Design, to Lounsbury and Associates, Inc. in the contract amount of two hundred nine thousand five hundred fifty six and no/100 dollars (\$209,556.00).

**MATANUSKA-SUSITNA BOROUGH
FISCAL NOTE**

Agenda Date: September 20, 2016
 SUBJECT: Award of Proposal 17-013P, Foothills Blvd. and Caswell Creek Fish Passage Design, to Lounsbury and Associates, Inc. in the contract amount of \$209,556.00.

ORIGINATOR: Purchasing

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <input checked="" type="radio"/> YES <input type="radio"/> NO
AMOUNT REQUESTED \$209,556	FUNDING SOURCE AW Budget Approp & USF & W Grant
FROM ACCOUNT # 410.000.000.4XX.XXX	PROJECT # 30114
TO ACCOUNT :	PROJECT #
VERIFIED BY: <i>Barbara Baumgartner</i>	CERTIFIED BY:
DATE: 9/8/16	DATE:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL		209.5				
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REVENUE						
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FUNDING: (Thousands of Dollars)

General Fund						
State Federal Funds		125.7				
Other		83.8				
TOTAL		209.5				

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: _____ PHONE: _____
 DEPARTMENT: *Chugemuck* DATE: *9/8/16*
 APPROVED BY: _____ DATE: _____

MATANUSKA-SUSITNA BOROUGH
350 East Dahlia
Palmer, Alaska 99645

A D V E R T I S E M E N T

VENDOR		ACCOUNT #	DATE FOR ADVERTISEMENT
Alaska Dispatch News		MATA 0070	July 6, 2016
Frontiersman		CONTRACT	July 8, 2016
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
#17-013P
FOOTHILLS BLVD. & CASWELL CREEK FISH PASSAGE DESIGN

The Matanuska-Susitna Borough is seeking proposals from qualified firms to provide design services to enhance flood capacity and fish passage at the crossing of Foothills Blvd. at Lucille Creek and Caswell Creek at Caswell Lake Rd.

Proposal documents are available **beginning July 6, 2016** in the Purchasing Division, Matanuska-Susitna Borough, 350 E. Dahlia Ave., Palmer, AK 99645. Info: (907) 861-8601, Fax (907) 861-8617, e-mail purchasing@matsugov.us. A document fee of \$10.00 will be charged for materials picked-up and \$15.00 for materials mailed. This proposal document may be available on the internet at www.matsugov.us.

Proposal closing: **July 27, 2016 @ 2:30 PM in the Purchasing Section**

Proposals must be received in the Purchasing Division prior to the time fixed for closing of the RFP to be considered. Time of receipt will be determined by the time stamp in the Purchasing Division.

Persons needing accommodation in order to participate should contact the borough ADA coordinator at (907) 861-8404.

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

Date: July 5, 2016	Requested by: Signature on File	Approved by: Signature on File
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DEPARTMENT ACCOUNT NO.: 100.180.183.422.000

SUBJECT: Authorizing the Borough Manager to enter into a revised memorandum of agreement with the City of Houston for mutual and automatic aid fire protection.

AGENDA OF: September 20, 2016

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Present to the assembly for consideration.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: *[Signature]*

Route To:	Department/Individual	Initials	Remarks
	Originator - Emergency Service Director	BG	
	Finance Director	<i>[Signature]</i>	
	Borough Attorney	<i>[Signature]</i>	
	Borough Clerk	<i>[Signature]</i>	9/12/14 <i>[Signature]</i>

ATTACHMENT(S): Fiscal Note: Yes No
Revised MOA (22pp)

SUMMARY STATEMENT:

This intergovernmental agreement for providing mutual aid emergency services between the Matanuska Susitna Borough and the City of Houston is authorized pursuant to Alaska Constitution, Article 10 13, A.S.29.35.010 (13) and A.S. 18.70.150.

In 1999, the City of Houston "City" and the Matanuska-Susitna Borough "Borough" entered into an agreement for automatic aid for fire protection. The purpose of the agreement is to establish policies and procedures where the participants provide automatic aid to each other in fire prevention, the protection of life and property from fire, rescue and wildlife fire, mutual aid training.

The last revisions and amendments to the agreement were in 2009. The agreement has been reviewed by the mutual aid providers for recommended amendments and upon approval by all mutual aid providers, the amendments will be attached to and become part of the original agreement. The agreement will remain in effect for five (5) years unless otherwise amended or terminated.

RECOMMENDATION OF ADMINISTRATION:

Authorize the Borough Manager to enter into a revised memorandum of agreement with the City of Houston for mutual and automatic aid fire protection.

AGREEMENT FOR MUTUAL AID/AUTOMATIC AID IN FIRE PROTECTION

By and among the

**Matanuska-Susitna Borough
And
City of Houston**

- I. Purpose:** This agreement establishes the policies and procedures whereby participants hereto provide automatic aid to each other in fire prevention, the protection of life and property from fire, rescue, wildland fire, **and mutual aid training**. Service shall be mutually provided and the extent of services shall be governed by the capability of any participant to provide requested services. The participants in this agreement are the Matanuska-Susitna Borough and the City of Houston.
- II. Authority:** This intergovernmental agreement for providing Mutual aid/**automatic aid** emergency services between the Matanuska-Susitna Borough and the City of Houston is authorized pursuant to Alaska Constitution, Article 10 § 13, A.S. 29.35.010(13), A.S. 18.70.150.
- III. Insurance:** The Matanuska-Susitna Borough and the City of Houston agree to maintain general liability and auto liability limits, including self-insured retention of up to \$2,000,000, no less than:

\$2,000,000 Bodily Injury
\$2,000,000 Personal Injury
\$2,000,000 Property Damage
\$2,000,000 General Aggregate

The Matanuska-Susitna Borough and the City of Houston agree to Maintain Worker's Compensation insurance, which shall be statutory as required by the State of Alaska. Employers' liability shall maintain limits no less than:

Bodily injury by Accident	\$1,000,000 Each Accident
Bodily injury by Disease	\$1,000,000 Each Accident
Bodily Injury by Disease	\$1,000,000 Policy Limit

IV. Jurisdiction; Choice of Law, Severability:

Any civil action arising from this agreement shall be brought in the superior court for the third judicial district of the State of Alaska. The law of the State of Alaska shall govern the rights and obligations of the parties.

If any section or clause of this agreement is held invalid by a court of law of competent jurisdiction, or is otherwise invalid under the law, the remainder of this agreement shall remain in full force and effect.

V. General:

The Director of the Matanuska-Susitna Borough Department of Emergency Services is designated as information coordinator for all parties to this Agreement. This includes, but is not limited to, compiling, updating and informing all representatives of participating agencies of changes in operations and equipment that will affect support rendered or requested. He will also be responsible for scheduling and conducting a semi-annual meeting to be attended by representatives of each participating agency. This does not prevent a special meeting to be held when requested by a participating agency.

1. This contract shall only be amended, modified or changed by a writing executed by authorized representatives of the parties
2. For the purpose of any amendment, modification, or changes to the terms and conditions of this contract, the only authorized representatives of the parties are:
 - (i) Matanuska-Susitna Borough, Borough Manager
 - (ii) City of Houston, Mayor
3. **Upon agreement of the Manager and Mayor, each will submit any proposed amendments, modifications or changes to their governing bodies. Such modifications are only effective if approved by the City Council of Houston and the Matanuska-Susitna Borough Assembly.**
Any attempt to amend, modify or change this contract by either an unauthorized representative or unauthorized means shall be void.

VI. Terms of Agreement:

1. It is agreed that the participants will assist each other as outlined in Section VII Responsibilities.
2. It is further specifically agreed and understood by and among the parties hereto that this Agreement does not and shall not create any monetary contractual obligations between and among the parties.

3. No additional manpower and resources are required to perform the support provided for in this Agreement. Resources are limited to equipment and manpower available at the time to the **mutual aid/automatic aid** provider responding to the incident.
4. In the event of mobilization, support under the terms of this Agreement will be provided on the basis of availability at the sole discretion of the **mutual aid/automatic aid** provider and will continue as long as the **mutual aid/automatic aid** provider is able to provide assistance.

VII. Responsibilities:

1. The protection area of this agreement shall include all lands, public and private, situated within the boundaries of the Matanuska-Susitna Borough and the City of Houston.
2. In recognition of the urgent necessity for immediate and swift response in the event of fires or disasters occurring within the area subject to this agreement, and in order to protect human life and to assure minimum damage to and destruction of property, the parties agree to render assistance to each other in firefighting and rescue, within operational **and administrative** capability using resources available at that time, when assistance is requested **if the authorized officials of the Borough and City deem it advisable to grant assistance.**
3. Wildland/Brush fire within the Matanuska-Susitna Fire Service Areas and the City of Houston are subject to the current Cooperative Agreement with the State of Alaska, Division of Forestry as outlined in the current Annual Operating Plan.
4. The Houston Fire Chief or designee, or Mat-Su Borough Director of Emergency Services or designee may request assistance from any or all participants to this agreement. The dispatch of equipment and personnel pursuant to this agreement is subject to the following conditions:
 - a. The dispatch and response of emergency fire and rescue equipment for incidents in the Borough and the City of Houston are subject to the procedures established in the current "Emergency Fire Response Plan and Operational Guidelines," and the City of Houston's Emergency Response Plan.
 - b. The responding department **or resources** shall report to the Incident Commander or Officer in Charge of the incident and shall

be subject to the direction of that Incident Commander or Officer in Charge.

- c. In the event of a major incident such as a conflagration or Type II or Type I wildland fire in the City of Houston that may impact the Matanuska-Susitna Borough, a unified command will be established between the Incident Commander or Officer in Charge of the City and the Matanuska-Susitna Borough Department of Emergency Services Director or his designee.
 - d. **Mutual aid/automatic aid** resources shall be released as soon as their services are no longer required. **Mutual aid/automatic aid** resources may have to be released from the incident scene, if an emergency occurs within their primary response area.
5. In no event shall the fire department of one of the **mutual aid/automatic aid** providers to this agreement aid a fire department of another **mutual aid/automatic aid** provider if, by so doing, the area of the **mutual aid/automatic aid** provider responding to the aid of another would be placed in jeopardy **or stretch resources to an unacceptable level**. The decision shall be made at the sole discretion of the Houston Fire Chief, or Mat-Su Borough Director of Emergency Services **which is not subject to dispute or review by the other party**.

VIII. Waiver, Non-Waiver:

1. Each party waives all claims against every other **mutual aid/automatic aid** provider for compensation for loss, damage, personal injury or death occurring as a consequence of the performance of this agreement.
2. The failure of the Borough or City at any time to enforce a provision of this agreement shall in no way constitute a waiver of provisions, nor in any way affect the validity of this agreement, or any part thereof, or the right of the Borough or City to thereafter to enforce each and every protection thereof.

IX. Interest, Non-Benefit:

1. No member of or delegate to the Congress of the United States, and no resident commissioner, shall be admitted to any share or part thereof or to any benefit to arise from this agreement. No member of the legislature or officer of the state of Alaska or the Borough shall be admitted to any share or part hereof, or to any benefit to arise from this agreement.

2. No officer, member, or employee of the Borough or City and no member of their governing bodies, and no other public official of the governing bodies shall participate in any decision relating to this agreement which affects his personal interest or the interest of any corporation, partnership, or association in which he is directly or indirectly, interested in having any personal or pecuniary interest, direct or indirect, in this agreement.

X. Nondiscrimination:

In performing its duties under this agreement, neither party may discriminate against any person on the basis of race, creed, color, religion, national origin, age, sex or marital status, physical handicap, status as a disabled veteran, or veteran of the Vietnam War era.

XI. Review, Negotiation or Amendment, Modification:

1. This agreement will be reviewed annually by the **mutual aid/automatic aid** providers each February and will be up for renewal every five (5) years.
2. The Borough and the City of Houston, from time to time, may require modification, special review, negotiation or amendments in the scope and content of this agreement. ~~Requests to modify, review, negotiate or amend may be initiated at any time upon written request from any participant. Such written request will be submitted to the Matanuska-Susitna Borough Department of Emergency Services Director or the City of Houston Fire Chief. Any~~ **modification to this agreement is only effective if approved by the City Council of Houston and the Matanuska-Susitna Borough Assembly**
3. This agreement will remain in effect for five (5) years unless otherwise amended or terminated. Upon approval by all **mutual aid/automatic aid** providers, the amendment(s) or modification(s) will be attached to and become part of this document.

XII. Integration:

This instrument and all appendices and amendments hereto embody the entire agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein; and this agreement shall supersede all previous communications, representations, or agreements, either oral or written, between the parties. In the event of conflict in the terms and

conditions, the following documents are incorporated by reference into this agreement as being fully set forth herein.

Emergency Fire Response Plan and Operational Guidelines.

The Mat-Su Area Coordinated Wildfire Disaster Response Plan.

The Matanuska-Susitna Borough Fire Services Wildland/Urban Interface Task Force Guidelines Conditions.

The City of Houston Emergency Response Plan.

XIII. **Termination:**

This agreement may be terminated at any time upon the mutual consent of the parties.

XIV. **Termination for Convenience:**

The Matanuska-Susitna Borough or the City of Houston may terminate this agreement at any time by giving written notice to the other party(s) of such termination and specifying the effective date of such termination. Each party shall provide at least ~~ninety~~ **thirty** (~~90-30~~) days notice of such termination. In that event, all equipment, vehicles, supplies, reports, or other materials shall be returned to their respective owners.

XV. **Interpretation and Enforcement:**

The **mutual aid/automatic aid** providers following negotiations between them are executing this agreement. It shall be construed according to the fair intent of the language as a whole, not for or against any party. The titles of sections in this agreement are not to be construed as limitations or definitions, but are for identification purposed only.

XVI. **Understanding:**

The Matanuska-Susitna Borough and the City of Houston acknowledge that they have read and understand the terms of this agreement, and have had the opportunity to review the same with counsel of their choice, and are executing this agreement of their own free will. **Both parties understand and agree that this agreement creates no contractually enforceable obligations on the part of the other, but rather, establishes a framework under which mutual aid/automatic aid may be refused and may be granted in the sole and absolute discretion of the responding entity.**

XVII. Implementation Clause:

This agreement is effective upon the approval by resolution by the City of Houston Assembly and the Matanuska-Susitna Borough Assembly.

Matanuska-Susitna Borough

Bill Gamble, Emergency Services Director

Date

John Moosey, Borough Manager

Date

City of Houston

, Fire Chief

Date

Virgie Thompson, Mayor

Date



MATANUSKA-SUSITNA BOROUGH

Department of Emergency Services

680 North Seward Meridian Parkway • Wasilla, Alaska 99654

Phone (907) 373-8800 • Fax (907) 376-0799

Section 1

MATANUSKASUSITNA BOROUGH EMERGENCY FIRE RESPONSE PLAN and OPERATIONAL GUIDELINES

It is the intent of the Emergency Fire Response Plan and Operational Guidelines to provide the highest degree of attainable fire protection services, within the scope of available resources, within the boundaries of the Matanuska-Susitna Borough Fire Service Areas, and within the boundaries of the Borough and Cities of Houston and Palmer. (Fire services are not authorized to respond to fire incidents not within those said boundaries unless immediate life safety issues are present, the immediate threat of a major catastrophe or disaster, or directed by the Borough Manager and/or the Director of Emergency Services.)

The overall goal of the plan is to provide rapid response and adequate resources for fire suppression in an effective and efficient manner by utilizing the national Incident Management System (NIMS) guidelines. The foundation for the plan has been developed by the Borough-wide Comprehensive Fire Protection Plan adopted by the Borough Assembly. The rapid response and fire flow standards are included in the Comprehensive Plan. When possible, with distance being the main criteria, fire service resources shall be utilized and dispatched for the common purpose of providing the maximum level of fire suppression services. Some areas that are remote and not contiguous to other fire service area boundaries may not receive immediate and direct benefit of the common purpose, although every effort will be made to provide resources (manpower and equipment) for a major incident. All response organizations that are party to this agreement will utilize NIMS standards.

The Emergency Response Plan and Operational Guidelines include the following sections:

- 1. The initial fire service responses and subsequent required responses to pre-defined non-wildfire Type IV, III, II, and I fire incidents.**
- 2. The Mat-Su Area Coordinated Wildfire Disaster Response Plan.**
- 3. The Matanuska Susitna Borough Fire Services Wildland Urban Interface Task Force Guidelines Conditions.**

SECTION 1

A. Type IV, III, II, and I non-wildfire incidents are defined as follows:

Type IV - An incident that requires the resources of a single fire station for suppression, control, and extinguishment. Incidents such as a motor vehicle fire (automobile, truck, etc.), dumpster, trash, carbon monoxide detector activation, chimney fire, motor vehicle accidents, small aircraft accidents, etc. The normal response from a single station to these types of incident would be an engine, pumper/tanker and command support vehicle(s). The operational period for these types of incidents is relatively short (2 hours or less) and usually requires minimum staffing levels. Command of these type incidents can be performed by a senior firefighter, company officer or a chief officer. Incident Command functions used on these types of incidents are Command and Operations, and are usually performed by one individual.

Type III- An incident that requires the resources of two or more fire stations for suppression, control and extinguishment. Incidents such as residential structure fires (single family, multi-family units), small retail or commercial structures, schools, etc. which require a more complex and extended fire attack operation and organizational structures. The normal response for these types of incidents would be two fire stations, consisting of 2 engines, 2 or more pumper/tankers, an EMS unit (ambulance) support/command vehicle(s) and a rescue unit for lighting and SCBA refilling. The operational period for these types of incidents could extend up to 12 hours but should be controlled and extinguished in the first operational period. Incident Command and General Staff functions filled on these types of incident are usually Command, Operations and Safety. The incident may be divided into divisions/sectors with senior firefighters, company officers or command officers filling the supervisory positions.

Type II- An incident that requires the resources of multiple fire, EMS and rescue units for suppression, control, extinguishment or mitigation. Incidents such as large commercial, manufacturing, industrial facilities, educational complexes (high school/middle school complexes), major transportation accident (air, road, railway), the potential for fire conflagration, earthquake, flood or any major disaster. Incident (Unified) Command and General Staff will determine the responses for these types of incidents.

Command of these types of incidents will be the responsibility of the Department of Emergency Services as delegated by the Borough Manager in an identified Chain of Command. Most of or all of the (Unified) Command and General Staff positions are activated and the IC and Command/General Staff must function as a team handling many aspects such as:

- Supervising a large organization.
- Multiple operational periods.

- Gathering information to develop an action plan.
- Providing logistical support including the establishment and operation of a base to be identified as the Incident Command Post (ICP).
- Many of the functional units of ICS are needed.
- Divisions are established, but often only to break up the incident into geographical sections to facilitate making work and task assignments and other factors as opposed to span-of-control needs or complexity factors.

INCIDENT COMPLEXITIES

There are many factors that determine the complexity of an incident, such as size, location, threat to life and property, political sensitivity, organizational complexity, jurisdictional boundaries, values at risk, fire loading, construction types, agency policies, etc.

Exactly when an incident goes from one complexity to the next is “in the eyes of the beholder.” There is usually no definitive method to differentiate between the degree of complexities and one person’s Type II and another’s Type I. The jurisdictional head or designated representative must determine the complexity of an incident and assign qualified personnel as needed. In situations where multiple agencies and jurisdictions are involved, the determination of complexity and assignment of personnel should be agreed upon jointly.

Type I- The primary difference between a Type I and Type II incident is a matter of size and complexity. The factors that affect the decision to go to a Type I operation are extremely variable and depend to a large extent upon the needs and policies of the agency or agencies involved. Type I incidents are usually large complex and requires well-qualified personnel at the IC and Command General Staff level.

A Type I incident has all the characteristics of a Type II incident plus:

- All command and General staff positions are filled
- Many or all divisions/Sectors required personnel qualified to function as Division/Group Supervisors
- The number of Divisions may be such that Branches are needed to reduce the span-of-control.
- Operations resources (equipment and manpower) are used in large numbers during each operational period.

B. INITIAL FIRE RESPONSE

The criteria for responses to fire incidents are as follows:

1. The closest fire station by road miles to a fire incident location will be the first response. (Initial Response -Closest Fire Station), as per the Emergency Dispatch Center (EDC).
2. The fire service having responsibility for the fire incident geographic area will respond. (Initial Response -Responsible Fire Service Area)
3. The fire incident situation, complexity, and circumstances will be the basis for any required additional fire service resources, as determined by the Incident Commander.
4. Additional required fire service response will be dispatched only as needed and requested by the Incident Commander or by a Pre-Planned Response Card or Information provided to EDC (Additional Response)
5. Consideration will be given not to deplete resources (manpower and equipment) of any fire service for additional responses.
6. If the fire incident or emergency situation has the potential to escalate or develop into a complex and/or extended operation, management and command of the incident will be the responsibility of the Department of Emergency Services.

C. EMERGENCY DISPATCH CENTER

The Emergency Fire Response Plan and Operational Guidelines pertaining to the Emergency Dispatch Center (EDC) have three major components, which are 1) Initial Response; 2) Special Response; and 3) Additional Response.

Initial Response. This response is the automatic response which is included as part of the ANI and ALI programming of the EDC computers, and the ESN (Emergency Service Number) response map.

The initial response includes the closest fire station and the responsible fire service as designated by the group numbers on the ANI designated as ESN's. However, if the group numbers on the ANI/ALI readout and ESN response map indicate the same fire service, then the initial response includes only those fire stations in the responsible fire service for the fire incident geographic area. Also, more than two (2) fire stations responses may be designated.

1. EDC shall initially dispatch the closest fire station by road miles to the fire incident location as designated by the first group numbers as they appear on the ANI screen and on the ESN map.

2. EDC shall also initially dispatch the fire station of the fire service responsible for the fire incident geographic area as designated on the ANI readout and the ESN map. Note: Closest fire station and responsible fire service may be the same.
3. The initial EDC dispatches shall be by pagers to all fire service areas.

D. Special Response

A special response is part of the automatic response which requires more than a two station response, a particular type of fire apparatus, or a particular type of fire incident which requires a second station response.

1. EDC shall initially dispatch the closest fire station as described under the Initial Response section.
2. If the ANI and ESN map designates several fire stations, EDC shall dispatch those fire stations in the sequence designated on the ANI and ESN map.
3. If the ANI and ESN map has a letter "T" (Tanker), "E" (Engine), or "B" (Brush) behind the designated fire station, EDC shall dispatch the fire station with the word "Tanker", "Engine" or "Brush" as described under the Initial Response section.

E. Additional Response

This type of response may not be identified in the ANI/ALI readout. The decision to request a special response is the responsibility of the On-Scene Incident Commander and not EDC, except to dispatch the response.

The key elements of the Emergency Fire Response Plan and Operational guidelines as it applies to the EDC is the initial information obtained by EDC, particularly the location and the description of the fire incident from the individual reporting. It is the basis of fire dispatch.

1. EDC shall dispatch fire service resources as requested by the On-Scene Incident Commander.
2. If the resources requested are from a previously dispatched fire service that is available for response but has not yet returned to quarters, EDC shall radio the request for the resources.
3. If the resources requested are from a fire station that has not been dispatched to a previous fire, EDC shall page for the requested resources.

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- Wildland/Urban Interface Taskforce Guidelines

F. Response Time

If after the initial dispatch (single or joint fire service dispatch), EDC does not receive an acknowledgement of response from any dispatched fire service within THREE (3) MINUTES of the initial dispatch: EDC shall initiate a second dispatch. If no adequate response is received within TWO (2) MINUTES of the second dispatch, EDC shall dispatch the next closest fire station shown on the ESN map.

G. Division of Forestry Fire Season

In cooperation with the State of Alaska Division of Forestry, EDC shall notify Forestry of any brush/wildland fire during the fire season. The normal fire season for the Division of Forestry is from mid-April through mid-September. Communications with the Division of Forestry, Mat-Su Area Dispatch can be made by phone or through Areawide Channel 1 (154.295).

EDC shall dispatch fire services as designated by the ANI/ALI and ESN's to brush/wildland fire ONLY within the fire service areas and the Cities of Palmer and Houston. For fire outside those areas, EDC shall notify the Division of Forestry.

H. Fire Incidents Outside the Borough and City Fire Service Areas

EDC is not authorized to dispatch any fire service to fire incidents (structure or wildland) outside the boundaries of the Borough fire service areas nor the boundaries of the cities of Palmer and Houston. The individual reporting the fire incident shall be so advised. In the event of a structure fire where injury of a life-threatening situation exists (life threatening is defined as a person or people trapped in the fire structure), EDC shall dispatch the closest fire station as a single station response (Engine and Tanker). The closest ambulance service shall also be dispatched and the Director of the Department of Emergency Services for the Matanuska-Susitna Borough or his designee shall be notified. EDC shall also notify the Alaska State Troopers. In the event of a brush/wildland fire occurring outside the boundaries of the borough fire service areas or the cities of Palmer and Houston, EDC shall notify the Division of Forestry.

I. Fire Services

Response areas for all fire service have been established through the development of ESN's. ESN's are response boundaries that were previously created by the Phase I Operational Plan Map and have been revised as a result of improved and newly developed roads. The ESN data has been entered in the EDC computers as part of the ANI/ALI system. An ESN contains predetermined fire, rescue, and EMS and police responses to any specific area throughout the entire Borough including the cities of Palmer and Houston. The ESN's contain a series of numbers that are fire station designators presently assigned to all fire stations. These designators will be used to dispatch fire services.

The majority of the ESN's have two groups of numbers such as "61/52". The first station number (61) is the closest station to be dispatched and the second station number **in most cases is the responsible fire service station to be dispatched**. Both stations are to respond on the initial dispatch to a fire incident. These are identified as JOINT FIRE SERVICE RESPONSE areas.

There are ESN's which designate a single fire service response (Talkeetna and Sutton). After the initial dispatch and response of these single stations to an incident, the on-scene Incident Commander will determine the need for additional resources from adjoining fire service areas, EDC will dispatch the requested resources.

There are ESN's which indicate a group of three (3) numbers and/or a letter after the station number. The three station numbers such as "35/61/52" require all three to be dispatched in that sequence. If a letter follows the station number such as "T", then a tanker from that station would be dispatched. If the letter "E" follows the station number, then an engine from that station would be dispatched.

ESN's located in the Meadow Lakes, Big Lake, Willow Fire Service Areas, and the City of Houston has the letter "A" after the primary fire station. The letter "A" designates the term "ALL CALL" and requires that the four (4) fire services be paged simultaneously for response to the incident.

The Key to determining the required response to a fire incident after the initial response is the "SIZE UP" by the first "on scene fire service or Incident Commander. The following guidelines shall be used in determining the initial, joint, special and additional responses.

a. Vehicle, Brush, Chimney or other Minor Type Fires

The initial dispatch of fire stations to a fire incident of the above types of fires is automatic. Once the first unit arrives on scene, the officer in charge or the on scene Incident Commander will perform a size up and determine if additional resources are needed. If the fire incident is minor and additional resources are not required, the IC will provide EDC with the size up information and request that any additional responding units "CODE GREEN". If the additional resources include the fire service with responsibility for the geographic area, then that unit or resource will continue to the fire scene. However, if the responsible fire service chooses not to continue to the fire scene, it must so advise the on scene Incident Commander through EDC and request that all information for the incident reporting system be acquired and forwarded to the responsible fire service.

b. Structure Fires

The initial response is automatic as it appears on the ANI/ALI system and the ESN map. Once the first unit arrives on scene the officer in charge or on the scene Incident Commander shall provide a "size up" of the fire incident and notify EDC and incoming units of the "size up". If

the information initially received by EDC indicates a confirmed fire in the structure, the first and second initially dispatched fire stations will each respond with a minimum of one engine and one tanker. The decision to request additional resources will be the responsibility of the on scene incident commander.

c. Wildland Fires Outside Fire Service Areas

Through agreements with the State of Alaska, Department of Natural Resources, Division of Forestry, fire services may respond at the request of the Division of Forestry to incidents outside the fire service area. Also, responses to these types of incidents can be at the direction of the Director of the Department of Emergency Services or his designee under the "Matanuska-Susitna Borough Wildland/Urban Interface Task Force Guidelines" and/or "The Mat-Su Area Coordinated Wildfire Disaster Response Plan for the Matanuska Susitna Borough Fires Service Areas. Response to these types of incidents is dependent upon fire service available resources.

d. Fire Incidents Outside Fire Service Areas

Fire service responses outside the boundaries of the Borough fire service areas and the boundaries of the Cities of Palmer and Houston are not routinely authorized. (See Section 1-H). In the event of a structure fire where injury of a life-threatening situation exists (life threatening is defined as" a person or people trapped in the fire structure), EDC shall dispatch the closest fire station as a single station response (Engine and Tanker). The closest ambulance service shall also be dispatched and the Director of the Department of Emergency Services for the Matanuska-Susitna Borough or his designee shall be notified. EDC shall also notify the Alaska State Troopers. In the event of a brush/wildland fire occurring outside the boundaries of the borough fire service areas or the cities of Palmer and Houston, EDC shall notify the Division of Forestry.

There are presently two (2) High Risk/Target Areas located outside fire service area boundaries that require a response by the Borough fire services. The first area is Trapper Creek Elementary School; the dispatch protocol shall be Stations 11-1, 11-2, 12-1 and Trapper Creek Ambulance. The second area is Glacier View Elementary School; the dispatch protocol shall be Station 1-1, Sutton Ambulance and Sutton Fire Service Area.

e. Hazard/Target Areas

High hazard/target areas are defined as school complexes, health care facilities, senior citizen facilities, large commercial and retail complexes, etc. The response criteria for High hazard target areas are defined in Sections 1 D and E, unless an individual response assignment card has been developed and entered in the ANI/ALI system.

f. Major Conflagrations and Disasters

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The response to major conflagrations and disasters will follow the criteria developed in the "Matanuska-Susitna Borough Wildland/Urban Interface Task Force Guidelines" the Mat-Su Area Coordinated Disaster Response Plan for the Matanuska-Susitna Borough Fire Service Areas and the Matanuska-Susitna Borough Disaster Plan.

Section 2

MAT-SU AREA COORDINATED WILDFIRE DISASTER RESPONSE PLAN FOR MATANUSKA-SUSITNA BOROUGH FIRE SERVICE AREAS

PURPOSE:

The last several years in the Mat-Su Valley has seen a dramatic increase in the number of urban/rural wildland interface fires, including the catastrophic Miller's Reach Fire in 1996. These fires have shown the need to efficiently pre-plan for these types of incidents in order to maximize the co-ordination of interagency resources and minimize loss. Therefore this plan, as an outgrowth of the co-operative agreement with the Mat-Su Borough and the Division of Forestry, establishes a framework to manage major or complex incidents within the Mat-Su Borough and to provide for transition to more complex incident management organizations.

BACKGROUND:

Because of the extent of the urban/rural interface, fire problems can become extremely complex in a matter of hours and involve several fire service areas, the Division of Forestry and other emergency agencies including the Alaska State Troopers and the Matanuska-Susitna Borough Department of Emergency Services.

Review of the management of recent incidents and the potential for others of significantly greater complexity, illustrates the need to establish a preplanned response team. A team that has experience and training necessary to efficiently manage a complex incident, establish a functional operations organization that most effectively can control the incident, and a logistical organization that can support it, is essential to minimize the potential fire impact.

CURRENT LEVEL OF RESPONSE:

The Division of Forestry has statutory responsibility for wildland fire protection in the Mat-Su Borough. The Mat-Su Borough has established tax supported Fire Service Areas to provide residents with fire protection. Through the existing co-operative agreement, Borough fire service areas actively engage in wildfire suppression to assist DOF in meeting the fire problem.

At the present time, any response in a moderate or above fire danger day will place the senior officer of the responding fire service area and senior Division of Forestry forest technician in the position of unified incident command. These individuals operate as a joint command with duties primarily falling into the realm of the fire service areas (FSA's) protecting structures and DOF

protecting the wildland component. In most cases this level of response is adequate and effective in meeting the needs of the incident.

Past local experience from previously mentioned incidents has shown that as these incidents expand and more resources are needed to control the incident, i.e. additional FSA's, increased air operations, crowd and access control, and EMS response, the lines of authority can become blurred and tend to create management problems in coordinating resources.

The National Wildfire Coordination Group identifies four levels of wildland fire, identified by ICS type. The NWCG Fire-line Handbook provides the following discussion of incident types, with additional sections added by MSB Department of Emergency Services staff.

TYPE IV .INITIAL ATTACK

Initial attack is the first suppression work on a fire. All wildland fire that is controlled by suppression forces undergoes initial attack. The number and type of resources responding to initial attack varies depending upon fire danger, fuel type, values at risk and other factors. Generally, initial attack involves relatively few resources, and fire size is small.

Nationwide, about 95% of all wildland fires never exceed this level of complexity. The Level of Complexity is Type IV.

Characteristics of a Type IV incident

- Resources may vary from a single firefighter to several single resources. Probably a single task force or strike team
- Normally limited to one operational period at least the control phase. Mop up may extend into multiple periods.
- Normally does not require a written action plan.
- The initial attack commander is normally the most experience firefighter one scene and is responsible for performing all command and general staff functions.
- Wildland/Urban Interface Incidents occurring within the Fire Service Areas of the Mat-Su Borough will require a unified command of the most experienced Division of Forestry Technician and officer in charge of the MSB structural fire department to determine incident objectives, incident priorities, required resources and length of commitment of the structural units.

TYPE III .- EXTENDED ATTACK

An Extended Attack Incident is a wildfire that has not been contained/controlled by the Initial Attack Forces and additional firefighting resources are arriving, en route, or being ordered by the Initial Attack Incident Commander.

Note: An extended attack incident fits into the Type III Incident as regards to complexity.

Characteristics of an Extended Attack Incident

An extended Attack Incident is *normally* characterized by:

- Less than 100 acres in size although some rural/wildland areas where values at risk are low and fuels size are primarily 100 hours or less, the fire size could be significantly larger.
- Firefighting resources vary from single resources to several task Force/Strike Teams.
- The incident may be divided into divisions, but would not meet the Division Supervisor complexity in regards to span of control.
- The incident is expected to be contained/controlled in the first operational period. If not, it will probably transition into a Type II incident.
- Some of the Command and General Staff positions such as Planning, Logistics, Safety and Liaison may be filled, but at the Division/Group Supervisor and Unit Leader level as opposed to Type I or Type II.
- Staging areas may be utilized and in some instances a small base camp may be established.
- Wildland/Urban Interface Incidents occurring within the Fire Service Areas of the Mat-Su Borough will require a unified command of the most experienced Division of Forestry Technician and the officer in charge of the MSB structural fire department, until the arrival of an assigned officer from the Department of Emergency Services staff. Officers of the MSB structural fire department will be assigned to joint or direct functions/responsibilities in Operations, Planning, Structural Group/Division Supervisors, Task Force/Strike Team Leaders and Safety.

There are many factors that determine the complexity of an incident, such as size, location, threat to life and property, political sensitivity, organizational complexity, jurisdictional boundaries, values-at-risk, fuel types, topography, agency policy, etc.

Exactly when an incident goes from one complexity to the next is “in the eyes of the beholder.” There is usually no clear cut line between complexities and one person’s Type II and another’s Type I. The jurisdictional head or designated representative must determine the complexity of an incident and assign qualified personnel as needed. In situations where multiple agencies and jurisdictions are involved, the determination of complexity and assignment of personnel should be agreed on jointly.

Experience indicates that over 95 percent of all wildland fire incidents are at the Type III and IV complexity level so most of the “gray areas” occur in 5 percent or less of the incidents, however, the majority of the resource and property loss and suppression expenditure occur within the 5 percent.

TYPE II INCIDENT

A Type II incident is the first level at which most or all of the Command and General Staff positions are activated. The IC and Command/General Staff must function as a team handling many aspects such as:

- Supervising a large organization.
- Multiple operational periods.
- Gathering information to develop an action plan.
- Providing logistical support including the establishment and operation of a base and possibly camps.
- Many of the Functional Units are needed.
- Divisions are established, but often only to geographically break up the incident to facilitate making-work assignments and other factors as opposed to span-of-control needs or other complexity factors.
- Both IC’s will decide the exact time of command change. Select a logical time to assume command, but do not assume command until thoroughly briefed and comfortable with the situation.

Note: Quite often when relieving an Extended Attack Organization the Type II Team will assume responsibility soon after arrival of the support systems, but may leave the Operations Section in place until shift change for the next Operational Period.

TYPE I INCIDENT

The primary difference between a Type I and a Type II incident is a matter of size and complexity. The factors that affect the decision to go to a Type I operation are extremely variable and depend to a large extent upon the needs and policies of the agency or agencies involved.

This is usually a large, complex incident and requires well-qualified personnel at the IC and Command/General Staff level. Incident Management Teams assigned to Type I Incidents are the agencies most qualified personnel.

The Type I **Incident** has all of the characteristics of a Type II Incident plus:

- All Command and General Staff positions are filled.
- Many or all Divisions require qualified Division/Group Supervisors.
- The number of Divisions may be such that Branches are needed to reduce the span-of-control.
- Operations personnel may often exceed 500 per operational period and total personnel will usually exceed 1,000.

TYPE I and TYPE II INCIDENT MANAGEMENT

It is assumed that local resources will be available to manage most or all Type III and IV incidents in the Borough. For more complex incidents (Type I and II) a qualified incident management team will be ordered by the Division of Forestry and will assume management of the incident. Where overlap of jurisdictional responsibilities, a Wildland Urban Interface situation where structures are threatened, a Unified Command will be established to provide objectives and give strategic direction to the incident management team. When Unified Command is established on Type I and II fires where a Wildland/Urban Interface situation exists, structures threatened or burning, the following direction will be standard:

1. MSB Department of Emergency Services Staff will be included in the Operations Section at the section chief level. Actual position and title will be as agreed by the MSB Director of Emergency Services and Team IC/OSC.
2. MSB EMS resources will be utilized to the fullest extent possible under the Operations Section. MSB EMS protocols will take precedent over wildland medical unit protocols and procedures. MSB EMS will provide field patient care and transportation, while the wildland medical unit will function under the Logistics Section to provide base/camp medical services. The highest level of patient care will be the overall objective of the combined incident medical staff.

3. The MSB Director of Emergency Services or his designee will provide MSB qualified Fire Service Officers to function as Structural Group/Division Supervisors to aid the Type I and II Wildland Division/Group Supervisors, or if the incident is inside either the City of Houston or the City of Palmer, the respective City will provide qualified Fire Service Officers to function as Structural Group/Division Supervisors to aid the Type and II Wildland Division/Group Supervisors. The Department of Emergency Services will provide red card qualified strike team/task force leaders when possible or strike team/task force leader trainees to function with qualified DOF strike team/task force leaders.

In order to avoid the ground management problems and better facilitate coordination of multi-agency resources, a set command structure will be activated when the need is justified. This need will be determined by the on scene incident commanders and approved by the Area Fire Management Officer or duty officer and the Matanuska-Susitna Borough Director of Emergency Services or his designee. The decision will evaluate fire behavior and spread potential, resources at risk, agency involvement, maintenance of initial attack capability, expected time commitment and initial team management capabilities. The Division of Forestry has the authority to activate a higher level management team. This will be accomplished in consultation with the Mat-Su Department of Emergency Services, locally involved Fire Service Areas and other emergency agencies, such as the Alaska State Troopers.

The organizational structure for Type IV incidents (attachment A) would consist of a formalized unified command employing the Division of Forestry Fire Management Officer or his designated Operations Supervisor, the local FSA Chief or officer in charge of the structural units and local EMS Chief or Senior EMT. This unified command would report directly to the DOF line officer (the Area Forester or his designee and the Matanuska-Susitna Borough Director of Emergency Services or his designee). The line officer would also be the focal point for other agency contact, i.e. DES, AST, MSB, and DOF regional line officer. The organizational structure for Type III incidents (attachment B) would be the same as Type IV with the following exception:

The unified command would consist of the Division of Forestry Fire Management Officer, the local FSA Chief (if in the respective city limits of Houston or Palmer), and the officer in charge until the arrival of the Director, MSB Department of Emergency Services or his designee.

The Operations Section would consist of a senior Forest Technician from the Division of Forestry who would have a Deputy Senior Fire Officer assigned by the Director, MSB Department of Emergency Services or his designee and the EMS Coordinator or his designee. The Operations Chief and Deputy would be expected to coordinate operational resources and utilize them to maximum efficiency. Primary suppression resources would be working directly for the Operations Chief. A staging area would

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also be established by the operations section and managed by pre-designated qualified Fire Service Area Chief Officer. The general staff would be filled at the appropriate time and level, as needed, using qualified personnel in Finance, Logistics and Planning. This is anticipated to be at the unit level at maximum.

It is expected that this organization could manage a multi-agency, multi-jurisdictional incident that could involve several local FSA's, Borough EMS, State Troopers and a wildland contingent of suppression resources. This team would be expected to contain the incident by the next burning period. In the event the incident is not contained by that time, the line officer, in consultation with the unified command, would be required to make a decision on a continued level of commitment by analysis of projected control time, maintenance of initial attack capability by DOF, and co-operator agencies ability to remain committed.

TRANSITION TO HIGHER MANAGEMENT LEVEL

In the event the incident was to expand to a point where extensive resources were required beyond the management capability of the team, DOF initial attack integrity was compromised, or cooperators functional integrity was compromised, the line officer would activate a Type I or II overhead team as appropriate.

A full briefing of any new team would occur and transition should take place over one shift with essential operational elements to be incorporated into the new management structure in order to insure continuity and a smooth transition.

DOF and Mat-Su Borough co-operators would release those resources and management personnel not specifically needed to control the incident in order to maintain full first responder capability.

Section 3

MATANUSKA - SUSITNA BOROUGH FIRE SERVICES WILDLAND/URBAN INTERFACE TASK FORCE GUIDELINES

PURPOSE

The continuing growth and development of the Matanuska-Susitna Borough is greatly increasing the potential for wildland/urban interface. The Matanuska-Susitna Borough, Department of Emergency Services and the Mat-Su Fire Chiefs Association have identified the need to develop policies and procedures to maintain timely and effective structural fire protection services while improving the ability to provide effective methods to address the wildland/urban interface in the event of a major wildland/urban interface occurrence. The development and adoption of guidelines will identify policies and procedures for the formation and operation of wildland/urban interface fire suppression task forces from the resources of the Matanuska-Susitna Borough Fire Services, the Cities of Houston and Palmer Fire Departments in conjunction with Alaska Division of Forestry and the Alaska Fire Service, as well as identify a chain of command for large scale incidents.

The basic premise of the development and operations of Borough fire service task forces is to insure that an adequate force of structural fire suppression personnel and equipment are maintained in all fire service areas of the Borough, while having wildland/urban interface task force(s) in operation.

The updating of the Matanuska-Susitna Borough Wildfire Disaster Response Plan will serve to maximize the coordination and deployment of interagency resources, increase the effectiveness of a unified command system, and increase the potential to minimize losses.

TASK FORCE FORMATION

The formation and assignment of apparatus to task forces from within the borough fire services will be formulated on the following premises:

1. The primary objective of forming the Borough Fire Services into task forces is to provide structural protection during a Wildland/Urban Interface incident. Prior to activation and mobilization of a task force(s), Division of Forestry must specify, in its request, the intended use of the task force(s). If the intended use is for Wildland Fire only, then the

Borough reserves the right to adjust the make up of the task force(s) to fit the objectives of the incident.

2. The Borough fire services will be divided into two divisions, a North and South division.

The South Division will consist of Wasilla-Lakes (Central Mat-Su), Greater Palmer, Butte and Sutton Fire Service Areas and the City of Palmer Fire Department. The South Division will be designated as MSB Task Forces 1 and 3

The North Division will consist of Meadow Lakes, Big Lake, Willow, and Talkeetna Fire Service Areas and the City of Houston Fire Department. The North Division Task Forces will be designated as MSB Task Forces 2, 4 and 5.

All apparatus assigned to a task force will meet the appropriate and current NFPA standards. When a task force is assigned to an incident for structure protection, it will function as one unit to maintain compliance with 29 CFR, Section 1910.134, Two In Two Out Rule.

The following information must be submitted prior to the apparatus being assigned to a task force:

- a. Current and complete equipment inventory of apparatus.
 - b. Current annual pump test certification information.
3. Each division will provide a primary task force assignment and a secondary task force assignment. The assignment of units to a task force will require each Fire Service Chief to identify, prior to the start of the season, what unit in the service will be available for assignment to a task force. This information will be submitted to the MSB Department of Emergency Services for final assignment.
 4. The normal make-up of a Mat-Su Borough Task Force shall be:
 - 2 - Structural Engines (S1 - S2 - S3 - S4)
 - 2 - Structural Pumper/Tankers (Ti or T2)
 - 1 - Brush/Patrol Unit (W1, W2, W3, W4, W5)
 - 1 - Command/Support Unit
 5. Each Task Force will consist of 15 wild land personnel approved by the Department for in Borough responses. These personnel will be wildland certified and NIMS-compliant, and will be assigned as follows:
 - 1 - Task Force Leader
 - 3 - personnel per structural engine x 2 = 6
 - 2 - personnel per pumper/tanker x 2 = 4

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2 - personnel per brush unit x 1 = 2

Structural Engines, Pumper/Tankers and Brush Units will have a minimum of 1 Borough Certified Engineer/Operator.

6. Task forces will be designated as follows:

- MSB Task Force 1
- MSB Task Force 2
- MSB Task Force 3
- MSB Task Force 4 (includes 5)

TASK FORCE COORDINATION AND MOBILIZATION

The coordination of the Mat-Su Borough Task Forces will be through the Matanuska-Susitna Borough Department of Emergency Services. The Director, Department of Emergency Services or his designee will be the coordinators.

The activation of a task force or task forces will require notification to the Department of Emergency Services by the requesting agency. The Department of Emergency Services will maintain a list of Task Force leaders and trainees willing to make a minimum five (5) day commitment if activated.

Requests for activation of the Task Force(s) will be done by the Mat-Su Area Fire Management Officer (FMO) or his designated representative. Both north and south division task forces may be activated simultaneously.

Personnel and apparatus shall be in pay status from the time of activation of the task force until all apparatus and personnel are demobilized and available at their respective stations.

The Division of Forestry will process equipment and pay documents and make payments to the Matanuska-Susitna Borough fire services. The appropriate State Emergency Equipment Rental Agreements must be completed for each piece of equipment. Rental agreements will specify that the apparatus operators will be furnished by the Borough fire services and paid by the Division of Forestry as a member of the task force.

OPERATIONS

Fuel for all Task Force vehicles will be furnished by DOF or other government agencies utilizing them on fire assignments.

Communications

This policy shall apply to all multi-jurisdictional responses such as major fire, flood or like event. It shall be the responsibility of the Incident Commander (or Commanders, if a Unified

Command is established) to select the number of frequencies to be used and to assign those frequencies to specific functions. Communications for incidents within the Matanuska-Susitna Borough will be dispatched through the Borough (EDC) Emergency Dispatch Center on channel 1 (154.295). Task Force Leaders will follow the communications policy established for these types of incidents by utilizing the following frequencies for multi agency responses.

Matanuska-Susitna Borough Department of Emergency Services

<u>MSB CHANNEL</u>	<u>FREQUENCY</u>	
1	154.295	Borough Areawide
3	154.190	Borough Tactical 3
4	154.340	Borough Tactical 4
6	154.205	Borough Tactical 6
7	154.220	Borough Tactical 7
8	154.400	Borough Tactical 8

Division of Forestry

<u>MSB CHANNEL</u>	<u>FREQUENCY</u>	
IA-1	159.375	Interagency 1
FT-2	151.265	Forestry Tactical 2

Statewide Command and Control

<u>MSB CHANNEL</u>	<u>FREQUENCY</u>	
	155.295	Statewide Command

On multi-agency responses, initial contact between incident Commanders will be made on the Borough Areawide frequency 154.295. Incident Commanders have the responsibility to designate tactical frequencies and ensure that all responding units are notified of their use.

On larger incidents, the statewide Command and Control frequency 155.295 will be designated as a command frequency. Use will be limited to linking command personnel down to and including division/group supervisors. IC's will determine when traffic on tactical frequencies exceeds the limits of effective communications and implement the use of the command frequency.

Where practical, the seven tactical channels indicated on the list should be programmed as a group on individual radios. With the wide range of capability among radios in service, having channel numbering between agencies is not possible at this time. The use of channel numbers as frequency identifiers as provided here is strongly encouraged.

During periods of multiple fire occurrence radio traffic should be kept to a minimum and CLEAR TEXT SHALL BE USED. The Task Force leader will identify a secondary tactical frequency to be used.

For incidents outside the Borough, Task Force leaders will be provided one portable radio from DOF that will provide initial communications. Task Force Leaders should attempt to secure additional communications equipment at the incident.

Supplies and equipment can be obtained from Mat-Su Area DOF through the Mat-Su cache located in Palmer. The Task Force Leader should consolidate orders for the entire Task Force and sign for all equipment received.

TASK FORCE LEADERS

Task Force Leaders and Task Force Leader Trainees shall meet the requirements established by the Matanuska-Susitna Borough, Department of Emergency Services and Alaska Division of Forestry.

For an out of Borough response, a fully qualified and red carded Task Force Leader will always be assigned. If the Borough cannot provide such an individual, the State will provide a carded Task Force Leader. The senior Borough Fire Officer assigned will be designated as a Task Force Leader Trainee and every effort will be made to qualify that individual, as a fully qualified task force leader.

Task Force Leaders shall have full responsibility for all apparatus and personnel under their direction.

Task Force Leaders (or trainees) will be responsible for the following:

- A. Receiving complete information on the assignment; this information will be provided upon activation of the Task Force and additional information will be obtained upon arrival at the incident.
- B. Pre Fire Inspection of apparatus upon activation of a Task Force(s) in borough predetermined mobilization point will be identified. DOF personnel will perform pre-fire inspections on all apparatus. If the Task Force is activated for an out-of-borough assignment, an additional pre fire inspection will be performed once the Task Force has reached the Incident Staging Area or ICP.
- C. Check in at the Incident Task Force Leaders will check in at the ICP for completion of ICS 211 upon arrival at the incident.
- D. Obtaining supervisors briefing Task Force Leaders will obtain necessary assignment information from Division Supervisors.

- E. Obtaining work materials and supplies - securing additional supplies or work materials that may be needed for Task Force members, including communication equipment.
- F. Organizing and briefing subordinates Task Force Leaders will provide daily or shift briefings to Task Force members.
- G. Provide briefing to relief crew and Task Force Leader.
- H. Completion of Unit Logs (ICS 214), daily: Task Force Leaders must complete this log at the completion of each operational period. Copies of units' logs must be submitted for documentation.
- I. Completion and submission of daily crew time reports and daily equipment use records. Task Force Leaders must insure daily completion and submittal of crew time reports and equipment use records.
- J. Demobilization: Task Force Leaders will follow standard demobilization procedures:
- a. Return all issued supplies and equipment
 - b. Completion of crew evaluations
 - c. Submission of Crew Time reports and equipment use records for posting of financial documents.
 - d. Post fire inspection of apparatus and documentation of damages.
 - e. Post fire inventory check and documentation of equipment inventory losses.

Task Force Leaders will maintain copies of all of their respective Task Force documentation for the incident and submit the documentation to Department of Emergency Services (Station 65) when the task force is demobilized.

If a Task Force Leader trainee is assigned to the task force, DOF will provide a qualified Task Force/Strike Team Leader, familiar with structural apparatus to evaluate and coach the trainee for a minimum of three (3) shifts.

If more than one (1) task force is activated, DOF will assign a qualified Division/Group Supervisor familiar with structural apparatus.

SIGNED:

- Emergency Fire Response Plan
 - Coordinated Wildfire Disaster Response Plan
 - Wildland/Urban Interface Taskforce Guidelines
-

Bill Gamble, Director, Emergency Services

Date

John Moosey, Borough Manager

Date

PENDING – Primary Amendment to Ordinance Serial No. 16-100

AMEND Ordinance Serial No. 16-100, MSB 23.05.020(B), on page 453 of the packet, inserting at end of the paragraph “with the exception of real property, personal property, and natural resources acquired as part of an active construction project or right of way reserved for future road expansion which were funded with state or federal monies under the management of the borough Capital Projects Department” to read: “

Borough-owned real property dispositions and acquisitions are unenforceable unless approved in accordance with this title. Where any conflicting Chapters of borough code may occur, provisions of this title shall take precedence with the exception of real property, personal property, and natural resources acquired as part of an active construction project or right of way reserved for future road expansion which were funded with state or federal monies and under the management of the borough Capital Projects Department.”

AND to MSB 23.05.020(C), on page 453 and 454 of the packet, inserting after the word “property” the words “personal property,” and after the word “resources” the following language “not part of an active construction project or acquired right of way reserved for future road expansion which are funded with state or federal monies and which are under the management of the borough Capital Projects Department” to read:

“In accordance with this title a Land and Resource Management Division Policy and Procedures Manual is adopted providing policies and procedures for borough-owned real property, personal property, and resources not part of an active construction project or acquired right of way reserved for future road expansion which are funded with state or federal monies and which are under the management of the borough Capital Projects Department.”

AND to MSB 23.05.100 (A), on page 460 of the packet, inserting after the word “be” the following language “classified in accordance with this title and such classifications shall be” to read:

“Borough-owned land shall be classified in accordance with this title and such classifications shall be used as a tool to identify types of land use for those lands included in competitive land sales or retained for public purpose or facilities. The planning commission shall be provided opportunity to review land classifications and make recommendation to the assembly as to the classification unless otherwise provided for by ordinance or this title.”

PENDING – Primary Amendment to Resolution Serial No. 16-068

AMEND Resolution Serial No. 16-068, on page 482 of the packet, by inserting two new whereas clauses after the 4th WHEREAS to read:

“WHEREAS, this resolution does not apply to real property, personal property, and natural resources acquired for right of way and/or construction projects funded by state or federal funds and managed by the Capital Projects Department as these projects must adhere to either

the Code of Federal Regulations or the Alaska Department of Transportation and Public Facilities Right of Way Acquisition Manual; and

WHEREAS, the Land and Resource Management Division Policy and Procedures Manual does not apply to real property, personal property, and natural resources acquired for right of way and/or construction projects funded by state or federal funds and managed by the Capital Projects Department as these projects must adhere to either the Code of Federal Regulations or the Alaska Department of Transportation and Public Facilities Right of Way Acquisition Manual; and”

PENDING – Primary Amendment to Policy & Procedure Manual:

AMEND the Land Management Division Policies and Procedures Manual, on page 260 of the packet, inserting after the “TABLE OF CONTENTS” title to read:

“CAPITAL PROJECTS DEPARTMENT EXEMPTION: The policies and procedures contained herein do not apply to real property, personal property, and natural resources acquired for right of way and/or construction projects which have been funded by state or federal funds and which are managed by the Capital Projects Department. These acquisitions and projects must adhere to either the Code of Federal Regulations or the Alaska Department of Transportation and Public Facilities Right of Way Acquisition Manual.”

PENDING - Secondary Amendment to Ordinance, Resolution, and Policy & Procedure Manual:

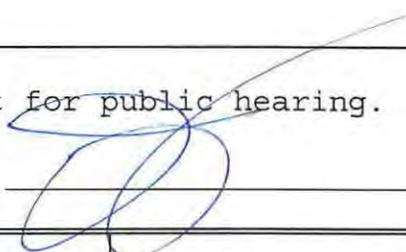
AMEND by striking all references to “personal property” throughout the ordinance, the resolution, and the policies and procedures manual.

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING TITLE 23 REAL PROPERTY, AND A RESOLUTION AMENDING THE LAND AND RESOURCE MANAGEMENT DIVISION POLICY AND PROCEDURES MANUAL.

AGENDA OF: *August 2, 2016*

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: 

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>NSC</i>	
	Community Development Director	<i>CP</i>	
	Finance Director	<i>JUL</i>	<i>5/26/16</i>
	Borough Attorney	<i>NS</i>	
	Borough Clerk	<i>JMM</i>	<i>7/26/16</i>

ATTACHMENT (S): Fiscal Note: YES NO
 Ordinance Serial No. 16-*100* (30 pp)
 Resolution Serial No. 16-*068* (2 pp)
 Land and Resource Management Division
 Policy and Procedure Manual Addendum (193 pp)

SUMMARY STATEMENT: The intent of this legislation is to provide clarification and cohesiveness within and between Title 23 and the Land and Resource Management Policy and Procedure Manual (otherwise referred to as the "PPM").

While Title 23 has been periodically updated throughout the years, the Land and Resource Management PPM has not been reviewed or updated since the early 1990s thereby prompting an extensive review by land and resource staff. As part of this process, staff studied state Department of Natural Resource regulations, Fairbanks North Star Borough, and Kenai Borough land use codes to gather an understanding of how other agencies

handle use of their public lands. Additionally, Mat-Su Borough code was reviewed to alleviate conflicts with regard to real property and natural resource adjudication under Title 23.

Many of the amendments proposed in the PPM are simple housekeeping measures to align the PPM with current code, as well as fixing format and grammar, and providing clarification where needed. In sections clearly deficient of procedures or sorely outdated, more significant amendments were needed and those sections are highlighted below:

PPM Part Thirty - An updated fee schedule which correctly reflects the assembly approved borough-wide fee schedule;
PPM Part Thirty-One - Generally allowed uses to ease and clarify public access across borough lands;
PPM Part Fifty - Land use permits that clearly delineate between temporary uses, public uses, and commercial uses;
PPM Part Sixty - Land disposals for less than fair market value with noted changes to the percentage of value charged; and
PPM Part Sixty-Five - Aligning forestry mandates and requirements as set forth in the Asset Management Plan: Natural Resource Management Units (NRMU) and adopted by assembly Ordinance No.2010-083.

Highlighted changes to code include repealing 23.10.270 Acquisition and Exchange, and replacing it with 23.10.275 Exchange and Acquisition. This change is simply for the purpose of moving the procedural language now encompassed in code to the PPM where it is better suited to reside. The procedures will also include a property evaluation requirement and coordination with the Capital Projects Department. Additionally, all reference to the Real Property Asset Management Board is to be repealed entirely as the board no longer exists.

It should be noted that any section of the code or PPM referencing agricultural lands shall remain untouched until such time the Matanuska-Susitna Borough Agriculture Advisory Board forwards recommendation to the assembly with regard to this section of code and adopted procedures.

As a result of approval, MSB Title 23 and the Land and Resource Management Division Policy and Procedure Manual will be updated, better organized, and aligned more effectively in order to better serve the public.

RECOMMENDATION OF ADMINISTRATION: Adoption of legislation to amend Title 23 and the Land and Resource Management Division Policy and Procedures Manual.

MATANUSKA-SUSITNA BOROUGH
FISCAL NOTE

Agenda Date: August 2, 2016
Development

ORIGINATOR: Community

SUBJECT: An ordinance of the Matanuska-Susitna Borough assembly amending Title 23 Real Property, and a resolution updating the Land and Resource Management Division Policy and Procedures Manual.

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT YES NO
AMOUNT REQUESTED	FUNDING SOURCE
FROM ACCOUNT #	PROJECT #
TO ACCOUNT :	PROJECT #
VERIFIED BY:	CERTIFIED BY:
DATE:	DATE:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL						
---------	--	--	--	--	--	--

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)

PREPARED BY: _____ PHONE: _____

DEPARTMENT: _____ DATE: _____

APPROVED BY: _____ DATE: _____

IM No. 16-094
Ordinance Serial No. 16-100
Resolution Serial No. 16-068

**Land and Resource
Management Division**

**POLICY
AND
PROCEDURES
MANUAL**

(Addendum to Resolution 16-___)

**Matanuska-Susitna Borough
COMMUNITY DEVELOPMENT DEPARTMENT
350 EAST DAHLIA AVENUE
PALMER, ALASKA 99645**

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OR 16-100
RS 16-068*

**LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURES MANUAL
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**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

AGRICULTURAL LAND SALES: Agricultural Disposal
PART 5

- 1.1 Authority: 23.05.030 [(E)]
 23.10.150

- 2.1 Classification. The land shall first be classified per classification procedure as "Agricultural lands."

- 3.1 Sale Notice. The offering of borough-owned land in an agricultural disposal will be published in a descriptive brochure containing at a minimum:
 - A. the date, time and place of awarding/naming the successful bidder/buyer for the parcel(s) in the disposal; and

 - B. the period during which bids/applications will be accepted; and

 - C. a statement of the interest to be conveyed, terms and conditions of disposal, the terms of payment and length of contract, purchaser and borrower qualifications required, contract performance requirements, and any other special conditions or limitations; and

 - D. maps for each parcel identifying the vicinity where the parcel is located and the immediate area; and

 - E. additionally the following information will also be provided for each parcel:
 - 1. approximate size in acres;

 - 2. minimum sale price;

 - 3. any special reservations and conditions, such as easements or non-development buffers, which will be imposed upon the parcel at time of conveyance.

- 4.1 Purchaser qualification.
 - A. In addition to meeting the qualifications of applicants and bidders required by MSB 23.10.090, in order to be eligible to purchase at an agricultural

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sale, a prospective purchaser must register prior to the sale and must sign a statement worded substantially as follows:

"I hereby acknowledge and affirm that if I am the successful purchaser, I will use the land acquired at this sale for agricultural purposes as required by the sale program set forth in the covenants, conditions and restrictions and all agricultural land use district regulations in which boundary the parcel is located and which have been disclosed to me. I further acknowledge and affirm that I will abide by the provisions of applicable federal, state and borough laws, and regulations. I understand that if I am the successful purchaser, I will be required to submit information required by the program and meet the borough's lending requirements to qualify for any financing offered by the borough to purchase the parcel. I further understand that the classification of the property as "agricultural land" only identifies the land as being "presently or potentially valuable for production of agricultural crops" and the borough makes no warranties, either express or implied, nor assumes any liability whatsoever regarding the social, economic, or environmental aspects of the property, to include, without limitation, the soil conditions, water drainage, physical access, availability of personal use wood supplies now or in the future, or natural or artificial hazards, which may or may not exist, or merchantability, suitability, or profitability of the property for any use or purpose."

- B. The borough manager may require a prospective purchaser to provide evidence that would establish the purchaser's:
1. ability to obtain financing and repay debt, including credit reports and income verification; or
 2. net worth;
 3. evidence of Alaska residency by providing the physical location of Alaska residence and by submitting a copy of one of the following:
 - a. current Alaska voter registration card issued for more than 30 days; or
 - b. current Alaska driver's license issued for more than 30 days; or

AGRICULTURAL LAND SALES: Agricultural Disposal

PART 5

- c. current Alaska hunting or fishing license issued for more than 30 days; or
 - d. current year Alaska permanent fund filing receipt; or
 - e. an affidavit signed by two individuals who swear and attest they have known the individual to be a resident of Alaska for more than the 30 previous days.
4. United States citizenship by submission of a copy of one of the following:
- a. certified copy of certificate of birth in U.S. or U.S. possession
 - b. U.S. passport
 - c. U.S. Immigration Service issued form for one of the following:
 - i. certificate of U.S. citizenship; or
 - ii. certificate of naturalization; or
 - iii. U.S. citizen ID card.
 - d. certification of birth abroad issued by U.S. Department of State
 - e. Native American tribal document
 - f. Current voter's registration card
- C. The borough manager will require proof of the authority to conduct business in the state of Alaska if the prospective purchaser is a corporation, partnership, limited liability company, joint venture or some other entity which is not acting in the capacity of an individual, and proof that the individuals have authority to act on behalf of the entity.
- D. The borough manager may refuse to approve borough financing based on the analysis of the prospective purchaser's ability to repay debt which may take into consideration prior delinquency in payment of taxes, rents, default in payments toward any contracts or loans, or for other good cause.

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

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AGRICULTURAL LAND SALES: Agricultural Disposal

PART 5

- 5.1 Sale Method. Agricultural land sales may be by outcry or sealed bid auction, lottery or any other method allowed by law. The sales will be conducted according to the relevant procedure for the particular disposal method. Parcels that have been offered in a competitive agricultural disposal program and have not been sold may be placed in an over the counter sale. The method of conducting the sale will change to the over the counter process, however the terms and conditions attaching to the parcel under the agricultural land sale program and financing qualifications will remain the same as the competitive agricultural land sale program.
- 6.1 Soil and Water Conservation Plan.
- A. The prospective purchasers will be informed that technical planning assistance is available through the local soil and water conservation district in cooperation with the United States Department of Agriculture, Natural Resource Conservation Service.
- 7.1 Construction of Real Property Improvements.
- A. Each agricultural land sale program will include terms and conditions under which construction of real property improvements will be authorized. The agricultural land sale programs will encourage responsible development and may authorize the construction of fixed, permanent, or immovable structures reasonably required for or related to agricultural production, within designated areas. This designated improvement area(s) must be identified by the purchasers or owners who shall submit a location map(s) on a form approved by the manager and acceptable for recording, prior to construction of any such improvements within the area(s); however, the purchasers or owners shall not be required to designate the area(s) by a specific time frame under the terms and conditions of the sale.
- B. The designated areas when calculated together may not exceed five acres in size, except as set forth below. The areas may include homesites, well and septic locations, and the farmstead areas normally required for yards, driveways, parking, barns, animal pens, outbuildings, and other similar uses.

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AGRICULTURAL LAND SALES: Agricultural Disposal

PART 5

- C. Areas larger than five acres may be authorized by the borough manager and designated if unusual or large scale real property improvements are necessary for agricultural development of the parcel conveyed.
- D. Changes in the location or size of the designated real property improvement area are subject to approval of the borough manager. The borough manager may approve a change if the change is consistent with the agricultural use of the property.
- E. The method for designating and amending the real property improvement sites will be set out in the terms and conditions of the agricultural land sale program and will be enforced by covenants, conditions, and restrictions.
- F. Processing and recording fees may be charged to the owners that request the designated improvement sites be amended.

8.1 Subdivision and Sale.

- A. A parcel sold in a borough agricultural land sale authorized under Title 23 is considered to be a single farm unit. It may not be divided for a period of ten years from the date the sale documents from the borough conveying the property to the buyer is recorded.
- B. After ten years, the farm unit may be divided provided no parcel so divided is less than 40 acres in size and no more than four parcels may be created from the original farm unit boundary. Any such division must meet the subdivision code and regulations of the Matanuska-Susitna Borough (MSB) platting division.
- C. Upon division of the farm unit, designated real property improvement areas will remain in the location and size most recently authorized by the borough manager unless amended as provided under the terms and conditions of the farm sale program.
- D. The terms and conditions of the financing offered by the MSB to purchase borough-owned land, among other things, prohibits the property from being subdivided or the ownership being transferred without the specific consent of the lender during the loan term. If the loan term is longer than ten years then the restrictions under the loan would survive the expiration of the ten year rule set forth in 9.1 (A).

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9.1 Enforcement of Agricultural Use and Program Requirements.

- A. The requirements of agricultural use and the terms and conditions of the agricultural land sale programs will be enforced by the use of contractual covenants, conditions, and restrictions, or by adoption of an agricultural land use district for the area prior to the sale, or any combination of the two methods deemed appropriate for the particular program.
- B. The requirements of any financing offered by the MSB to purchase the agricultural parcels will be enforced based on the terms and conditions of the deed of trust and note secured.
- C. In the event the parcel is located within the boundary of an agricultural land use district, or such other zoning which may exist, all development, including construction of real property improvements, will conform to the adopted regulations for the district or zone.

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**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

AGRICULTURAL LAND SALES: Grazing / Range Management Lease

PART 5

- 1.1 Authority: [23.05.030 (A) & (E)]
23.10.140
- 2.1 Classification. Grazing/range land shall first be classified per the classification procedure.
- 3.1 Notice. Before offering a grazing/range management lease, the Land & Resource Management Division will publish a descriptive notice containing:
- (1) the date, time and place of offer;
 - (2) the period during which applications will be accepted;
 - (3) a statement of terms and conditions of offer, including the terms of payment and length of lease, lessee qualifications, lease performance requirements, and any other special conditions or limitations; and
 - (4) for each parcel:
 - (A) size;
 - (B) appraised value;
 - (C) interests to be conveyed;
 - (D) range management plan requirements, if any; and
 - (F) any special conditions that may be imposed upon the conveyance.
- 4.1 Lessee qualification.
- (a) The borough manager or his/her designee may require a prospective lessee to qualify by providing evidence that would establish the lessee's:
 - (1) ability in farm or range management;
 - (2) ability to obtain financing;
 - (3) agricultural or range management training and experience;
 - (4) financial ability;

5-7

Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

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AGRICULTURAL LAND SALES: Grazing / Range Management Lease

PART 5

- (b) The borough manager may disqualify a prospective lessee for prior delinquency in payment of taxes or rents, for default in payments toward contracts or loans, including any loan under the Alaska Agricultural Revolving Loan Fund, or for other good cause,
 - (c) The prospective lessee shall demonstrate how improvements, especially barbed wire, will be removed at the end of the lease.
 - (d) The lessee shall be required to indemnify the borough, hold the borough harmless from events related to the activities of the lease, and hold insurance naming the borough as an additional insured.
- 5.1 Lease Method. Grazing/range management leases may be by auction, sealed bid, lottery or any other method prescribed by law. The lease offer will be conducted according to the relevant procedure for the particular disposal method.
- 6.1 Range Management Plan.
- (a) An approved range management plan will be required as a condition of the lease. The successful lessee must submit an approved plan before the lease is executed. For each lease offer, the borough manager may accept, reject, or modify the plan after consultation with the local soil and water conservation district.
 - (b) If the successful lessee submits an acceptable range management plan within the time specified in the offer notice, the plan will be incorporated into the lease as a covenant and a subsequent condition, and will be recorded in that form.
 - (c) If a successful lessee fails to provide an acceptable range management plan within the time specified in the sale notice, or within an extension of time granted by the borough manager for good cause shown, he forfeits his bid deposit and the tract may be offered to the next highest bidder, or next qualified applicant, with the secondary award conditioned upon the submission of a range management plan, within a time period equal to the time originally allowed.
 - (d) A previously approved range management plan may be modified at the request of the lessee. The borough manager may approve, reject, or modify

5-8

Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

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AGRICULTURAL LAND SALES: Grazing / Range Management Lease

PART 5

the range management plan modification after consultation with the local soil and water conservation district.

7.1 Contents of Range Management Plan. The range management plan must include:

- (1) a map of the proposed range/grazing lease area showing:
 - (A) the planned location of any clearing and breaking of ground;
 - (B) location and size of any real property improvements (if authorized);
 - (C) location of windbreaks, ponds, and similar conservation measures and improvements;
 - (D) location points of passage for the general public;
- (2) planned soil conservation measures.

8.1 The borough manager may require a schedule of planned development where such performance is in the borough's best interest. The borough manager may require evidence that the plan is economically sound. A minimum stocking amount will be required.

9.1 Construction of Real Property Improvements.

- (a) In conjunction with an executed lease of a parcel, the borough manager will authorize the construction of fixed, permanent, or immovable structures reasonably required for or related to range management, within designated areas not over one acre. Fencing will not be counted against the one acre allotment.
- (b) All real property improvements must be depicted and described in the range management plan and must be incorporated into the lease.
- (c) Changes in the location or size of the area designated for real property improvements are subject to approval of the borough manager. The borough manager may approve a change if:
 - (1) the maximum area specified under (a) of this section is not exceeded; and

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AGRICULTURAL LAND SALES: Grazing / Range Management Lease

PART 5

(2) the change is consistent with an approved range management plan.

10.1 Assignment. No assignment of a grazing/range management lease is allowed without the approval of the borough assembly ordinance upon recommendation of the borough manager

5-10

Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

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PART TEN: APPLICATIONS

Filing and Acceptance

10-1

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RS16-068

**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

APPLICATIONS: Filing & Acceptance
--

PART 10

- 1.1 Authority: 23.05.060
23.10.080
- 2.1 This section outlines the process to make application to use or purchase borough real property.
- 3.1 Prior to making application, the interested person shall request a pre-application conference with the land & resource management division staff.
- 4.1 The applicant will be responsible for completion of the appropriate application form, qualified bidder/buyer statement, and applicant questionnaire.
- 5.1 The applicant must submit the completed documents and application fee to the land & resource management division.
- 6.1 The documents will be reviewed for adequate location description, clear explanation of use of request, and contact address and phone numbers.
- 6.2 The documents will be date stamped and logged in.
- 6.3 The [LAND & RESOURCE MANAGEMENT CHIEF] community development director will review the application and assign it to a staff person for cursory review. An interdepartmental review is initiated and items to be researched will be:
- a. verification of borough ownership;
 - b. current classification[, IT] if any;
 - c. competing applications for same property;
 - d. verification that applicant is qualified bidder/buyer at time application is received;

10-1

Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

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APPLICATIONS: FILING & ACCEPTANCE

PART 10

- e. requested use or purchase meets disposal or uses permitted under borough code.
- 7.1 Based on the cursory review [INFORMATION] the staff person will make recommendation to the community development director [LAND AND RESOURCE MANAGEMENT CHIEF] to accept or reject the application.
- 7.2 Notification of [A FORMAL] acceptance or rejection of the application will be sent to the applicant 30 days after receipt of the application, or as otherwise provided in code. [, BY CERTIFIED MAIL]
- 8.1 The manager may delegate the authority to accept or reject the application.
- 9.1 Acceptance of an application shall not in any way vest any right to the applicant in the real property or to use of the real property applied for.
- 10.1 Accepted applications will be processed according to the policies and procedures adopted for the method of disposal or use as required by code.
- 11.1 Rejected applications will be held in a common administrative file for a period of one year [THREE YEARS] in an alphabetical file by applicants' name.

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

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**PART FIFTEEN:
BEST INTEREST FINDING**

Best Interest Finding

15-1

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OR16-100*

**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURES MANUAL**

BEST INTEREST FINDING
PART 15

1.1 Authority: 23.05.030

2.1 The purpose of a best interest finding is to: (1) determine if borough land should be sold or leased [AT LESS THAN FAIR MARKET VALUE]; (2) identify if a proposed use is a public purpose that should be engaged in by the borough; and (3) determine the appropriate classification of the land [FOR WHICH A LESS THAN FAIR MARKET VALUE USE IS PROPOSED; OR (4) IF FEES SHOULD BE WAIVED].

3.1 This policy and procedure is divided into four sections.

Section A: Determination if the proposed use is a public purpose in the best interest of the borough.

Section B: Determination of the highest and best use of the parcel proposed. [FOR LESS THAN FAIR MARKET VALUE DISPOSAL.]

Section C: Preparation of a best interest finding document.

Section D: Recommendation.

4.1 Section A. Public Purpose:

In making a decision to dispose of land at less than fair market value, the proposed purpose [TO BE] **as** provided by the applicant must be equal to or greater than the loss of potential **public revenue and benefit** [REVENUE FROM THE LAND, AND EQUAL TO OR GREATER THAN THE BENEFITS TO BE GAINED BY PUTTING THE REVENUE TO AN ALTERNATIVE PUBLIC PURPOSE] **otherwise achieved**.

4.2 The benefit derived from an applicant's **proposal** is the purview of the manager and the assembly. The Land & Resource Management Division must first collect all pertinent information from the applicant so [THAT] the manager and assembly can determine if the public purpose provided by the applicant [WARRANTS A LESS THAN FAIR MARKET DISPOSAL, OR IF or

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BEST INTEREST FINDING

PART 15

if OTHER APPLICANTS SHOULD BE ABLE TO COMPETE IN PROVIDING THE SERVICE.] **is in the borough's best interest.** The ["APPLICATION TO PURCHASE, LEASE, OR USE BOROUGH OWNED LAND OR RESOURCES"] **application is** used to collect this information [ALONG WITH THE FOLLOWING ADDITIONAL INFORMATION] **as it applies.**

5.1 Section B. Determination of Highest and Best Use, and Determination of Appropriate Land Use Classification[.]:

Highest and best use **is** [DEFINED] the reasonably probable and legal use of vacant land, or an improved property **or borough resource** which is physically possible, appropriately supported, financially feasible, and results in the highest value.

[5.2] DETERMINATION OF HIGHEST AND BEST USE IS PART OF THE VALUATION PROCESS FOR BOROUGH LAND ACCORDING TO ADOPTED POLICIES AND PROCEDURES.]

5.[3]2 Land use classification is a planning and zoning determination and is accomplished by [THE CLASSIFICATION OF BOROUGH LAND ACCORDING TO PROCEDURES ADOPTED BY ASSEMBLY RESOLUTION] **approved ordinance.**

6.1 Section C. Preparation of the Best Interest Finding Document. The following is a suggested outline for a best interest finding[.]:

[7.1] **6.2** Heading: Identify the proposed action type and project name[.], name of the **applicant,** prospective grantee or recipient [(E.G., "PROPOSED NEGOTIATED LEASE TO ACME, INC., A NONPROFIT "ALASKA" CORPORATION"); MSB number, [IF ONE IS ASSIGNED,] and document titled "Best Interest Finding and Decision" [AT THE TOP OF THE PAGE].

[8.1] **6.3** Proposed Action: Clearly state the reason a best interest finding is needed, cite the section of code [THAT] requir[ES]**ing** a best interest finding, [OR OTHER EXTENUATING CIRCUSTANCES THAT LED TO THE NEED FOR THE PROPOSAL], identify the applicant **and the requested action**[,IF ANY; WHAT THE ACTION IS]; and the location of the proposed action. [IF AN APPLICATION IS INVOLVED, SET OUT THE DIVISION'S PROPOSAL, NOT JUST THE APPLICANT'S REQUEST; THEY ARE NOT NECESSARILY THE SAME. FOR EXAMPLE, AN APPLICANT MAY HAVE ASKED FOR A 55-YEAR, 200-ACRE NONCOMPETITIVE LEASE, IN

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RESPONSE TO WHICH THE DIVISION'S "PROPOSED ACTION" IS TO OFFER A 20-YEAR, 80- ACRE COMPETITIVE LEASE AT PUBLIC AUCTION.]

[9.1]**6.4** Authority: List all relevant parts of the borough code that apply to the adjudication of the proposed action. Include where the authority lies to make the decision (check the delegations of authority).

[10.1]**6.5** Discussion: The following items [MUST] **should** be addressed **if applicable** under one heading titled "Discussion":

A. Location: Identify the location of the subject action by its general geographic area, the community council or city, if applicable; [THE COASTAL DISTRICT IF IT IS WITHIN THE COASTAL ZONE;] the USGS map coverage and the complete legal description. A location map or sketch map should be included in the attachment section.

B. Title: [DISCUSS] **List** how the borough obtained title to the parcel, the title status, any restrictions including federal and state of Alaska patent reservations and exceptions, and any third party conflicts or pending interests. This information is obtained from a title report and/or status plats, borough land records, district recorder's office records, and **state** LAS.

C. Background: Give a brief chronological background or history of the case. Emphasize the procedural history of the case and timing of significant actions. Be sure to include dates for all pertinent applications, decisions, etc.

D. Planning and Classification: [DISCUSS THE] **List** planning and classification status of the [REQUESTED DISPOSAL PROPERTY] **parcel**. At a minimum, this section [MUST] **should** address the following:

1. If a state land use plan or **adopted** borough [COMMUNITY COMPREHENSIVE] plan is in effect for the proposed action, identify the plan, unit, and sub-unit (if applicable), and discuss how the proposal is consistent or inconsistent with the plan's designations, prohibited uses [IF ANY], management intent and applicable guidelines. **If the request is determined inconsistent, address possible remedies.** [IF NOT CONSISTENT WITH THE PLAN, CAN A PLAN

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BEST INTEREST FINDING

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AMENDEMENT OR SPECIAL EXCEPTION RESOLVE THE CONFLICT? IF A SITE-SPECIFIC PLAN IS NECESSARY, CAN IT BE COMBINED WITH THE PRELIMINARY FINDING AND DECISION?.]

2. [IF CLASSIFIED, WHAT IS THE CLASSIFICATION] What is the current land classification. [?] If the area is not classified or the project is inconsistent with the current classification, does the parcel need to be classified or reclassified. [?] What is the [REQUESTED] recommended classification [AND WHEN WAS IT REQUESTED].

- [3. IF THE PROPOSED ACTION IS WITHIN THE BOROUGH'S COASTAL ZONE, IS IT SUBJECT TO THE BOROUGH'S COASTAL MANAGEMENT PLAN (SPECIFY SECTION). IS IT SUBJECT TO AN ALASKA COASTAL MANAGEMENT PROGRAM (ACMP) CONSISTENCY DETERMINATION? ARE SPECIAL CONDITIONS OR STIPULATIONS NECESSARY TO ENSURE CONSISTENCY? ACMP CONSISTENCY DETERMINATION: DISCUSS THE COASTAL CONSISTENCY DETERMINATION AND ANY ACTION REQUIRED TO BE IN COMPLIANCE WITH THE ACMP, IF APPLICABLE]

- [4]3. Is the parcel closed to mineral entry. [?] If not, is a mineral closing order needed. [?]

- [5]4. Is platting required[?] and if so does it meet current platting requirements. [IF NOT, HOW DOES THE PROPERTY MEET EXISTING PLATTING REQUIREMENTS? WILL THE PLAT REQUIRE APPROVAL BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) TO DETERMINE THE PARCEL'S SUITABILITY FOR ON-SITE WASTE WATER DISPOSAL? (DEC'S SUBDIVISION PLAN REVIEW REGULATIONS APPLY TO AUTHORIZATIONS SUCH AS RIGHT-OF-WAY, NOT JUST TO CONVENTIONAL SUBDIVISIONS. IF IN DOUBT, FIND OUT NO LATER THAN THE AGENCY REVIEW PHASE WHETHER DEC CONSIDERS THE PROPOSED ACTION A "SUBDIVISION.") WOULD CHANGES IN THE PROPOSAL, SUCH AS A LARGER PARCEL SIZE OR DIFFERENT LOT ORIENTATION, FACILITATE DEC'S APPROVAL?]

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[6]5. If the parcel is within a city or community council boundary, is the proposal consistent with the comprehensive plan and/or zoning. [? ZONING?] If not consistent, what is required to obtain approval or consistency. [?]

E. Waterbodies: Identify all public, [AND /OR] or anadromous waterbodies within or bordering the boundaries of the subject parcel.

F. Access: Address if the parcel has legal access, and its potential for development. [IN ADDITION, ADDRESS AS38.05.127, ACCESS TO NAVIGABLE OR PUBLIC WATERS AS REQUIRED BY THE MATANUSKA-SUSITNA BOROUGH/STATE OF ALASKA SETTLEMENT AGREEMENT AND AUDIT PROCEDURES].

1. Reference existing waterbody and public access easement(s), and those which need to be reserved, including width. If a reduction or waiver of the easement is required, state the reasons.

2. Discuss projected use of easement and allowable uses, including any limitations as to type of vehicle or ability to construct [ROAD].

G. [AGENCY] Comments: Summarize all borough and non-borough agency comments and responses [BY AGENCY]. Also include a summary of any public comments [THAT MAY HAVE BEEN] received [PRIOR TO ISSUING THE FINDING AND DECISION] through public noticing. [IF PUBLIC COMMENTS WERE RECEIVED, CHANGE THE TITLE TO PUBLIC AND AGENCY COMMENTS.] All [NEGATIVE] comments received during the [AGENCY] review are to be considered in the finding [AND DECISION].

[H. ENVIRONMENTAL HAZARD RISK: INCLUDE A DISCUSSION OF THE ENVIRONMENTAL RISK ASSOCIATED WITH THE PROPOSED DISPOSAL. IF AN ON-THE-GROUND INSPECTION IS CONDUCTED, INCLUDE THE FINDING FROM THE INSPECTION REPORT.]

[I]H. Performance Guaranties and Insurance: [DESCRIBE] Address whether bonding and/or insurance will be required [AND LIKELY

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PART 15

COSTS]. [WILL BONDING AND/OR INSURANCE BE REQUIRED/ IF NOT, WHY NOT? IF SO, HOW MUCH AND WHY?]

- [J]I. Public Health Safety and Welfare: [IN THIS SECTION] Describe the proposed action's potential impact on the public health, safety and welfare. Consider whether or not the proposed action [WILL] could potentially create: [ACCIDENT OR] environmental hazards, [CREATE] pollution to atmosphere, soil, [OR] groundwater or surface water [POLLUTION], [CREATE] excessive noise or harm important view sheds.
- [K]J. Public Convenience: Public convenience is a measure of the public's ability to travel efficiently and effectively. In this section the proposed action's potential impact on the public's ease and cost of travel (both money and timeliness) is addressed.
- [L]K. Development Pattern: Describe [THE] any existing development pattern of the immediate area in which the proposed action is to occur. Consider type of development, density, transportation routes, etc. After describing the existing development pattern then describe the proposed action's impact on the existing pattern of development.
- [M]L. Direct Costs/Revenues: Indicate whether or not the proposed action will have any direct costs to the borough associated with it. Also [STATE] estimate any revenues that the borough may receive or lose if the proposed action is approved. A revenue loss could be from donated land or natural resources thereon with no compensation received.
- [N]M. Important Public Domain Lands: State whether or not the borough lands where the proposed action is to take place are important to retain or remain unencumbered. For example, has the parcel been identified as a future fire hall, school, or library site. [? A SCHOOL SITE?] Is the parcel the last or almost last amount of borough land in the area. [?]
- [O]N. Public Nuisance: Indicate whether or not the proposed action may create a public nuisance. Public nuisance is defined as an action that may or may not cross a parcel's boundary line and that creates annoyance, discomfort, inconvenience or damage to the owners of other property. Examples of nuisance include noise, smells, fumes, dust, and other offensive conditions.

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[P]O. Economic Impact: Describe the proposed action's potential impact on the borough's economy. [HOW MANY NEW JOBS WILL BE CREATED? WHAT TYPR OF JOBS WILL BE CREATED AND WHAT SKILLS WILL BE REQUIRED? WHAT INCREASE IN REAL ESTATE TAXES IS EXPECTED? WILL THE PROPOSED ACTION CREATE OTHER ECONOMIC OPPORTUNITIES OR MAKE EXISTING BUSINESSES MORE COMPETITIVE?] Will the borough participate in the project **and at what cost.** [?] [IN MOST CASES THIS INFORMATION WILL BE SUPIED BY THE APPLICANT]. The applicant [MAY] **shall** be required to justify the [SUBMITTED MATERIAL] **economic impact.**

[Q]P. Survey and Appraisal: This section should address whether the proposed disposal will require survey and appraisal. [IF REQUIRED, WHAT TYPE IS NEEDED, AND WHO WILL BE RESPONSIBLE FOR DOING OR PAYING FOR THE WORK? ADDRESS STANDARDS FOR SURVEYING WATERBODIES, E.G. MEANDERING NAVIGABLE OR PUBLIC WATERS.]

[R]Q. Alternatives: [DISCUSS] **In determining a recommendation, the division shall consider and address alternatives most beneficial to the borough** [THE PROS AND CONS OF ANY OF ANY ALERNATIVES THAT CAN BE IDENTIIIFIED FOR THIS PROPOSAL]. At a minimum, discuss: terminating the proposed action; modifying the proposal; moving the proposed action to another location, if applicable; and proceeding with the action as proposed. If the proposal is for a lease, discuss alternatives for the lease term (duration) and lease compensation method. Discuss whether another program could provide a good alternative: Could the land be sold outright instead of being leased. [?] Could sites be offered at auction instead of under the homestead program. [?]

[IN SUM, THIS DISCUSSION SECTION MUST CLEARLY SHOW WHY THE DIVSIONS] **Address how the** proposed disposal is in the public's best interests, including broader [CONSIDERATIONS] public benefit. [SUCH AS THE LIKELIHOOD THAT THE DISPOSAL WILL GENERATE NEW JOBS, SURPLUS REVENUES FOR THE GENERAL FUND OR LEAD TO IMPROVED ACCESS RECREATION.] **Address** [IT IS ESPECIALLY IMPORTANT, IF SOME FACTORS ARE] **supporting and derogatory factors.** [(E.G.LOCAL OPPOSITION), TO EXPLAIN THAT THE DIVISION HAS A DUTY TO BLANANCE THE PUBLIC'S INTEREST AS A WHOLE].

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PART 15

[THE DOCUMENT SHOULD ALSO MAKE CLEAR THAT IT IS INDEED PRELIMINARY WITH THE FINAL ACTION BEING THE PURVIEW OF THE ASSEMBLY. IT NEED NOT PRESENT A FINISHED SOLUTION FOR EVERY PROBLEM: THE PUBLIC REVIEW PROCESS MAY COME UP WITH A BETTER WAY. OR BASED ON PUBLIC COMMENTS ON THE PRELIMINARY DECISION, THE DIVISION MIGHT DECIDE NOT TO GO AHEAD WITH THE DISPOSAL.]

[11]7.1 Section D. Recommendation: Identify the preferred alternative **(if any)** for the proposed action. List any special stipulations and reservations proposed to be included in the authorization or conveyance document; if not already done in the discussion section, explain why these terms and conditions are necessary to serve the public's best interest.

[12.1]7.2 If the recommendation for the preferred alternative is to deny the application, see step number [13.1]8.1. [THE FOLLOWING STATEMENT WILL BE USED FOR THE PREMINARY FINDING AND DECISION WHEN THE PREFERRED ALTERNATIVE IS OTHER THAN A DENIAL OF THE APPLICATION:

"I FIND THAT THE PROPOSED ACTION MAY BE IN THE PUBLIC'S BEST INTEREST AND IT IS HEREBY RECOMMENDED FOR APPROVAL BY THE BOROUGH ASSEMBLY."

[13]8.1 Denial: Denial of an application does not require a special finding. However, an applicant must be advised about the specific reasons for the denial and advised of the appeal process under MSB 23.05.090.

[14]9.1 Execution: The finding and decision **is forwarded to the borough assembly or other appropriate authority.** [DECISION IS SIGNED AND DATED BY THE ADJUDICATOR AND INITIALED BY THE LAND AND RESOURCE MANAGEMENT CHIEF AND COMMUNITY DEVELOPMENT DIRECTOR]. **Include any attachments such as a map of the project area, the full legal description, and any other relevant information. Attachments should be clearly labeled Exhibit "A" "B" etc. and referenced as such in the body of the finding.**

[15.1 ATTACHMENTS: INCLUDE ANY ATTACHMENTS SUCH AS A MAP OR THE PROJECT AREA, THE FULL LEGAL DESCRIPTION, AND ANY OTHER RELEVANT INFORMATION. ATTACHMENTS SHOULD BE CLEARLY LABELED EXHIBIT "A" "B" ETC. AND REFERENCED AS SUCH IN THE BODY OF THE FINDING.]

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PART 15

[16.1

DISTRIBUTION: IF THE PROPOSED ACTION BASED ON AN APPLICATION, THE POTENTIAL GRANTEE, AND INTERESTED PARTY SHOULD RECEIVE A COPY OF THE FINDING AND DECISION BY CERTIFIED MAIL. INCLUDE A COVER LETTER STATING THAT THE DIVISION IS NOW READY TO FORWARD THE PROPOSAL TO THE APPROPRIATE BOARD AND/OR COMMISSION AFTER WHICH THE PROPOSAL WILL BE SUBMITTED TO THE BOROUGH ASSEMBLY, BUT WITH A WARNING THAT THE PROPOSAL DOES NOT CONSTITUTE A FINAL DECISION, DOES NOT REPRESENT A COMMITMENT, AND DOES NOT CONVEY ANY RIGHTS. INTERESTED PARTIES HAVE THE OPPORTUNITY TO COMMENT ON THE PRELIMINARY DECISION DURING THE BOARD/COMMISSION AND ASSEMBLY CONSIDERATION PERIOD; AND IF THEY ARE AGGRIEVED BY THE FINAL FINDING AND DECISION, THEY HAVE THE OPPORTUNITY TO APPEAL IT (SEE MSB.23.05.090). IT IS THE RECORD OF THE ADJUDICATION PROCESS USED TO ARRIVE AT THE PROPOSED DECISION AND IS SUBJECT TO CHANGE AS A RESULT OF INPUT RECEIVED DURING THE BOARD/COMMISSION AND ASSEMBLY CONSIDERATION PERIOD. APPROPRIATE RESOLUTIONS ARE PROPOSED AND FORWARDED TO THE BOARD/COMMISSION AND ASSEMBLY FOR CONSIDERATION.]

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Land & Resource Management Policy & Procedures (PPM)
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PART TWENTY: CLASSIFICATION

Classification of Borough Land

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**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

CLASSIFICATION OF BOROUGH LAND
PART 20

- 1.1 Authority: 23.05.100

- 2.1 This section addresses the process required to classify borough land. The classification must be a use as defined in MSB 23.05.100 and processed as required by [MSB 23.10.030 AND] these established procedures. Classification of borough land must meet the public notice requirements of Title 23.

- 3.1 The assembly classifies land by ordinance. A change in classification also takes place by ordinance.

- 4.1 It is the policy of the borough to encourage and facilitate the agricultural use of land, when such land is suitable or potentially suitable for agricultural purposes, and to assure to the extent feasible that such land is put to no use that will diminish its agricultural worth. To implement this policy in the classification process, a highest and best use analysis shall be completed by the land and resource management division and submitted to the Agriculture[AL AND FORESTRY] Advisory Board for their review and comment. The board's comments with the division report will then be forwarded to administration and the [PLANNING COMMISSION AND] assembly. [THE PLANNING COMMISSION WILL MAKE A RECOMMENDATION TO THE ASSEMBLY.]

- 5.1 Nothing in these policies and procedures prohibits the classification of land to take place concurrently with [SOME] other actions involving the same land [WHICH REQUIRES] requiring the same review process for approval [(E.G., LOTTERY DISPOSALS OR REMOTE PARCEL PROGRAM DISPOSALS)].

- 5.2 Procedure for classifying borough owned land is as follows:
 - A. The land and resource management division shall complete a highest and best use analysis [OF EACH PARCEL] which will result in a recommended classification.

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CLASSIFICATION OF BOROUGH LAND

PART 20

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- B. When developing the highest and best use analysis, parcels will be first analyzed for their present and future agricultural uses. The borough policy of encouraging and facilitating agriculture will be based on the following criteria:
- (1) soil conservation service capability classes;
 - (2) probable type of agriculture use[FRUIT AND VEGETABLES, HI DENSITY ANIMAL PRODUCTION, DEVELOPED PASTURE, FORAGE AND GRAINS, AND UNDEVELOPED PASTURE];
 - (3) future agriculture needs to maintain potential regional agriculture subsistence for the maximum potential population;
 - (4) physical accessibility [AND PROXIMITY TO MARKETS BOTH POTENTIAL AND EXISTING];
 - (5) existing plans and regulations and nearby development patterns [WITHIN ONE MILE OF SUBJECT PARCEL. HOUSING DEVELOPMENT SHOULD NOT AUTOMATICALLY EXCLUDE ALL TYPES OF AGRICULTURAL DEVELOPMENT ON CLASS II AND III SOILS];
 - (6) [APPRAISAL] market value of land based on borough assessment or third party appraisal if available;
 - (7) borough goals and objectives for the land to be classified;
 - [(8) THE DEMAND FOR THE MOST PROBABLE USE OF THE SUBJECT PARCEL BASED UPON THE NUMBER OF SALES, AVAILABILITY OF PROPERTIES FOR SALE AND OCCUPANCIES ON ADJACENT LAND;]
 - [(9) FINANCIAL FEASIBILITY FOR A REQUESTED USE];

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CLASSIFICATION OF BOROUGH LAND	
PART 20	Effective Date: 2016

- [(10)] **(9)** physical characteristics;
- [(11)] **(10)** historical use of the subject parcel, **if any**;
- [(12)] **(11)** potential public uses;
- [(13)] **(12)** public infrastructure within one mile of the subject parcel;
- [(14)] **(13)** other pertinent information.

- C. The land and resource management division shall prepare a review packet and submit the recommended classification for interdepartmental [AND MANAGER'S] review. **Public notice is initiated in accordance with adopted policy and procedures** [THE REVIEW PACKE WILL ALSO BE SUBMITTED TO THE COMMUNITY COUNCIL, IF ANY.]
- D. Based on the comments received, the land and resource management division will prepare a packet and submit it to the planning commission for review and consideration.
- E. [UPON RECEIPT OF THE AGRICULTURAL AND FORESTRY ADVISORY BOARD AND PLANNING COMMISSION COMMENTS,] [T] **The** land and resource management division will prepare an assembly memorandum. The assembly memorandum will include planning commission recommendations and all **public** comments received. [FROM ALL ENTITIES (E.G.,PUBLIC AGENCY, COMMUNITY COUNCILS, ETC.)]. [NEGATIVE COMMENTS MUST BE DISCUSSED.] An ordinance approving the recommended classification will be included in the assembly packet.
- [F. PUBLIC NOTICE WILL BE GIVEN IN ACCORDANCE WITH POLICY AND PROCEDURES ADOPTED IN ACCORDANCE WITH MSB 23.05.025.]

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PART TWENTY-FIVE:

EASEMENTS AND RIGHTS-OF-WAY

Private Easements and Rights-of-Way: Purchases	25-1
Public Easements and Rights-of-Way	25-3
Public Right-of-Way Acquisition Procedures	25-9
Trail Dedication	25-12

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**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

PRIVATE EASEMENTS AND RIGHTS-OF-WAY: Purchases

PART 25

- 1.1 Authority: 23.05.030
23.05.060
23.10.060
23.10.080
23.10.110
- 2.1 This section applies to the granting of private easements or rights-of way on borough lands.
- 3.1 Requests for easements or rights-of-way shall be in writing pursuant to the application procedure.
- 4.1 The borough may require a legal description approved by a registered surveyor, and illustration or as-built drawing of the easement location as necessary.
- 5.1 Easements or rights-of-way shall be granted in the best interest of the borough.
- 6.1 The location or alignment of easements or rights-of-way shall be according to commonly accepted industry practice, and in a manner that will cause the least impact to borough lands **and resources**. The borough will seek to promote locations that provide the greatest public good with the least private harm. The [LAND AND RESOURCE MANAGEMENT CHIEF AS DIRECTED BY THE] community development director may require that an alignment study be completed and approved by the borough prior to the granting of an easement. A best interest finding may be required.
- 7.1 Easements or rights-of-way shall be granted at fair market value (FMV) **as determined by the adopted fee schedule.**
- 7.2 **An interdepartmental review is initiated and** [P] public notice of the action shall take place in accordance with the public notice procedure.
- 7.3 Easements or rights-of-way which impact **a** [THE] larger parcel may be

PRIVATE EASEMENTS AND RIGHTS-OF-WAY: Purchases

PART 25

required to be valued by an appraisal as determined necessary by the [LAND AND RESOURCE MANAGEMENT CHIEF] community development director.

7.4

Violation of this section or failure to obtain prior approval of the community development director shall result in recording of a notice of non-compliance or lien against the affected taking.

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**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

PUBLIC EASEMENTS AND RIGHTS-OF-WAY

PART 25

- 1.1 Authority: 23.05.030
23.10.080
23.10.110
23.10.250
- 1.2 This procedure addresses the dedication of easements and rights-of-way. Easements and rights-of-way may be issued for a specific length of time and all are conditional on continued use, and may be charged a fee based on a fee schedule adopted by the assembly.
- 1.3 The word "dedicate" is synonymous with "grant," "convey" or "reserve." Specific language is needed to dedicate an area to public use. The designation of a public area on a plat is sufficient to dedicate it to public use.
- 2.1 An easement is the public's right to make use of borough land. It is a right to use for a specific purpose rather than a right to possess. An easement may be established for such uses as rights-of-way, airstrips, log transfer facilities, water pipelines, etc.
- 2.2 To vacate an easement means to void it and to extinguish the right to use the land.
- 2.3 The borough's policy regarding the vacation of section line easements during subdivision is to vacate the easement only within lot lines of subdivided parcels, where alternate access to adjoining lands is provided by the subdivision design, or in areas where topography makes the section line impossible to utilize.
- 3.1 It is the policy of the borough that a public easement reserved or granted on borough land is not a disposal of an interest in land.
- 3.2 The vacation of an easement is a disposal of borough interest where the easement crosses non-borough land. When the borough is the underlying landowner, the vacation of an easement is not a disposal of an interest in land.

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Land & Resource Management Policy & Procedures (PPM)
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The requirement of due process requires notice to protect those persons who may be affected by the vacation of the easement.

- 3.3 Unless prohibited by Title [27] **43** of the borough code, the centerline survey required in 4.1 (l) may be waived by the manager based on consideration of the following:
- A. the cost of monumentation necessary to tie into existing surveys; **and**
 - B. other methods of describing the location of the easement, such as existing property lines, preliminary survey, description using angles and distances, etc.; and
 - C. the likelihood of conflicts with existing or proposed land uses; and
 - D. proposed length of use; and
 - E. proximity to other monuments; and
 - F. population density; and
 - G. development patterns within one mile of the proposed action.

If the centerline survey is waived, a sketch map of the easement showing the approximate location of corner ties as the easement crosses survey lines is substituted at a minimum.

- [3.4 GENERALLY, IT IS THE POLICY OF THE BOROUGH TO CHARGE NO FEE FOR A PUBLIC EASEMENT EXCEPT WHEN REQUESTED TO DO SO BY THE ASSEMBLY.]

- 3.[5]4 In order to qualify for a public easement, the applicant must state that exclusive use of the easement is not required and that he understands that the easement may subsequently be vacated through normal Title [27] **43** procedures.

- 3.[6]5 It is the policy of the borough to provide for an integrated network of easements, rights-of-way, trails, etc. The interconnecting of proposed

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easement to existing and future easements shall be considered when adjudicating the application.

- 3.[7]6 Although the borough reserves the right to grant access across leased lands, it is the borough's policy to exercise this right only when there is no other way to solve an access problem. The borough encourages the applicant for such an easement to work with the lessee to minimize loss to utility of the parcel. The borough's commitment to the lessee may require the applicant to bear additional costs such as placing the easement along the perimeter of the leased parcel rather than directly across it or constructing the improvements in a certain manner.
- 3.[8]7 The borough assumes no responsibility for maintenance of structures constructed within public easements on borough lands, and it assumes no liability for injuries or damages attributable to construction or the presence of structures within public easements. The borough also makes no warranty that dedicated lands are suitable for the proposed use.
- 3.[9]8 An easement that is identified for "public access" without further use limitations (i.e., pedestrian, dog sled, snow-machine, etc.) may be used for any mode of transportation commonly employed for access purposes.
- 4.1 The following procedures are used to dedicate a public easement.
- A. When the application is received by the Land and Resource Management Division, it is reviewed to verify borough ownership and that application is made on the proper form. If in the judgment of the reviewer the application is complete and accurate pursuant to the application procedure, and is accompanied by any required fee, it is considered proper and accepted.
1. The application is serialized by assignment of an MSB number. If an application is not received or otherwise approved by the community development director, establishment of an easement shall be considered in violation of this section.
 2. A case file is created which contains the original application and any pertinent enclosures or inclusions.

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3. [THE APPLICATION IS ADDED TO THE DEPARTMENT'S REAL PROPERTY FILES.] Interdepartmental review is initiated.
- B. The land under application is researched to identify any restrictions resulting [FORM] from title documents, area or management plans, classification, cooperative agreements, other land actions, or any surveys in progress. Surrounding land status is also checked to make sure the easement does not duplicate an existing or proposed dedication and to trouble shoot any potential problems involved with access during construction.
- C. [INTERDEPARTMENTAL REVIEW IS INITIATED.] If construction is to take place, the applicant [IS REQUESTED] will be required to obtain a construction permit from the borough [DEPARTMENT OF PUBLIC WORKS].
- D. The site of the easement and construction access is inspected and the volume of any timber and/or materials to be removed is estimated [IF APPROPRIATE.] [THE VOLUME OF TIMBER AND MATERIALS TO BE REMOVED IS ESTIMATED] and a decision is made regarding their disposition.
- E. The public is notified of the proposal pursuant to the public notice procedure.
- F. The borough manager approves or denies the application through a Manager's Decision document. If the application is denied, [A LETTER] notification is [PREPARED] provided to the applicant stating the reason for denial [AND IS SENT TO THE APPLICANT]. If the application is approved [A ONE YEAR LAND USE PERMIT IS PREPARED,] notification shall be provided to the applicant, including [THE] any requirements and conditions, and that the permit will result in dedicated easement upon submission of a description or as-built of a centerline location survey acceptable to the borough. [THE DISPOSITION OF TIMBER AND MATERIALS REMOVED IS ALSO ADDRESSED AT THIS TIME.]

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- G. The applicant [SIGNS THE PERMIT AGREEING TO CONDITIONS THEREIN, AND RETURNS IT AND] **provides** a bond [OR TIME CERTIFICATE OF DEPOSIT], if necessary to [I]ensure compliance with stipulations, [OR TO INSURE THAT THE SURVEY IS SUBMITTED TO THE DISTRICT FOR SIGNATURE] **in the Manager's Decision.**
- H. When the signed permit and bond are returned by the applicant, **the permit** [IT] is signed by the borough manager and the information is added to the land and resource management division file system.
- I. When the applicant submits the description or as-built centerline location survey, it is reviewed **by borough staff** for accuracy and completeness. If satisfactory, the bond is returned to the applicant. **Violation of this section or failure to obtain prior approval of the community development director shall result in recording of a notice of non-compliance or lien against the affected land.**
- J. The dedication document is completed and executed by the borough manager and added to the land and resource management division's file system. **The applicant and pertinent borough departments are provided copies of the recorded documents.**

5.1

Floating easements may be reserved or granted for the purpose of providing public access; however, these types of easements should only be approved when there is specific public need for reserving access, and when specific easement location has not been determined, and when a survey of the easement is not eminent. When floating easements are reserved or granted, the following procedures will be followed:

- A. **The proposed easement area must be reviewed by an engineer or surveyor to determine the suitability of on-the-ground location based upon topography, current and future use of the land, and suitability for construction.**
- B. **Whenever possible, the floating easement shall be described using the centerline of an existing trail, road or other visible and delineated pathway for the basis of the easement to be reserved or**

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granted (i.e. legal description "a floating easement" being 60 feet in total width, lying 30 feet either side of the centerline of the {existing} trail).

- C. A floating easement shall have a defined width and point of beginning and ending, defined by actual survey or at a minimum, GPS coordinates which shall be included in an exhibit drawing of the easement's location.

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**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

PUBLIC RIGHT-OF-WAY ACQUISITION PROCEDURES

PART 25

1.1 Authority: MSB 23.05.030

The Matanuska-Susitna Borough (MSB) in desiring to improve public right-of-way and public use easements for roads, trails and other related public transportation purposes, shall comply with the following procedures and in accordance with Title 23 for acquisition of real property or interest therein. **Failure to comply with this section or obtaining prior approval of the community development director shall result in recording of a notice of non-compliance of the affected land.**

- 3.1 This section shall apply [FOR THE] **to the Community Development Department's** acquisition of Public Right-of-Way and Public Use Easements, and provides authorization for acquisition by fee, license, permit, or other interest.
- 4.1 Property to be acquired by the borough under this section will be surveyed or otherwise described based on an engineered design[ED] and a value established prior to commencement of any negotiation with a property owner.
- 5.1 Valuation of Right-of-Way or Public Use Easement shall follow Title 23 procedures for determining fair market value. If a fee appraisal is required, the appraiser will contact the owner and extend an invitation for the owner to accompany the appraiser during [HIS] **the** inspection of the property. Whenever reasonable, appointments should be made at the owner's convenience.
- 6.1 The borough will establish just compensation from the estimate of fair market value before negotiating with any owner. Any amounts paid over just compensation for the Right-of-Way or Easement will be documented as to the justification used in arriving at the amount of the settlement and shall be approved by the borough manager and require the approval of the assembly prior to the transaction.
- 7.1 During the appraisal or valuation process, the borough will not consider any factors of the project that would influence the valuation of the property except physical deterioration wherever appropriate.

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PART 25

- 8.1 During acquisition of a portion of the owner's property, the borough will not leave an uneconomic remnant without offering to acquire the entire property from the owner.
- 9.1 If a fee appraisal is completed, the borough will give to the owner at the initiation of negotiation a written statement known as the "fair offer letter." That statement will be the amount of just compensation based on a review and analysis of an appraisal(s) made by a qualified appraiser with a summary thereof, showing the basis for just compensation. Included in the fair offer letter will be identification of the real property to be acquired, including the estate or interest being acquired. There will be, when appropriate, the identification of the improvements and fixtures considered to be part of the real property to be acquired. The fair offer letter will show that portion of the just compensation considered the amount of damages to the remaining property. At the initiation of negotiation with the owner, the borough will give to the owner an acquisition brochure which contains [THE POLICIES AND PROCEDURES FOR PUBLIC RIGHT OF WAY ACQUISITIONS] **information and procedures regarding public right-of-way acquisition.**
- 10.1 The borough will not require the owner or tenant to surrender possession of the property before 90 days after the agreed purchase price has been paid or the approved amount of compensation has been paid into court. The 90 day notice may be reduced only in the event the property being acquired is unimproved, contains no personal property, and is not being utilized by the owner or tenant.
- 11.1 Every reasonable effort will be made to acquire [EXPEDITIOUSLY] real property by negotiations without exercising the right to eminent domain. No action will be taken to advance condemnation, defer negotiations or condemnation, or take any other action coercive in nature in order to compel an agreement on the price to be paid for the property.
- 11.2 No eminent domain or condemnation process may proceed without prior approval by the assembly under the terms and conditions of Resolution Serial No. 05-098.
- 12.1 When any interest in real property is acquired, at least an equal interest will be acquired in all buildings, structures, or other improvements located upon the real property so acquired and which is required to be removed from such real property or which will be adversely affected by the use to which such real property will be put.

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- 13.1 The borough will pay direct or reimburse the owner for expenses necessarily incurred in the acquisition for:
- A. Recording fees, transfer taxes, and similar expenses incidental to conveying such real property to the acquiring borough;
 - B. Penalty costs for full or partial prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property;
 - C. The pro-rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the acquiring borough, or the effective date of possession of such real property by the acquiring borough, whichever is the earlier.
- 14.1 A donation or gift of real property will be accepted only after the owner has been fully informed of their right to receive just compensation.

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**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

TRAIL DEDICATION
PART 25

1.1 Authority: 23.05.030
23.05.060
23.10.110
23.10.250

2.1 Definitions:

A. A trail is a 10' to [60'] **200'** wide right-of-way [. A RIGHT-OF-WAY IS: (1)] **and recorded dedication of the trail provides a legal right** [THE RIGHT] to pass across the [LANDS OF ANOTHER; (2)] land, property, or interest therein, usually [IN A STRIP,] acquired for or devoted to recreation or transportation purposes.

B. **A remote area is defined to be those places of the MSB meeting the following criteria:**

1. **real property outside of recorded subdivision; or**

2. **real property outside a city; or**

3. **a special or unique area as determined by the community development department.**

C. **Non-remote areas are defined to be those places located within a recorded subdivision or within any municipality within the borough.**

2.2 Commercial use of trails requires a **permit and** fee as established by the **adopted** fee schedule.

3.1 A trail not presumed to exist per [PARAGRAPHS 7.1 OR 7.2 OF] this procedure must be legally established in accordance with [PARAGRAPHS 8.0, 8.1, 8.2 OF] this procedure. A trail is legally established when an easement has been acquired, [EITHER FROM A PRIVATE PARTY OR] through approval of an interagency agreement when the trail is located on other public [OR BOROUGH-OWNED] land, **or when approved to cross**

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borough land. Trails on borough land can be established per [PARAGRAPH 8.0] this procedure without the need for a separate legal description within dedicated borough park land or lands classified for public recreation as part of the normal development of park land. [A TRAIL IS DEDICATED BY ORDINANCE BY THE ASSEMBLY FOLLOWING PRESCRIBED PRODCEDURES FOR ORDINANCE ADOPTION] Upon approval the trail dedication is recorded in the office of recorder where the trail is located.

3.2 All necessary property interest shall be acquired prior to obtaining dedication of a trail not presumed to exist as defined in paragraph 7.0 of this procedure.

4.1 A trail [shall] may be described by metes and bounds description on the easement document, or reflected on a recorded subdivision plat or similar instrument, or by angle point survey with chains, i.e. remote areas, or by centerline description of an existing trail that can be tied to existing surveyed monumentation (example: being 15 feet either side of the centerline of the existing trail and tied to GLO monument(s)).

5.1 Private parties may donate the right-of-way for trails. As a general policy the borough will not pursue establishing prescriptive rights for trails across private lands. [UNLESS THE TRAIL FALLS WITHIN THE GUIDELINES OF FEDERAL RS 2477 GRANTS.]

6.1 The MSB Parks, Recreation and Trails Advisory Board [PLANNING COMMISSION] shall review the proposed trail dedication and advise the [ASSEMBLY] manager. [THE MANAGER SHALL RECOMMEND TO THE PLANNING COMMISSION AND ASSEMBLY TRAILS TO BE DEDICATED FOR PARK AND RECREATION PURPOSES. THE ASSEMBLY SHALL DEDICATE TRAILS BY ORDINANCE WHEN THE NECESSARY PROPERTY INTEREST HAS BEEN ACQUIRED.]

7.0 Trails meeting the requirements [CONDITIONS OF PARAGRAPHS 7.1 OR 7.2] of this procedure but are either:

A. located on non-borough lands without appropriate dedication documents [AND WRITTEN OBJECTIONS HAVE BEEN FILED WITH THE COMMUNITY DEVELOPMENT DIRECTOR BY THE REAL PROPERTY OWNER]; or

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B. have been vacated in accordance with Alaska state statutes or MSB Title [27] **43**;

are not presumed to exist.

7.1 Trails listed in the Matanuska-Susitna Borough [(MSB) TRAILS INVENTORY DATED SEPTEMBER, 1987] **Recreational Trails Plan, or in comprehensive development plans as adopted under MSB Title 15** are presumed to exist **though they may not be legally dedicated.**

7.2 Trails are also presumed to exist if the following criteria, where criterion "a" is mandatory, are satisfied:

- A. a Trail Witness Statement Form issued by the community development department has been executed and notarized by two witnesses, **and**
- B. the trails are evident on aerial photography obtained prior to the adoption of this procedure; or
- C. the trail is illustrated on BLM, GLO, USGS, state, or other official maps issued prior to adoption of this procedure; or
- D. former trail descriptions and maps were recorded prior to adoption of this procedure; or
- E. trails in non-recorded but previously executed covenants executed by duly authorized individuals and executed prior to adoption of this procedure; or
- F. other appropriate third party documents.

7.3 Appropriate formal dedication documents [SHALL] **should** be recorded for trails existing per paragraph 7.1 or 7.2, **and future trails** when administratively possible.

7.4 Trails shall be open to the public but may be restricted to certain uses, e.g., equestrian, pedestrian, mountain bike, dog-mushing, snow machines, etc., if the restriction has been approved by the [PLANNING

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COMMISSION] assembly as recommended by the MSB Parks, Recreation and Trails Advisory Board.

- 7.5 The MSB assumes no liability for trail use whether stated or implied except as provided under AS 09.65.200. [SHOULD THE BOROUGH ACCEPT A TRAIL FROM A PRIVATE PROPERTY OWNER, THE BOROUGH WILL PROVIDE THE PRIVATE PROPERTY OWNER APPROPRIATE INDEMNIFICATION FOR THE TRAIL'S USE.]
- 8.0 For those trails not satisfying paragraphs 7.1 or 7.2 of this procedure the following dedication procedures shall apply.

A blanket dedication may occur if the entire parcel has been classified for trail or park use by the assembly [UPON RECOMMENDATION BY THE PLANNING COMMISSION]. Within areas dedicated by the blanket procedure, [THE LOCATION OF TRAILS NEED NOT BE SURVEYED AND MAY BE ROUTED, REROUTED, CLOSED OR ELIMINATED] the community development department shall be notified by application of any proposed action or modification to the trail system prior to implementation. Upon review, the department may approve/disapprove the application, and has authority to manage these trails without formal action by the [PLANNING COMMISSION] MSB Parks Recreation and Trails Advisory Board or the assembly. [THE COMMUNITY DEVELOPMENT DEPARTMENT WILL BE NOTIFIED, IN WRITING, OF ANY PROPOSED ACTION OR MODIFICATION OCCURRING WITHIN THE AREA PRIOR TO IMPLEMENTATION. SUCH NOTIFICATION IS REQUIRED FOR REVIEW PURPOSES ONLY SO THAT CONFLICTS WITH, OR ACKNOWLEDGEMENT OF, OTHER APPROVED EASEMENTS, RIGHTS-OF-WAY (E.G., UTILITIES) ARE IDENTIFIED PRIOR TO ACTION.]

- 8.1 Remote Areas.
- A. In remote areas the [LOCATIONAL] standard requirement for location [REQUIRED] prior to dedication of the trail may be by GPS [COMPASS BEARING OR BETTER] initiated at a permanently established survey marker and with trail markers established no less than every 1,320 feet.

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[B. A REMOTE AREA IS DEFINED TO BE THOSE PLACES OF THE MSB MEETING THE FOLLOWING CRITERIA:

1. REAL PROPERTY OUTSIDE OF RECORDED SUBDIVISION; AND
2. REAL PROPERTY OUTSIDE A MUNICIPALITY; AND
3. THOSE AREAS LOCATED MORE THAN ONE MILE FROM A ROAD CONSTRUCTED TO BOROUGH LOCAL ROAD STANDARDS AND WHICH IS CONNECTED TO THE PUBLIC ROAD SYSTEM; OR
4. A SPECIAL OR UNIQUE AREA AS DETERMINED BY THE COMMUNITY DEVELOPMENT DEPARTMENT AND CONCURRED UPON THE PLANNING COMMISSION.

THE BOUNDARIES OF THE REMOTE AREA CHANGE AS NEW ROADS MEETING BOROUGH LOCAL ROAD STANDARDS ARE CONSTRUCTED.]

8.2 Non-Remote Areas.

A. In non-remote areas the [LOCATIONAL] standard **requirement for location** [REQUIRED] prior to dedication of a trail shall be an approved survey conducted by a professional land surveyor. A professional land surveyor is any person meeting the Alaska state licensing requirement.

[B. DEFINED NON-REMOTE AREAS ARE DEFINED TO BE THOSE PLACES MEETING ANY OF THE FOLLOWING CRITERIA:

1. PLACES NOT MEETING THE REMOTE CRITERIA AS DEFINED IN SECTION 8.2 OF THIS PROCEDURE; OR
2. REAL PROPERTY LOCATED WITHIN A RECORDED SUBDIVISION; OR
3. REAL PROPERTY LOCATED WITHIN ANY MUNICIPALITY WITHIN THE MSB.]

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8.3

A donation or gift of real property for purposes of a trail will be accepted only after the borough has determined a public need for the trail, and inspected the proposed trail location to assure its suitability for a trail, and has not discovered any negative aspects to accepting such a donation such as, junk and trash, visible hazards, or other physical features that would preclude use of the gift for trail purposes, and the owner has been fully informed of their right to receive just compensation.

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PART THIRTY: FEE SCHEDULE

Fee Schedule

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FEE SCHEDULE

PART 30

- 1.1 Authority: 23.05.060
- 1.2 **The fees herein stated are in accordance with MSB Resolution 16-023, adopted June 7, 2016, and cannot be changed without assembly approval.**
- 2.1 An application **and** processing fee of [\$50.00] **\$500.00** is [DUE UPON SUBMISSION] **required with every application submitted for using borough land** unless this charge is inapplicable by the terms of an adopted program or permit procedure.
- [3.1 A PROCESSING FEE OF \$250.00 IS DUE UPON ACCEPTANCE OF AN APPLICATION, UNLESS THIS CHARGE IS INAPPLICABLE BY TERMS OF AN ADOPTED PROGRAM OR PERMIT PROCEDURE.]
- [4 IN ADDITION TO SECTIONS 2.1 AND 3.1 A \$500.00 NON-REFUNDABLE DEPOSIT SHALL BE REQUIRED FOR APPLICATION OF A LESS THAN FAIR MARKET VALUE (FMV) LEASE OR SALE. THE DEPOSIT WILL BE APPLIED TO THE LEASE OR SALE PRICE IF THE APPLICATION IS APPROVED.]
- [5 FOR OVER-THE-COUNTER LAND SALE PROGRAMS, A [\$100.00] PROCESSING FEE IS REQUIRED WITH THE SUBMISSION OF EACH BID.]
- [6]3.1 [PERMIT FEES:] **In addition to the application and processing fee, the following Permit Fees shall apply:**
- [A. PERSONAL INTERMITTENT USE PERMIT:
- | | |
|----------------------------|----------|
| ADULT (18 YEARS AND OLDER) | \$25.00 |
| PARENT/GUARDIAN FOR MINOR | \$10.00] |
- [B. PUBLIC USE CABIN PERMIT:
- | | |
|------------|---------|
| DAILY RATE | \$40.00 |
|------------|---------|
- OCCUPANCY OF THE PUBLIC USE CABIN IS FROM 12 NOON TO 12 NOON. RATES WILL BE PUBLISHED FOR SPECIFIC CABINS, BASED ON LOCATION, AMENITIES, DESIRABILITY, SIZE AND SEASON.]
- [C] **A.** Designated special use and management area permits will be issued based on a schedule [OF FEES ADOPTED] for each area.

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[D. LAND USE PERMITS:	
ANNUAL MINIMUM/NON-COMMERCIAL USE	\$500.00
ANNUAL MINIMUM/COMMERCIAL USE	\$500.00
OVERLAND ACCESS/SEASONAL	\$150.00
OVERLAND ACCESS/ONE-TIME	\$ 50.00]

[E. DESIGNATED AREA PERSONAL USE PERMITS:	
WOOD PER CORD	MARKET RATE
GRAVEL PER C/Y	MARKET RATE
PEAT PER C/Y	MARKET RATE
OTHER EARTH MATERIAL C/Y	MARKET RATE
GARDEN PLOTS	\$100.00
HARVEST OF NATURAL VEGETATION	\$100.00]

B. Commercial Land Use Permits;

<u>Base Rates</u>	
<u>7-12 months</u>	<u>\$1,000.00</u>
<u>6-month or less (seasonal)</u>	<u>\$ 500.00</u>

<u>One round trip crossing</u>	<u>\$ 250.00</u>
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<u>Plus Per person / per day for one round-trip crossing</u>	<u>\$ 2.00</u>
<u>(this fee is in addition to Base Rates)</u>	

Per acre charge for exclusive use of borough land:
If a commercial permittee requests exclusive use of borough land, an additional fee shall be charged per acre or square foot of exclusive use (whichever is appropriate), said fee shall be no less than twelve percent (12%) of the assessed parcel value per acre, or ten percent (10%) of fair market value as determined by third party appraisal.

C. <u>Non Commercial Land Use Permits:</u>	<u>\$ 500.00</u>
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D. <u>Deshka Seasonal Camp Permits:</u>	<u>\$ 75.00</u>
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E. <u>Christiansen Lake Float Plane Dockage/Sealed Bid</u>	<u>\$ 500.00</u>
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F. Event Permits:

This fee is a daily use fee and applies to 'not-for-profit' organizers.

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20 people or less, no participant entry fee \$ 10.00
20 people or less, with participant entry fee \$ 25.00

21-50 people regardless of participant entry fee \$ 50.00
Borough must be named as "additionally insured"

51-100 people regardless of participant entry fee \$ 100.00
Borough must be named as "additionally insured"
Event organizer must provide minimum of one (1) porta-can

100 people or more, whether non-commercial or \$ 250.00
commercial, regardless of size or participant entry fee must
name the Borough as "additionally insured." Event organizer
must provide minimum of two (2) porta-cans + one (1) additional
porta-can per every additional 100 attendees

F. Filming Production Permits: \$ 500.00
This fee is a daily use fee. Borough must be named
as "additionally insured."
Minimum of two-week advance request required.
(Excludes MSB Recreation Services trails or recreation facilities which are
authorized by MSB rec services division)

[7]6.1 Easement and Rights of Way Fees:

A. Public Utility [FACILITIES] Easements:

Utility Transmission/Distribution <u>Across borough owned land</u> <u>for service to non-borough property</u>	FMV by sq.ft. of easement area, or 125% of assessed value of easement area
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Utility service to borough owned land	No Charge
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B. Private Utility Easements	FMV by sq.ft. of easement area
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C. Roads, [AND] Driveways, <u>and Trails:</u>	
Private	FMV by sq.ft. of easement area
Public	No Charge

[D. TRAILS
MOTORIZED VEHICLES:

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FEE SCHEDULE

PART 30

PRIVATE	FMV BY SQ.FT. OF EASEMENT AREA
PUBLIC	NO CHARGE
COMMERCIAL	\$250.00 OR IN-KIND VALUE OF \$250.00 OR MORE
NON-MOTORIZED AND PEDESTRIAN:	
PRIVATE	FMVBY SQ.FT. OF EASEMENT AREA
PUBLIC	NO CHARGE
COMMERCIAL	\$100.00 OR IN-KIND VALUE OF \$100.00 OR MORE; OR \$1.00 PER PERSON PER DAY]

[8]7.1 **Commercial** [T]timber resource, vegetation harvest, and earth material extraction fees:

A. [FOR ALL TIMBER SALES INCLUDING SALVAGE, THE MINIMUM STUMPAGE PRICES SHALL BE BASED ON FAIR MARKET VALUE.] Minimum prices shall be based on Fair Market Value (FMV) for: all timber sales, including salvage and stumpage contracts; and earth material extraction contracts; and harvest of natural vegetation and non-wood product contracts.

B. A [\$100.00] **500.00** fee is due for each timber sale, earth material and natural vegetation/non-wood products contract extension [REQUESTED].

[5]8.1 For Over-the-Counter land sale programs, a [\$100.00] processing fee pursuant to terms of the specific offering is required with the submission of each bid.

9.1 Personal Use Firewood and Earth Material Extraction: \$25.00 per household

A. Firewood Per Cord \$25.00 / cord
(10 cord max / household / year)

B. Earth material, gravel & peat \$3.00 / cubic yd

10.1 Assignments of Alaska Division of Land leases.
In addition to other application fees, a document fee of \$250.00 for a title report will be due upon acceptance of the application.

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OR 16-100
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**PART THIRTY-ONE:
GENERALLY ALLOWED
USES**

Generally Allowed Uses

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OR 16-100

TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL

GENERALLY ALLOWED USES
PART 31

1.1 Authority: 23.10.010

2.1 The purpose of this section is to describe those uses and activities on borough-owned land which do not require specific borough authorization. It is the borough's desire to provide consistency with the state of Alaska Administrative Code regarding generally allowed uses on public land whenever practical and when in the best interest of the borough.

2.2 Generally allowed uses and activities on borough-owned land shall not be construed as a means to create legal access or assume legal access exists; nor shall it be construed that unauthorized use on said lands is allowed; nor shall it be construed as a transfer of rights or ownership in borough lands by assumption or by adverse possession.

2.3 The following uses and activities, alone or in combination, are generally allowed on borough-owned land without prior authorization. These allowed uses and activities may not apply when such land is encumbered through an existing exclusive use, is prohibited by the borough, or are otherwise utilized for parks, school sites or other borough facilities.

Before beginning any activity on borough-owned land a user is solely responsible to verify that the use or activity is allowed for the area of interest and should contact Land & Resource Management Division for confirmation of use on a particular parcel.

A user of these generally allowed uses and activities shall also be solely responsible to comply with any applicable local, state and

GENERALLY ALLOWED USES

PART 31

federal requirements, and for the safety of self and members of their group.

Generally allowed uses include:

A. Travel across borough-owned land.

Hiking, backpacking, skiing, climbing and other foot travel; bicycling; travel by horse or dogsled or with pack animals. Use of highway vehicles, or recreational off-road vehicles and snow machines if use does not cause or contribute to water quality degradation, alteration of drainage systems, significant rutting, ground disturbance or thermal erosion. Landing of aircraft or watercraft without damaging the land, shoreline, tideland and submerged land.

B. Removal or use of borough resources.

(1) Hunting, fishing or trapping that complies with applicable borough, state and federal statutes and regulations on the taking of fish and game.

(2) Harvesting small amounts of wild plants, mushrooms, berries and other plant material for personal, non-commercial use, including use of dead and downed trees for cooking or a warming fire, unless the area has been closed for such uses.

C. Improvements and structures on borough-owned land.

Camp sites are allowed for personal, non-commercial recreational purposes; or to survey a permanent official marker; or to survey and explore mineral oil or gas for no more than 14 days at one site using a tent platform or other temporary structure

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

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GENERALLY ALLOWED USES

PART 31

that can readily be dismantled and removed. Moving the entire camp at least two miles in distance will start a new 14-day period.

A camp must be removed immediately if the Land and Resource Management Division determine it may interfere with public access, other public uses or other borough interests. Cabins or other non-permanent improvements including foundations are not allowed.

2.4 General Conditions.

To comply with these generally allowed uses of borough-owned land the following conditions shall also apply:

- (1) activities employing wheeled or tracked vehicles must be conducted in a manner that minimizes surface damage;
- (2) vehicles must use existing roads and trails whenever possible;
- (3) activities must be conducted in a manner that minimizes:
 - a. disturbance of vegetation, soil stability, or drainage systems;
 - b. changing the character of, polluting, or introducing silt and sediment into streams, lakes, ponds, water holes, seeps, and marshes; and
 - c. disturbance of fish and wildlife resources
- (4) cuts, fills, and other activities causing a disturbance listed in (3)(a-c) of this title must be repaired immediately, and corrective action must be undertaken as may be required by the borough;
- (5) trails and campsites must be kept clean; garbage and foreign debris must be removed; combustibles may be burned on site

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GENERALLY ALLOWED USES

PART 31

unless the borough has closed the area to fires during the fire season, or for any other reason;

- (6) all reasonable efforts must be made to prevent, control, and suppress any fire in the operating area; uncontrolled fires must be immediately reported to the authorities and the borough;
- (7) survey monuments, witness corners, reference monuments, mining location posts, homestead entry corner posts, and bearing trees must be protected against destruction, obliteration, and damage; any damaged or obliterated markers must be re-established as required by law;
- (8) holes, pits, and excavations must be repaired as soon as possible; holes, pits, and excavations necessary to verify discovery on prospecting sites, mining claims, or mining leasehold locations may be left open but must be maintained in a manner that protects public safety;
- (9) on lands subject to a mineral or non-exclusive interest, entry by a person other than the holder of a property interest, or their representative, must be made in a manner that prevents unnecessary or unreasonable interference with the rights of the holder of the property interest.

3. Restricted Areas.

There are areas within the borough which have special land use designations or are otherwise restricted. Generally allowed uses as provided for in this section do not apply in designated areas.

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GENERALLY ALLOWED USES

PART 31

Designated areas are:

- a) Active timber sales (personal use and salvage)
- b) Active material sales (such as gravel pits)
- c) Wetland Mitigation Bank lands if use degrades the natural land
- d) Public facilities (such as schools, fire stations, libraries)
- e) Parks (restricted usages are typically listed at park entrances)
- f) Campgrounds
- g) Trails (may be restricted to motorized, non-motorized, pedestrian, equestrian, or bike)
- h) Recreation management areas
- i) Parcels encumbered by lease, permit, management agreement, commercial, or residential use
- j) Special Use Districts (SpUD)
- k) Port MacKenzie Port District
- l) Exclusive use areas

4. The borough manager shall retain authority to prohibit or restrict any specific use under these generally allowed use provisions when in conflict with 23.05.010.

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

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PART THIRTY-FIVE:

LEASES

Leases	35-1
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**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

REAL PROPERTY: Leases

PART 35

- 1.1 Authority: 23.05.030
23.10.180
- 2.1 This chapter addresses policies and procedures for leases, excluding material leases.
- 2.2 "Lease" in this chapter means a contract for the use and possession of the surface estate for a specified period of time and under specific terms. Because a lease conveys a property interest in land, it is necessary to prepare a recommendation for planning commission and for assembly approval. Applications for leases must undergo interdepartmental review prior to [BE ADVERTISED PURSUANT TO THE] public notice procedures provided in MSB 23.05.025.
- 2.3 A "development plan" shall be provided stating [IS A WRITTEN STATEMENT OF THE LESSEE'S INTENTIONS] proposed development and use of the leased land. [IF AN APPROVED DEVELOPMENT PLAN IS REQUIRED BY REGULATION OR BY THE DIRECTOR EXERCISING HIS DISCRETION, IT WILL CONFORM TO HIS SPECIFICATIONS AND IS BINDING ON THE LESSEE.] Incorporated in the development plan shall be performance benchmarks which at the discretion of the borough will become conditions of the lease. A development plan will be consistent with the classification of the land, and it becomes a binding part of the lease contract.
- 2.4 A "local comprehensive plan" means a plan adopted by a municipality upon which it exercises it's zoning authority. It does not mean studies, proposals or spot zoning.
- 3.1 Generally, all borough lands are available for surface lease. However, classifications may limit the types of activity for which property may be leased.
- 3.2 The question of permit versus lease is generally decided on the basis of the applicant's stated intentions. If the applicant requests the use of borough land for not more than [ONE] five years the person applies for a land use permit. If the

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
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REAL PROPERTY: Leases

PART 35

person wishes exclusive use for more than one year, **or** if the person wishes to construct permanent improvements, the person applies for a lease.

3.3 Where land use patterns are congested or when competitive interest exists, the community development director may decide to offer a lease of any term **by competitive bid or by other means allowed under code** [AT PUBLIC AUCTION].

3.4 All persons to be named in the lease document **must** sign the lease application.

3.5 In all competitive offerings in which a development plan is required, the legal publication will stipulate that in order for a person to enter into the lease, a development plan meeting the requirements of the regulations and the community development director must be submitted to the land & resource management division on or before the date stipulated in the legal publication.

No later than 30 working days following the last date the development plan is received, the person submitting a development plan will be given notice of the division's approval or disapproval of the plan, in whole or in part, and the reason therefore.

3.6 Lease disposal of unclassified land may be made only when in conformance with a local comprehensive plan **or special use district**.

3.7 The awarding of a lease for whatever purpose does not constitute a waiver of any requirement for permits or other authorizations as may be required for certain uses, whether it be state, federal, or municipal entity. A lease may be revoked if [APPLICATIONS FOR] necessary permits are [DENIED] **not acquired by the lessee**.

3.8 A lease made at less than fair market value annual rental will require a [PUBLIC] **best** interest finding and will provide for unrestricted public use and access.

3.9 All leases of land which are made at less than fair market value shall terminate if the use changes from the approved development plan or if the use is not consistent with the use approved for the lease, and shall be conditioned upon unrestricted public enjoyment of the benefits of the project. For instance, public access through a hydropower site may be restricted for safety reasons, but if the benefit of the project (electricity) will be made available through a public utility, a lease may be negotiated for less than fair market value.

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REAL PROPERTY: Leases

PART 35

The [LAND & RESOURCE MANAGEMENT CHIEF] **community development director** shall determine whether or not a lease by application at fair market value to an eligible person may contain the reverter clause or the requirement for public access.

- 3.10 A lease of borough land is preferred to a sale when one of the following conditions apply:
- A. The long-term management strategy for the land has not yet been decided or has been determined to best be achieved by retention in borough ownership;
 - B. The proposed use of the land is contingent upon the possession of other permits not under the control of the borough, (i.e., guiding area permits);
 - C. The nature of the proposed use requires that the borough retain the greatest control over the long-term development and operation of the facility (i.e., oil and gas industrial lease tracts); [OR]
 - D. The facility, although owned and operated by a private interest, provides an important public service (i.e. power generation site).
- 4.1 The filing of an application vests no rights in the applicant to a lease or to use of the land while under application. Unauthorized use constitutes trespass. Upon becoming aware of a **verified** trespass, the [COMMUNITY DEVELOPMENT2 DEPARTMENT] **land and resource management division** shall serve notice, both by regular and certified/return receipt mail **when practical**[,] upon the **known** trespasser and thereafter proceed with appropriate action, including terminating processing the application.
- 4.2 The trespasser shall be notified [THAT HE IS IN] **of the** trespass **violation** and [NOTICE GIVEN] that [THE] **all unauthorized** improvements **placed on the premise** are to be removed within 60 days **of noticing**. If notice is not complied with, the case is then turned over to the borough attorney's office for action.
- 5.1 Competitive leases are offered via sealed bid, outcry auction, or request for proposal, per applicable procedure. The location of the offering is determined by the purchasing officer on the basis of convenience to the anticipated bidders as well as other factors considered to best serve the interests of the borough. A

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Land & Resource Management Policy & Procedures (PPM)
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Other provisions of code may also apply.

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REAL PROPERTY: Leases

PART 35

prospective bidder must attend in person or be presented by an agent. An agent may not represent more than one bidder.

[6.1 A LEASE BY APPLICATION SHOULD NOT BE USED AS A SHORT-TERM SOLUTION TO A LONG TERM PROBLEM. THIS IS, A SHORT-TERM LEASE SHOULD NOT BE USED FOR THE TYPES OF ACTIVITIES USUALLY REQUIRING A LAND USE PERMIT, BUT WHICH WILL CONTINUE FOR LONGER THAN ONE YEAR.]

6.2 All leases shall be guided and enforced by 23.10.010, 23.10.020, 23.10.030, 23.10.080 and 23.10.090.

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

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TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL

LEASES: Nonexclusive Broker Agreements

PART 35

- 1.1 Authority: 23.10.180
- 2.1 This section outlines the requirements and compensation for a real estate broker hired by the borough for recruitment of parties interested in leasing borough-owned real property.
- 2.2 The objective is to solicit business for new leases on borough-owned land, and specifically within the Port District, from the following categories: Transportation and logistical support, fabrication, industrial businesses, low-level manufacturing, bulk material storage, warehousing, water and wastewater, and power generation.
- 2.4 Definitions:
A real estate broker is a person currently licensed by the state of Alaska as a real estate broker in accordance with Alaska state law as defined under AS 8.88.171.

An associate broker or real estate salesperson is a person currently licensed by the state of Alaska as an associate broker or real estate sales person in accordance with Alaska state law as defined under AS 8.88.171, employed by and operating under the direction and authority of a real estate broker.

Nonexclusive Broker Agreement (Agreement) means a nonexclusive professional services contract specifying the services to be performed by a broker, duration of contract, and the method and amount of compensation for those services rendered.
- 2.5 Land and resource management division may request broker services to assist with securing potential lease clients for borough-owned real property which may include one or more parcels throughout the borough.
- 3.1 Periodically, the land and resource management division may solicit a request for broker services and provide interested applicants an information packet outlining the qualifications needed, services to be

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
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LEASES: Nonexclusive Broker Agreements

PART 35

performed, time frame for said performance, and compensation to be received for said services rendered.

3.2 Applicants must be currently licensed by the State of Alaska as defined under 2.4 of this section, must carry insurance limits as required by the borough, and must be in good standing with the borough in accordance with MSB 23.10.090.

3.3 Applicants will be evaluated for meeting Agreement criteria.

3.4 Successful applicants will be notified by mail and provided an Agreement for review and acceptance. The Agreement shall be considered effective as of the date of executed signature by the borough.

4.1 The Agreement will identify any forms, fees, and procedures which the broker agrees to use and comply with in providing services under this title.

4.2 The Agreement will specify the terms of services to be performed, time frame for said performance, and compensation to be received. Compensation shall be paid as a percentage of the lease price on a fixed payment schedule.

4.3 Compensation shall only be paid to a broker under an executed borough broker agreement.

4.3 Payment for broker services is approved by the assembly at the time of lease approval and payable in accordance with the Agreement. In the event assembly approval is not required for lease approval, payment for broker services shall be approved by the manager in accordance with the Agreement.

5.1 Land and resource management division will provide property specifications and monitor performance of the Agreement with the selected broker(s).

6.1 Brokers under the Agreement shall not negotiate a lease on behalf of the borough, nor shall a broker under this Agreement be compensated by the borough for work involving a current borough lease.

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The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

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LEASES: Nonexclusive Broker Agreements

PART 35

7.1

The borough reserves the right to hire multiple brokers to provide the professional services as outlined in the Agreement.

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Other provisions of code may also apply.

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**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

LEASES: TERMINATION AND CANCELATION
--

PART 35

1.1 Authority: 23.05.080

2.1 Definitions:

Lease: A written **and recorded** document in which the rights to use and occupancy of land and/or improvements transferred by the owner to another for a specified period of time in return for a specified rent, **conditions, and/or performance standards.**

Lessor: The Matanuska-Susitna Borough (borough).

Lessee: The tenant.

3.1 The borough issues leases with terms and conditions that are agreed to by the tenant at the time the lease is signed by the tenant. Should the tenant default on lease payments or not comply or fulfill the terms and conditions of the lease, the borough may terminate the lease. Conditions under which the lessor may terminate the lease are contained in the lease document.

3.2 A decision to terminate a lease is obtained by having [A MEMORANDUM APPROVING] the termination signed by the [LAND MANAGEMENT CHIEF,] community development director and borough manager.

3.2 [GENERALLY UPON RECEIVING APPROVAL TO TERMINATE A LEASE,] **When a tenant is in default,** notice is sent to the tenant **contained in the lease or agreement** informing them of **the default and** intent and time-frame for termination [AND ANY CONDITIONS THAT CAN BE MET BY THE TENANT TO AVOID TERMINATION].

4.1 [A LETTER TERMINATING A LEASE IS SIGNED BY THE BOROUGH MANAGER AND SENT BY CERTIFIED MAIL TO THE ADDRESS FOR THE TENANT CONTAINED IN THE LEASE.] **Lease default notification and/or termination is conducted and documented as follows:**

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LEASES: TERMINATION AND CANCELATION

PART 35

- A. Notice of Default is sent by certified mail and regular mail providing information to the tenant, including the nature of the default, what steps are necessary to cure the default, and contact information for borough personnel whether it is 'payment' default, or 'performance standard' default.
- B. Tenant is allowed 30 days to cure the default. A title report is ordered at this time to determine if any other person(s) or entity(ies) can claim an interest against the property (such as liens, transfers, etc.). Notification of the default is mailed to any security assignee or other entity with a lien.
- C. If the default is cured, no further action is needed.
- D. If the certified Notice of Default is unclaimed and the tenant is still in default at the end of the 30-day period, a Notice of Termination is sent by certified mail and regular mail stating termination is in process. The tenant has 30 days to remove all personal property from the premise. The removal of personal property 30 day time period begins at the end of the initial 30-day default notice period. If there is claimed interest against the property, a security assignment must be signed by the tenant and Notice of Termination is then mailed by certified mail and regular mail to both the tenant and to any security assignee or entity with a lien.
- E. If the default is cured, no further action is needed.
- F. If after the initial 30-day notice period and subsequent 30-day notice to remove personal property have passed (a total of 60 days has passed) and if default is still not cured, an Affidavit of Termination is prepared, signed by the borough manager, and recorded in the district where the property is located.
- G. A letter is sent by certified mail and regular mail to the now-defaulted tenant with a copy of the recorded Affidavit of Termination. The letter notifies the tenant of the lease termination and provides notice that 60 days are allowed for removal of personal property, and that any property left after the 60 days becomes the property of the borough. A specific end

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Land & Resource Management Policy & Procedures (PPM)
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LEASES: TERMINATION AND CANCELATION

PART 35

date is included in the letter (for example: "Sixty (60) days are allowed for the removal of personal property, ending May 15, 2015." (in essence, the defaulting tenant will have been provided 60 days to cure the default and another 60 days to remove personal property from *Affidavit of Termination*.)

H. All costs associated with the termination, to include but not be limited to, title report, assignments, and recording fees are charged to the tenant as costs incurred. These costs may be pursued in civil proceedings.

5.1 A borough issued lease may also be terminated by mutual agreement, in which case either the borough or the tenant may initiate termination of the lease. Termination of a lease will be accomplished when all parties to the lease agreement have signed an agreement to terminate the lease and an *Affidavit of Termination* is recorded. The borough manager will sign the termination of lease on behalf of the borough.

6.1 [IF THE LEASE TO BE TERMINATED IS RECORDED, THE BOROUGH WILL RECORD A NOTICE OF TERMINATION, TITLED AS APPLICABLE, EITHER NOTICE OF TERMINATION OF LEASE BY DEFAULT, OR NOTICE OF TERMINATION OF LEASE BY MUTUAL AGREEMENT.]
Copies of the *Affidavit of Termination* are provided to Finance and Assessment departments.

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The code authority cited is specific to this policy and procedure.
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PART FORTY: MANAGEMENT AGREEMENTS

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**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

MANAGEMENT AGREEMENTS: General
PART 40

1.1 Authority: 23.05.030 [A]
[23.10.010 B]
23.10.160

2.1 A management agreement is [A] an agreement between the borough and [A] person(s) or [BOROUGH AGENCY] organized group wherein the borough transfers some or all of its management authority over borough-owned real property to the other party.

2.2 This section describes the method by which a borough real property asset or facility may be managed and operated by a non-borough entity.

3.1 Management agreements are an appropriate vehicle to manage certain borough-owned real property assets and [FACILITATES] public facilities. [JOINT USE PLANNING OR MANAGEMENT, OR SOLE MANAGEMENT AUTHORITY] The applicant [MUST SHOW] shall demonstrate its ability to [ASSIST] utilization and provide expertise and services at an equivalent or superior standard, but in a more cost effective manner than the borough could provide on its own.

3.2 Management Agreements may be executed between the borough and other governmental agencies, [or] private individuals or agencies, or organized groups for the purpose of managing [A] borough real property [ASSET].

3.3 Management agreements shall at a minimum [INCLUDE] address [UNLESS INAPPLICABLE BY ITS OWN TERMS, SECTIONS REGARDING] the following terms and conditions, as applicable:

- | | |
|---|--|
| <p>_____ Right-of-way</p> <p>_____ Subleasing</p> <p>_____ Breach of agreement</p> <p>_____ Notice of default</p> <p>_____ Sanitation</p> | <p>_____ Assignments</p> <p>_____ Modification</p> <p>_____ Notice</p> <p>_____ Responsibilities</p> <p>_____ Written waiver</p> |
|---|--|

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MANAGEMENT AGREEMENTS: General

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- | | |
|--|---|
| <input type="checkbox"/> Removal or forfeiture of improvements or chattels | <input type="checkbox"/> Terms |
| <input type="checkbox"/> Retention of payments | <input type="checkbox"/> Violations |
| <input type="checkbox"/> Location of structures [A] and improvements | <input type="checkbox"/> Environmental impairment |
| <input type="checkbox"/> Relationship of parties | <input type="checkbox"/> Issuance |
| <input type="checkbox"/> Facility use standards and termination | <input type="checkbox"/> Management fee |
| <input type="checkbox"/> Default, right to cure | <input type="checkbox"/> Severability |
| <input type="checkbox"/> Compliance with laws | <input type="checkbox"/> Amendment |
| <input type="checkbox"/> Choice of law | <input type="checkbox"/> Force majeure |
| | <input type="checkbox"/> Integration |

Other terms and conditions may be included in management agreements.

3.4 Any management agreement term that exceeds five years requires assembly approval by ordinance.

4.1 Following is the procedure for issuance of management agreements:

- A. The application **and required fee** [ON A FORM ISSUED BY THE COMMUNITY DEVELOPMENT DIRECTOR1] is received at the borough and reviewed for accuracy and completeness. A joint use or cooperative management agreement may not require an application **and/or fee** if the proposal is being initiated by the borough.

- B. Land status is checked for borough ownership and for any reservations or prohibited uses [AND TO DETERMINE IF THE AREA IS SUBJECT TO COASTAL ZONE REGULATIONS]. If [THE] **an** existing **land** classification, **zoning use, or regulation** is inconsistent with the proposed use, [A BRIEF REVIEW OF THE CLASSIFICATION WILL TAKE PLACE. IN GENERAL, CLASSIFICATION OLDER THAN FIVE YEARS SHOULD BE REVIEWED FOR CHANGING CHARACTERISTICS OR USE PATTERNS AND IF INDICATED A RECLASSIFICATION MAY BE IN ORDER.] [T] the application [will] **may** be rejected. [IF THE EXISTING CLASSIFICATION IS INCONSISTENT WITH PROPOSED USE AND RECLASSIFICATION IS NOT WARRANTED INDICATED.]

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MANAGEMENT AGREEMENTS: General

PART 40

- C. The application, if [proper] **consistent with authorized land uses and regulations**, is [THEN] given an MSB case number and a case file prepared.
- D. An [REQUEST FOR INTERDEPARTMENTAL REVIEW OF THE APPLICATION REQUEST FOR] interdepartmental review of the application **is initiated for up to ten days for the purpose of identifying problems or conflicting plans which other borough departments may have with the proposed assessment and area of use. Upon end of review period, and if there are no issues to address, 30-day public notice is initiated.** [WILL BE PREPARED AND ROUTED FOR THE PURPOSE OF IDENTIFYING PROBLEMS OR CONFLICTING PLANS WHICH OTHER BOROUGH DEPARTMENTS MAY HAVE WITH THE PROPOSED ASSESSMENT AND AREA OF USE. IF THE PROPERTY IS LOCATED WITHIN A COMMUNITY COUNCIL AREA, A REQUEST FOR REVIEW SIMILAR TO THE INTERDEPARTMENTAL REVIEW PACKAGE WILL BE PREPARED AND MAILED TO THE COUNCIL.]
- E. If the application affects the jurisdiction of another agency [(I.E. PARKS, SANCTUARIES, ETC.) IT IS FORWARDED TO THE APPROPRIATE AGENCY FOR ACTION AND THE APPLICANT IS NOTIFIED] **notice shall be provided.**
- F. Any proposed use which may be potentially damaging to the environment or hazardous to the health, safety or welfare of the public [MUST BE CAREFULLY] **shall be reviewed in consultation with other primary affected agencies** [DISCRETION SHOULD] BE USED WHEN COORDINATING WITH OTHER AGENCIES] which, by law or other authority, share jurisdiction over the use. Examples of these types of activities include storage of flammable or explosive materials, activities in zones of suspected geological hazards, use of a material site for target practice, and activities which may significantly affect anadromous fish habitat.

Review and approval by the appropriate agency is mandatory when the activity applied for is within a game refuge, critical habitat area, [COASTAL DISTRICT,] or other area designated "special use."

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
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Effective: 2016

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MANAGEMENT AGREEMENTS: General

PART 40

In cases where an application is sent to other agencies, the applicant is notified that additional review time will be required. The application is forwarded to the appropriate agency for review with a request for response within 15 working days. If agency review is mandatory, no agreement will be entered into without concurrence and failure of the agency to respond must be deemed non-concurrence. Where a review is elective, the notice will give the agency 15 calendar days to respond, and a non- [RESPONSIVE] response will be deemed a non-objection. Comments are reviewed and appropriate special conditions added to the agreement.

- [G. WHERE APPLICABLE, A FINDING OF CONSISTENCY WITH THE COASTAL MANAGEMENT PROGRAM MUST BE MADE FOR EACH AGREEMENT ENTERED INTO. THE CONSISTENCY DETERMINATION WILL BE MADE BY THE AUTHORIZED OFFICER.]
- [H]G. The agreement is either executed, denied or the review [PERIOD] is extended as needed [WITHIN A 30 DAY PERIOD]. The agreement of application or denial is signed by the borough manager or his designee with any necessary stipulations or conditions.
- [I]H. If the application is denied, the applicant must be informed of the reason for denial. [HE] The applicant then has the right to appeal such denial according to MSB 23.05.090.

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Land & Resource Management Policy & Procedures (PPM)
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Effective: 2016

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**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

MANAGEMENT AGREEMENTS: Interagency
PART 40

1.1 Authority: 23.05.030 [A]
[23.10.010 B]
23.10.160 [(D)]

2.1 Definitions:

Interagency agreement: Any management agreement between various departments of the borough general government or between the borough general government and the Matanuska-Susitna Borough School District for the sole purpose of assigning day-to-day management of a borough facility.

Agency: A subunit of borough government, such as the school district, which by its function has primary use of the land or facilities owned by the borough.

3.1 All real property owned or leased by the borough that is owned or leased in the name of the borough is to be managed under an interagency agreement. This includes real property used as parks, property on which a public facility is situated such as a school, library, or fire station, and property leased for borough facilities.

4.1 The borough manager is authorized to manage and control the borough-owned real property. The borough manager may delegate authority and responsibility for real property management functions.

5.1 Authority for the administration of the management, development, and disposal of borough real property resides with the community development department and must be [DELEGATED] authorized by transfer of delegation before another borough agency can make a management, development, or disposal decision regarding borough real property.

6.1 The borough manager through an interagency agreement can additionally name the primary user of land or a facility for day-to-day management. The responsibility for administration of the management, development, and disposal of borough real property still resides with the community development department. The primary user department, through a fully

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MANAGEMENT AGREEMENTS: Interagency

PART 40

executed interagency agreement, obtains day-to-day management of a borough asset and responsibility for its proper use and maintenance.

- 7.1 The management transfer to the agency **or department** requires [THAT] the agency **or department** be responsible for all costs associated with the use of the real property transferred.

- 8.1 An interagency agreement is executed by the director of the community development department [AS THE RECOMMENDING AGENCY], concurred by the director or equivalent position of the **agency or** department which will manage the real property.[:] [AND APPROVED] **Subsequent approval of the execution is** by the borough manager.

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Land & Resource Management Policy & Procedures (PPM)
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Effective: 2016

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PART FORTY-FIVE:

OWNERSHIP

Accepting Deeds in Lieu of Foreclosure on a Deed of Trust	45-1
Donations	45-4
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**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

OWNERSHIP: Accepting Deeds in Lieu of Foreclosure on a Deed of Trust
PART 45

- 1.1 Authority: [23.05.010(B)]
23.05.030 [(A)]
23.05.080 [(B)]

2.1 Definitions:

Deed of trust: A legal instrument similar to a mortgage that, when executed and delivered, conveys or transfers property title to a trustee. A deed of trust can be used in place of a mortgage contract.

Trustee: A person who controls legal title to property under a trust agreement.

Beneficiary of trust deed: The lender, who is one of three parties in a trust deed agreement. The borrower, or trustor, gives the title to a third party, the trustee, who holds the title in trust for the benefit of the borrower and the lender.

Deed of trust note: The document executed by the borrower, which sets forth the principal amount of the loan, interest rate, and interval of payments required of the borrower for which payment is promised. A deed of trust note is secured by a deed of trust, which specifies the real property taken as collateral and creates a lien on the property until the note is paid or otherwise released.

Foreclosure: The legal process in which a lender [OR] forces the sale of a property to recover all or part of a loan on which the trustor has defaulted.

Deed in lieu: A deed given by an owner or debtor in lieu of foreclosure by the lender or mortgagee.

Buyer: The debtor, borrower, or trustor.

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OWNERSHIP: Accepting Deeds in Lieu of Foreclosure on a Deed of Trust

PART 45

- 3.1 When the borough finances real property that it sells, the borough requires that the buyer sign a deed of trust to the real property sold as security and that the buyer will perform on the terms of the deed of trust note which finances the real property sold. The borough becomes the beneficiary of the trust deed.
- 4.1 Should the buyer default on the deed of trust note, or fail to perform on the deed of trust, the borough as lender and beneficiary of the trust deed may foreclose under the terms of the deed of trust.
- 5.1 At its option, the borough as beneficiary may also accept a deed from the trustor to the real property sold in lieu of foreclosure.
- 6.1 The borough requires that real property conveyed in lieu of foreclosure must be conveyed by warranty deed.
- 7.1 Prior to acceptance of a warranty deed in lieu of foreclosure the borough will require that all conditions contained in the deed of trust be met. The following conditions are not conclusive and are annotated for the purpose of emphasis:

Clear title: Title of the real property to be conveyed to the borough in lieu of foreclosure must be in the same condition as when the borough originally sold the property. The borough's lien must be in first position, and the property cannot be subject to any other liens or encumbrances. The borough shall require an owner's title policy issued at the time of conveyance.

Environmental contamination: The real property to be conveyed to the borough in lieu of foreclosure will be inspected for environmental contamination. The borough may contract for an environmental inspection if site conditions so warrant. Any clean up and remediation of environmental contamination will be the responsibility of the buyer. Necessary remediation must be completed before the deed in lieu of foreclosure is executed.

Environmental affidavit: Executed by grantor prior to accepting deed in lieu.

Waste: The real property to be conveyed to the borough in lieu of foreclosure must be in good condition and repair and must not have

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OWNERSHIP: Accepting Deeds in Lieu of Foreclosure on a Deed of Trust

PART 45

suffered waste.

Costs: The owner (trustor) is required to pay all costs associated with the real property to be conveyed to the borough in lieu of foreclosure. Costs may include title reports, payment of real property taxes, preparation of documents, reasonable attorney fees, environmental inspection reports, and site remediation.

Estoppel Affidavit: A statement of material facts and conditions, signed by the trustor, that the property is conveyed willingly and without duress, and that it does not constitute a mortgage loan or agreement, and is a complete conveyance of all interest the grantor(s) held in the property.

- 8.1 A deed in lieu of foreclosure must be accepted by the borough manager. A deed in lieu of foreclosure is accepted by the borough only if acceptance is determined to be in the best interest of the borough.

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Land & Resource Management Policy & Procedures (PPM)
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**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

OWNERSHIP: Donations
PART 45

- 1.1 Authority: 23.05.030 [(B)(2)]

- 2.1 Donation: The gift of real property to the borough from a person, agency or other entity.

- 3.1 [PRIVATE INDIVIDUALS] Real property may be gifted [REAL PROPERTY] to the borough, and the borough manager may accept gifts of real property if accepting the gift of real property is in the best interest of the borough.

- 4.1 Real property may be donated to the borough only [FOR SEVERAL REASONS:] for public purposes[, PARKS, ETC].

- 4.2 The conveyance shall be in the best interest of the borough without title flaws or encumbrances, liability, environmental contamination, or unreasonable costs associated with the transaction.

- 4.3 [THE DEPARTMENT] When receiving a proposal to donate real property [CONDUCTS] a pre-application conference with the applicant to discuss borough procedures is conducted. Upon submittal of a formal intent to transfer property to the borough, [A CONDUCT AN "IN-HOUSE"] interdepartmental review is initiated. [WHEREBY ALL BOROUGH DEPARTMENTS ARE ASKED TO COMMENT ON THE PROPOSED TRANSFER.] The [FINANCE] community development department shall act as the lead department in the case of [FORECLOSURES] foreclosed properties.

- 4.4 Upon completion of the ["IN-HOUSE"] interdepartmental review, [THE INITIATING DEPARTMENT DRAFTS AND FORWARDS] a recommendation is forwarded to the borough manager regarding the advisability of accepting the real property.

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OWNERSHIP: Donations

PART 45

[THE CRITERIA TO ACCEPT] Prior to the borough accepting gifted/donated real property [INCLUDES BUT] the gifter/donator may [NOT BE LIMITED TO] be responsible to pay for:

- (1) clear title, including taxes and assessments paid and no other encumbrances;
- (2) [ACCEPTABLE] environmental assessment acceptable to the borough;
- (3) acceptable survey or legal description of property boundaries which complies with borough platting regulations;
- (4) ability of the borough to market, sell, or manage the property [IN A REASONABLE MANNER].

5.1 Should the borough manager agree with the conveyance of property, the owner executes a warranty deed to the borough which will require the borough's acceptance in the document. A conformed copy of the recorded deed is forwarded to the land management division for filing in the geographical location filing system (TRS).

6.1 In cases where the manager's acceptance is not indicated on any recorded deed received by a borough department, that department shall forward a copy of the deed to the community development department. The community development [DEPARTMENT] director will review the conveyance and recommend to the borough manager, after an ["IN-HOUSE"] interdepartmental review is completed, whether or not, the property should be accepted or refused. In cases where the borough refuses to accept the deed, a notice of non-acceptance by the borough will be recorded.

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**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

OWNERSHIP: Tax and Special Assessment (LID) Foreclosures

PART 45

- 1.1 Authority: 2.38.020 [(4)]
3.15
23.05.030 [(B)(6)]
23.10.220
AS 29.45.290-500

2.1 Definitions:

Tax and Special Assessment (LID) Lien Foreclosure: Delinquent real property taxes **and special assessments** are a lien against the property. The Borough (municipality) enforces the tax **and LID** lien by annual foreclosure.

Judgment and Decree of Foreclosure: The court clerk delivers a certified copy of the judgment and decree to the municipal clerk. The certified judgment and decree constitute a transfer to the municipality.

Right of Redemption: Properties transferred to the municipality are held by the municipality for at least one year. During the redemption period a party having an interest in the property may redeem it by paying the lien amount plus penalties, interest, and costs, including all costs incurred under AS 29.45.440(a). A certificate of redemption is issued and recorded.

Right of Repurchase: The record owner, at the time of tax foreclosure of property acquired by a municipality, or the assigns of that record owner or lien holder who forecloses on their lien and assumes the position of the record owner[,] may, within ten years and before the sale or contract of the sale of the tax **or LID**-foreclosed property by the municipality, repurchase [OF] the property.

Tax and LID sale: The sale of a tax **and LID**-foreclosed property to collect delinquent taxes from the proceeds of sale; conducted when the taxpayer has failed to redeem the property within the statutory period and the borough has been conveyed the property by clerk's deed.

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Land & Resource Management Policy & Procedures (PPM)
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OWNERSHIP: Tax and Special Assessment (LID) Foreclosures

PART 45

Tax and LID deed: A deed that conveys title to a property purchased at a tax and LID sale; which may not convey absolute title, free and clear of all prior claims and liens.

- 3.1 The borough's purpose in selling tax and LID foreclosed properties is to collect delinquent real property taxes and LID and costs which are the combination of the real property tax, LID, penalties, interest, and management costs. The borough does not seek to retain tax or LID-foreclosed property in its ownership, unless a specific and meaningful public purpose can be demonstrated.
- 4.1 The finance department is responsible for filing the tax and LID lien foreclosure case, recording judgment, issuing redemption certificates and requesting and obtaining a clerk's deed as a result of a tax and LID-lien foreclosure.
- 4.2 The land and resource management division is responsible for review of the properties not redeemed which are to go to clerk's deed, including any site inspection prior to finance department requesting clerk's deed. The land management division will be given 60 days' notice in which to conduct any site inspections. Recommendations will be forwarded to finance regarding improvements, hazardous building or materials, etc. The land and resource management division is responsible for the interim management of tax and LID foreclosed properties between the time a Clerk's Deed is issued to the borough and the time the borough disposes of its interest in the tax foreclosed property; the sale of tax and LID-foreclosed properties; and determining which tax and LID-foreclosed properties, if any, should be retained in borough ownership for a public purpose.
- 5.1 Prior to the finance department receiving a Clerk's Deed the land and resource management division will [INSPECT] review all properties on the foreclosure list to determine which properties [ARE] may be improved, which properties [ARE] may be occupied, and which properties may be contaminated or found to contain hazardous materials from assessment and other public records. Alaska Department of Environmental Conservation records will be checked for underground storage tanks, spills, complaints, etc.

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Land & Resource Management Policy & Procedures (PPM)
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OWNERSHIP: Tax and Special Assessment (LID) Foreclosures

PART 45

- 5.2 In accordance with 3.15.250 (C) “the borough shall not foreclose against property determined by federal, state, or local agency to be contaminated or found to contain hazardous materials subject to regulation by a federal, state, or local government.”
- 6.1 Upon the borough receiving a Clerk's Deed, the land and resource management division will proceed to develop and implement an interim management plan for the tax and LID-foreclosed property inventory. All costs associated with the interim management will be accounted for by parcel for adding to the sale price. AS 29.45.470(4) provides that costs of maintaining and managing the property incurred by the municipality include insurance, repairs, association dues, and management fees, that exceed amounts received by the municipality for the use of the property.
- 7.2 The land and resource management division determines which tax and LID-foreclosed properties should be retained for a public purpose. The main retention criteria are if the property cannot be used productively by the private sector. Potential reasons for retention are:
- High water table prevent the use of the land for residential purposes.
 - The property is an unusable remnant with no potential or purchase by an adjacent owner.
 - The property is needed for a public facility site.
- 7.3 The land and resource management division submits a memorandum to the borough manager listing the tax and LID- foreclosed properties to be retained for a public purpose, and those to be sold and their values. The memorandum will also state whether the properties are to be sold by public outcry auction or sealed bid. Upon approval by the borough manager the land and resource management division will prepare an ordinance listing properties to be retained for a public purpose and those to be sold.
- 7.4 A notice of the public hearing on the tax and LID- foreclosure ordinance is prepared by the land and resource management division published in accordance with the borough clerk's requirements for public hearings for ordinances.

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OWNERSHIP: Tax and Special Assessment (LID) Foreclosures

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- 7.5 The clerk or the clerk's designee sends a copy of the published notice of hearing of the ordinance by certified **and first class** mail to the former record owner of the property as listed on the assessment rolls within five days after the first publication of the notice of the public hearing.
- 8.1 Taxes, **LID**, penalties, interest, and costs may be paid up to 5 p.m. of the day prior to the tax foreclosure sale.
- 9.1 See respective Policy and Procedures Manual, Part 60, on conducting a public outcry auction or sealed bid for tax **and LID**-foreclosed properties.

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Land & Resource Management Policy & Procedures (PPM)
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Other provisions of code may also apply.

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PART FIFTY:
PERMITS

Permits

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**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

PERMITS
PART 50

- 1.1 Authority: 23.05.030 [(F)(3)]
[23.05.050]
23.10.100
- 2.1 A["]permit["] is an authorization for the temporary use of borough land, **assets** or the taking, [FOR PERSONAL USE ONLY,] of a specified borough-owned resource [IN LIMITED QUANTITIES]. It conveys no right in the land and is essentially a guarantee that so long as the activity is conducted under the terms of the permit the holder of the permit is immune from prosecution for trespass. It does not constitute waiver of any federal, state, or borough laws or regulations. [A PERMIT DOES NOT CONVEY ANY INTEREST IN LAND.] A permit is, by its terms, revocable at will by the borough.
- 2.2 Permits will not be required to cross borough lands by use of historic or dedicated trail systems, public access or use easements and rights of way **for non-commercial purposes. Any commercial use or associated use requires a permit through Land & Resource Management.**
- 2.3 [SOME ACTIVITIES WHICH CAN BE PERMITTED MAY ALSO BE CONDUCTED PURUSANT TO A LEASE OF EASEMENT. THE QUESTION OF A PERMIT VERSES A LEASE OR EASEMENT WILL GENERALLY BE DECIDED ON THE BASIS OF THE APPLICANT'S STATED INTENTIONS. IF THE INDIVIDUAL WANTS THE CERTAINTY OF OCCUPANCY OR USE DUE TO EXPENDITURES FOR CONSTRUCTION OR IMPROVEMENTS A REQUEST SHOULD NOT BE MADE FOR A PERMIT. ON THE OTHER HAND, WHERE] **Where** the activity is of [SHORT] **a** duration of **five (5)** years or less, [AND/OR INVOLVES A MINIMUM OF EXPENDITURES ON THE PART OF THE APPLICANT,] a permit is an appropriate document.
- 2.4 A permit conveys no interest in the land. It is the borough's policy that a permit [, EXCEPT AS PROVIDED BY MSB 23.10.070(B)1 CODE,] may not exceed five years in length. The permit will not be renewed, but it may

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PERMITS
PART 50

be reissued upon application by the permit holder. All permits are revocable immediately with cause. Permits are revocable without cause upon a thirty day notice unless otherwise provided in this policy . Permits are not transferable. A written permit is issued on a permit form and covers activities [OR] and time requested by the applicant.

2.5 "Cause" as stated in paragraph 2.4 means any violation of applicable borough code, statutes, regulations or permit stipulations, or a situation in which a continuance of the activity poses a threat to public health, safety, or welfare.

2.6 "Special use" is a designation indicating that certain [SURFACE] land and asset uses are prohibited or limited. For instance, even though snow machining can be a generally [PERMITTED ACTIVITY] allowed use, it may be necessary to restrict the activity in certain areas. This can be done by designating the conditions of a use area. [THE DESIGNATION MUST BE PUBLISHED AND IS NOT EFFECTIVE UNTIL 30 DAYS AFTER NOTICE OF THE DESIGNATION HAS BEEN PUBLISHED.] Other actions may serve to restrict permits. For instance, a commercial salvage timber sale would serve to close the area to generally permitted activities for the duration of the sale. A classification action could [RESTRAIN] prohibit a number of otherwise permitted activities and generally allowed uses.

2.7 All applicants for permits must meet the qualified applicant requirements of MSB 23.10.090.

2.8 Personal intermittent use permits may be issued to a parent [OF] or legal guardian, for the benefit of a minor child, provided the individual assumes all risks and responsibilities for the activities of the minor, accompanies the minor during activities on borough lands, pays the scheduled fee, and if applicable, also holds an individual permit.

3.1 Permits, authorized by MSB [23.10.070(A)1] 23.10.100 may be issued for use of borough real property for a period not to exceed five (5) years under the following categories and the accordance with adopted procedures for each.

A. PERSONAL INTERMITTENT USE, which is defined as uses of a

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non-commercial, non-exclusive nature of short duration, is authorized [ONLY] on unimproved borough lands lying outside of special use or management areas not needing permits, **or within special use or management areas in accordance with adopted procedures for that specific area.**

1. The conduct of any such personal intermittent use activity brings with it several responsibilities on the person undertaking the activity including assumption of all liability for their actions and acquisition of all other permits or authorizations required by law or regulation.
2. The use must be of an occasional, infrequent, or intermittent nature, and at no time exceeding [7] **14** consecutive days or [21 TOTAL] **30** days in a 12 month period. **The borough reserves the right to limit duration of use.**
- [3. THE FOLLOWING CONSTITUTES THE LIST OF 'GENERALLY PERMITTED ACTIVITIES:
 - A. HIKING AND BACKPACKING, HORSE, PACK ANIMAL AND DOG TIME TRAVEL, CROSS-COUNTRY SKIING, TRANSPORT BY ALL TERRAIN VEHICLES, SNOW MACHINING, CAMPING, BERRY PICKING, WARMING FIRES, HUNTING, AND MOUNTAIN CLIMBING.
 - B. LANDING, LOADING, OR PORTAGING OF WATER EQUIPMENT SUCH AS BOATS, RAFTS, CANOES AND KAYAKS.
 - C. NON-COMMERIAL FISHING FROM THE BANKS OF BOROUGH OWNE LAND.
 - D. OTHER NON-EXCLUSIVE RECREATION USES THAT ARE TEMPORARY AND HAVE NO NOTICIBLE EFFECT ON VEGETATION, DRAINAGE, SOIL STABILITY, NOR INVOLVES THE HARASSMENT OR TAKING OF WILDLIFE OTHER

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THAN LAWFUL NON-COMMERCIAL FISHING
FROM THE BANKS OF BOROUGH OWNED LAND.]

- B. PUBLIC USE CABIN PERMITS may be issued for the use of designated cabins located on borough owned land. [THE CABINS MAY OR MAY NOT BE LOCATED WITHIN SPECIAL USE OR MANAGEMENT AREAS.]
1. The permits may be issued only to a person 18 years of age or older for a specific period of time.
 2. The permittee shall disclose the total number of persons in the group using the cabin. Cabins may be restricted to a maximum number of occupants.
 3. An individual will be permitted to use a particular cabin no more than 7 consecutive days or 21 total days in a 12 month period.
 4. Permits will authorize use from 12 noon of the check-in date to 12 noon of the check-out date.
 - [5. THE PERMIT FEE WILL BE CHARGED IN ACCORDANCE WITH THE SCHEDULED RATE FOR THE PARTICULAR CABIN. RATES MAY VARY BASED ON LOCATION, AMENITIES, DESIRABILITY, SIZE, AND SEASON.]
 - [6]5. The permittee may exchange the date of use to another available date if done so at least 5 days in advance.
 - [7]6. Reservations for cabin use will not be made without the completed cabin use permit application being submitted to, and accepted by, Land and Resource Management [AND FEE].
 - [8 THE PERMIT FEE WILL BE REFUNDABLE ONLY IN THE EVENT MORE THAN ONE PERMIT FOR THE SAME CABIN, AT THE SAME TIME, WAS ISSUED IN ERROR BY THE BOORUGH. THE PERSON HOLDING A PERMIT

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WHO USED THE CABIN WILL NOT BE ELIGIBLE FOR A REFUND UNDER THESE CIRCUMSTANCES.]

7. The permittee shall be required to sign and agree to the regulations, terms, and conditions included in the cabin use permit application.

C. DESIGNATED SPECIAL USE AND MANAGEMENT AREA PERMITS may be issued for the use of borough land within a special use or management area in accordance with [THE] adopted procedures **and best management practices** for the specific area.

1. Special use/management areas include:

- a. borough park system lands
- b. fish and game sanctuaries
- c. refuges
- d. critical habitat areas
- e. Deshka River area
- f. Palmer Hay Flats area
- g. [FOREST MANAGEMENT UNITS] **Natural Resource Management Units**
- h. Hatcher Pass
- i. [CAPITAL SITE] **Port MacKenzie Port District**
- j. Port terminal building**
- k. Wetland mitigation bank lands**
- [J]. any other lands designated by federal, state, or borough as special use/management areas

D. LAND USE PERMITS may be issued for either commercial or non-commercial purposes when it is found to be in the best interest of the borough to do so. In general, an application for a land use permit may be submitted when the use of [F] activity can [] not be authorized under another category of permit provided for in this section or MSB 11.10 [.010 THROUGH 11.10.110] (encroachment permits, including construction).

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1. All land use permits are subject to the following provisions unless inapplicable by the type of use or activity or by additional restrictions required in the permit issued:
 - a. Permitted activities employing wheeled or tracked vehicles shall be conducted in such a manner as to minimize surface damage.
 - b. Existing roads and trails shall be used wherever possible. Existing trail widths shall be kept to the minimum necessary. Trail surface may be cleared of down and dead timber, stumps, and snags. Due care shall be used to avoid excessive scarring or removal of ground vegetation cover.
 - c. All activities shall be conducted in a manner that will minimize disturbance of drainage systems, changing the character, polluting, or silting of streams, lakes, ponds, waterholes, seeps, and marshes, or disturbance of fish or wildlife resources. Cuts, fills, and other activities causing any of the above disturbances, if not restored immediately, are subject to any corrective action as may be required by the [DIRECTOR] **borough manager**.
 - d. The manager may prohibit the disturbance of vegetation within 300 feet of any waters located in specially designated areas except at designated stream crossings.
 - e. All activities shall be undertaken in a manner which causes the least possible interference with **any** other authorized **and generally permitted** use[S] of borough land.
 - f. Trails and campsites shall be kept clean. All garbage and foreign debris shall be eliminated by removal and complete burning unless otherwise authorized.

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- g. All survey monuments, witness corners, reference monuments, mining claim posts, and bearing trees shall be protected against [DESTRUCTION, OBLITERATION, OR DAMAGE.] being severed, removed, damaged, or destroyed. Any [DAMAGE OR OBLITERATED] severed, removed, damaged or destroyed markers shall be re-established in accordance with accepted survey practices of the division at the expense of the party causing the severing, removal, damage or [obliteration] displacement, if known.
- h. Every reasonable effort shall be made to prevent, control, or suppress any fire in the permitted area. Uncontrolled fires shall be immediately reported to appropriate fire officials and the land and resource management division.
- i. Holes, pits, and excavations shall be filled, plugged, or repaired. Holes, pits, and excavations necessary to verify geo-technical data or discovery on prospecting sites, mining claims, and mining leasehold locations may be left open, but shall be maintained [SO] in such a manner as to minimize erosion and siltation, and shall be consistent with public safety and welfare.
- j. No person may engage in mineral exploration activity on land open to such use, the surface of which has been granted or leased to third parties by the borough, or on land in which the borough has received the reserved interest of the state of Alaska, until good faith attempts have been made to agree with the surface owner or surface lessee on a settlement for damages which may be caused by such activity. If agreement cannot be reached or the surface lessee or surface owner cannot be located within a reasonable time, operations may be commenced on the land only after specific approval

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Other provisions of code may also apply.

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[OF] by the manager, and after making adequate provisions for full payment of any damages which the surface owner or lessee may suffer.

[K. ENTRY ON ALL LANDS UNDER PROSPECTING PERMIT, LEASE OR CLAIM OTHER THAN THE HOLDER OF THE PERMIT, LEASE, OR CLAIM, OR AN AUTHORIZED REPRESENTATIVE, MADE IN A MANNER WHICH WILL PREVENT UNNECESSARY OR REASONABLE INTERFERENCE WITH THE RIGHTS OF THE PERMITTEE, LESSEE, OR CLAIMANT.]

2. A permit may authorize [THE] exclusive use. HOWEVER, SINCE SUCH EXCLUSIVE USE IS REVOCABLE UPON 30 DAY NOTICE, IT IS RARE THAT AN APPLICANT WOULD REQUEST A PERMIT FOR AN EXCLUSIVE USE UNLESS THE USE WAS OF SHORT DURATION AND DID NOT INVOLVE EXTENSIVE IMPROVEMENTS. [THE EXCLUSIVE USE] An exclusive use [AUTHORIZATION MAY BE REVOKED INDEPENDENTLY OF THE PERMIT: THAT IS, THE PERMIT MAY BECOME NON-EXCLUSIVE DURING IT REMAINING LIFE.] permit may be revoked at any time by the borough as it deems necessary.
3. Permanent structures are prohibited by a permit. Thus, any structure placed by a permittee must be readily removable. The permittee must be aware that no right nor title to the land is gained by placing an improvement on the land. A permit holder usually will be required to remove any improvements and restore the area upon termination of the permit.
4. Review by non-borough agencies of permit applications is not required except for areas under jurisdiction shared with other agencies. If the activity requested is of a nature as to have substantial impact on the resources of the area or presents a possibility of interference with another [AGENCIES'] agency's responsibilities, then the issuing

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office is responsible for contacting that agency for its comments prior to issuance of the permit.

5. It is the policy of the borough to periodically field inspect permits, especially prior to term expiration; however, such inspections are limited depending on the necessity, permit location and availability of personnel and fiscal resources to adequately perform the inspection. Inspection priority will be given to those permits with the greatest potential for creating management problems or where misuse of the permit may result in the greatest environmental damage. For these, regular inspections shall be scheduled. The expertise of other agencies will be requested in all field inspections, when necessary.
6. In cases where the activity may alter the land surface, such as the removal of trees or other materials for a campsite, the borough may require a bond or damage deposit prior to issuance of the permit in an amount which will [INSURE] ensure proper restoration after use of the land is no longer needed. The bond amounts will [CARRY] vary depending on the type of activity. The permittee's liability will be released and the permit processed for closure only after the land has been restored to the borough's satisfaction.
7. It is the policy of the borough that the permittee agrees to indemnify, [SAVE] hold harmless and defend the borough, its assembly members, officers, agents and employees from all liability, including costs and expenses, for all actions or claims resulting from injuries or damages or economic loss sustained by any person or property arising directly or indirectly as a result of any error, omission, or anyone directly or indirectly employed by them, arising from the permittee's use, occupancy or [THE] performance under or in association with the permit.
 - a. Without limiting the permittee's indemnification, the permittee shall purchase at its own expense and maintain in force at all times during the term of the

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permit, the following policies of insurance based on the use and activities permitted: Worker's Compensation Insurance, and Comprehensive General Liability Insurance, and if alcohol is sold, liquor liability insurance (all policies more particularly described below).

Where specific limits are shown, it is understood that they shall be the minimum acceptable limits unless risk allocation assessments performed by an insurance company proves otherwise. If permittees policies contain higher limits, the borough shall be entitled to coverage to the extent of such higher limits.

b. Worker's Compensation Insurance:

Permittee shall provide and maintain, for all employees engaged in work under the permit, Worker's Compensation Insurance as required under AS 23.30.045 and all supplemental statutes. The permittee shall be responsible for Worker's Compensation Insurance for any subcontractor who directly or indirectly provides services under the permit. Employers Liability protection shall not be less than \$100,000 per person, **and** \$100,000 per occurrence. Where applicable, coverage for all federal acts must be included as well.

c. Comprehensive General Liability Insurance:

With coverage limits not less than \$250,000 combined single limit per occurrence and annual aggregate where generally applicable and shall include premises-operations, [INDEPENDENT CONTRACTORS, PRODUCTS/COMPLETED OPERATIONS] independent contractors, products/completed operations, broad form property damage, blanket contractual, and personal injury endorsements.

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Certificates of insurance must be furnished to the borough prior to the start of use, and must provide for a 30 day prior notice of cancellation, nonrenewal or other material change. Failure to furnish certificates of insurance or notice of lapse or any policy constitutes a material breach and grounds for CANCELLATION] termination of the permit.

With the exception of worker's Compensation Insurance, the borough shall be named as an additional insured party.

- 4.1 Permits, authorized under paragraph 2.4, may be issued for public utility facilities [WITHIN PUBLIC] across borough real property for a period not to exceed [50] **five (5)** years when it is in the best interest of the borough to do so.

The applicant must demonstrate that it is in the best interest of the borough to issue a permit instead of an easement.

- 5.1 [PERMITS, AUTHORIZED UNDER MSB 23.10.100(A)(2)1 CODE] **Personal use permits** may be issued for a period not to exceed one year [FOR PERSONAL USE OF CORDWOOD, SMALL QUANTITIES OF GRAVEL OR OTHER EARTH MATERIALS, GARDEN PLOTS, HARVESTING NATURAL VEGETATION, OR SIMILAR ACTIVITY] in designated areas based on the established fee schedule.

- A. The permits [WILL BE] **are** non-assignable.
- B. Cordwood is limited to ten cords per household **per calendar year**.
- C. Gravel and other earth material is limited to [TEN] **one hundred** cubic yards per household **per calendar year**.
- [D. HARVESTING OTHER NATURAL VEGETATION WILL BE LIMITED PER HOUSEHOLD BASED ON THE TYPE OF VEGETATION AND LOCAL AVAILABILITY.
- E. GARDEN PLOTS WILL BE LIMITED TO ONE PER HOUSEHOLD.]

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6.1 Following is the procedure for issuance of permits:

- A. The application on a form issued by the borough and required application fee (if any) is [RECEIVED AT] submitted to the borough and reviewed for accuracy and completeness.
- B. If the application is for a personal intermittent use or public use cabin permit, a determination will be made if the applicant meets qualified applicant status, the lands available for personal intermittent use or public use cabin will be identified to the [PERMITTEE] applicant, the fee will be accepted and the permit issued.
- C. All other permits will be processed as follows:
 - 1. Land status is checked for borough ownership and for any reservations or prohibited uses and to determine if the area is subject to coastal zone regulations. The application will be rejected if the existing classification is inconsistent with the proposed use. The land need not be classified, if it is unclassified at the time of application.
 - 2. If the application is for use of lands under the jurisdiction of another agency (i.e. parks, sanctuaries, or ILMA's) it is forwarded to the appropriate agency for action and the applicant is notified.
 - 3. The application if proper is accepted by the manager and is then given a MSB case number. It is then filed in a permit file which is kept by township, range, and section with a cross index to the name of the applicant.

A request for interdepartmental review of the application will be prepared and routed for the purpose of identifying problems or conflicting plans which other borough departments may have with the proposed permit [AND] or area of use. If the property is located within a community council area, a request for review similar to the

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Land & Resource Management Policy & Procedures (PPM)
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interdepartmental review package will be prepared and [MAILED] **provided** to the council.

4. Any proposed use which will be potentially damaging to the environment or hazardous to the health, safety or welfare of the public must be carefully reviewed. Discretion should be used when coordinating with other agencies which, by law or other authority, share jurisdiction over the use. Examples of these types of activities include storage of flammable or explosive materials, activities in zones of suspected geological hazards, use of a material site for target practice, and activities which may significantly affect anadromous fish habitat.

Review and approval by the appropriate agency is mandatory when the activity applied for is within a game refuge, critical habitat area, coastal management zone, or other area designated "special use."

In cases where the application is sent to other agencies, the applicant is notified that additional review time will be required. The applications forwarded to the appropriate agency for review with a request for response within 15 working days. If agency review is mandatory, no permit will be issued without concurrence and failure of the agency to respond must be deemed non-concurrence. Where a review is elective, the notice will give the agency 15 calendar days to respond, and a non-response will be deemed a non-objection. Comments are reviewed and appropriate special conditions added to the permit.

- [5. WHERE APPLICABLE, A FINDING OF CONSISTENCY WITH THE COASTAL MANAGEMENT PROGRAM MUST BE MADE FOR EACH PERMIT ISSUED. THE CONSISTENCY DETERMINATION WILL BE MADE BY THE AUTHORIZED OFFICER.]

- [6]5. The permit is either issued, denied or the review period extended within a 30 day period. The permit or

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application denial is signed by the manager or his designee with any necessary stipulations or conditions.

- [7]6. If the application is denied, the applicant must be informed of the reason for denial. [HE] **The applicant** then has the right to appeal such denial according to MSB 23.05.090.
- [8]7. If approved, the permit is accepted by the applicant **either** in writing if presented **in person**, or [MAILED TO HIM] by certified mail. The user fee is collected or the bill is mailed with permit. It is not effective until signed by the applicant and returned to the office issuing the permit, with the user fee and bond or other security if required, and signed by the authorized officer. The applicant's failure to sign and return the permit within 30 days of receipt constitutes their rejection of the conditions of the permit.
- [9]8. A copy of the issued and signed permit will be filed in the TRS file.
- [10] A TICKLER FILE WILL BE ESTABLISHED BY THE ISSUING OFFICE TO GIVE ADVANCE WARNING OF SCHEDULED MONITORING AND THE EXPIRATION DATE OF ALL PERMITS.]
- [11]9. A permit may be revoked or altered by serving notice directly upon the permittee. If the revocation is pursuant to a special use designation per paragraph 2.6 above, the revocation is not effective until 30 days after notice of the designation has been published.
- [12]10. A notice revoking a permit under paragraph 2.5 of this section shall be signed by the manager. The notice shall be sent by certified mail, return receipt, and shall be considered delivered when postmarked or when received by permittee if delivered by hand.
- [13]11. Normally, a field inspection must be conducted as a condition of releasing a bond or security deposit. If the

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inspection indicates that the activity violated the stipulations of the permit, the permittee shall be given an appropriate length of time to take corrective action. If subsequent inspections indicate that the permittee remains in violation, the bond shall be revoked and the monies used to minimize adverse effects.

- [14]12. A permittee may be given up to 30 days to remove any improvements and do site restoration work. At his discretion, the manager may extend this time period due to adverse weather conditions or any extenuating circumstances. Failure to remove any improvements or to restore the site may result in filing a civil or criminal complaint or both by the borough attorney.

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**PART FIFTY-FIVE:
QUALIFIED APPLICANT
AND BIDDER**

Qualified Applicant and Bidder

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**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

QUALIFIED APPLICANT AND BIDDER
PART 55

- 1.1 Authority: 23.10.090
- 2.1 Only a qualified applicant or bidder may participate in any of the borough's real property programs or use borough-owned real property by application.
- 3.1 In order for an applicant or bidder to obtain qualified status the [INDIVIDUAL] applicant must complete a qualified applicant/bidder statement which attests to and meets the criteria required by MSB 23.10.090.
- 3.2 [THE] An interdepartmental review is initiated and the qualified applicant/bidder statement submitted will be reviewed by the finance and PLANNING] other departments [AND VERIFIED BY RESEARCH OF BOROUGH RECORDS]. Each department will sign-off regarding the determination.
- 3.3 Any applicant or bidder whose qualification statement conflicts with the Matanuska-Susitna Borough records will be notified and given an opportunity to supply additional information to clear up misunderstandings or misidentifications, or remedy the conflict.

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**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

REAL PROPERTY: [ACQUISITION AND EXCHANGE] <u>LAND EXCHANGE AND ACQUISITION</u>

PART 60

- 1.1 Authority: 23.10.[270] **275**
- 2.1 Introduction. This section describes the borough policy and procedure to provide guidance in acquiring **and exchanging** real property interest for public purpose. This section does not encompass the planning and engineering process leading to the determination to proceed with an acquisition or exchange, but is limited to the real property function of ownership identification, appraisal, real property solicitation, negotiation and condemnation. These procedures apply to all real property acquisitions and land exchanges by the borough excepting road right-of-way easement and public access [, AND SHALL COMPLY WITH MSB 3.08 PURCHASING PROCEDURES].
- 2.2 Policy. It is the policy of the borough that all property owners shall be dealt with fairly and equitably in the acquisition or exchange of land or interests therein. Only a willing seller[,] and willing buyer relationship shall be used to acquire or exchange land under this chapter unless another method such as condemnation, eminent domain, or prescriptive rights is approved in advance by the assembly. Settlements shall be based on the concept of fair market value [SUPPORTED BY CURRENT APPRAISAL PRACTICES AS PROVIDED BY] **in accordance with** MSB 23.10.060(B), unless otherwise provided. Negotiations with prospective sellers will continue in good faith as long as reasonable hope of a settlement exists.
- 2.3 Implementation **via public solicitation**. Once a need is identified for acquisition or exchange of real property, the community development department [SHALL] **may** prepare a scope of work for a proposal to be solicited through the purchasing division. [NOTWITHSTANDING MSB 3.08.320, ALL] [A]Acquisitions or exchanges [SHALL] **may** be offered through a formal public solicitation. [EXCEPT AS PROVIDED IN MSB 23.10.270(F).]

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Other provisions of code may also apply.

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REAL PROPERTY: Acquisition and Exchange

PART 60

- A. The public solicitation [OF WORK] shall contain at a minimum:
1. Intended use of the property and desired location proximity;
 2. desired development characteristics, such as size of property, physical needs, proximity to utilities and condition of access; and
 3. identif[Y]ied source of funding, [INCLUDING AMOUNT AVAILABLE,] or pool of [APPRAISED] **borough** land **potentially available** for exchange.
- B. Solicitation within a minimum [AREA WITHIN A] radius of one mile **of the needed site for public facility** must be used in any proposal seeking acquisition or exchange of property under this procedure. The advertised period for the request for proposal shall not be less than 30 calendar days. Notwithstanding public notice requirements as adopted in [TITLE] **MSB** 23.05.025, community development shall, in conjunction with the advertising period, provide public notice of the offering for not less than 30 calendar days to a mailing area as described in public notice procedures.
- C. In addition to the requirements of MSB 23.10.090 and MSB 3.08, to have a responsible, responsive proposal, a proposer is required to include in the proposal document **at a minimum**:
1. The property owner's willingness to sell;
 2. the proposed offer submitted **by the property owner** shall be effective for a period of 120 days from date of acceptance by the borough;
 3. the submission of a current title report;
 4. authorization of entry by the owner to **allow inspection** and **assessment of** the site for utilization; and
 5. verification of property ownership **and/or authority to act on behalf of owner**.

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REAL PROPERTY: Acquisition and Exchange

PART 60

- D. Evaluation of responsible and responsive proposals received shall be weighed [AT] on the following minimum criteria;
1. Location of the property offered with additional weight placed on properties located closer to the desired location;
 2. the [DEVELOPABILITY] potential for intended development of the property [OFFERED];
 3. a title report showing the ability to deliver marketable title, free and clear of liens and encumbrances, including only covenants, restrictions, reservations, and easements acceptable to the borough; and
 4. environmental and physical characteristics of the property offered which are acceptable to the borough.
- E. If less than two qualified and responsive proposals are received by the borough through the request for proposals, a best interest finding must accompany any recommendation to acquire or exchange a single property. [IN THE BEST INTEREST FINDING IT MUST BE STATED HOW THE OFFERING COULD BE PRESENTLY IMPROVED TO OBTAIN MORE THAN ONE RESPONSIVE AND QUALIFIED PROPOSAL.]

[2.4 ENVIRONMENTAL ASSESSMENT.

- A. ONCE A PROPERTY HAS BEEN APPROVED IN ACCORDANCE WITH MSB 3.08, THE COMMUNITY DEVELOPMENT DEPARTMENT SHALL COMMENCE A PHASE ONE ENVIRONMENTAL ASSESSMENT.
- B. THE BOROUGH SHALL SELECT THE CONTRACTOR TO CONDUCT THE ENVIRONMENTAL ASSESSMENT. THE ENVIRONMENTAL ASSESSMENT SHALL BE PERFORMED IN COMFORMANCE WITH THE SCOPE AND LIMITATIONS OF THE AMERICAN SOCIETY FOR TESTING AND MATERIALS PRACTICE E1527.]

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REAL PROPERTY: Acquisition and Exchange

PART 60

2.4 Implementation via Agent

- A. Once a need is identified for acquisition or exchange of real property, if the borough manager makes a determination that the use of a public solicitation is impracticable, will not serve the best interests of the borough, or will unduly restrict or impede the borough's bargaining position in acquiring/exchanging property, the community development department may act directly for the borough or hire a third party real estate agent or broker to act on behalf of the borough to acquire or exchange property.

- B. A third party real estate agent or broker may be instructed to represent the borough as an unnamed client and the borough may hire multiple agents or brokers.

- C. Notwithstanding MSB 3.08, hiring a third party real estate agent or broker and/or acquisitions or exchanges of land under this procedure may be accomplished through direct negotiation with a qualified individual or firm.

2.5 Property Evaluation

- A. Upon one or more parcels being identified for public purpose in accordance with 2.3 or 2.4 of this section, the community development department shall coordinate with the capital projects department to establish a team made up of a land manager, civil engineer, project manager, and transportation planner to internally evaluate the parcel(s), including at a minimum, the following criteria:
 - 1. Access to/from site and cost to develop
 - 2. Proximity to utilities and cost to develop
 - 3. Environmental assessment and requirements
 - 4. Geotechnical assessment
 - 5. Site preparation cost / tree removal plan

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Land & Resource Management Policy & Procedures (PPM)
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REAL PROPERTY: Acquisition and Exchange

PART 60

B. Once internal evaluations are satisfactorily completed, the borough shall then select the appropriate contractors to conduct those assessments necessary. Contractors shall perform their assessments in conformance with the scope and limitations of local, state and federal industry standards.

2.6

Appraisal. Once a property has been [APPROVED] **identified** in accordance with [MSB 3.08] [SECTIONS] **2.3 or 2.4 of this section, or anytime the community development director deems necessary to appraise a property,** the community development department [SHALL] **may** contract for a third party appraisal. The appraiser shall be selected by the borough based on the appraiser being able to meet borough qualifications, and Uniform Standards of Professional Appraisal Practice (**USPAP**) standards, **and be licensed by the state of Alaska pursuant to A.S. 08.87.100.** The borough shall submit payment for the appraisal directly and provide appraisal instructions to the appraiser. If the appraised value of the property is expected to exceed \$500,000 the appraisal must be done by a Member of the Appraisal Institute (MAI) certified appraiser.

A. Owners shall be advised of the commencement of the appraisal and [SHALL] be afforded the opportunity to present any evidence through the borough, deemed pertinent to their property and such evidence shall be duly considered by the appraiser. A borough representative [SHALL] **may** be present during the appraiser's site visit.

B. The appraiser shall employ recognized appraisal techniques to insure that the valuation is unbiased and is fair and equitable to both parties.

2.7

The borough government may waive the requirements of [MSB 23.10.270(b)(2) AND] **2.3** of this section, when acquiring property within a quarter mile of existing borough real property or **borough** facility when the purpose is to improve, make more feasible, or expand an existing facility. The valuation of such transactions may be conducted as contained within MSB 23.10.060(B) [OR AS DETERMINED BY A BROKER'S OPINION OF

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Land & Resource Management Policy & Procedures (PPM)
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VALUE].

- 2.8** Purchase Offer. Upon completion of the property evaluation, appraisal and/or environmental assessment, the borough shall provide the property owners with the information upon its receipt. The borough's offer at first contact shall be the full estimate of the market value supported by the [APPRAISAL] value as determined in accordance with MSB 23.10.060 (B) with no further concession. The desired result will be to produce a settlement equitable to the parties [BASED ON MARKET VALUE].
- 2.9** Negotiation. Negotiations shall continue until either a settlement is effected or an impasse is reached and in an effort to achieve the former, any information which may come to light that was not known or considered [BY THE APPRAISER] at the time of valuation shall be examined to determine its effect on the fairness of the [APPRAISAL] valuation. If justified, adjustments in the [APPRAISAL SHALL] valuation may be made.
- 2.10** Exclusions. Unless otherwise prohibited by code, [T] this section does not apply to acquisitions or land exchanges [WHERE] when:
- (1) the other party to the transaction is a public agency, such as federal, state, or local government and acquiring or exchanging real property is for the purpose or interest intended for use as a public right-of-way or public use easement; or
 - (2) acquiring property near an existing facility or borough property for the purpose to improve, make more feasible, or expand an existing or new borough facility.
- 2.11** Exclusions shall not be applicable without the prior approval of the community development director. Violation of this section or failure to obtain prior approval of the community development director shall result in recording of a notice of non-compliance or lien against the affected taking.

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Land & Resource Management Policy & Procedures (PPM)
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**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

REAL PROPERTY: ADL Leases {PRE-TITLE 23 PURCHASE APPLICATIONS}
PART 60

- 1.1 Authority: [23.10.010(A)]
23.10.180 [(B)]

- 2.1 This section applies to a number of outstanding applications by lessees to purchase the borough lands which are subject to their Alaska Division of Lands (ADL) leases.

- 2.2 These procedures will be used to close the existing applications to purchase received prior to the date of approval of Title 23.

- 2.3 Any such applications to purchase received after the date of approval of Title 23 will be processed and subject to the terms and conditions of a sale by application per Title 23.

- 3.1 The settlement agreement dated December 10, 1992 between the State of Alaska and the Matanuska-Susitna Borough (MSB) releases covenants in borough patents and now allows sales to proceed.

- 4.1 Some leases are affected by the Lis Pendens resulting from the Mental Health Trust lawsuit. Until the Lis Pendens is released, only those parcels in "direct need" to close will be processed. A lengthy application procedure which can take up to six months to complete, can be used to request releases for individual leases.

- 5.1 Original leases and subsequent assignments must be recorded, providing constructive notice of the lessee's interest in the parcel.

- 6.1 Based on the existing applications, a complete review of the status of each file will take place and a summary of outstanding issues will be developed.

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Land & Resource Management Policy & Procedures (PPM)
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Other provisions of code may also apply.

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REAL PROPERTY: ADL Leases
{PRE-TITLE 23 PURCHASE APPLICATIONS}

PART 60

- 6.2 The following are the general contract requirements:
- a. Conveyance by quitclaim deed will be subject to all reservations, exceptions, covenants, conditions and restrictions, easements, rights of way of record and such other additional easements and rights of way and trails as deemed reasonable and necessary for public access or required by law which shall be created at the time of conveyance.
 - b. It shall be the responsibility of the purchaser to have properly located improvements on the lands. An as-built survey, meeting borough instructions, will be required if improvements exist and to verify there are no encroachments. The as-built survey should show all improvements and their distances from lot lines and water bodies. The purchaser will bear the expense of the as-built survey and the costs required to remedy any set-back violations or encroachments disclosed.
 - c. In the event the purchaser chooses to use borough financing, the following will be required:
 1. down payment of at least 10 percent of the appraised value; and
 2. buyer will provide a title policy at buyer's cost insuring the deed of trust in a first lien position.
 - d. The buyer will be responsible for closing costs and recording fees.
- 7.1 Based on the file review a letter will be sent to the applicant outlining the remaining requirements with a request that the applicant confirm they are also prepared to proceed. A response time of no greater than 30 days will be required. Credits do not accrue during periods in which an applicant fails to respond in a timely manner.
- 8.1 Upon receipt of the applicant's affirmative response the following will be done:
- a. Appraisal instructions will be prepared to:

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

Im 16 - 094
UR 16 - 100
RS 16 - 068

REAL PROPERTY: ADL Leases
{PRE-TITLE 23 PURCHASE APPLICATIONS}

PART 60

1. identify the date for which the property should be appraised;
2. request for a value for cash and a value for terms;
3. request that the property rights be appraised as the fee simple estate;
4. request the parcel be appraised as unimproved, subject to matters of record and easements required by the sale;
5. request verification of the appraisal cost;
6. conform to the criteria set forth in the Uniform Standards of Professional Appraisal Practices as published by the Appraisal Foundation.

8.2 A letter of transmittal and instruction will be prepared and mailed to the applicant by certified mail. The instructions for appraisal and as-built survey will be enclosed. The applicant will select a state of Alaska licensed appraiser and a registered land surveyor from a list provided by the borough and make arrangements for the work to be accomplished. The applicant will be requested to provide a preliminary commitment for title insurance if borough financing is requested, or if the purchaser desires an owner's title policy upon closing. A completion time of no more than 60 days will be required. Credits do not accrue during periods in which an applicant has failed to have work completed in a timely manner.

9.1 Upon the borough's receipt of the appraisal the borough assessor may be asked to review and make comments on the appraisal. The applicant receives credits during this review period.

10.1 Upon the borough's receipt of the as-built survey the code compliance division is asked to review and comment as to conformance with borough code. If improvements require platting, encroachment permits, shore-line set-back exceptions, or variances, it is the applicant's responsibility to comply with code. The applicant receives credits during the review period. Credits do not accrue while the applicant brings the parcel into compliance with borough code.

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

Im 16-094
OR 16-100
RS 16-068

REAL PROPERTY: ADL Leases
{PRE-TITLE 23 PURCHASE APPLICATIONS}
PART 60

- 11.1 The borough prepares a good faith estimate and purchase agreement based upon the applicant's request to purchase by cash or by terms. The documents are sent to the applicant by certified mail. Response deadline is set and credits do not accrue following the deadline.
- 12.1 Upon the borough's receipt of the signed purchase agreement and the down payment, documents necessary for a closing are prepared and a closing is arranged.
- 13.1 Following closing, contract collection is set up if the borough has financed the sale.
- 14.1 A photocopy of the recorded documents is placed in the case file and the township, range, files.
- 15.1 The land and resource management division is responsible for enforcement of the contract stipulations.

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

Im 16-094
OR 16-100
RS 16-068

**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

REAL PROPERTY: Gaming Lottery
PART 60

- 1.1 Authority: 23.05.030 [(E)(4)]
[23.10.040]
23.10.200
- 2.1 This section applies to the disposal of borough land by gaming lottery. The gaming land lottery shall be conducted in accordance with AS 05.15 and 15 [ACC 105] **AAC 160**.
- 2.2 A gaming land lottery winner is given a parcel of land as a prize. The property is subject to the conditions of patent, reservations of record, and payment of appropriate taxes.
- 2.3 Parcels chosen for disposal by gaming lottery will be selected from the borough's inventory of properties available for disposal. No more than five parcels shall be offered as prizes at one time.
- 2.4 Participants in the gaming land lottery must be 18 years of age or older and meet the qualified applicant criteria as defined by MSB 23.10.065. The members of the borough assembly, borough manager, borough mayor, community development director, and staff directly involved in the land lottery are not eligible to participate.
- 3.1 Official rules governing the gaming land lottery shall be made available for each participant. The official rules shall state eligibility requirements; when, where, and how the drawing will take place; how the borough will convey the property; and what the winners of the gaming land lottery are responsible for.
- 4.1 The following procedures apply to the conduct of the gaming land lottery.
- A. A budget that outlines the estimated costs for the project and the assessed land values is drafted to assist in establishing criteria for the disposal of property.
 - B. An account is established for the deposit of ticket sale receipts.

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

Jm16-094
OR 16-100
RS 16-068

REAL PROPERTY: Gaming Lottery

PART 60

- C. A Gaming Permit is obtained from the State of Alaska, Department of Revenue.
- D. State and federal regulations pertaining to lotteries and gambling activities are reviewed for compliance. This should include postal regulations, IRS requirements, FCC requirements, and state gaming regulations.
- E. Parcels of land chosen as prizes are from the borough's inventory of properties available for disposal. Photographs of each parcel should be taken for advertising purposes. The parcels are subject to interdepartmental review and comment from the appropriate commission, and final approval for disposal by the assembly.
- F. A schedule for the sale of land lottery tickets and the date of the drawing are established.
- G. The official rules for the lottery are drafted and approved by the borough attorney.
- H. A [BOOTH SPACE IS RESERVED AT THE ALASKA STATE FAIR.] **primary location is identified for conducting the lottery and sales.** A time and place for the lottery drawing is also reserved.
- I. Arrangements are made to sell tickets in various locations such as community festivals, community booths at malls, and other areas around the borough.
- J. Locations for tickets sales are secured. An informational letter that outlines the lottery program and important dates is mailed to each ticket seller.
- K. A marketing strategy is completed to determine where and when advertising is needed. Designs and information for advertisements are prepared. Arrangements are made with the printers, newspapers, magazines, and other outlets that include dates and size for advertisements. Deadlines are established for each phase of advertising; camera ready copy, printing, delivery to agency and

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

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REAL PROPERTY: Gaming Lottery

PART 60

publication. All printed material, including the lottery tickets must include the state of Alaska gaming permit number.

- L. Tickets are printed on color stock paper in sequential order. Each portion of the stub must contain the state of Alaska gaming permit number. The tickets are color coded one color for each parcel. An affidavit stating the number of tickets printed must be signed by the printer.
- M. Advertising begins two to three weeks prior to the sale of tickets. Advertising includes the dates for ticket sales, the drawing date information on the lottery parcels, and ticket sale locations. All advertising must include eligibility requirements and the state of Alaska gaming permit number.
- N. Procedures for the ticket sales are established which address cash management, lost tickets, lost cash, courier schedule, and responsibilities.
- O. A courier is selected to perform the weekly pick-up of receipts from the ticket sales from remote ticket sellers.
- P. Tickets are delivered to the ticket sellers and each location is given an information notebook that outlines the step by step procedure for sales and cash management. The supervisor of each location is given an orientation and signs a form that they have received the information and the tickets. Posters advertising the sale of tickets in these locations are put up in doorways and other highly visible areas.
- Q. A press release is prepared and faxed or mailed to [EVERY] newspapers and broadcasting stations [IS] in Alaska and other media sources when practicle., INCLUDING THE ASSOCIATED PRESS.]
- R. The sales of tickets begin. Weekly pick up of cash and checks begins a week later.
- S. Items for the lottery drawing are purchased or rented. A table, [DRUMS] tumbler, back drop and chairs are needed. Staff or volunteers to work the event are chosen or called upon for

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

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REAL PROPERTY: Gaming Lottery

PART 60

assistance. This includes an emcee, drummer, and stage crew. Staff needed include: one person to locate matching ticket stub with the winners name and address, one person to record names, and one person to assist the mayor and take photographs.

- T. Advertising is scheduled and checked during the time the ticket sales are occurring. [ADVERTISING MAY NEED TO BE REDIRECTED, INCREASED, DECREASED, OR REVAMPED DEPENDING UPON RESULTS. CAREFULL ATTENTION TO PHONE CALLS AND HOW THE SALES ARE PROGRESSING ASSIST IN ADVERTISING NEEDS.]
- U. [THE FAIR BOOTH] The sales location(s) is/are prepared. Photos are printed and display items made. Arrangements for the transport of the booth to and from the [FAIR] site are made.
- V. A schedule for [THE FAIR BOOTH] site staffing is prepared using department employees who volunteer for specific dates and times, as needed. The courier is scheduled on a regular basis to maintain consistency during high volume days (weekends). Staff members from land and resource management open and close the booth for consistency in handling the large volume of cash.
- W. The [FAIR BOOTH] sale[S IS] site(s) should be [MOVED INTO PLACE] operational at [THREE DAYS PRIOR TO THE FAIR OPENING] commencement of ticket sales. [THE BOOTH IS CLEANED AND PAINTED. DISPLAY ITEMS ARE PUT UP AND READIED FOR OPENING NIGHT.]
- X. [FAIR TICKET SELLERS ARE BRIEFED ON THE RULES AND PROCEDURES OF FAIR TICKET SALES.] An information packet is provided to each seller that includes property information, location of [THE FAIR BOOTH, A FAIR BOOTH] sale site(s), staffing and schedule. [AND A VENDOR TICKET FOR ADMITTANCE INTO THE FAIR.]
- [Y. TICKET SALES BEGIN AT THE FAIR. THE BOOTH MUST REMAIN OPEN FOR TEN CONSECUTIVE HOURS EACH DAY. DAILY FAIR SCHEDULES ADVERTISE THE LOTTERY AND BOOTH LOCATION ON THE FAIR GROUNDS.]

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

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REAL PROPERTY: Gaming Lottery

PART 60

- [Z] Y. The mayor (or ticket drawer) and staff are briefed on the [FAIR] schedule and drawing procedures.
- Z. Tickets sales at [THE] any outlying tickets sales locations are stopped one day prior to the drawing. All cash receipts and tickets are tallied and prepared for the drawing. Ticket sales at the [FAIR] primary location must cease at least [AN] one hour before the drawing in order to count tickets and prepare for the drawing.
- AA. A press release is [FAXED] sent to [ALL THE] local newspapers and broadcasting stations informing them of the drawing time and location. [THE FAX IS FOLLOWED UP WITH PHONE CALLS.]
- BB. An [THE STAGE] area is set up for the drawing to include identified ticket tumbler on a table. [SOUND EQUIPMENT, ASOUND TECHNICIAN AND A TABLE ARE PROVIDED BY THE FAIR. DRUMS ARE SET ON THE TABLE WITH A LABEL IDENTIFYING WHICH TICKETS THEY CONTAIN.] An area near the stage is set aside for reporters and engineering equipment. A staff member is assigned to answer questions and arrange for interviews with the mayor or other borough officials.
- CC. [THE] An emcee announces the event and provides the audience with some background on the lottery then introduces the [Mayor. The Mayor Then Spins The Drums] the person who will pick one ticket [FROM THE FIRST DRUM]; the stub is then matched with the main stub that contains the winner's name and address. This process is repeated until all the winners have been announced. The [MAYOR] emcee then informs the audience that [he/she will draw] five other tickets will be drawn and held in order of drawing for each parcel as back-up in case the winner is not eligible.
- DD. Once the drawing is completed a staff member telephones the winners of each of the lottery parcels (if they were not present at the drawing). A certified letter signed by the [BOROUGH MANAGER] community development director is also mailed to each winner notifying them of their prize.
- EE. A press release is prepared that notifies the media of the winner of each lottery parcel and briefly describes the number of tickets sold.

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

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REAL PROPERTY: Gaming Lottery

PART 60

The press release is [FAXED] sent to all Alaska newspapers and broadcasting stations.

- 4.2 Participants in the gaming land lottery need not be present to win. Winners of the gaming land lottery will be [NOTIFIED] notified by certified mail. Winners must sign an Acceptance Agreement and return it to the borough within fourteen days of notification.
- 5.1 The property will be deeded by quitclaim [TO THE WINNER] subject to the conditions of the patent and reservations of record. The borough will pay for all closing costs.

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

IM16-094
UR16-100
RS16-068

**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

REAL PROPERTY: Homesteads
PART 60

- 1.1 Authority: 23.10.240
- 2.1 This section addressed the conveyance of land pursuant to the homestead program.
- 3.1 A homestead is a parcel where an entry permit is awarded to an eligible person selected by non-gaming lottery or sealed bid and where title to the parcel is acquired after compliance with the homestead program. Homesteads by lottery remain homesteads, not lottery parcels.

When offering homestead parcels, a 30 day application period will occur. At the close of the 30 day period all parcels receiving only 1 application will be sold to the applicant utilizing the purchase by application procedure. Those parcels receiving 2 or more applications will be sold by either the non-gaming lottery or sealed bid procedures. The determination for using either the non-gaming lottery or the sealed bid procedures will be made by the assembly by resolution.
- 3.2 It is the general policy of the borough to place the homestead parcels closest to the available subdivision access and on borough patented lands whenever possible. However, other factors, such as poor soils, topography, and the availability of utilities, may influence the location of homestead parcels [WITHIN THE SUBDIVISION]. As the homestead program requires successful applicants to live on the land and make improvements while other types of disposals do not, homesteads parcels should have the highest overall suitability for immediate residential use [IN THE SUBDIVISION].
- 3.3 It is conceivable that some areas of the borough, because of their recreational, industrial, [AGRICULTURE] **commercial** nature will have no homesteads. Others, because of their overall suitability, might contain a very high percentage of homesteads. **Agriculture homesteads will be subject to current agriculture requirements and policies.**
- 4.1 Homesteads parcels shall be no greater than [160] **40** acres **or a minimum allowed by code.**

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

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REAL PROPERTY: Homesteads

PART 60

4.2 All successful applicants are given a letter at the lottery and must sign a receipt for the letter. The letter may include the following:

- A. A list of the kinds of proof acceptable for the verification of their qualifications to receive a homestead entry permit which may include, but not be limited to that information requested under the qualified applicant and bidder procedure.
- B. An explanation that the applicant has 60 days from the lottery date (a date which may be identified and specified) to submit the necessary proof of Alaska state residency. It should be clearly stated that if the applicant fails to respond within that 60 day period, his case file will be closed automatically (unless appealed) and the parcel will be offered over the counter. Extensions of time may be granted for a good cause and requests must be submitted in writing.
- C. The address and name of the office with which the applicant should correspond.

4.3 The policy of the land and resource management division on granting extensions of time to meet homestead construction and/or occupancy requirements is as follows:

- (1) Except as provided in paragraph 3 below no extension of either requirement is granted unless both the substantially completed dwelling and progress requirements are met. All request[ED]s for extensions must contain reasonable evidence (such as photographs, witness's statements, affidavits, inspection reports[,ETC.]) showing the construction status at the time of the request. Information such as foundation type, construction method, insulation, heating and cooking facilities, and sewage facilities is helpful to the director in making [HIS] a determination.
- (2) Providing the requirements of paragraph one above are met:
 - (A) Extensions to complete construction requirements are granted for one construction season with the total extension not to exceed one year. The length of an extension[S] is determined as follows:

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

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REAL PROPERTY: Homesteads

PART 60

Permits that expire during the period of July 1 through November 1 are extended for one year. Permits that expire during the period from November 2 through June 30 are extended until November 1.

- (B) An [E]extension[S] to meet occupancy requirements [ARE] is granted for one year, provided that the occupancy requirement is capable of being satisfied within that extended period. In addition to the information required in paragraph one, all requests for occupancy extensions shall contain an affidavit attesting to the occupancy accumulated up to the time of application.
- (C) If extensions under both (A) and (B) are granted, they will run concurrently.
- (3) If the holder of an entry permit dies during the permit period, the interval between the death and the settlement of the estate, or two years, whichever is less, shall be added to the permit period. Additional extensions may be granted upon a showing of justifiable delay in the estate settlement.

4.4 Title to the homestead parcel will be conveyed upon compliance with:

- (1) occupancy of the land for at least 5 months of each calendar year [BUT] for a cumulative total of no less than 35 months within the 7 year period following issuance of the homestead entry permit;
- (2) erection of habitable, permanent, single-family dwelling on the homestead, which meets all applicable state and local regulations, within five years of the date of issuance of the homestead entry permit; for the purposes of this paragraph, mobile homes are not considered to be permanent dwellings unless they are placed on a permanent foundation;

and:

- (1) the permit holder [PAYS THE TOTAL] shall be fully responsible for all survey and platting costs to comply with borough subdivision laws [DUE, AS DETERMINED BY THE PLATTING DIVISION];

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

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REAL PROPERTY: Homesteads

PART 60

- (2) the permit holder presents proof that a habitable, permanent single-family dwelling has been constructed, evidenced by a certificate of inspection from an appropriate borough official or proof that the permit holder has requested an appropriate borough official to make such an inspection; "habitable, permanent, single-family dwelling" means a structure or mobile home, suitable for year round occupancy with at least 200 square feet of space built or placed on a permanent masonry or treated wood foundation with sanitary facilities meeting Department of Environmental Conservation (DEC) requirements, and meeting the local building codes, if applicable; and
- (3) the permit holder presents proof that the parcel has been occupied by the permit holder or members of his/her household for [ACCUMULATIVE] a cumulative total of 35 months; or
- (4) occupancy of the land for at least 14 consecutive months and payment for the parcel, or the permittee may claim a non-financial credit for any work completed and may request to purchase the parcel. The non-financial credits shall be awarded if the permittee has made substantial efforts to comply with the development requirement of the program when substantial is defined to be at least 50 percent completion of a habitable, permanent single family structure suitable for year-round occupancy.

4.5 Terms of payment will conform to installment payments as provided by the land and resource management division. The purchase price of each homestead parcel is the total of its prorated surveying and platting costs as described below.

All costs of surveying and platting are assessed against the homestead parcel and will include all costs incident to the design of the subdivision as well as the cost of field survey and monumentation of the lots. These costs will be prorated among the lots on the basis of acreage within each lot or on the basis of road or water frontage whichever is more equitable.

[A PERSON PURCHASING BOROUGH LAND UNDER THIS PROGRAM MAY MAKE INSTALLMENT PAYMENTS TO THE PRINCIPAL SUM REMAINING AFTER 5 PERCENT CASH DOWN PAYMENT IF THE PRINCIPAL SUM TO BE PAID EXCEEDS \$5,000.00. THE PRINCIPAL SUM IS COMPUTED, FOR THE PURPOSE OF THIS SECTION, ON

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

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REAL PROPERTY: Homesteads

PART 60

EACH INDIVIDUAL TRACT. IF THE PRINCIPAL SUM IS \$5,000.00 OR LESS, THE PURCHASE PRICE MUST BE PAID IN FULL.]

[A PERSON HOLDING A HOMESTEAD PERMIT MAY ENTER INTO AN INSTALLMENT CONTRACT FOR PAYMENT OF SURVEY AND PLATTING COSTS IF THOSE COSTS ARE GREATER THAN \$5,000. IF THE SURVEY AND PLATTING COSTS ARE \$5,000 OR LESS, THE PURCHASER MUST PAY THE COSTS IN FULL.]

[THE DIVISION WILL PROVIDE FOR A MONTHLY INSTALLMENT PAYMENT SCHEDULE IF THE INITIAL PRINCIPAL SUM EXCEEDS \$5,000.00.]

[PRINCIPAL AND INTEREST PAYMENTS WILL BE SET ON A LEVEL-PAYMENT BASIS OVER A PERIOD OF NOT MORE THAN TEN YEARS.]

- 4.6 When the permittee [BELIEVES HE] has complied with and satisfied the occupancy and dwelling construction requirements, he contacts the appropriate borough office and the following procedures are followed:
- A. The land and resource management division sends the permittee a homestead packet. This packet includes a Request for Deed form, the Homestead Entryman's Affidavit of Occupancy form, and a minimum of three Witnesses' Affidavit of Occupancy forms (see sample pages 2-5). Witness affidavits should be executed by disinterested and unrelated parties who reside in the area and can support the permittee's claim.
 - B. After all the appropriate forms are executed and returned; the land and resource management division schedules and conducts a field inspection of the homestead. Following the field inspection, a recommendation for approval or denial is made on a Report of Inspection form. Either recommendation is accompanied by a completed explanation. The [LAND AND RESOURCE MANAGEMENT CHIEF1] community development director reviews the recommendation and case file, and countersigns the recommendation to verify this review.

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

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REAL PROPERTY: Homesteads

PART 60

A copy of the field inspection report shall be mailed by certified mail to the permittee. The permittee shall have 30 days, from the receipt of the report to respond to the inspection report.

- C. The completed case file, recommendation, permittee's comments, and cover letter is then reviewed and either approved or denied by the community development director [1].
- D. If approved, the file is forwarded for processing. The land and resource management division notifies the permittee of his purchase options and after receiving a response, prepares the documents to convey title to the permittee.
- E. If denied by the community development director[2], a written response is prepared and mailed by certified mail to the permittee. The permittee may appeal the decision of the community development director[2] per the adopted appeal procedure.

[~~DELETE~~¹ PLANNING DIRECTOR RESPONSIBILITIES REGARDING TITLE 23 CHANGED TO COMMUNITY DEVELOPMENT DIRECTOR EFFECTIVE 7/7/1998.

~~DELETE~~² PLANNING DIRECTOR RESPONSIBILITIES REGARDING TITLE 23 CHANGED TO COMMUNITY DEVELOPMENT DIRECTOR EFFECTIVE 7/7/1998.]

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

REAL PROPERTY: Lands Available for Disposal
PART 60

- 1.1 Authority: 23.05.030 [(E)]
- 2.1 This section addresses the method to be used by the land and resource management division to develop a pool of borough-owned lands for disposal, which may or may not require further approval by the assembly depending on the parcel value and method of disposal [. (E.G,) if over \$25,000 fair market value[;], disposal by lottery [AND OTHERS] or would require further approval by the assembly.[]]
- 2.2 This section does not apply to the sale, lease, or management of resources, such as minerals, earth materials or timber, when the borough will continue to own the land or has reserved the resource from a previous conveyance.
- 3.1 The land and resource management division shall complete preliminary condition of title analysis, or update existing analysis, ensuring parcel is borough owned land.
- 4.1 The land and resource management division shall determine if the land classification, previously classified, is consistent for a disposal. Review of existing classifications older than five years may be in order due to changing conditions or surrounding use patterns.
- 5.1 The land and resource management division shall complete a highest and best use analysis of each parcel. The analysis will be used to indicate if a parcel should be considered for either classification or reclassification to a use consistent for a disposal.
- 6.1 If the recommended classification is not consistent with the existing classification, or no classification exists, the classification must be a use as defined in MSB 23.05.100 and processed as required by MSB 23.05.030(E).
- 7.1 Based on the highest and best use analysis and the classification, an estimated present value will be made.
- 8.1 The estimated present value and the method of disposal will determine the additional approvals necessary.

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

JM16-094
UR16-100
RS16-068

**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

REAL PROPERTY: Less Than Fair Market Value
PART 60

- 1.1 Authority: 23.05.030[(G)]
23.10.060
23.10.180
- 2.1 This section describes the borough policy towards the sale or lease of borough-owned property at less than fair market value.
- 3.1 Fair market value, as defined under 23.05.[005]**150**, shall be the basis for establishing the property value within this title except when one of the three following purposes may permit the use of less than FMV
1. Economic, through a beneficial industrial or commercial enterprise; or
 2. Public health, **safety**, and welfare purposes; **or**
 3. [NON-PROFIT CORPORATIONS, ASSOCIATIONS, CLUBS, OR SOCIETIES ORGANIZED AND OPERATED EXCLUSIVELY FOR CHARITABLE, RELIGIOUS, SCIENTIFIC, EDUCATIONAL, YOUTH ENCAMPMENT, OR OTHER] **Public** purposes.
- 4.1 Economic. As it is the intent of this policy to encourage economic growth the borough may offer, as an incentive, borough-owned property for sale or lease or otherwise convey for less than fair market value for a beneficial industrial or commercial enterprise, as defined within 23.05.[005] **150**. In order to receive this consideration, an industrial or commercial enterprise must also meet the best interest requirements of 23.05.030(G) and **26.05.060**.
- 5.1 Public Health, **Safety**, and Welfare. Less than [FMV's] **fair market value** may be available when the purpose of an application for borough property is in furtherance of the public's health, safety, and welfare, as defined within MSB 23.05.[005]**150**, which the borough would otherwise be required to perform by local ordinance or state law. Public Health, **Safety**, and Welfare purposes must also meet the best interest requirements of 23.05.030(G).

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

Im16-094
OR 16-100
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REAL PROPERTY: Less Than Fair Market Value

PART 60

may be available when the purpose of an application for borough property is to provide for charitable, religious, scientific, educational, youth encampment, or other public purpose as defined within MSB 23.05.[005]**150**. Charitable, religious, scientific, educational, youth encampment or other public purposes must meet the best interest requirements of MSB 23.05.030(G).

6.1 In order to make a less than [FMV] **fair market value** determination a best interest finding must be completed [(SEE MSB 23.05.030(G))].

7.1 For all disposals at less than [FMV] **fair market value**, the borough shall retain the right to have the title revert to the borough or the lease terminated in the event the property is no longer used for the purpose [APPLIED FOR AND] approved, subject to environmental assessment and clean-up.

8.1 Fees. Established cost for real property at less than fair market value disposals shall be determined by the assembly. The minimum fee to be paid to the borough for:

(1) A sale at less than fair market value shall be the greater of \$500 or a range between 10% 50% and 90% of the market value which shall be determined by the Assembly. *8-17-16 Amendment*

(2) A lease at less than fair market value shall have an annual lease rate as follows:

(a) For a beneficial industry or commercial enterprise as defined under Section 4.1 above, the annual rate shall be 5% of the fair market value, or \$500.00, whichever is greater.

(b) For public health, safety, and welfare or public purposes as defined under Sections 5.1 and 5.2 above, the annual rate shall be 2.5% of the fair market value, or \$500.00, whichever is greater.

*IM 16-094
OR 16-100
RS 16-268*

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

REAL PROPERTY: Non-gaming Lottery
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PART 60

- 1.1 Authority: 23.05.030 [(E) (4)]
[23.10.040]
23.10.200
- 2.1 This section applies to the sale of borough land by non-gaming lottery. A non-gaming lottery winner obtains only the right to purchase the parcel of land under the stated price, terms, and conditions of the sale.
- 2.2 Parcels for disposal by non-gaming lottery shall be selected from the pool of properties available for disposal.
- 2.3 Participants in the non-gaming lottery program must be 18 years of age or older and meet the qualified applicant criteria as defined by MSB 23.10.090.
- 3.1 Official rules governing the non-gaming land lottery shall be made available for each participant. The official rules shall state the eligibility requirements; when, where, and how the drawing will take place; how the borough will convey the property; and what the winners are responsible for.
- 3.2 The non-gaming lottery disposal application fee is non-refundable except when an application is accepted on properties which are withdrawn from the lottery after the printing of the brochure. This information is provided to the prospective applicant through the regulations governing such sales, the brochure, and the application itself.
- 4.1 Applicants for a non-gaming lottery sale need not be present to win. Upon notification of their winning, applicants who are not present to win must [MAIL] **provide** their acceptance **to the borough** [BY U.S. CERTIFIED MAIL] **in writing** within ten days after receipt of notification letter. [TO THE BOROUGH] **Acceptance must be received** by purchasing agent at the address shown on the application.

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
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REAL PROPERTY: Non-gaming Lottery

PART 60

- 5.1 A land sale by non-gaming lottery will proceed as follows:
- A. The time frames for filing applications and holding the actual lottery are established.
 - B. A brochure is made available for the public which contains information pertinent to the land being sold, terms of the sale, and any conditions or restrictions which are applicable.
 - C. Applications are made on the forms available online or at the borough purchasing division. All applications [WILL BE COMPLETED IN TRIPLICATE AND] must be accompanied by [A NOTARIZED CERTIFICATE OF ELIGIBILITY AND] the application fee. The application[, THE] and application fee, and the certification must be submitted together. [UNLESS A CERTIFICATION IS ALREADY ON FILE IN THE SAME LOTTERY FOR THAT PERSON.]
 - D. [TWO] Three copies of the application are needed. The original copy is retained by the purchasing agent, (one is for the [BARREL] drawing, and one for generating lists and file control) and the third copy will be stamped "received by MSB date-time" initialed by MSB employee and returned to applicant.
 - E. Lists will be generated prior to the lottery drawing to include the following:
 - 1. an alphabetical listing of all applicants;
 - 2. an alphabetical listing of all applicants and all parcels for which an applicant applied. This list is posted for public review [AT THE NON-GAMING LOTTERY] prior to the drawing;
 - 3. a listing of all parcels, in numerical order, with the applicants listed alphabetically by parcel;
 - 4. a listing of all parcels in drawing order with the respective number of applicants for each.

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Land & Resource Management Policy & Procedures (PPM)
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REAL PROPERTY: Non-gaming Lottery

PART 60

[5. A LISTING OF ALL PARCELS IN DRAWING ORDER WITH THE RESPECTIVE NUMBER OF APPLICANTS FOR EACH.]

[F. A NON-GAMING LOTTERY MAY NEED THE FOLLOWING STAFF SUPPORT. COMMON SENSE IS USED TO DETERMINE THE STAFF SUPPORT NEEDED, AND THE DUTIES ARE COMBINED ACCORDINGLY.

1. ONE PERSON TO LOAD AND UNLOAD[ED] EACH DRAWING DRUM;
2. A PERSON TO DRAW, IF THERE ARE NO DISINTERESTED VOLUNTEERS, A BOROUGH EMPLOYEE FROM THE PURCHASING OFFICE WHO HAS NOT FILED ON ANY OF THE PARCELS BEING DRAWN MAY PERFORM THE DRAWING;
3. A PERSON TO TAKE THE APPLICATIONS FROM THE PERSON DRAWING, AND TO READ OFF THE WINNERS' NAMES;
4. PERSONNEL TO RECORD APPLICANTS, PARCEL NUMBER, DRAWING ORDER AND WINNERS ON THE APPROPRIATE LISTS AND TO PLACE APPLICATIONS IN THE MSB FILES;
5. A PUBLIC INFORMATION PERSON TO ANSWER QUESTIONS AND COMMUNICATE WITH THE MEDIA;]

[6] 5. Administrative personnel [ACCOUNTING] to receipt deposits.

[G] F. If, prior to the start of the non-gaming lottery, a member of the public complains that they applied for a particular parcel but their name does not appear on the appropriate list, proceed as follows:

1. Re-check envelope confirming receipt [TO SEE IF IT IS STILL THERE].

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PART 60

2. Allow the person reasonable [ENOUGH] time to provide proof of their application. [THE TIMES WILL VARY ACCORDING TO CIRCUMSTANCES.]

[3. DELAY THE DRAWING ON THE PROTESTED PARCEL BY DROPPING IT TO THE END OF THE NON-GAMING LOTTERY. IF THE PERSON HAS NOT PROVIDED PROOF BY THE TIME THE PARCEL IS TO BE DRAWN, YOU MAY RECESS THE NON-GAMING LOTTERY FOR A REASONABLE PERIOD OF TIME.]

[4]3. If the person cannot provide the necessary proof, proceed with the drawing. An aggrieved non-gaming lottery participant may appeal to the manager under MSB 23.05.090.

[H]G. Prior to the beginning of the non-gaming lottery the land and resource management division representative in charge presents a complete explanation of the procedures, policies, and rules to be followed. Any errata information is presented at this time as well.

[I]H. Parcels are drawn first in the order of popularity, the parcel receiving the highest number of applications being drawn first. In the event of a tie, the parcel with the lowest parcel number is drawn first. Disputed parcels dropped from the regular order due to protest are drawn last, or at the end of their section, if the problem has been resolved.

[J]I. When an application is drawn and handed to the announcer, the announcer reads off the name and parcel number and passes it to the persons preparing the list. The list prepared under [4.1E] 5.1 of this section is checked off first to see if the winner has previously been drawn. The number of the parcel is written next to the winner's name. The other lists are marked appropriately and the application is finally put in the MSB file. Five applications are to be drawn in the event an applicant cannot complete the real property transaction. In the event the first applicant does not complete the transaction, the second application will be provided this opportunity and then the third, fourth, and fifth.

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REAL PROPERTY: Non-gaming Lottery

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[K. PROVISIONS MUST BE MADE FOR LOCAL PRESS COVERAGE IF THE NON-GAMING LOTTERY GENERATES A HIGH DEGREE OF PUBLIC INTEREST. IDENTIFY AN AREA FOR REPORTERS AND THEIR EQUIPMENT; ASSIGN AN INFORMATION PERSON TO THE PRESS AREA. THE INFORMATION PERSON ANSWERS GENERAL QUESTIONS AND EXPLAINS THE LOTTERY PROCEDURES.]

[L] . At the end of the lottery an announcement is made that any parcels not receiving applications [ARE AVAILABLE BY] **may be included in any** over-the-counter sales.

5.[1]2 The winners will be notified of their selection and sent a purchase agreement [BY CERTIFIED MAIL].

5.[2]3 The winner will execute the purchase agreement to indicate acceptance of the price, terms and conditions of the sale and return to the borough by certified mail within ten days with the appropriate deposit.

5.[3]4 The sale will be closed based on the price, terms, and conditions of the purchase agreement.

6.1 Any parcels which have selected winners, but the winner fails to execute the purchase agreement, may be added to any over the counter sale [IN PROGRESS].

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TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL

REAL PROPERTY: Outcry Auction
PART 60

- 1.1 Authority: 23.05.030 [(E) (1)]
23.10.190
- 2.1 This section addresses the lease or sale of borough land, or an interest in borough land, by outcry auction.
- 3.1 A bidder must meet the criteria [the] **of** qualified bidder requirements set out in MSB 23.10.090.
- 3.2 A bidder must meet any special requirements of the particular auction being bid.
- 4.1 Should the high bidder not qualify, the sale or lease may be offered and awarded to the next highest [OF THE] bidder[S WHO IS] qualified and willing to accept the contract. The sale or lease price will be their high bid. This process continues until a deposit is received. If there are no willing and qualified bidders, the parcel may be offered over-the-counter.
- 4.2 The land management division will maintain a master auction file for each auction, with duplicates made as necessary.

Each auction file should, in a minimum, contain:

- a) Successful bidder's list with sale prices;
- b) Auction brochure with all property information and maps as necessary;
- c) Bidder's list (sign-in sheet);
- d) Certification that auction was held;
- e) Delegation of authority to hold auction['];
- f) Decisions and findings;
- g) Planning reports, classification orders and other enabling actions;
- h) Soil data or soil survey, if agricultural;
- i) Copies of complaints, appeals, advertising copy[,] **and** public comments; [AND MEDIA REPORTS;]
- j) [MINUTES OF PUBLIC HEARINGS AND MEETINGS.] **Public hearing notice and signed legislation authorizing the auction**

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Land & Resource Management Policy & Procedures (PPM)
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REAL PROPERTY: Outcry Auction

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and [ESPECIALLY CRITICAL IS] documentation for [ANY AND] all decisions and changes concerning the auction [, AND MEMORANDA DISCUSSING THE AUCTION].

- 5.1 Parcels for this chapter[,] shall be selected from lands and resources approved for disposal.
- 6.1 Procedure for conducting a disposal of land, or an interest in land, by auction[,] **may include**:
 - A. Upon approval by the manager or assembly, as the case may be, an auction brochure is prepared which presents pertinent information about the sale to any interested party. The brochure is made available to the public a minimum of four weeks prior to the auction date. [A SAMPLE BROCHURE IS AVAILABLE AND COPIES] **Copies** may be obtained by contacting the borough [PURCHASING] **land and resource management** division. Information contained in the brochure may include, but need not be limited to, the following:
 - 1. Auction title and number, date, time and location including specific times, **as applicable**, for pre-qualification session [(IF APPROPRIATE)], registration, and briefing;
 - 2. Type of disposal, requirements, and restriction;
 - 3. The terms of the sale including the required down payment, how interest rate will be determined, qualified applicant status;
 - 4. Statutory and regulatory eligibility requirements;
 - 5. General description of lands involved, including the number of parcels and the approximate size of each;
 - 6. Sketch maps or plat reproductions, which should be of sufficient scale to locate the parcel, access to the parcel reserved easements, right-of-way, and any other dedications;

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7. A statement explaining the order that the parcels will be up for bid (it may be by parcel number in ascending or descending order).
- B. An auction sale notice is prepared. The notice shall contain, but need not be limited to, the following:
- [1 A STATEMENT CONCERNING CONSISTENCY WITH COASTAL ZONE MANAGEMENT PROGRAM WITH AN INVITATION TO COMMENT;]
- [2]1. A note explaining the availability of the brochure, and its purpose;
 - [3]2. A statement on the right to postpone, adjourn, or annul the auction in part or in whole;
 - [4]3. A reservation of the right to waive technical defects in the publication;
 - [5]4. Who to contact for further information.
- C. The land and resource management division will coordinate the following [WITH THE PURCHASING DIVISION];
1. Locate a facility and prepare it for auction with arrangements made well in advance of the scheduled disposal date;
 2. Provide adequate seating, based on anticipated and/or past participation, but including provisions for overflow;
 3. Provide support personnel[;] including the auctioneer, one or two bid spotters, bid recorder, minimum of two clerks, [NOTARY,] and one runner. [ARRANGEMENTS TO HANDLE THE PRESS MAY INCLUDE DESIGNATION OF A SPECIFIC AREA FOR THEIR EQUIPMENT, AND IF NECESSARY, A PERSONAL BRIEFING. AN INFORMATION OFFICER IS ASSIGNED TO ANSWER QUESTIONS FROM THE PRESS AND GENERAL PUBLIC];

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4. Provide a public address system; the auctioneer's voice should be clear and sufficiently loud to reach all the people in the room;
 - [6]5. Locate equipment; including adding machines, typewriter, calculators, auction bid cards, registration sheets, extension cords, tables and chairs, assorted office supplies and a large [CHALK BOARD] writing surface;
 - [7]6. Prepared in advance, disposal documents such as bid cards, deposit receipts, some contracts, etc.;
 - [8]7. If participation of other divisions or agencies is appropriate, notify affected entities. [THE AGENCY WELL IN ADVANCE AND OBTAIN A LIST OF NAMES EXPECTED TO PARTICIPATE.]
- D. A delegation of authority is necessary if the auction is to be conducted by anyone other than the borough manager; a [PREDISPOSAL] briefing [WITH THE COMMUNITY DEVELOPEMENT DIRECTOR'S OFFICE IS] may be held [AT LEAST TWO WEEKS] prior to the auction date [A STEP-BY STEP REVIEW OF THE DISPOSAL IS CONDUCTED. THIS ALLOWS FOR] for a review of sale procedures [AND AN OPPORTUNITY TO RESOLVE ANY LAST MINUTE PROBLEMS].
- E. Bidders sign for their outcry bid card [REGISTRATION STARTS AT LEAST AN HOUR] prior to the beginning of the bidding. Qualified [B] bidders [MUST REGISTER TO BE ELIGILE TO PARTICIPATE, BUT REGISTRATION SHOULD BE KEPT OPEN FOR THE DURATION OF THE AUCTION. AFTER THEY HAVE PROVEN THEIR ELIGIBILTY TO PARTICIPATE; BIDDERS ARE] receive their assigned [A] bid number [AND GIVEN A CARD;] at least at a mimum on a 4" x 6" card with the assigned number with at least 3" high numerals.
- F. If any person is purchasing as an agent, the name of the principal being represented must be noted. [AND THE] The power of attorney (POA) document shall be submitted according to the bid document terms and conditions. [IS INSPECTED AS TO

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FORM AND CONTENT; IF DETERMINED PROPER, THE POA IS HELD FOR THE DURATION OF THE AUCTION.] The POA document is retained if the person is a successful bidder; and becomes s part of the sale case file. Unsuccessful bidders may recover their documents after the auction.

Persons representing entities such as, partnerships, corporations, trusts, estates, joint ventures, must present proof that they are authorized to conduct the business on behalf of the entity. For example: the corporation must be authorized to conduct business under the laws of the state of Alaska, a corporate resolution affixed with the corporate seal authorizing the individual to bid and sign on behalf of the corporation and proof of good standing with the Department of Commerce and Economic Development at or before registration. The partnership agreement, either general or limited, must authorize the person to bid and sign on behalf of the partnership and the purchase of real estate must be an act authorized by the partnership agreement. Upon acceptance, the documents are held for the duration of the auction and are retained if the entity is a successful bidder becoming part of the sale case file. Unsuccessful bidders may recover their documents after the auction.

- G. The auctioneer must be plainly visible and audible. The recording sheet is displayed in the auctioneer's eyesight. There should be at least one spotter to catch any bids the auctioneer might miss. The auctioneer gives a brief introduction, explains the [REGISTRATION AND] auction procedure [READS ANY ERRATA SHEETS], and answers any questions. The auction proceeds in the order as listed in the disposal brochure. It is important that the auctioneer explain clearly how the auction is to proceed. The bidding increments to be used must be explained, as it is a discretionary power of the auctioneer to adjust the increments.
- H. When conducting the auction, the auctioneer has broad discretion to control the auction[,] and must exercise that authority. The auctioneer may call a recess at any time. The auctioneer initiates the bidding by calling for an offer. A bid is made by raising the bidder number card in response to the call. The auctioneer calls out the bidder's number, if possible, and asks for a higher bid. A

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call by the auctioneer for a specific bid does not preclude any bidder from offering any amount greater than the last bid[.]. Such a bid is recognized by the auctioneer by repeating the offer and the bidder's number[.]. When bidding is stopped and there are no more bids made, the auctioneer makes a final call ("going once, going twice"). The auctioneer concludes the bidding by [DROPPING THE GAVEL, AND] saying "Sold to bidder # ___ for \$___."

- I. After the final bid, the runner takes the recording sheet [, AND IMMEDIATELY ESCORTS THE APPARENT SUCCESSFUL BIDDER] to the area designated for processing the [CONDITIONAL] bid [RECIPT]. **The auction continues until all parcels have been offered. At the completion of the auction [T] the successful bidder turns in the bid [DER REGISTRATION] card [(TO BE RETAINED IN THE CASE FILE)], completes the promissory note [PURCHASE AGREEMENT, PAYS THE REQUIRED DEPOSIT] and receives a [CONDITIONAL BID RECEIPT] copy of the signed promissory note.**
- [J. IF THE SUCCESSFUL BIDDER FAILS TO MAKE THE REQUIRED DEPOSIT, THE PARCEL IS REOPENED FOR BIDDING ALONG WITH ANY PARCEL ON WHICH THERE IS NO OFFER. THIS PROCESS CONTINUES UNTIL A DEPOSIT IS REVIEWED ON ALL PARCELS, OR THERE ARE NO BIDS.]
- [K. WHEN THE APPARENT SUCCESSFUL BIDDER FINISHES THE NECESSARY PAPERWORK, THE BIDDER LEAVES THE AUCTION WITH A CIOPY OF THE BID RECEIPT. THE ORIGINAL IS RETAINED FOR THE FILE. A TIRD COPY IS MADE FOR THE FINANCE DEPARTMENT FOR PROCESSING OF THE DEPOSIT.]
- [L]J. The auctioneer may eject any spectator or bidder whose conduct interferes with the orderly proceeding of the auction[.] and may withdraw parcels from the auction.
- [M]K. Any aggrieved bidder must file an appeal with the borough manager in writing. The appeal must be received in accordance with MSB 23.05.090.

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[N]L. The documents necessary to close will be prepared and closing set-up in accordance with the terms and conditions of the [PURCHASE AGREEMENT] bid document.

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**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

REAL PROPERTY: Over-the-Counter
PART 60

- 1.1 Authority: [23.05.010(A)]
23.05.030 [(E)(3)]
23.10.210
23.10.220 [(B)]
- 2.1 Over-the-counter – A parcel offered to the general public on a first-come, first-serve basis at a date later than the original competitive offering.
- 2.2 Competitive sale refers in general to any sale by bid, i.e., sealed bid auction, outcry auction, or competitive request for proposal.
- 2.3 A parcel is considered to be available over-the-counter if it has been offered at an approved competitive sale and a bid has not been accepted, or if accepted, the transaction failed to close.
- 2.4 Public notice provided for in the previous competitive sale will satisfy the notice requirement for over-the-counter sales.
- 2.5 This section addresses the offering of a parcel by over-the-counter sale method and the procedures for handling the sale itself.
- 3.1 All parcels not sold in a competitive sale are eligible for purchase in a subsequent over-the-counter sale. The parcels are offered under the terms and conditions outlined in the over-the-counter sale brochure:
- A. Parcels are made available on a first-come, first-serve basis on a purchase request form described in the sale brochure.
- B. The purchase price is defined as;
1. the minimum bid price offered in a competitive sale held within the previous 12 months; or
2. if the parcel was offered [ON] in a competitive sale for more than [12] 24 months [EARLIER], the fair market value (FMV) [IS] may be established by the [BOROUGH ASSESSOR AS IF THE PARCEL

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WERE ASSESSED FOR THE CERTIFIED TAX ROLL] the community development director; or

3. the FMV determined by a fee appraisal ordered by the borough; or

4. as provided in Alaska statute and borough code and the competitive sale ordinance for tax and special assessment (LID) foreclosed parcels.

C. Parcels for sale may be purchased for cash or terms described in the sale brochure.

D. A list of all parcels to be available, showing the legal description, tax parcel number, purchase price, and the information for acquiring a brochure will be mailed to all community councils [AT LEAST TWENTY DAYS] prior to the opening day of the sale. A notice of the over-the-counter sale will also be published in the newspaper [AT LEAST TEN DAYS] prior to opening day.

[E. PARCELS WILL BE AVAILABLE FOR PURCHASE OVER THE COUNTER THROUGHOUT THE YEAR EXCEPT FOR TWO 45 CALANDER DAYS THAT MAY BE SCHEDULED BY LAND AND RESOURCE MANAGEMENT TO UPDATE PURCHASE PRICES, DELETE SOLD PARCELS, ADD NEW PARCELS, PREPARE AN UPDATED BROCHURE AND NOTICE THE COMMUNITY COUCILS. NO PURCHASE REQUESTS WILL BE ACCEPTED DURING THE 45 CALENDAR DAY PERIODS THE SALE IS CLOSED.]

[F]E. Purchase request forms are submitted to the borough directly. No real estate commissions will be paid by the borough.

3.2 The dates for the over-the-counter sale will be listed in all advertisements and the sales brochure.

4.1 General procedures for over-the-counter sales:

A. [AT LEAST TEN WORKING DAYS P] Prior to the opening of an over-the-counter sale, the land and resource management division advertises the sale and provides a brochure of the [LOTS] parcels offered over-the-

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counter [TO THE PURCHASING DIVISION] for public review at the counter.

- B. The dates and times for acceptance of the over-the-counter registration and purchase request [FORMS] are stated in the brochure.
- C. All parcels will be sold on a first-come, first-serve basis to a purchaser qualified pursuant to MSB 23.10.090.
- D. Prospective purchasers must submit a completed purchase request form, a non-refundable purchase request fee or bid deposit, as applicable, the qualification statement, and any other documents required by the sales brochure.
- E. [ANY APPLICANTS IN THE PURCHASING DIVISION AT THE BEGINNING OF THE WORKDAY (8 A.M.) WILL BE REGISTERED AND ISSUED A PRIORITY NUMBER. IF MORE THAN ONE PERSON IS WAITING PRIOR TO 8 A.M., A DRAWING WILL BE HELD TO DETERMINE PRIORITY. ALL PERSONS MUST REMAIN ON THE PREMISES UNTIL THEIR PRIORITY IS DETERMINED.] In the event that more than one applicant is waiting in line with purchase requests for the same parcel, and it cannot be determined who was first, those applicant names shall be taken by staff and a drawing will be held to determine priority. Applicants must remain on the premise until priority is determined.
- [F THE PRIORITY NUMBER WILL DETERMINE THE SEQUENCE IN WHICH MORE THAN ONE APPLICATION FOR THE SAME PARCEL WILL BE PROCESSED.]
- [G] E. Mail applications are acceptable. The date and time of receipt [BY THE PURCHASING AGENT] of the application in the Land and Resource Management Division shall determine priority order. All applications by mail are required to include the same complete package and fees as someone applying in person. An incomplete package will be returned to the applicant. A new priority number will be issued when the completed package is resubmitted.
- [H] G. Upon verification of qualified applicant status under MSB 23.10.090, [A PURCHASE AGREEMENT WILL BE PREPARED] the applicant will be

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notified by the land and resource management division according to the conditions stated within the over-the-counter sale brochure.

- [I] **H.** If an applicant is deemed to be non-qualified under the qualified applicant and bidder procedure, [THE PURCHASING OFFICER SHALL PLACE] the parcel **will be offered to the next qualified applicant** [BACK ON THE "AVAILABLE TO PURCHASE" LIST] for the remaining time in the sale period.
- [J] **I.** [UPON NOTICE OF QUALIFIED STATUS A PROSPECTIVE PURCHASER HAS FIVE DAYS TO SUBMIT THE EXECUTED PURCHASE AGREEMENT AND THE APPROPRIATE DOWN PAYMENT. TAX- AND LID FORECLOSED PARCEL] [p] Prospective purchasers shall perform pursuant to the terms and conditions of the bid document.
- [K] **J.** A parcel is not considered awarded until qualified status is verified [, THE PURCHASE AGREEMENT IS FULLY EXECUTED,] and the appropriate down payment is made **unless otherwise provided in a tax and LID foreclosure sale.**
- [L] **K.** A parcel may continue to be included in subsequent over-the-counter sales until one of the following occurs:
1. The parcel is sold and the transaction closed.
- [2 4.1 (L)(2) REPEALED BY ORD. 13-063 APPROVED 5/21/13.]
- [3] **2.** The parcel is withdrawn by the manager:
- a. due to a request to dedicate to public purpose;
 - b. to include the parcel in a competitive sale;
 - c. for any other reason deemed to be in the borough's best interest.
- L. Tax and LID foreclosed parcels will continue to be included in subsequent over-the counter sales on a first come, first served basis until sold.**

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notified by the land and resource management division according to the conditions stated within the over-the-counter sale brochure.

- [I] **H.** If an applicant is deemed to be non-qualified under the qualified applicant and bidder procedure, [THE PURCHASING OFFICER SHALL PLACE] the parcel **will be offered to the next qualified applicant** [BACK ON THE "AVAILABLE TO PURCHASE" LIST] for the remaining time in the sale period.
- [J] **I.** [UPON NOTICE OF QUALIFIED STATUS A PROSPECTIVE PURCHASER HAS FIVE DAYS TO SUBMIT THE EXECUTED PURCHASE AGREEMENT AND THE APPROPRIATE DOWN PAYMENT. TAX- AND LID FORECLOSED PARCEL] [p] Prospective purchasers shall perform pursuant to the terms and conditions of the bid document.
- [K] **J.** A parcel is not considered awarded until qualified status is verified [, THE PURCHASE AGREEMENT IS FULLY EXECUTED,] and the appropriate down payment is made **unless otherwise provided in a tax and LID foreclosure sale.**
- [L] **K.** A parcel may continue to be included in subsequent over-the-counter sales until one of the following occurs:
1. The parcel is sold and the transaction closed.
- [2 4.1 (L)(2) REPEALED BY ORD. 13-063 APPROVED 5/21/13.]
- [3] **2.** The parcel is withdrawn by the manager:
- a. due to a request to dedicate to public purpose;
 - b. to include the parcel in a competitive sale;
 - c. for any other reason deemed to be in the borough's best interest.

L. Tax- and LID foreclosed parcels will continue to be included in subsequent over-the counter sales on a first come, first served basis until sold or the 10-year repurchase rights expire.

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Land & Resource Management Policy & Procedures (PPM)
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Other provisions of code may also apply.

Effective: 2016

Jm16-094
OR16-100
RS16-068

REAL PROPERTY: Over-the-Counter

PART 60

[N] M. If a parcel has been withdrawn, the manager may again include the parcel in a subsequent over-the-counter sale if the reason for withdrawal is no longer valid.

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

*Im 16-094
OR 16-100
RS 16-068*

**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

PURCHASE OF THE FEE SIMPLE ESTATE, FOR LANDS 10 ACRES IN SIZE OR SMALLER, BY ADL LESSEES.
--

PART 60

- 1.1 Authority: 23.05.030 [(E) (6)]
[23.10.010 (A)]
23.10.020 [(D)]
23.10.060
[23.10.030 (A)]
[23.10.070]
[23.10.080]
[23.10.090]

2.1 This section applies to borough lands, ten acres in size or smaller, which are subject to pre-existing Alaska Division of Lands (ADL) leases where the lessee wishes to extinguish the lease and purchase the fee simple estate at fair market value (FMV).

2.2 These procedures give existing ADL lessees an abbreviated process to purchase.

A. Lessee must comply with all steps outlined in the "Applications: Filing & Acceptance" policy and procedure.

[B. THE LAND SHALL BE CLASSIFIED GENERAL PURPOSE AT THE TIME OF CONVEYANCE.]

[C]**B.** According to the ADL lease, the applicant is responsible for properly locating improvements on the leasehold. A survey will be required showing all improvements on the property and their distances from lot lines and waterbodies. Improvements may include, but are not limited to, structures, wells, septic systems, fences, and driveways. Applicants shall bear the expense of survey and costs required to remedy any violations of Title 17 Zoning and meet Title [27] **43** Platting requirements.

1. Applicants may request the borough waive the as-built survey requirement only under the following conditions:

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

**PURCHASE OF THE FEE SIMPLE ESTATE,
FOR LANDS 10 ACRES IN SIZE OR SMALLER, BY ADL LESSEES.**

PART 60

- a. the borough will not be financing the sale; and
- b. the parcel is an unimproved island; or
- c. the parcel is unimproved land that is adjacent to other unimproved land; or
- d. the parcel is unimproved land that is adjacent to other improved lands that have current as-built surveys and the applicant provides copies of said as-built surveys to the borough; and
- e. the applicant is willing to sign an acknowledgement at closing, accepting the property without providing an as-built survey.

[D]C. The applicant shall order, and pay the cost of, a fee appraisal from a list of borough approved appraisers. The borough will prepare a list of borough approved appraisers. The borough will prepare appraisal instructions as follows:

1. The date of valuation will be the date the application is accepted for processing; a value will be requested for a sale for cash and a sale for terms;
2. The property rights to be appraised are the fee simple unimproved estate.

[E]D. The borough assessor may review and comment on the appraisal. The applicant or the borough may appeal the value according to the land and resource management appraisal appeal procedure.

[F]E. The appraised value, subject to the appeal process, shall be the purchase price of the property.

[G]F. The borough prepares a good faith estimate and purchase agreement based upon the applicant's request to purchase by cash or by

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

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**PURCHASE OF THE FEE SIMPLE ESTATE,
FOR LANDS 10 ACRES IN SIZE OR SMALLER, BY ADL LESSEES.**

PART 60

terms. The documents are sent to the applicant by certified mail **and first class mail.**

[H]G. In the event the applicant requests borough financing, at a minimum the following will be required.

1. the applicant shall demonstrate an ability to repay the amount financed according to borough lending practices; **and**
2. the applicant shall submit with the purchase agreement a down payment of at least 10 percent of the purchase price; **and**
3. the applicant shall pay all costs necessary for a title policy insuring the borough's deed of trust in a first lien position [THIS] **and** may include bank or other fees to subordinate existing loans or liens to the borough's deed of trust.

[G]H. The applicant shall be responsible for all closing costs and recording fees.

[H]I. Should the applicant decide not to complete the purchase, the applicant may continue to lease under the terms and conditions of the existing lease. **The borough will not be responsible to reimburse to the applicant any costs associated with the requirements to purchase.**

[J]I. The application may be terminated by the borough by written notice to the applicant for delays caused by the applicant.

[K]J. Conveyance will be by quitclaim deed.

[SECTION 4. LAND CLASSIFICATION. THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY, UPON CONVEYANCE OF THE FEE SIMPLE ESTATE IN ACCORDANCE WITH THE ABOVE-REFERENCED POLICY AND PROCEDURE, DOES HEREBY CLASSIFY BOROUGH-OWNED LANDS, TEN ACRES IN SIZE OR SMALLER, ENCUMBERED BY AN ALASKA DIVISION OF LANDS (ADL) LEASE AS GENERAL PURPOSE LAND.]

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

Imile-094
OR 116-100
RS16-068

**PURCHASE OF THE FEE SIMPLE ESTATE,
FOR LANDS 10 ACRES IN SIZE OR SMALLER, BY ADL LESSEES.**

PART 60

[SECTION 5.] **3.1** Approval of sale. The Matanuska-Susitna Borough Assembly does hereby approve the sale of the fee simple estate, at FMV, where the ADL lessee has met the requirements of the policy and procedure entitled "Purchase of The Fee Simple Estate, For Lands Ten Acres in Size or Smaller, by ADL Lessees."

[NOTE: THE PREVIOUS TWO SECTIONS ARE PART OF MSB NON-CODE ORDINANCE 98-107 THAT ADOPTED THIS POLICY.]

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

Im16-094
UR 16-100
RS 16-068 **434**

**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

REAL PROPERTY: Real Estate Broker <u>Land Sales</u>
PART 60

- 1.1 Authority: 23.05.030 [(E)(9)]
- 2.1 Definitions: A real estate broker is **a person** currently licensed by the state of Alaska as a real estate broker in accordance with Alaska state law, as defined under AS 8.88.171.
- 2.2 An **associate broker or** real estate sales agent is **a person** currently licensed by the state of Alaska as **an associate real estate broker or** real estate sales agent in accordance with Alaska state law, as defined under AS 8.88.171, as a real estate sales person, [IS] employed by and operating [ES] under the direction and authority of a real estate broker.
- 2.3 **Listing agreement** means an exclusive right to sell contract between the borough and a real estate broker to dispose of specified borough real properties during a specified period.
- 2.4 **Professional Services [AGREEMENT] Contract (PS[A]C)** means a contract specifying the services to be performed by a broker having a listing agreement with the borough and the method of compensation for those services.
- 3.1 The services of real estate brokers may be used for the disposal or acquisition of borough property. [ALL P] **Professional services [will be] are** coordinated through the borough purchasing division pursuant to MSB 3.08.260 and 3.08.300.
- 3.2 Annually, borough purchasing [WILL] **may** publish a request for information from real estate brokers and provide interested brokers an information packet.
- 3.3 Brokers may register with the borough purchasing department, their interest in submitting purchase agreements for prospective purchasers of borough property.
- 3.4 Registered brokers will be mailed notices of all properties selected to be sold through real estate brokers. Registered brokers may request sales packets,

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

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RS16-068

REAL PROPERTY: Real Estate Brokers

PART 60

to include but not limited to property specifications, real estate commission, legal description, map, and appropriate purchase agreement forms, sales price and terms, the scheduled bid opening date and time for each property offered for sale, and the procedure for presenting offers to purchase borough property.

- 3.5 Registered brokers will bring completed purchase [OR LEASE] agreements, signed by the prospective buyer [OR LESSEE], to borough purchasing on or before the scheduled bid opening date and time.
- 4.1 Land and resource management division may request broker services [THOUGH] **through** a listing agreement to dispose of one or more parcels of borough real property. A request for proposal shall provide a scope of services, the evaluation criteria, broker's insurance requirements, and the parcel(s) with legal description(s).
- (a) Proposals will be evaluated by a review committee selected by borough purchasing.
 - (b) The selected broker will sign a [PROFESSIONAL SERVICES AGREEMENT] PS[A]C and a listing agreement. The PS[A]C will also identify any forms, contracts, or procedures which the broker agrees to use in providing services specified by the [agreement] **PSC**.
 - (c) The PS[A]C will specify compensation as either a negotiated percentage of the sales price or as a fixed payment schedule per parcel.
 - (d) Land and resource management division will provide maps and property specifications and monitor performance on the listing agreement with the selected broker(s).
- 5.1 Payment for broker services is approved by the [LAND MANGEMENT OFFICER] **community development director** and due after the property purchase[/LEASE] transaction has closed and been recorded.

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

Im 16-094
DR 16-100
RS 16-068

**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

REAL PROPERTY: Remote Parcel <u>Staking</u>
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PART 60

- 1.1 Authority: 23.10.170
- 2.1 This section addresses the remote parcel program.
- 2.2 Land **offered** for a [THE] remote parcel program [MAY BE CLASSIFIED AS GENERAL PURPOSE, PRIVATE RECREATION, OR RESIDENTIAL ONLY AFTER THE CLASSIFICATION HAS BEEN APPROVED AFTER A PUBLIC HEARING OR HEARINGS CONDUCTED BY THE BOROUGH PLANNING COMMISSION AND ASSEMBLY] **shall be first classified as required by code.**
- 3.1 The land and resource management division shall prepare a concept development plan of the parent parcel illustrating all of the proposed remote parcels **available to be staked.**
- [THE PLATTING DIVISION SHALL PREPARE A COST ESTIMATE FOR SURVEYING AND PLATTING ACCORDING TO THE REQUIREMENTS OF THE BOROUGH SUBDIVISION CODE. THE COST SHALL BE PRORATED ON A PER LOT BASIS AS ILLUSTRATED IN THE CONCEPT DEVELOPMENT PLAN.]
- 3.2 Remote parcels shall be surveyed in compliance with the staking instructions of the [PLATTING] **land and resource management** division. All boundary adjustments in the field survey shall be in accordance with survey instructions issued by the [PLATTING] **land and resource management** division.
- 4.1 An applicant must be a qualified bidder/applicant per MSB 23.10.090 to be eligible for the remote parcel program.
- 4.2 Applicants shall apply per the over-the-counter disposal procedures.
- 4.3 Applicants shall pay a \$[500.00] **1,000** non-refundable application fee **in addition to other applicable fees** and shall **also** be required to pay the

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

Im 16-094
OR 16-100
RS 16-068

REAL PROPERTY: Remote Parcel Staking

PART 60

prorated share of the subdivision costs at the time of closing. **Prorated share shall be determined by number of qualified applicants.**

- [4.4]**5.1** The sale period shall be opened for 60 days. A minimum of [80] **75** percent of all remote parcels offered must receive qualifying applications within the 60 day period in order **for the borough** to proceed with the sale. In the case where less than 100 percent but more than [80] **75** percent (**75%**) of the parcels receiving qualifying applications, the borough will pay the prorated share of subdivision costs for any remaining lots without qualified applicants.
- 5.2 No person may acquire more than one parcel of land from the borough under the provisions of this section.

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

REAL PROPERTY: SALES & LEASES BY APPLICATION
PART 60

- 1.1 Authority: [23.05.025]
23.05.030 [(E) (6)]
23.10.230

- 2.1 This section applies to sale or lease of borough land by application without competitive bid.
- 2.2 This section applies only to the sale or lease of borough-owned real property as described in MSB 23.10.230 (A) (1).
- 2.3 This section does not apply to applications for permits (MSB 23.10.100) or easements and rights-of-way (MSB 23.10.110) for which separate policies and procedures have been adopted.
- [2.4 THIS SECTION WOULD APPLY WHEN A PUBLIC UTILITY OR PUBLIC AGENCY NEEDED TO PURCHASE OR LEASE BOROUGH LAND FOR OTHER USES, SUCH AS SUBSTATIONS, PLANT FACILITIES, OR RIGHT-OF-WAY.]

- 3.1 Parcels for sale or lease by application shall be selected from the pool of borough-owned lands available for disposal, or requested for sale or lease by the application.
- 3.2 Parcels requested for disposal will meet the requirements of the adopted policies and procedures for "Classification" and "Lands Available for Disposal."
- 3.3 Parcels proposed for sale or lease at less than fair market value (FMV) must meet the requirements for ["less than FMV,[" ["best interest finding,[" and ["public notice["] procedures.

- 4.1 A purchaser must be a qualified applicant as described in MSB 23.10.090.
- 4.2 Once an application is accepted for processing, no additional applications will be accepted and processed for the same property.

- 5.1 The following procedures should be followed in general when preparing for the

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

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REAL PROPERTY: SALES & LEASES BY APPLICATION

PART 60

sale or lease of borough lands by application under the authorities cited in paragraph 1.1 of this chapter prior to acceptance of the application for processing.

A. The application:

1. is assigned an MSB number;
2. has a case file created, which contains the original application and any pertinent enclosures or inclusions;
3. a more comprehensive review of the property status is made and the land is checked for any current uses, reservation, or prohibited uses and to determine if the area is subject to [THE COASTAL MANAGEMENT PROGRAM AND/OR] an existing area plan.
4. The nature of the proposed use shall be considered. If the lands were acquired by deed, the proposed use must be consistent with any restrictions contained therein.
5. Interdepartmental review is initiated.
6. In the event a field inspection is necessary, and the parcel is in a remote area or accessible only by air, the applicant will be required to pay for the inspection. [THIS REQUIREMENT MAY BE WAIVED IF OTHER BOROUGH WORK IN THE AREA JUSTIFIES THE EXPENSE AND BUDGETED FUNDS ARE AVAILABLE].

B. Where an application is submitted under MSB 23.10.230 (A) (I) (F), the applicant must also submit to [LAND MANAGEMENT] **the land and resource management division** a letter addressed to the manager.

1. The letter will state:
 - (1) The proposed use for the property;
 - (2) How the borough will benefit from the disposal beyond receiving revenue; and

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

Im 16-094
UR 16-100
RS 16-068

REAL PROPERTY: SALES & LEASES BY APPLICATION

PART 60

- (3) Why the applicant does not wish to purchase through a competitive sale.
2. The manager has 30 days to recommend rejection or recommend accepting an application for processing.
3. The criteria for rejecting a land purchase application shall be based on one or more of the following:
 - (1) The application is not eligible for processing as required under MSB 23.10.230 (A) (1).
 - (2) The applicant is not a public agency or utility for facilities serving the general public, or the application's not for a beneficial new industry or commercial enterprise; or
 - (3) The application is not for a public health or welfare purpose; or
 - (4) The applicant is not a non-profit corporation, association, club, or society organized and operated exclusively for charitable, religious, scientific, educational, or youth encampment.
 - (5) The application is not submitted to remedy problems associated with an adjoining parcel which is substandard or has an unusable lot condition or for access;
 - (6) The application provides insufficient information for processing and the deficiency is not remedied within 30 days of receiving the application.
- [4. WITHIN TWO WEEKS OF THE MANAGER'S RECOMMENDATION TO DENY THE APPLICATION, AN ASSEMBLY MEMORANDUM SHALL BE FORWARDED TO THE ASSEMBLY FOR THEIR CONSIDERATION.]
- [5. [WITHIN TWO WEEKS OF THE MANAGER'S RECOMMENDATION TO PROCESS THE APPLICATION,

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

*Im 116-094
OR 116-100
RS 116-068*

REAL PROPERTY: SALES & LEASES BY APPLICATION

PART 60

AN ASSEMBLY MEMORANDUM IS PREPARED FOR THE ASSEMBLY REQUESTING THE APPLICATION BE ACCEPTED FOR PROCESSING].

- [6]4. If the application is denied, the applicant is provided the reason for denial. The applicant may nominate the property for a competitive sale.
- C. Upon [ASSEMBLY] acceptance of the application for processing, an application conference [MAY] will be held to present to the applicant findings from the interdepartmental review and:
1. the application processing steps are discussed with the applicant;
 2. applicant's costs are estimated;
 3. any other conditions or borough code considerations are discussed with the applicant; and
 4. the applicant pays the processing fee.
- D. If classification or reclassification is deemed necessary, the land and resource management division will follow the adopted policies and procedures for classification. Classification can be processed concurrently with other application matters which require assembly approval.
- E. A departmental recommendation is prepared, [SENT BY CERTIFIED LETTER] and provided to the applicant, and forwarded to the manager or the assembly, as required by MSB 23.10.020, Assembly Approval of Disposal.
- F. The manager's or assembly's approval should contain the terms of the disposal, any costs or requirements which the applicant will be required to meet and any restrictions or conditions to be placed on the transaction.

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
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Effective: 2016

Im 16-094
OR 16-100
RS 16-068

REAL PROPERTY: SALES & LEASES BY APPLICATION

PART 60

- G. Based on the outcome of the decision, the land and resource management division will prepare a package to the applicant as follows:
1. If approved, a purchase agreement or contract for lease, as appropriate, will be prepared. It will incorporate the terms and conditions as approved, and set out the remaining steps and monies required to close. The original document will be [MAILED] **provided** to the applicant, with [A TRANSMITTAL LETTER WHICH REQUESTS] **instructions** that the applicant execute and return the original, along with any monies required.
 2. If denied, the applicant will be notified by certified mail with a summary of the reason for denial and a copy of MSB 23.05.090, Reconsideration and Appeals.
- H. Upon the receipt of the signed agreement/contact and monies, the document will be reviewed to ensure no unauthorized changes have been made and it will be forwarded for the manager's signature.
- [I]. NOTIFICATION IS PROVIDED TO THE APPLICANT THAT A TITLE REPORT IS TO BE PREPARED AT THE EXPENSE OF THE APPLICANT. UPON RECEIPT OF PAYMENT A TITLE REPORT IS REQUESTED.
- [J]. Closing of the sale or lease will take place in accordance with the agreement/contract.

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

REAL PROPERTY: SEALED BID [AUCTION]
--

PART 60

- 1.1 Authority: 23.05.030 [(E) (1)]
[23.10.040]
23.10.190
- 2.1 This section addresses the lease or sale of borough land, or an interest in borough land, by sealed bid [AUCTION] **which is defined as a public land sale or lease of land to the highest bidder.**
- 2.2 **In the event borough land or an interest in borough land is acquired through grant funding sources, sale or lease of that land or interest therein shall be subject to specific requirements of said grant funding for as long as the grant requirement remains active.**
- 3.1 A bidder must meet the criteria and qualified bidder requirements set out in MSB 23.10.090.
- 3.2 A bidder must meet any special requirements of the particular [AUCTION] **land sale or lease** being bid.
- 4.1 Should the high bidder not qualify, the sale or lease may be offered and awarded to the next highest **qualified bidder.** [OF THE BIDDERS WHO IS QUALIFIED AND WILLING TO ACCEPT THE CONTRACT.] The sale or lease price will be their high bid. [THIS PROCESS CONTINUES UNTIL A DEPOSIT IS RECEIVED.] If there are no willing and qualified bidders, the parcels may be offered over-the counter.
- 4.2 The land and resource management division will maintain a master [AUCTION] bid file for each **sale/lease** [AUCTION, WITH DUPLICATES MADE AS NECESSARY].
- [EACH AUCTION] **The** file should, at a minimum [,] contain:
- a) successful bidder's list with sale prices;
 - b) [AUCTION] **bid** brochure with all property information and maps as necessary;
 - c) list of bid envelopes received;

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

Im16-094
OR16-100
RS16-068

REAL PROPERTY: LAND SALES BY SEALED BID [AUCTION]

PART 60

- d) [CERTIFICATION] date that bids were opened [AUCTION WAS HELD];
- e) [delegation of authority to hold auction] Public hearing notice and signed legislation authorizing the sealed bid land sale and documentation for all decisions and changes with regard same;
- f) planning reports, classification orders and other enabling actions;
- g) soil data or soil survey, if agricultural; and
- h) copies of complaints, appeals, advertising copy, public comments and media reports;
- [i) MINUTES OF PUBLIC HEARINGS AND MEETINGS LEGISLATION. ESPECIALLY CRITICAL IS DOCUMENTATION FOR ANY AND ALL DECISIONS AND CHANGES CONCERNING THE AUCTION , AND MEMORANDA DISCUSSING THE ACTION].

5.1 Parcels for this chapter, shall be selected from land and resources approved for disposal.

6.1 Procedure for conducting a disposal of land, or an interest in land [, BY AUCTION] is as follows:

A. Upon any required approval by the manager or assembly, [AS APPROPRIATE, AN AUCTION] a bid brochure is prepared which presents pertinent information about the sale or lease to any interested party. The brochure is made available to the public a minimum of four weeks prior to the [AUCTION] land sale or lease date. Copies may be obtained [BY CONTRACTING] from the borough [PURCHASING] land and resource management division or the borough website. Information contained in the brochure may include, but need not be limited to, the following:

1. [AUCTION] Land sale/lease title and bid number, date, time, and location including specific times for pre-qualification session (if appropriate), bid [REGISTRATION] submission and deadline, and bid opening date;
2. type of disposal, requirements, and restrictions;
3. the terms of the sale or lease including the required down payment, how [INTEREST RATE] terms will be determined, qualified applicant status;

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

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REAL PROPERTY: LAND SALES BY SEALED BID [AUCTION]

PART 60

4. statutory and regulatory eligibility requirements;
 5. general description of land involved, including the number of parcels [AND THE APPROXIMATE SIZE OF EACH];
 6. sketch maps or plat reproductions, which should be of sufficient scale to locate the parcel, **and included in the bid document information statements regarding** access to the parcel, reserved easement, right of way, and any other dedications.
- B. A[N AUCTION] sale notice is prepared. The notice shall contain, but need not be limited to, the following:
- [1 A STATEMENT CONCERNING CONSISTENCY WITH COASTAL ZONE MANAGEMENT PROGRAM WITH AN INVITATION TO COMMENT;]
 - [2]1. a note explaining the availability of the brochure, and its purpose;
 - [3]2. a statement on the right to postpone, adjourn, or annul the auction in part or in whole;
 - [4]3. a reservation of the right to waive technical defects in the publication;
 - [5]4. who to contact for further information.
- [C. THE LAND AND RESOURCE MANAGEMENT DIVISION WILL COORDINATE THE FOLLOWING WITH THE PURCHASING DIVISION:
1. LOCATE A FACILITY AND PREPARE IT FOR AUCTION WITH ARRANGEMENTS MADE WELL IN ADVANCE OF THE SCHEDULED DISPOSAL DATE;
 2. PROVIDE ADEQUATE SEATING; BASED ON ANTICIPATED AND/OR PAST PARTICIPATION, BUT INCLUDING PROVISIONS FOR OVERFLOW;
 3. PROVIDE SUPPORT PERSONNEL; INCLUDING THE MANAGER OF DESIGNEE, THE PURCHASING AGENT,

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

Im16-094
OR16-100
RS16-008

REAL PROPERTY: LAND SALES BY SEALED BID [AUCTION]

PART 60

LAND AND RESOURCE MANAGEMENT CHIEF 2, AND BID RECORDER; ARRANGEMENTS TO HANDLE THE PRESS MAY INCLUDE DESIGNATING OF A SPECIFIC AREA FOR THEIR EQUIPMENT, AND IF NECESSARY, A PERSONNEL BRIEFING. AN INFORMATION OFFICER IS ASSIGNED TO ANSWER QUESTIONS FROM THE PRESS AND GENERAL PUBLIC;

4. PROVIDE A PUBLIC ADDRESS SYSTEM IF A LARGE GROUP IS EXPECTED;
 5. LOCATE EQUIPMENT; INCLUDING ADDING MACHINES, TYPEWRITERS, CALCULATORS, REGISTRATION SHEETS, EXTENSION CORDS, TABLES AND CHAIRS, ASSORTED OFFICE SUPPLIES AND A LARGE CHALK BOARD;
 6. PROVIDE SECURITY; OR STATE TROOPER IS NECESSARY AT ANY AUCTION WHEN DEPOSITS AND/OR RECEIPTS ARE COLLECTED OFF THE BOROUGH PREMISES;
 7. PREPARE IN ADVANCE DISPOSAL DOCUMENTS SUCH AS DEPOSIT RECEIPTS, PURCHASE AGREEMENTS, SAMPLE CLOSING DOCUMENTS, ETC.;
 8. IF PARTICIPATION OF OTHER DIVISIONS OR AGENCIES IS APPROPRIATE, NOTIFY THE AGENCY WELL IN ADVANCE AND OBTAIN A LIST OF NAMES OF THOSE EXPECTED TO PARTICIPATE.]
- D. A DELEGATION OF AUTHORITY IS NECESSARY IF THE AUCTION IS TO BE CONDUCTED BY ANYONE OTHER THAN THE BOROUGH MANAGER. A PREDISPOSAL BRIEFING WITH COMMUNITY DEVELOPMENT DIRECTOR'S OFFICE IS HELD AT LEAST TWO WEEKS PRIOR TO THE AUCTION DATE A STEP-BY STEP REVIEW OF THE DISPOSAL IS CONDUCTED. THIS ALLOWS FOR A REVIEW OF SALE PROCEDURES AND AN OPPORTUNITY TO RESOLVE ANY LAST MINUTE PROBLEMS.]

[E]C. The bid envelopes will be dated and time stamped by the

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

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RS16-068

REAL PROPERTY: LAND SALES BY SEALED BID [AUCTION]

PART 60

[PURCHASING] land and resource management division when received and registered in that day/time sequence. [AND REGISTEREED] in that day/time sequence.

- [F]D. If any person is purchasing as [an agent] a buyer's representative, the name of the principal being represented must be noted on the bid form and [THE] a recorded power of attorney (POA) on a form provided in the bid brochure shall be presented with the bid and is reviewed by staff as to form and content. [DOCUMENT IS INSPECTED AS TO FORM AND CONTENT,] If determined [PROPER] to be legally acceptable, the POA is held for the duration of the auction. The POA is retained if the person is a successful bidder; and becomes part of the sale case file. [UNSUCCESSFUL BIDDERS MAY RECOVER THEIR DOCUMENTS AFTER THE AUCTION.]

Persons representing entities such as, corporations, trusts, estates, joint ventures, must present proof that they are authorized to conduct the business on behalf of the entity. For example: The corporation must be authorized to conduct business under the laws of the state of Alaska, a corporate resolution affixed with the corporate seal authorizing the individual to bid and sign on behalf of the corporation, and proof of good standing with the Department of Commerce and Economic Development at or before registration. The partnership agreement, either general or limited, must authorize the person to bid and sign on behalf of the partnership and the purchase of real estate must be an act authorized by the partnership agreement. Upon acceptance, the documents are held for the duration of the auction and are retained if the entity is a successful bidder, becoming part of the sale case file. Unsuccessful bidders may recover their documents after the auction.

- [G]E. The purchasing agent opening bids must be plainly visible and audible. The recording sheet is prepared [by] for the bid recorder. The purchasing agent gives a brief introduction, explains the [REGISTRATION AND AUCTION] procedures and answers any questions. The auction proceeds by opening the bids in parcel number order.

- [H]F. After the final bid for a parcel is opened the purchasing agent will announce the apparent high bid and proceed to the next parcel.

- [I]G. Following opening of the final bids the purchasing agent will announce that all bids are being taken under advisement [AND THE CHECKS WILL BE

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

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REAL PROPERTY: LAND SALES BY SEALED BID [AUCTION]

PART 60

DEPOSITED FOR ALL BIDS. COPIES OF THE DEPOSIT RECEIPTS WILL BE GIVEN OR MAILED TO ALL BIDDERS].

- [J]H. If a successful bidder fails to: (a) make the required deposit, or does not otherwise meet the bid requirements, the parcel bidding is reopened and the next highest bid reviewed[.]; or (b) sign a promissory note at a tax and LID foreclosure sale, [T] this process continues until a bid is accepted on all parcels, or there are no bids or parcels remaining.
- [K]I. The apparent successful bidder will be [SENT THE PURCHASE AGREEMENT AND GIVEN A SPECIFIED DEADLINE TO RETURN IT TO THE BOROUGH] given specific instructions by land and resource management staff for closing.
- [L]J. Any aggrieved bidder must file an appeal with the borough manager in writing. The appeal must be reviewed in accordance with MSB 23.05.090.
- [M]K. The documents necessary to close will be prepared and a closing set-up in accordance with the bid document and/or the terms and conditions of the [PURCHASE AGREEMENT] declaration of intent or promissory note.
- [N]L. Upon receipt of the executed [PURCHASE AGREEMENT] declaration of intent or signed promissory note in tax and LID foreclosure sale, all other bid deposits being held for that parcel will be released to the unsuccessful bidders in accordance with the bid brochure.

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

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RS 16-068

**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

REAL PROPERTY: Tax Foreclosed Properties {Where repurchase rights have been extinguished}
PART 60

1.1 Authority: 23.10.210
23.10.220

2.1 This section addresses parcels where the borough has acquired clerk's deed through tax foreclosure and the right of repurchase has been extinguished. Land and resource management's objective is to put these properties back onto the tax rolls as quickly as possible.

2.2 Annually land and resource management identifies all parcels where the statutory right of repurchase has been extinguished.

A. Condition of title is reviewed and where feasible, exceptions are cleared.

B. Delinquent taxes, special assessments, and any other costs or fees are cleared according to borough policy and Alaska Statutes.

C. Departmental review is initiated to determine if:

1. The parcel is a substandard or a non-conforming division of land by today's standards, is in violation of federal, state, or borough laws or regulations, or reflects any other conditions where it may not be in the best interest of the borough or the public to offer the parcel for sale in its current state or without providing for special conditions or disclosure in the sale;

2. Additional reservations for trails, easements, roads, or other public purposes should be made when the parcel is sold and conveyed;

3. The parcel should be retained for a specific public purpose;

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

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REAL PROPERTY: Tax Foreclosed Properties
{Where repurchase rights have been extinguished}

PART 60

4. The soils, access, and parcel size suggest that agricultural use may be appropriate.
- D. Where issues are raised in the departmental review, land and resource management may recommend special conditions for any single parcel or adjacent parcels such as replatting to combine two or more adjacent parcels, subdividing a larger parcel, or offering only to adjacent property owners.
- 2.3 Parcels acquired through tax foreclosure do not require classification prior to sale because borough classification may conflict with covenants and existing private property uses.
- 2.4 Public notice requirements have been met through prior tax foreclosure and sale procedures (AS 29.45.330-470.)
- 2.5 The minimum bid price is the fair market value requested from the borough assessor and approved by the manager.
- 2.6 Land and resource management prepares a recommended list of parcels, based on follow-up to the departmental review, to offer for competitive sale and submits the list to the manager for approval.
- 2.7 Upon approval by the manager, the sale brochure is prepared and the parcels are offered according to the appropriate competitive sale PPM. Parcels unsold at the completion of the sale may be offered in subsequent over-the-counter sales.

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Land & Resource Management Policy & Procedures (PPM)
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Other provisions of code may also apply.

Effective: 2016

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TITLE
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL

REAL PROPERTY: **Unpatented Borough Lands**

PART 60

- 1.1 Authority: 23.10.040
- 2.1 Title 23 provides for the borough to enter into agreements to sell, lease, or otherwise dispose of municipal entitlement lands after receiving final decisions and before receiving patent from the state of Alaska. Due to potential borough liabilities regarding disposition of unpatented land, it is the borough's policy to reject any applications for the exchange or purchase of these lands barring an overriding public interest. In many cases, [HOWEVER], accepting an application to exchange or purchase property that is not patented raises many issues that cannot be addressed until after the property is surveyed. [SOME OF THESE ISSUES INCLUDE:]
- A. [BEFORE PATENTS MAY BE REQUESTED FOR MUNICIPAL ENTITLEMENT LANDS A SURVEY MUST FIRST BE COMPLETED. WITHOUT FIRST COMPLETING A SURVEY] At a minimum, a recordable survey of boundaries, [THE] including location of all easements and trails, parcel size and access[, AND PROPERTY BOUNDARIES ARE ALL UNCERTAIN] shall be completed prior to an approval under this section.
 - B. Funds to complete survey work and obtain patent may not be available. When the lack of funds does not allow survey work to be completed the borough is therefore not able to convey title to the purchaser.
 - C. Survey requirements to obtain patent do not consider existing contracts the borough may have entered into, so additional surveying and platting work is often required to comply with all applicable ordinances.
 - D. Obtaining a current market price or closing date is impractical without the ability to obtain a patent and clear title.

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

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REAL PROPERTY: Unpatented Borough Lands

PART 60

- E. Platting and other land use regulations may change during the period of time it may take to obtain patent from the state of Alaska. Changes in regulations often impact the costs to finalize obligations contracted years earlier on tentatively approved lands.
- F. [IN PREVIOUS CASES WHERE THE BOROUGH HAS SOLD UNPATENTED LANDS IT HAS RESULTED IN THE NEED TO REFUND DOLLARS TO THE PURCHASER WHEN IT HAS BEEN DISCOVERED, BY SURVEY, THAT THE ACTUAL LANDS AVAILABLE ARE LESS THAN WHAT WAS IDENTIFIED IN THE STATE OF ALASKA'S FINAL DECISION.] The borough shall not be liable for any costs except as expressly agreed.
- G. Exception may be made when an exchange of land is between the borough and the state of Alaska prior to patent being issued.

2.2 In agreements for lease, management agreement, or permit, the following must be satisfactorily addressed, where applicable:

- A. If an agreement or lease for more than ten years is intended, or land exchange, or fee simple conveyance is to be considered, the borough should not enter into such transactions for the unpatented parcel unless the borough has good cause to believe it will acquire title to the land within 10 years.
- B. The borough shall disclose to the other party that it does not have title and cannot guarantee that it will receive title. The party entering into an agreement with the borough shall acknowledge in writing it has been informed and understands the borough's position.
- C. In the event the borough does not acquire title to the land within 10 years from the date of the agreement, either the borough or the other party to the agreement may cancel the agreement upon 30 calendar days' written notice to the other party. All monies received by the borough in connection with the agreement shall be considered as rent and shall be retained by the borough, and such retention shall be included in the

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

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REAL PROPERTY: Unpatented Borough Lands

PART 60

agreement, unless all parties to the agreement have previously negotiated a different settlement.

D. Prior to lease, a survey of boundaries, including parcel size, all easements and trails of record, and other conditions set forth as required shall be located, and completed prior to final approval with conditional title. The borough shall not be liable for any costs or survey except as expressly agreed between parties.

[3.1 DUE TO THE POTENTIAL LIABILITY OF SELLING UNPATENTED LANDS, ANY APPLICATION TO PURCHASE UNPATENTED LANDS WILL BE REJECTED.]

[4.1 AN APPLICANT WHOSE APPLICATION TO PURCHASE UNPATENTED LANDS HAS BEEN REJECTED MAY APPEAL THE DECISION TO THE MANAGER IN ACCORDANCE WITH 23.05.090.]

[5]3.1 Applications to lease, manage, or obtain a permit to use unpatented borough lands are authorized.

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective: 2016

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RS 16-068

PART SIXTY-FIVE: RESOURCES – FOREST

Forest Management: Agreements

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OR 16-100
RS 16-068

**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

FOREST MANAGEMENT: AGREEMENTS
PART 65

- 1.1 Authority: 23.20
23.10.160

- 2.1 This section applies to the management of forest resources by use of management agreements.

- 3.1 Criteria for forest management agreements may include, but need not be limited to:
 - A. relieve the borough of some of the financial burden of developing and managing a timber sale;
 - B. provide for the long-term management of borough forest management lands, creating the stability for the forest products industry and incentives for the responsible use of borough timber;
 - C. provide an operator with a stable source of timber from a designated area on the basis of successive renewals of contractual rights;
 - D. provide for equal consideration of other beneficial uses of forest land.

- 4.1 Requirements of forest management agreements are:
 - A. the term of the initial agreement, not to exceed twenty years, and conditions for an extension of the term;
 - B. the stumpage prices to be charged for the timber and a periodic review and, if appropriate, adjustment of the stumpage prices;
 - C. penalties for violation of the terms of the agreement and termination of the agreement;
 - D. the update of the operating plan each five years'
 - E. the update of the annual harvesting plan;

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

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FOREST MANAGEMENT: Agreements

PART 65

- F. public use of borough land involved in the agreement, except that the contractor may limit access in an area that is being harvested, reforested or where hazardous conditions exist;
- G. the protection of compatible and noncompliant uses, such as mining, recreation, and fish and wildlife habitat and harvest;
- H. a bond from the purchaser to protect the interest of the borough;
- I. the preparation of reports required by the manager; and
- J. other terms, conditions, and limitations determined to be in the public interest by the manager.

5.1 Forest management agreements may also:

- A. compensate the borough for monitoring and enforcement of the terms and conditions of the agreement and applicable state and borough laws;
- B. compensate the borough for the scaling services required to account for the timber sold;
- C. construct and maintain access roads necessary to the harvest of the timber;
- D. designate a percentage of the timber volume to be subcontracted to independent operators; the manager shall make the final designation from areas included in the borough operating plan.

6.1 A forest management agreement may be extended at any time between the fifth and tenth year, if the following applies:

- A. the term of the extension does not exceed a term of years equal to the term of the initial agreement;
- B. the contractor submits a proposed operating plan for the next five years of operation and amends the management plan for the forest management agreement, as the manager considers necessary.

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

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FOREST MANAGEMENT: Agreements

PART 65

- 7.1 The most qualified proposal for a forest management agreement shall be determined by considering the following:
- A. the stumpage payments proposed;
 - B. the amount of the investment in plant and facilities proposed;
 - C. the utilization standards proposed;
 - D. the number of jobs to be provided;
 - E. road construction, reforestation, and recreation improvements requested by the borough;
 - F. measures posed to maintain, enhance, or mitigate the effects on other beneficial uses or resources of forest land; and
 - G. other items requested by the borough or offered by the proposer
- 8.1 The manager may establish maximum and minimum development requirements and the maximum annual allowable cut.
- 9.1 The manager shall require the selected proposer to submit a management plan for the land that is or may be subject to a forest management agreement. The management plan must include:
- A. an inventory of renewable and nonrenewable resources present, their human uses and their economic value as measured by net present value;
 - B. location, type, and duration of access;
 - C. operable timber base areas to be harvested;
 - D. annual allowable cut;
 - E. silvicultural prescriptions;
 - F. facility development;

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

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FOREST MANAGEMENT: Agreements

PART 65

- G. area specific management practices or prescriptions needed to protect or enhance fish and wildlife habitat and harvest, public recreation, and other significant public or private resources and uses of the area. In addition the operation shall submit a five year operating plan and annual harvesting plan for the first two years of operation; and
- H. reforestation methods and techniques.

10.1 Solicitation Process. The manager shall solicit requests for proposals from interested parties for any forest management agreement. The solicitation procedure shall be developed by the manager or his designee.

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may also apply.

Effective 2016

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FOREST MANAGEMENT: BY APPLICATION PROCESS	
UNIT 65	Effective Date: 2016

- 6.1 NOTIFICATION OF OPERATION IS PREPARED AND FORWARDED TO STATE OF ALASKA DIVISION OF FORESTRY.
- 7.1 A PROPERTY PROFILE AND HIGHEST AND BEST USE ANALYSIS SHALL BE DEVELOPED AND A DEPARTMENTAL AND COMMUNITY COUNCIL REVIEW COMPLETED.
- 8.1 A REQUEST FOR APPROVAL IS FORWARDED TO THE MANAGER WHICH CONSISTS OF A SUMMARY OF COMMENTS, RECOMMENDATIONS, AND SIGNATORY APPROVAL FORM.
- 9.1 THE APPLICANT IS NOTIFIED BY CERTIFIED **OR FIRST CLASS** MAIL OF PRELIMINARY FINDINGS AND THE ESTIMATED FAIR MARKET VALUE OF THE TIMBER AND THE MANAGER'S DECISION. THE ESTIMATED FAIR MARKET VALUE OF THE TIMBER SHALL BE DETERMINED AS DESCRIBED WITHIN TITLE 23.10.060 ([A]**B**) (4).
- 10.1 PERFORMANCE BOND, PROOF OF INSURANCE, AND 10 PERCENT OF THE TOTAL ESTIMATED VALUE SHALL BE POSTED WITH THE BOROUGH WITHIN A 30 DAY PERIOD FROM THE DATE THE APPLICANT IS NOTIFIED OF THE PRELIMINARY FINDINGS. THE 10 PERCENT DEPOSIT WILL BE CREDITED TOWARD THE STUMPAGE PAYMENT(S). FAILURE TO PROVIDE THE REQUIREMENTS WITHIN 30 DAYS WILL VOID THE APPLICATION.
- 11.1 A CONTRACT IS PREPARED AND THE PURCHASER'S SIGNATURE IS OBTAINED.
- 12.1 THE CONTRACT BECOMES ACTIVE UPON THE MANAGER'S SIGNATURE.
- 13.1 HARVESTING BOUNDARY LAYOUT AND SEED TREE MARKING IS PERFORMED AND PLAN OF OPERATION IS PREPARED ON-SITE WITH PURCHASER.]

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Land & Resource Management Policy & Procedures (PPM)
 The code authority cited is specific to this policy and procedure.
 Other provisions of code may also apply.

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PART SEVENTY:
RESOURCES – MATERIAL

Material Sales and Site Designation

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RS16-068

**TITLE 23
LAND AND RESOURCE MANAGEMENT DIVISION
POLICY AND PROCEDURE MANUAL**

RESOURCE SALES: <u>Material Sales and Site Designation</u>
PART 70

- 1.1 Authority: 23.10.010
23.10.060
[23.10.090]
23.10.120
- 2.1 This section applies to sale of borough materials.
- 2.2 "Materials" include, but are not limited to, the common varieties of sand, gravel, rock, peat, pumice, pumicite, cinders, clay, and sod.
- 2.3 "Competitive interest" in general is considered to exist where two or more applications are filed for materials from a limited source area.
- 2.4 "Public auction" is a method of selling or disposing of materials, either by public outcry or by sealed bid.
- 2.5 "Competitive material sales" are those material sales which, in the best interests of the borough, are open to competitive bidding at the public auction.
- 2.6 Content of the mining and reclamation plans are determined by the division and may consist of: cross-sectional survey of upland sites, and methodology for site clearing, stripping and stockpiling of overburden, development of improvements (if necessary), site restoration, provisions for drainage ditching, and development of access.
- 2.7 "New Pit": A pit is considered to be a new pit when the [SOURCE POINT FOR THE MATERIALS] material site has not yet been developed or permitted.
- 2.8 "Active/Inactive Pits": A permitted or legal nonconforming pit is considered active if materials have been removed from it within the past [THREE] five years. If no recent removal activity [IS OBVIOUS, OR] has [NOT] been documented for the past [THREE] five years, the pit is considered inactive.

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Land & Resource Management Policy & Procedures (PPM)
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Other provisions of code may also apply.

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RESOURCE SALES: Material Sales and Site Designation

PART 70

- 3.1 Procedures for processing a request for a material site(s) from a single applicant.
- A. One material sale application is submitted for each proposed site. Each material site is identified by legal description and a sketch map or survey plat showing location and limits is submitted. Mining and reclamation plans [WILL] **may** be requested at this time if a new pit is to be developed.
 - [B. THE LAND AND RESOURCE MANAGEMENT DIVISION ASSIGNS AN MSB NUMBER TO EACH SITE.]
 - [C. LAND AND RESOURCE MANAGEMENT DIVISION MAY GROUP SITES BY GEOGRAPHIC LOCATION, VALUATION STATEMENT, SPECIALLY DESIGNATED AREAS (i.e., UNIVERSITY GRANT, WILDLIFE REFUGE, STATE PARKS, ETC.) OR OTHER LOGICAL CRITERIA. OPTIMALLY, THERE ARE NOT MORE THAN TEN SITES IN EACH GROUP.]
 - [D]**B.** Upon approval of an application or applications [A]an auction or sealed bid may be held. [FOR EACH GROUP OF SITES, BUT] if more than one site is offered a separate contract is written for each site. Individual sites may also be auctioned or sealed bid as they are processed and determined to be ready, if it is determined to be in the borough's best interest to do so.
 - [E]**C.** Procedures outlined in 4.1 below apply for each site.
- 3.2 Performance bonds are determined for each prospective site. The purpose of the bond is to ensure that the terms and conditions of the contract are fulfilled and to provide the funds needed to remedy damage resulting from failure to meet contract conditions. It is the policy of the borough that the community development director upon recommendation of the land **and resource** management **division** [CHIEF] decides whether a bond is needed, and [THAT HE/SHE DETERMINE] the amount of the bond based on, **but not limited to** the following considerations [(THIS IS NOT MEANT TO BE AN ALL-INCLUSIVE LIST)]:
1. the potential for hazard to the environment;

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
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RESOURCE SALES: Material Sales and Site Designation

PART 70

2. the timing of the operation;
3. the cost of performing restoration work in the area;
4. the method of extraction of material, stipulated in the contract;
5. any unusual aspects of the operation or other factors they believe significant.

In determining whether a bond is required for a sale the identity and past performance of the purchaser is considered in addition to factors one through five above. The requirement for a bond may be waived if the purchaser has performed other contracts in a satisfactory manner and hazard potential is low.

The necessity for and the amount of a bond for competitive sale is set without regard to the identity of the prospective bidders. The requirement for a bond is a significant condition of the contract. In a competitive sale, the requirement for a bond of a certain amount affects the bidding.

- 4.1 The chart summarizes the steps necessary for competitive material sales. A short narrative on each step follows in the chart on page 70-4.

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Land & Resource Management Policy & Procedures (PPM)
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RESOURCE SALES: Material Sales and Site Designation

PART 70

STEP SUMMARY

1. Any application requiring the establishment of a new pit	X	X	X	X	A	P	P	P	A	X	P	P
2. Any application from an existing/ active pit	X	X	X	A	A	A	A	A	A	X	A	X
Competitive Material Sales Guideline Chart X = Required P = Planning Dept. A = As Appropriate	A. Application	B. Fee	C. MSB Number	D. Status plat notation	E. Classification	F. Agency Review	G. Notice	H. Other 3rd Parties	I. Field Inspection	J. Appraisal	K. Plg. Comm. Approval (if contract > \$25,000)	L. Assembly approval (if contract > \$25,000)

- 4.2 A. A completed material extraction application and required fees are submitted to the [APPLICATION IS PRESENTED AT] land and resource management division.
- [B.] APPLICATION FEE IS APPLIED IN ACCORDANCE WITH THE DIVISION'S FEE SCHEDULE.]
- [C]B. A MSB number is assigned to [ALL] applications which are accepted.
- [D]C. A cursory review is conducted to determine whether the proposed site(s) are available for material extraction. [STATUS PLAT NOTATION IS NECESSARY FOR EACH MATERIAL SALE.]
- [E]D. If required, [C]classification procedures shall apply.
- [F]E. An interdepartmental review [AGENCY REVIEW WHEN ESTABLISHING A NEW PIT,] is conducted as required [, PRIOR

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Land & Resource Management Policy & Procedures (PPM)
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RESOURCE SALES: Material Sales and Site Designation

PART 70

TO A REQUEST FOR PLANNING COMMISSION/ ASSEMBLY APPROVALS].

- [G] F. When a proposed sale is from an existing site, a decision may be made from the information obtained during the initial review. This decision also analyzes the current proposal as it relates to nearby existing uses, zoning restrictions if any, management plan established for the site, water tables, as well as the availability of an adequate amount of material.
- G. **If a proposed sale is from a new pit, the appropriate Planning Department Permit will need to be obtained in accordance with MSB 17.28 and 17.30.**
- H. **For existing sites, public [N]notice is provided in accordance with MSB 23.05.025 if the sale or disposal of material is in excess of one year or as otherwise required.** [CONJUNCTION TO THE REQUEST FOR PLANNING COMMISSION APPROVAL. THE PURPOSE OF THIS NOTICE IS TO SOLICIT COMMENTS ON THE PROPOSAL TO ESTABLISH THE SITE, AND TO ANNOUNCE THAT AN APPLICATION TO PURCHASE MATERIALS FOR THE PROPOSED SITE IS BEING PROCESSED. THE NOTICE MAY INCLUDE QUESTIONS SPECIFICALLY DESIGNED TO ELICIT REPSONSESWHICH WILL AID IN EVALUATING THE QUESTIONS UNDER "M" BELOW, SEE NOTICE PROCEDURES. APPLICATIONS FOR PURCHASE OF MATERIALS FROM AN EXISTING SITE DO NOT REQUIRE A NOTICE.] **Where public notice is not required other third parties are notified as appropriate and may include adjacent interests as well as other users of the site.**
- I. **For new sites, public notice and third party notification is performed by the MSB Planning Department in accordance with MSB 17.28 and 17.30**
- [I. OTHER THIRD PARTIES ARE NOTIFIED AS APPROPRIATE AND MAY INCLUDE ADJACENT INTERESTS AS WELL AS OTHER USERS OF THE SITE.]

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may apply.

Effective: 2016

RESOURCE SALES: Material Sales and Site Designation

PART 70

- [J.] FIELD INSPECTIONS ARE CONDUCTED AS APPROPRIATE AND CONDITIONED UPON AVAILABLE FUNDING AND STAFFING LEVELS].
- J. The following procedures are used as a minimum in reviewing a proposed use:
1. Whether the location is available for the proposed use. Consideration shall address any title restrictions, easements or right-of-ways, any adopted plans affecting the site, borough land classification, future borough uses, and current uses;
 2. The expected value of the resource and known surface suitability. This includes, but is not limited to soil classification, vicinity or site water tables and likelihood of reclamation if needed and potential for future reuse;
 3. The local community impact. This should include visual screening, access to the site, noise pollution, and hours of operation.
 4. The Land and Resource Management Division shall retain the right to require additional information before a review is completed.
- [K]J. Appraisal materials are priced for sale in accordance with current regulations as per 23.10.060(B)(4).
- [L]K. A contract is drafted by the division, leaving the applicant's name and sale price blank. The standard contract contains the majority of the stipulations necessary to protect the borough's interest. Other aspects may warrant consideration. These may include recontouring of the site upon completion of the contract to alleviate potentially hazardous slopes, vegetative screening of the activities from adjacent public roads, site cleanup at end of contract, reasonable stipulations required by another state agency, or any conditions required by the classification of the land. Contract stipulations are simply written and emphasize the effects of activities, not specific

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may apply.

Effective: 2016

RESOURCE SALES: Material Sales and Site Designation

PART 70

directions on how activities must be done. We should not require other agency approval or permit prior to the issuance of a contract; however, we may require that all other necessary permits or non-objections be acquired prior to commencement of extraction.

The following are sample stipulations which may, or may not be incorporated.

1. The user will be responsible for all aspects of gravel extraction and transport. Material previously ripped, stockpiled, screened or otherwise processed by other users of the pit will not be available or used without written authorization. Survey stakes and markers, if removed by the user, shall be replaced at its expense.
2. The use of this pit shall not interfere with the operation of existing users.
3. The user is responsible for maintaining records of the amount of material extracted.
4. The user shall coordinate with existing users as to the location of extraction and the timing of extraction.
5. Haul roads, inside and outside the borrow area, shall be maintained in an approved manner at the minimum rate of one equipment hour for each 500 cubic yards of all gravel extracted when total quantities exceeding 5,000 cubic yards are extracted during one consecutive period.
6. The user shall leave the used area of the pit in a graded, clean and tidy condition. Support facilities such as portable toilets, light plants, maintenance trucks, etc., shall be provided by the user. Access to other areas of the pit shall not be blocked or impeded.
7. The user shall provide [THIS OFFICE] the land and resource management division with copies of all

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Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may apply.

Effective: 2016

RESOURCE SALES: Material Sales and Site Designation

PART 70

agreements reached with other permit holders prior to the start of work.

Mining and reclamation plans are required [WHICH NEED NOT BE EXTREMELY DETAILED, BUT SHOULD INDICATE] **to demonstrate** the manner in which the contract stipulations will be met. A survey is not necessary, but a [LARGE] **readable** scale map or an air photo [TRACING] **illustrating mining and reclamation plans** may be the appropriate method of portrayal. Contract stipulations should be as simple as possible and consistent with the best interest of the borough.

[M]L. The **land and resource management** division holds the auction (public outcry or sealed bid) and prepares the contract. The purchaser and the borough manager execute the completed contract. After execution, the division forwards a copy of the contract to the applicant. The bond, if required, and deposits are collected. The division sends deposits (and bond) to the finance department.

[N]M. Material sale contracts are maintained and administered by the land and resource management division. The division is responsible for maintaining a log sheet noting the location of material sale contracts. The log sheet references the MSB number, applicant name, and location in which the file is found.

[O]N. File closure/sale termination. Completion of the following steps must take place before closure of a file:

1. **At any time during a contract for removal of resources the land and resource management division shall reserve the right to terminate or suspend any operations which extend within four feet of the high water table of a material extraction site. This action shall be taken without any expense or liability to the borough.**

[1]2. A final accounting voucher, accompanied by any payment due, which indicates how much material (if any) was extracted in the period preceding the sale expiration date, is acquired from the contractor.

70-8

Land & Resource Management Policy & Procedures (PPM)
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Effective: 2016

RESOURCE SALES: Material Sales and Site Designation

PART 70

- [2]3. When necessary a field inspection or survey at the contractor's cost is conducted in order to ascertain the final condition of the site after completion of extraction. Removal from an existing pit may not warrant an inspection, whereas a new site in a sensitive area may. A determination as to status of the performance bond is made at this time, i.e., forfeiture or release.
- [3]4. A notice, indicating the expiration of the sale and explaining any necessary actions on the contractor's part is sent by certified mail to the contractor.
- [4]5. A supplemental accounting voucher is completed indicating the disposition of any deposits, money or other unearned money.
- [5]6. The community development director closes the case file, and notifies the finance department.
- [6]7. Upon completion of the above, the original file is sent to the clerk's office for storage in archives.

5.1 A material sale under 23.10.120(A) may be negotiated by the borough manager or his/her delegate, under terms that are in the best interests of the borough. Such sales do not require approval by the assembly by resolution. However, the sale volume must not exceed 25,000 cubic yards or have a value exceeding \$25,000, and not more than 25,000 cubic yards of material may be sold by negotiated sale to the same purchaser within a one year period. Included in this category is a personal use contract [WHICH MAY BE NEGOTIATED] at fair market value with individuals for up to 100 cubic yards of materials per calendar year.

70-9

Land & Resource Management Policy & Procedures (PPM)
The code authority cited is specific to this policy and procedure.
Other provisions of code may apply.

Effective: 2016

Im16-094
OR16-100
RS16-068

CODE ORDINANCE

Sponsored by: Borough Manager

Introduced: 08/02/16

Public Hearing: 08/17/16

Amended: 08/17/16

Postponed to 09/06/16: 08/17/16

Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 16-100**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING
AND UPDATING TITLE 23 REAL PROPERTY.

WHEREAS, the intent and rationale of this ordinance is contained within IM 16-094 accompanying this ordinance.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of Section. MSB 23.05.020 (B) and (C) is hereby amended as follows:

(B) Borough-owned real property dispositions and acquisitions are unenforceable unless approved in accordance with this title. Where any conflicting Chapters of borough code may occur, provisions of this title shall take precedence.

(C) In accordance with this title a Land and Resource Management Division Policy and Procedures Manual is adopted providing policies and procedures for

borough-owned real property and resources. Amendments to this Manual shall be adopted by assembly resolution.

Section 3. Amendment of Section. MSB 23.05.025 (F), (G), (K), and (L) is hereby amended as follows:

(F) A copy of the public notice shall be mailed to all landowners within at least 600 feet of the exterior boundary of the area for land or agricultural sales, leases, exchanges, or other land disposal. If any portion of a recorded subdivision lies within at least 600 feet of the area being noticed, all property owners within the subdivision shall be provided a notice.

(1) A copy of the public notice shall be mailed to all land owners within one quarter mile of the boundaries of the area subject to resource sales, leases, exchanges, or other resource disposal. If any portion of a recorded subdivision lies within one quarter mile of the area being noticed, all property owners within the subdivision shall be provided a notice.

(G) All public notices shall be mailed to members of the borough's parks, recreation, and trails advisory board and [REAL PROPERTY ASSET MANAGEMENT BOARD] other borough appointed boards as appropriate.

(K) [IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION, A COPY OF THE FOLLOWING INFORMATION SHALL BE MAILED TO THE ORGANIZATIONS AND PERSONS IDENTIFIED IN SUBSECTIONS (E) THROUGH (I) OF THIS SECTION:

- (1) COMPLETED APPLICATION (IF APPLICABLE);
 - (2) PROPOSED OPERATIONS PLAN (IF APPLICABLE);
- AND
- (3) PRELIMINARY BEST INTEREST FINDING (IF APPLICABLE).]

Supporting information shall be made available for review at the borough building during normal business hours.

[(L) IF ITEMS IN SUBSECTION (K) OF THIS SECTION ARE NOT APPLICABLE, A LETTER EXPLAINING SUCH AND THE REASONS THEREFOR SHALL BE MAILED.]

Section 4. Amendment of Section. MSB 23.05.030 (D) and (G) is hereby amended as follows:

(D) The manager may in accordance with this title and adopted procedures[,] and with the consent of the assembly if required, convey real property to or negotiate an exchange of real property with the United States of America, the state of Alaska, or other entity where, it is in the best interests of the borough to do

so. The best interests of the borough may include, but are not limited to, obtaining real property in a location better suited for a public facility than real property owned by the borough, or making borough real property available for a purpose of specific benefit to the public.

(G) A best interest finding, approved by the assembly [RESOLUTION,] shall be completed when disposing of, exchanging, or otherwise conveying an interest in real property at less than fair market value or waiving of permit fees unless the waiving of permit fees is permitted by this title.

Section 5. Amendment of Section. MSB 23.05.050 (A) and (B) is hereby amended as follows:

(A) No person or entity shall disturb, place improvements or place personal property upon, or make unauthorized use of borough-owned real property without written permission from the manager or in accordance with borough code or the Land and Resource Division Policy and Procedures Manual.

(B) No person shall remove timber or other vegetation, natural resources, gravel or other materials from borough-owned real property without written

permission from the manager or in accordance with borough code or the Land and Resource Division Policy and Procedures Manual.

Section 6. Amendment of Section. MSB 23.05.060 (A) and (B) is hereby amended as follows:

(A) The manager shall establish a schedule of fees for applications, permits, and other uses of borough-owned real property under this title. The assembly shall approve the fee schedule by resolution.

(B) The manager may, within guidelines approved by assembly resolution, waive fees under this title if found to be in the best interest of the borough. [AFTER THE MANAGER COMPLETES A BEST INTEREST FINDING IN FAVOR OF THE BOROUGH. THE BEST INTEREST] Such a finding shall be forwarded to the assembly for their information.

Section 7. Amendment of Section. MSB 23.05.070 (E) is hereby amended as follows:

(E) The manager shall make public an accounting of the funds deposited into the land management fund from sales, leases, or transfers of borough-owned real property on an annual basis via Information Memorandum to the Borough Assembly. The Information Memorandum will contain at a minimum an accounting of the fair

market value of any borough-owned land and resource obligated, disposed of, or otherwise encumbered regardless of purpose, when these revenues are not deposited in the land management fund. [AT LEAST ONCE

A YEAR, AND REPORT TO THE ASSEMBLY THE TOTAL OF LANDS SELECTED, THE TOTAL OF DISPOSALS, LAND PLACED IN OR EASEMENTS SOLD FROM THE WETLAND MITIGATION BANK, AND THE BALANCE REMAINING IN ACREAGE. THE NAME OF THIS REPORT SHALL BE THE "ANNUAL REPORT OF THE MATANUSKA-SUSITNA BOROUGH'S REAL PROPERTY ASSETS." THIS REPORT SHALL BE PREPARED AFTER THE END OF EACH FISCAL YEAR.]

Section 8. Amendment of Section. MSB 23.05.075 (D) is hereby amended as follows:

(D) The manager shall:

(2) provide for continuous refinement of the selection of borough-owned properties that may be placed in the wetland mitigation bank [AND THAT MAY BE IN THE PATH OF DEVELOPMENT, BUT LEAST SUITABLE FOR DEVELOPMENT];

Section 9. Amendment of Section. MSB 23.05.080 (A) is hereby amended as follows:

(A) Upon reasonable notice, conveyed by certified mail and regular mail, to a person or entity with an

interest in borough-owned real property, and notice conveyed by certified mail and regular mail, to those holding a security interest therein or having a validly recorded lien against the real property, the manager may cancel or terminate the agreement when:

(1) the other party has violated a condition of the agreement, and the violation has not been corrected in accordance with the terms and conditions of the agreement; or

(2) the manager determines there has been a material misrepresentation made to the borough by the other party regarding the agreement.

Section 10. Amendment of Section. MSB 23.05.090 (A) is hereby amended as follows:

(A) The manager may order a reconsideration of all or part of a decision regarding an application or an existing interest in borough-owned real property on the manager's determination of need or on written petition of the applicant or a person with the existing interest in borough-owned real property. The power to petition for reconsideration expires ten calendar days after delivery of a certified mailing and regular mailing of a decision to the affected person. If no action is taken

by the manager on a petition within ten calendar days following receipt by the manager of the petition, the petition is considered denied. A notice of the denial will be conveyed by certified mail.

Section 11. Amendment of Section. MSB 23.05.100 (A) and (B) is hereby amended as follows:

(A) Borough-owned land shall be used as a tool to identify types of land use for those lands included in competitive land sales or retained for public purpose or facilities. The Planning Commission shall be provided opportunity to review land classifications and make recommendation to the assembly as to the classification unless otherwise provided for by ordinance or this title,

[(A)] (B) The following are classifications of borough lands which recognize and depict potential suitable uses of those lands:

Section 11. Amendment of Section. MSB 23.05.150 (A) is hereby amended as follows:

(A) The following definitions shall apply in this title:

- "Natural resource management unit" (NRMU) is an assembly-designated geographic area of borough-owned

land that has and is managed for multiple-use values. This includes land classified or with management intent for important fish and wildlife habitat, forest management, material, mineral, public recreation, watershed, and important wetlands. These units shall not include non-borough-owned land or land classified for agricultural, commercial, industrial, private recreation, or residential land.

• ["OPERABLE FOREST LAND" MEANS THAT PART OF COMMERCIAL FOREST LAND CONTAINING TIMBER VOLUMES AND VALUES THAT ARE OR HAVE BEEN CAPABLE OF BEING ACCESSED AND HARVESTED UNDER COMMERCIAL TIMBER SALE AGREEMENTS USING CURRENTLY AVAILABLE TIMBER HARVEST TECHNOLOGY AND METHODS.]

• "Permitee" means the person authorized to occupy and use borough-owned real property under the Permit.

• "Permitior" means the borough as the authorizing party to the Permit.

• "Person(s)" includes any individual, firm, partnership, corporation, company, association, joint venture, estate, trust, or any other legal entity, and the plural as well as the singular number.

• "Public health, safety and welfare" means a specific

benefit to or furtherance of the public's health, safety, or welfare as determined by the manager and/or assembly or which would otherwise be required by local ordinance or state law or federal law.

• "Public purposes" means a specific benefit to the public['S HEALTH, SAFETY, OR WELFARE] as determined by the manager and/or assembly which provides for charitable, religious, scientific, educational or youth encampment, or otherwise provides a benefit to the public at large.

Section 12. Amendment of Section. MSB 23.10.030 (B) and (C) is hereby amended as follows:

[(B) UNLESS OTHERWISE PROVIDED BY ORDINANCE OR THIS TITLE, NO BOROUGH-OWNED REAL PROPERTY MAY BE SOLD, LEASED FOR A TERM OF TEN YEARS OR LONGER, OR EXCHANGED UNTIL THE SAME HAS BEEN CLASSIFIED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 15 OF THE BOROUGH CODE.]

[(C)] (B) Leases for a term of ten years or more, regardless of value, shall be approved by the assembly by ordinance.

Section 13. Amendment of Section. MSB 23.10.040(D) is hereby amended as follows:

(D) In the event that the borough does not acquire

title to the land within ten years from the date of the agreement, either the borough or the other party to the agreement may cancel the agreement upon 30 calendar days' written notice to the other party. In the event the borough does not acquire title to the real property, and there is no written settlement with regard to final disposition of the monies received, all monies received by the borough in connection with the agreement shall be considered as rent, and shall be retained by the borough. Section 14. Amendment of Section. MSB 23.10.060 (B), (C), and (D) is hereby amended as follows:

(B) Fair market value shall be based on [AN APPRAISAL PREPARED IN CONFORMANCE WITH APPRAISAL INSTRUCTIONS ISSUED BY THE MANAGER. THE APPRAISAL] one of the following:

- (1) [SHALL CONFORM] A third party appraisal pursuant to the criteria set forth in the Uniform Standards of Professional Appraisal Practice (USPAP) as published by the Appraisal Foundation; or
- (2) with the approval of the manager, [FAIR MARKET VALUE BASED ON] the value assigned by the certified tax roll of the borough; or

(3) determination by a broker's opinion of value;

and

[(3)] (4) with the approval of the manager, the fair market value of easements may be established by either:

- (a) a percentage of the value assigned by the certified tax roll of the borough; or
- (b) by an appraisal; or
- (c) by a fee schedule adopted by resolution of the assembly.

[(4)] (5) with the approval of the manager, the fair market value of resource sales may be established by either the fee schedule which sets the minimum prices or by market price trends, the per acre price trends based on past timber sales, or both.

(C) Pursuant to a best interest finding, the minimum fee to be paid to the borough for a sale or lease at less than fair market value shall be as follows: [THE GREATER OF \$500 OR 10 PERCENT OF THE FAIR MARKET VALUE OF THE LAND. FOR A LEASE AT LESS THAN FAIR MARKET VALUE, THE ANNUAL LEASE RATE SHALL BE THE GREATER OF \$500 OR ONE PERCENT OF THE FAIR MARKET VALUE OF THE LAND.]

(1) A sale at less than fair market value shall be the greater of \$500.00 or a range between 10% 50% and 90% of the market value which shall be determined by the Assembly.

08.17.16
Amendment
to strike
10% and
insert 50%

(2) A lease at less than fair market value shall be an annual rate of the greater of \$500.00 or:

(a) 5% of fair market value for beneficial or commercial enterprise; or

(b) 2.5% of fair market value for public health, safety, and welfare or public purposes.

[(D) THE CONSIDERATION TO BE PAID TO THE BOROUGH FOR LESS THAN FEE SIMPLE TITLE INTERESTS IN BOROUGH-OWNED REAL PROPERTY SHALL BE SPECIFIED IN THE FEE SCHEDULE ADOPTED BY THE ASSEMBLY IN ACCORDANCE WITH THE MSB 23.05.060.]

Section 15. Amendment of Section. MSB 23.10.080(B) is hereby amended as follows:

(B) Except as otherwise provided under this title, the [MANAGER SHALL ISSUE A] applicant will be provided notice of acceptance or rejection 30 calendar days after receipt of the application.

Section 16. Amendment of Section. MSB 23.10.110 (A) and (B) is hereby amended as follows:

(A) In accordance with policies and procedures adopted by assembly resolution, the manager may negotiate the grant reservation, or dedication of permanent easements or rights-of-way for roads, pipelines, electric transmission lines, telecommunication facilities, trails, pathways, alleys, or similar facilities. Within 30 calendar days of [ACCEPTANCE] receipt of the easement or right-of-way application, the manager shall approve, reject, or notify the applicant of the discovery of additional requirements of the proposed easement or right-of-way.

(B) Easements or rights-of-way created under this section shall be dedicated, vacated, or terminated in accordance with the provisions of MSB [TITLE 15] code and applicable state law.

Section 17. Amendment of Section. MSB 23.10.160(A) is hereby amended as follows:

(A) In accordance with policies and procedures adopted by assembly resolution, the manager may enter into a management agreement with the state for purposes of joint use planning or management of borough-owned real property, or for sales, leases, or transfer of borough-owned real property and resources to the general

public, private persons, or other agencies, and to manage borough-owned real property or to conduct such sales, leases, and transfers in accordance with procedures set forth under Alaska statutes.

Section 18. Amendment of Section. MSB 23.10.180 (D) and (E) is hereby amended as follows:

(D) The annual rent on a lease for a public purpose to a governmental agency or a not-for-profit corporation formed for the purpose of carrying on a public service may be at less than fair market value in accordance with MSB 23.05.030 (G) and 23.10.060 (C) [BUT SHALL NOT BE LESS THAN \$500].

(E) The manager may solicit business for new leases on borough-owned land through a real estate broker licensed by the State of Alaska and in accordance with procedures adopted by assembly resolution.

Section 19. Amendment of Section. MSB 23.10.210 (A), (B), and (C) is hereby amended as follows:

(A) The manager may maintain an inventory of real properties for sale, lease, or other disposal over-the-counter. Each parcel in the inventory must meet the following criteria:

(1) the parcel must have previously been made

available in a competitive[LY] bid disposal program in which no acceptable offers or bids were received for the purchase [OR USE] of the parcel, or if accepted, the transaction failed to close; and

[(B) PARCELS IN THE OVER-THE-COUNTER INVENTORY SHALL NOT BE SOLD FOR LESS THAN THEIR FAIR MARKET VALUE.]

[(C)] (B) Nothing in this section shall require the manager to include all real properties eligible for over-the-counter disposal in the over the counter inventory.

Section 20. Amendment of Section. MSB 23.10.230 (A) is hereby amended as follows:

(A) The manager may, with the approval of the assembly by ordinance when required by this title, approve a sale or lease of borough-owned real property by application if one of the following conditions exists:

(1) the application is:

(f) for a disposal where the assembly has determined it is in the best interest of the borough to process the application based on economic development incentives or is a beneficial industrial or commercial

enterprise.

Section 20. Amendment of Section. MSB 23.10.270 is hereby repealed:

[(A) *POLICY.* IT IS THE POLICY OF THE BOROUGH THAT ALL PROPERTY OWNERS SHALL BE DEALT WITH FAIRLY AND EQUITABLY IN THE ACQUISITION OR EXCHANGE OF LAND OR INTERESTS THEREIN. ONLY A WILLING SELLER AND WILLING BUYER RELATIONSHIP SHALL BE USED TO ACQUIRE OR EXCHANGE LAND UNDER THIS CHAPTER UNLESS ANOTHER METHOD SUCH AS CONDEMNATION, EMINENT DOMAIN, OR PRESCRIPTIVE RIGHTS IS APPROVED IN ADVANCE BY THE ASSEMBLY. SETTLEMENTS SHALL BE BASED ON THE CONCEPT OF FAIR MARKET VALUE SUPPORTED BY CURRENT APPRAISAL PRACTICES AS PROVIDED BY MSB 23.10.060(B), UNLESS OTHERWISE PROVIDED. NEGOTIATIONS WITH PROSPECTIVE SELLERS WILL CONTINUE IN GOOD FAITH AS LONG AS REASONABLE HOPE OF A SETTLEMENT EXISTS.

(B) *IMPLEMENTATION VIA PUBLIC SOLICITATION.* ONCE A NEED IS IDENTIFIED FOR ACQUISITION OR EXCHANGE OF REAL PROPERTY, THE COMMUNITY DEVELOPMENT DEPARTMENT MAY PREPARE A SCOPE OF WORK FOR A PROPOSAL TO BE SOLICITED THROUGH THE PURCHASING DIVISION. NOTWITHSTANDING MSB 3.08.320, ACQUISITIONS OR EXCHANGES MAY BE OFFERED THROUGH A FORMAL PUBLIC SOLICITATION.

(1) THE PUBLIC SOLICITATION OF WORK SHALL CONTAIN AT A MINIMUM:

(A) INTENDED USE OF THE PROPERTY AND DESIRED LOCATION PROXIMITY;

(B) DESIRED DEVELOPMENT CHARACTERISTICS,

SUCH AS SIZE OF PROPERTY, PHYSICAL NEEDS,
PROXIMITY TO UTILITIES, AND CONDITION OF
ACCESS; AND

(C) IDENTIFY SOURCE OF FUNDING, INCLUDING
AMOUNT AVAILABLE, OR POOL OF APPRAISED LAND FOR
EXCHANGE.

(2) SOLICITATION WITHIN A MINIMUM AREA WITHIN A
RADIUS OF ONE MILE MUST BE USED IN ANY PROPOSAL
SEEKING ACQUISITION OR EXCHANGE OF PROPERTY UNDER
THIS PROCEDURE. THE ADVERTISED PERIOD FOR THE
REQUEST FOR PROPOSAL SHALL NOT BE LESS THAN 30
CALENDAR DAYS. NOTWITHSTANDING PUBLIC NOTICE
REQUIREMENTS AS ADOPTED IN THE LAND MANAGEMENT
POLICY AND PROCEDURE MANUAL, COMMUNITY DEVELOPMENT
SHALL, IN CONJUNCTION WITH THE ADVERTISING PERIOD,
PROVIDE PUBLIC NOTICE OF THE OFFERING FOR NOT LESS
THAN 30 CALENDAR DAYS TO A MAILING AREA AS DESCRIBED
IN PUBLIC NOTICE PROCEDURES.

(3) IN ADDITION TO THE REQUIREMENTS OF MSB
23.10.090 AND MSB 3.08, TO HAVE A RESPONSIBLE,
RESPONSIVE PROPOSAL, A PROPOSER IS REQUIRED TO
INCLUDE IN THE PROPOSAL DOCUMENT:

(A) THE PROPERTY OWNER'S WILLINGNESS TO SELL;

(B) THE PROPOSED OFFER SUBMITTED SHALL BE
EFFECTIVE FOR A PERIOD OF 120 DAYS FROM DATE OF
ACCEPTANCE BY THE BOROUGH;

(C) THE SUBMISSION OF A CURRENT TITLE REPORT;

(D) AUTHORIZATION OF ENTRY BY THE OWNER TO INSPECT AND ASSESS THE SITE FOR UTILIZATION; AND

(E) VERIFICATION OF PROPERTY OWNERSHIP.

(4) EVALUATION OF RESPONSIBLE AND RESPONSIVE PROPOSALS RECEIVED SHALL BE WEIGHED ON THE FOLLOWING MINIMUM CRITERIA:

(A) LOCATION OF THE PROPERTY OFFERED WITH ADDITIONAL WEIGHT PLACED ON PROPERTIES LOCATED CLOSER TO THE DESIRED LOCATION;

(B) THE DEVELOPABILITY OF THE PROPERTY OFFERED;

(C) A TITLE REPORT SHOWING THE ABILITY TO DELIVER MARKETABLE TITLE, FREE AND CLEAR OF LIENS AND ENCUMBRANCES, INCLUDING ONLY COVENANTS, RESTRICTIONS, RESERVATIONS, AND EASEMENTS ACCEPTABLE TO THE BOROUGH; AND

(D) ENVIRONMENTAL AND PHYSICAL CHARACTERISTICS OF THE PROPERTY OFFERED.

(5) IF LESS THAN TWO QUALIFIED AND RESPONSIVE PROPOSALS ARE RECEIVED BY THE BOROUGH THROUGH THE REQUEST FOR PROPOSALS, A BEST INTEREST FINDING MUST ACCOMPANY ANY RECOMMENDATION TO ACQUIRE OR EXCHANGE A SINGLE PROPERTY. IN THE BEST INTEREST FINDING IT MUST BE STATED HOW THE OFFERING COULD BE PRESENTLY IMPROVED TO OBTAIN MORE THAN ONE RESPONSIVE AND QUALIFIED PROPOSAL.

(C) IMPLEMENTATION VIA AGENT. ONCE A NEED IS

IDENTIFIED FOR ACQUISITION OR EXCHANGE OF REAL PROPERTY, IF THE BOROUGH MANAGER MAKES A DETERMINATION THAT THE USE OF A PUBLIC SOLICITATION IS IMPRACTICABLE, WILL NOT SERVE THE BEST INTERESTS OF THE BOROUGH, OR WILL UNDULY RESTRICT OR IMPEDE THE BOROUGH'S BARGAINING POSITION IN ACQUIRING PROPERTY, THE COMMUNITY DEVELOPMENT DEPARTMENT MAY ACT DIRECTLY FOR THE BOROUGH OR EMPLOY A REAL ESTATE AGENT OR BROKER TO ACT ON BEHALF OF THE BOROUGH TO ACQUIRE PROPERTY. AN AGENT OR BROKER MAY BE INSTRUCTED TO REPRESENT THE BOROUGH AS AN UNNAMED CLIENT AND THE BOROUGH MAY HIRE MULTIPLE AGENTS OR BROKERS. NOTWITHSTANDING MSB 3.08, HIRING OF AGENTS AND ACQUISITIONS OR EXCHANGES OF LAND UNDER THIS PROCEDURE MAY BE ACCOMPLISHED THROUGH DIRECT NEGOTIATION WITH A QUALIFIED INDIVIDUAL OR FIRM.

(D) *ENVIRONMENTAL ASSESSMENT.* ONCE A PROPERTY HAS BEEN APPROVED IN ACCORDANCE WITH SUBSECTION (B) OR (C) OF THIS SECTION, THE COMMUNITY DEVELOPMENT DEPARTMENT SHALL COMMENCE A MINIMUM OF A PHASE ONE ENVIRONMENTAL ASSESSMENT.

(1) THE BOROUGH SHALL SELECT THE CONTRACTOR TO CONDUCT THE ENVIRONMENTAL ASSESSMENT. THE ENVIRONMENTAL ASSESSMENT SHALL BE PERFORMED IN CONFORMANCE WITH THE SCOPE AND LIMITATIONS OF THE AMERICAN SOCIETY FOR TESTING AND MATERIALS PRACTICE E1527-05 AND THE EPA ALL APPROPRIATE INQUIRY STANDARDS.

(E) *APPRAISAL.* ONCE A PROPERTY HAS BEEN APPROVED IN ACCORDANCE WITH SUBSECTION (B) OR (C) OF THIS SECTION, OR ANY TIME THE COMMUNITY DEVELOPMENT DIRECTOR DEEMS IT

NECESSARY TO APPRAISE A PROPERTY, THE COMMUNITY DEVELOPMENT DEPARTMENT SHALL CONTRACT FOR A THIRD-PARTY APPRAISAL. ANY APPRAISER SELECTED BY THE BOROUGH SHALL BE BASED ON THE APPRAISER BEING ABLE TO MEET BOROUGH QUALIFICATIONS, LICENSED BY THE STATE OF ALASKA PURSUANT TO A.S. 08.87.100 AND THE UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE. THE BOROUGH SHALL SUBMIT PAYMENT FOR THE APPRAISAL DIRECTLY AND PROVIDE APPRAISAL INSTRUCTIONS TO THE APPRAISER. IF THE APPRAISED VALUE OF THE PROPERTY IS EXPECTED TO EXCEED \$500,000, THE APPRAISAL MUST BE DONE BY A MEMBER OF THE APPRAISAL INSTITUTE (MAI) CERTIFIED APPRAISER.

(1) OWNERS SHALL BE ADVISED OF THE COMMENCEMENT OF THE APPRAISAL AND SHALL BE AFFORDED THE OPPORTUNITY TO PRESENT ANY EVIDENCE, THROUGH THE BOROUGH, DEEMED PERTINENT TO THEIR PROPERTY AND SUCH EVIDENCE SHALL BE DULY CONSIDERED BY THE APPRAISER. A BOROUGH REPRESENTATIVE MAY BE PRESENT DURING THE APPRAISER'S SITE VISIT.

(2) THE APPRAISER SHALL EMPLOY RECOGNIZED APPRAISAL TECHNIQUES TO ENSURE THAT THE VALUATION IS UNBIASED AND IS FAIR AND EQUITABLE TO BOTH PARTIES.

(F) *PURCHASE OFFER.* UPON COMPLETION OF THE APPRAISAL AND ENVIRONMENTAL ASSESSMENT, A PURCHASE OFFER SHALL BE MADE AND THE DESIRED RESULT WILL BE TO PRODUCE A SETTLEMENT BASED ON MARKET VALUE.

(G) *NEGOTIATION.* NEGOTIATIONS SHALL CONTINUE UNTIL EITHER A SETTLEMENT IS EFFECTED OR AN IMPASSE IS REACHED AND IN AN EFFORT TO ACHIEVE THE FORMER, ANY INFORMATION

WHICH MAY COME TO LIGHT THAT WAS NOT KNOWN OR CONSIDERED BY THE APPRAISER SHALL BE EXAMINED TO DETERMINE ITS EFFECT ON THE FAIRNESS OF THE APPRAISAL. IF JUSTIFIED, ADJUSTMENTS IN THE APPRAISAL SHALL BE MADE.

(H) *EXCLUSIONS*. THIS SECTION SHALL NOT APPLY WHEN:

(1) ACQUIRING OR EXCHANGING REAL PROPERTY OR INTERESTS INTENDED FOR USE AS A PUBLIC RIGHT-OF-WAY OR PUBLIC USE EASEMENT;

(2) WHERE THE OTHER PARTY TO THE TRANSACTION IS A PUBLIC AGENCY, SUCH AS FEDERAL, STATE, OR LOCAL GOVERNMENTS; OR

(3) ACQUIRING PROPERTY WITHIN ONE-QUARTER MILE OF EXISTING BOROUGH REAL PROPERTY OR FACILITY, WHEN THE PURPOSE IS TO IMPROVE, MAKE MORE FEASIBLE, OR EXPAND AN EXISTING FACILITY.]

Section 21. Amendment of Section. MSB 23.10.275 is hereby added as follows:

(A) In accordance with this title and the policy and procedures adopted by assembly resolution, the manager may through solicitation or through negotiation acquire or exchange land or interest therein when for public purpose.

Section 22. Amendment of Section. MSB 23.20.020(A) is hereby amended as follows:

(A) The borough shall maintain an inventory of all

[FOREST LAND SUITABLE FOR] commercial timber or forest product uses that may include:

(1) an inventory of commercial forest land [AND OPERABLE COMMERCIAL FOREST LAND] including an analysis of existing forest management units that is statistically defensible and field verified to produce a gross timber volume and an average volume per acre by timber type;

[(2) AN INVENTORY OF LAND THAT IS SUITABLE FOR OTHER NON-TIMBER FOREST PRODUCT USES;]

[(3)] (2) an evaluation of the forest health to include age and quality of the wood for various markets and uses; and

[(4)] (3) an evaluation of markets for borough-owned forest resources.

Section 23. Amendment of Section. MSB 23.20.030 (A), is hereby amended as follows:

(A) All commercial [AND NON-COMMERCIAL] borough-owned forest land will be managed on a sustained yield basis to provide forest timber [AND FOREST PRODUCTS] based on the rotation period for the dominant timber type.

Section 23. Amendment of Section. MSB 23.20.040 (B),

(C), and (F) is hereby amended as follows:

(B) Annual allowable cut equals the total volume of commercial [, NOT ACREAGE OF OPERABLE] forest land in all borough natural resource management units classified as "forest management lands" or "resource management lands" and has a primary or secondary land use designation for forest management divided by the rotation period of the dominant timber stand type established in MSB 23.20.020.

(C) The total commercial [AND OPERABLE] forest land by volume in all borough forest management units will be determined by the forest inventory in MSB 23.20.020.

(F) Land that is classified as "forest management lands" or "resource management lands" and that has a primary or secondary land use designation for forest management and that will undergo a conversion of use from forest management to another primary use within five years of a timber harvest shall not be considered as [OPERABLE] commercial forest land acreage for determining annual allowable cut. [THE ANNUAL ALLOWABLE CUT SHALL BE RECOMPUTED TO REFLECT THE REDUCTION IN THE OPERABLE FOREST LAND ACREAGE BASE TO ENSURE THAT TIMBER HARVESTS ARE CONDUCTED ON A SUSTAINED YIELD BASIS.] Land

that is converted to another use shall be reclassified to the most appropriate use prior to the conversion of use.

Section 24. Amendment of Section. MSB 23.20.060 (D) and (E) is hereby amended as follows:

(D) The plans shall contain, at a minimum, the following elements:

(1) an analysis and determination of commercial forest land, [OPERABLE COMMERCIAL FOREST LAND,] and, potential timber harvests, access, and market demand;

(E) Natural resource management plans shall be reviewed [ON A REGULAR BASIS, UNDERGO FULL PUBLIC REVIEW AND COMMENT UNDER MSB 23.05.025, AND ANY PROPOSED CHANGES TO THE PLAN SHALL BE APPROVED BY THE ASSEMBLY] at a minimum on a decadal basis. Requirements of the natural resource management plan may be waived by the borough manager if a proposed action is found consistent with the goals of the natural resource management plan.

Section 25. Amendment of Section. MSB 23.20.090 (A), (B), and (C) is hereby amended as follows:

(A) Only land that is classified as "forest management lands" or "resource management lands" and has

been determined to be [OPERABLE TIMBER] commercial forest land and has a primary or secondary land use designation for forest management [AND IS LOCATED WITHIN A NATURAL RESOURCE MANAGEMENT UNIT AND IS SUBJECT TO AN ADOPTED NATURAL RESOUCCE ASSET MANAGEMENT PLAN] may be included in the five-year timber harvest schedule.

(B) Land that is not classified as "forest management land" may be utilized for [FIREWOOD] commercial sales, salvage sales, personal use, or for non-forest products. This land does not have to be located within a natural resource management unit and does not need to be subject to an adopted natural resource asset management plan; however, firewood and personal use harvests shall be included in the five-year timber harvest schedule.

(C) At least every [TWO] three years, the director shall prepare a five-year schedule of timber harvests planned on forest land owned by the borough.

Section 26. Amendment of Section. MSB 23.20.110(E) is hereby repealed.

[(E) THE PERIODIC TIMBER HARVEST IMPLEMENTATION SCHEDULE SHALL BE SUBJECT TO PUBLIC REVIEW AND COMMENTS PROVIDED BY MSB 23.05.025. REVIEW AND COMMENTS SHALL BE LIMITED TO THE TIMBER HARVEST SCHEDULE AND TERMS AND

CONDITIONS OF THE TIMBER HARVEST.]

Section 27. Amendment of Section. MSB 23.20.140 (A) and (B) is hereby amended as follows:

(A) All sale contracts shall include the following:

(4) performance bond if required;

[(B) ALL SALES OR LEASES OF TIMBER AND NON-TIMBER FOREST PRODUCTS SHALL BE REVIEWED BY THE REAL PROPERTY ASSET MANAGEMENT BOARD. PRIOR TO THE SALE, LEASE OR PERMIT THE BOARD MAY MAKE RECOMMENDATIONS CONCERNING THE TERMS AND CONDITIONS TO THE DIRECTOR.]

Section 28. Amendment of Section. MSB 23.20.165 (A), (B), (C), and (D) is hereby amended as follows:

(A) [IF FEASIBLE, A] All timber with a commercial value or that can be used for personal use that exists on borough land where the timber will be removed because of a conversion of land use to another public non-forest use shall be either:

(1) sold by the borough prior to conversion of use; or

(2) made available under MSB 23.20.170. [FOR NON-COMMERCIAL PERSONAL USE; OR]

[(3) REMOVED BY THE CONTRACTOR AND EITHER SOLD OR USED FOR A COMMERCIAL PURPOSE; OR]

[(4) REMOVED OR OTHERWISE MADE AVAILABLE TO THE PUBLIC FOR NON-COMMERCIAL PERSONAL USE.]

(B) In order to be considered as a conversion of land use and subject to a salvage sale or permit, the project must be approved [AND FUNDED] prior to timber salvage operations commencing.

(C) The decision on whether the timber salvage operations should be considered as a sale or permit shall be made by the [BOROUGH MANAGER] community development director based on such factors as location, size of the area, and time to harvest the timber. [IF A SALE IS USED, ALL NORMAL CONTRACT PROVISIONS WHEN CONDUCTING A TIMBER SALE SHALL BE FOLLOWED.]

(D) Timber removed because of conversion to land use, unless within a natural resource management unit and on [OPERABLE] commercial forest land, does not apply to annual allowable cut or sustained yield requirements under MSB 23.20.030 and 23.20.040.

Section 29. Amendment of Section. MSB 23.20.170 (D) is hereby amended as follows:

(D) Quantities for personal use timber resources shall be limited to:

(1) ten cords per year for firewood per

household; and

(2) six hundred lineal feet for saw or house
logs per household.

Section 3. Effective date. This ordinance shall take effect
upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day
of -, 2016.

VERN HALTER, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

Action:

**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 16-068**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMMENDING THE LAND AND RESOURCE MANAGEMENT DIVISION POLICY AND PROCUDRES MANUAL.

WHEREAS, the assembly has previously adopted policy and procedures for the Land and Resource Management Division; and

WHEREAS, the Policy and Procedures Manual has not been updated since the early 1990's thereby prompting an extensive review of the policy and procedures manual by staff; and

WHEREAS, staff studied state Department of Natural Resource regulations, Fairbanks North Star Borough, and Kenai Borough land use codes to gather an understanding of how other agencies handle use of their public lands; and

WHEREAS, Mat-Su Borough code and regulations were also reviewed to alleviate conflicts with regard to real property and natural resource adjudication under Title 23; and

WHEREAS, this current resolution shall supersede all prior Matanuska-Susitna Borough legislation with regard to the adopted Land and Resource Management Division Policy and Procedures Manual, be it by ordinance, resolution, or otherwise, and will remain in effect until superseded by future assembly resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Assembly hereby amends and adopts the Land and Resource

Management Division Policy and Procedures Manual, Parts 5, 10, 15, 20, 25, 30, 31, 35, 40, 45, 50, 55, 60, 65 and 70, as written and provided for in the accompanying addendum.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2016.

VERN HALTER, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

Board - Applicant	Applicants Under Consideration by Mayor	Mayor's Appointments for Confirmation by the Assembly
Emergency Medical Services Board <i>13 members/13 alt. – 3 vacancies</i> Central Ambulance Alternate West Lakes Ambulance *West Lakes Ambulance Alternate		
Enhanced 911 Advisory Board <i>5 members/5 alt. – 2 vacancies</i> City of Houston **City of Houston Alternate		
Health and Social Services Board <i>13 members – 3 vacancies</i> Member 07 – District 7 Member 10 – District 4 Member 13 – District 1		
Historical Preservation Commission <i>9 members – 1 vacancy</i> Member 5		
Jt. Assembly/School Board Committee on School Issues <i>6 members – 1 vacancy</i> *Assembly Member 2		
Labor Relations Board <i>5 members - 3 vacancies</i> Member 1 Member 2 Member 4		
Local Emergency Planning Committee <i>33 members – 10 vacancies</i> ***Alaska Railroad ***Borough Government *City of Houston (non law enforcement) *City of Palmer (non law enforcement) ***Elected Official Emergency Medical Services Law Enforcement AK State Troopers ***Law Enforcement Houston Police **Law Enforcement Palmer Police Tribal Government		

Board - Applicant	Applicants Under Consideration by Mayor	Mayor's Appointments for Confirmation by the Assembly
Marijuana Advisory Committee <i>17 members/17 alternates – 4 vacancies</i> Member 05A - Local Business Organization Alternate Member 06A - Law Enforcement Alternate Member 09A - Planning/Zoning Type Experience Alternate Member 10A - Sales/Marketing Advertising Alternate		
Office of Administrative Hearings <i>5 members – 4 vacancies (2 year terms)</i> ***Seat A Seat B ***Seat C ***Seat E		
Parks, Recreation, and Trails Advisory Board <i>11 members – 2 vacancies</i> *District 4 District 7		
Platting Board <i>7 members/2 alternates</i> District 5 District 7	Resignation of Tait Zimmerman Resignation of Amy Hansen
Transportation Advisory Board <i>9 members-1 vacancy</i> School District		
Butte FSA # 2 <i>3 members – 1 vacancy</i> ***Member 1Charles Von Gunten – N		
Sutton FSA # 4 <i>3 members – 3 vacancies</i> ***Member 1 ***Member 2 ***Member 3		
Willow FSA # 35 <i>3 members</i> Member 1Ronald Forsyth - N	Resignation of Phillip Rhode
Bogard RSA # 25 <i>3 members – 1 vacancy</i> Member 3Jennifer Noffke - N		
Gold Trail RSA # 28 <i>3 members – 1 vacancy</i> Member 3		
Lazy Mountain RSA # 19 <i>3 members – 1 vacancy</i> Member 2		
Midway RSA # 9 <i>3 members – 1 vacancy</i> Member 3		

Board - Applicant	Applicants Under Consideration by Mayor	Mayor's Appointments for Confirmation by the Assembly
North Colony RSA # 23 <i>3 members – 2 vacancies</i> ***Member 1 ***Member 2		
Circle View & Stampede Estates Flood & Water Erosion # 131 <i>5 members – 1 vacancy</i> Member 5		
Talkeetna Flood Control Service Area # 7 <i>3 members – 1 vacancy</i> ***Member 3		

DATE RECEIVED
RECEIVED
AUG 24 2016
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 Adjustment and Appeals, Member 2
(For example, Board of Equalization, Member 3)

Applicant Name: Glen Price

Residence Address: 3061 N. Lazy Aurora Circle, Palmer, Alaska 99645

Mailing Address: P.O. Box 1491, Palmer, Alaska 99645

Home phone: 746-5970 Work phone: 746-5970 Email: gplaw@mtaonline.net

Name and Address of Employer: Law Office of Glen Price, P.O. Box 1491, Palmer, Alaska 99645

Can you regularly attend meetings? Yes No *(Pursuant to (MSB 4.05.030, "A vacancy occurs on the board when the member is absent from three (3) consecutive regular board meetings without the board excusing the absence for good cause.")*

Do you or any family member have a personal or financial interest with the Borough? Yes No

If yes, list positions and or interest: N/A
(For example: employee, emergency responder, RSA or FSA area supervisor, board member, contractor etc.)

How long have you lived in the Borough? Since 1995

Briefly explain, why you are you interested in serving on the board in which you are applying? Strong interest in planning and platting issues in Borough and seeing they are addressed fairly

List professional or personal experiences that qualify you for membership on the board? You may **attach a brief resume** to highlight your qualifications: Law Degree 1989, Masters in Environmental & Natural Resources Law 1982, B.S. in Natural Resources Management 1981, Governor's Office of Management & Budget 1982-1987, previously on BOA, real estate law practice since 1990

List three professional or personal references:

Name: <u>Micky Boyer</u>	Phone: <u>864-4611</u>
Name: <u>Sandra Garley</u>	Phone: <u>761-1322</u>
Name: <u>Michael Walleri</u>	Phone: <u>907-452-5196</u>

Applicant Signature:  Date: August 24, 2016

Office Use Only: Precinct: <u>11-055</u>	Assembly District: <u>1</u>	Service Area: <u>NA</u>
Position on Board: <u>BOAA member 2</u>	Term Ends: <u>12-31-2017</u>	
Residence Checked: <input checked="" type="checkbox"/> Yes	Map Checked: <input checked="" type="checkbox"/> Yes	Code Checked: 1 st <input checked="" type="checkbox"/> 2 nd <input checked="" type="checkbox"/>

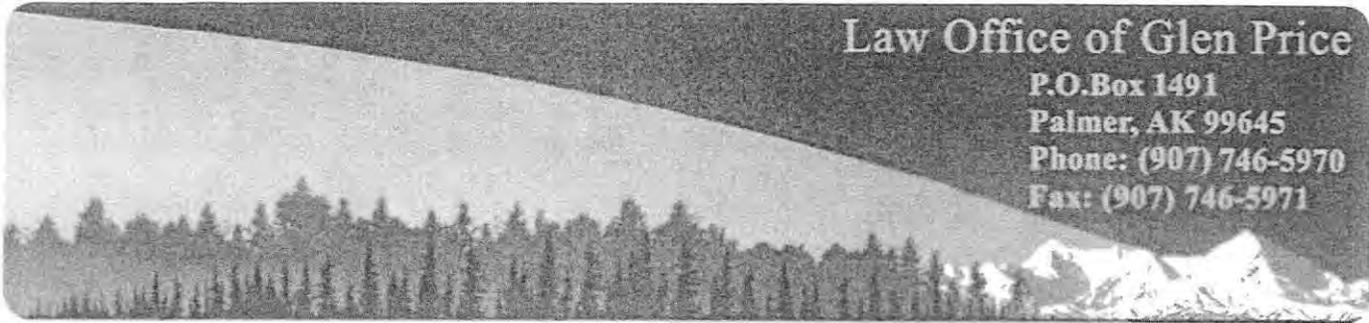
Applicant Name: Glen Price

1. 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.

2. 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.



Law Office of Glen Price

P.O. Box 1491

Palmer, AK 99645

Phone: (907) 746-5970

Fax: (907) 746-5971

PERSONAL:

Born August 6, 1955

Resident of Alaska since 1979-36+ years

ADMITTED TO LAW PRACTICE:

Alaska, 1990

PROFESSIONAL EXPERIENCE:

Law Office of Glen Price

P.O. Box 1491

Palmer, Alaska 99645

Phone: (907) 746-5970

Owner, July 2007-Present

Landye Bennett Blumstein LLP

1981 East Palmer-Wasilla Highway, Suite 220

Wasilla, Alaska 99654

Phone: (907) 376-5955

Partner, May 2004-July 2007

Of Counsel May 2003-May 2004

Law Office of Glen Price

Owner, December 2000-April 2003

Foster Pepper Rubini & Reeves LLC

Member, 1998 - November 2000

Associate, 1995-1998

(Foster Pepper & Shefelman)

Birch, Horton, Bittner & Cherot

Associate, 1991-1995

Middleton, Timme & McKay

Associate, 1990-1991

State of Alaska Governor's Office Management and Budget, Juneau, Alaska, Senior Budget Analyst - 1982-1987; served as key budget advisor to the Governor, Cabinet and various state agencies.

LEGAL PRACTICE AREAS:

Practice concentrates in large-scale commercial real estate projects; corporate formation and maintenance; business transactions (including with both Alaska and Lower-48 businesses, both large and small); Alaska Native law; particular experience in commercial real estate deals, including development projects and land exchanges; corporate formation and business advice; commercial transactions; business sale/acquisition work; contract drafting/negotiating; experience representing numerous Alaska Native Claim Settlement Act Regional and Village Corporations, including general corporate issues, real estate, resource development transactions and environmental issues.

EDUCATION:

Northwestern School of Law, Lewis and Clark College, J.D., *cum laude*, 1989

Certificate in Environmental and Natural Resources Law, 1989, Northwestern School of Law, Lewis and Clark College

Vermont Law School, Master of Studies in Environmental Law, *cum laude*, 1982

University of Alaska, Fairbanks, B.S., Natural Resources Management, 1981

SUNY College of Environmental Science & Forestry-June-July 1978

Sloan VonGunten

From: Tait Zimmerman <tait@zimmermanteamak.com>
Sent: Wednesday, August 31, 2016 4:59 PM
To: Sloan VonGunten
Subject: Retiring from Platting Board...

Hi Sloan! I've really enjoyed my time on the board, and it's been an excellent experience, but I'm going to step back for now and turn in my resignation. Let me know if there's anything else I should do, and of course I'll still be at the meeting tomorrow. 9/1/16 mtg

Tait Z.

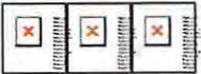
Tait Zimmerman
Zimmerman Real Estate
www.ZimmermanTeamAK.com
[907-331-3615](tel:907-331-3615)

PB DISTRICT 5
12/31/2018

"Your home sold in 90 days, or I'll sell it for free!"

P.S. ~ My goal is to always do an excellent job for my clients. If I'm doing a great job for you, please consider passing my name on to others who are looking to buy or sell real estate in the local area!

How did I do?



[Click on a face to provide feedback on my performance!](#)

Sloan VonGunten

From: amyhansenhomes@gmail.com
Sent: Thursday, September 08, 2016 6:55 PM
To: Plating
Subject: Resignation

Hi Sloan,

It's been a great experience working on the Platting Board. Unfortunately, I got a new job and won't be able to continue with the board. It was an unexpected change, so this will have to be effective immediately. Please let me know if there's anything I need to do for out processing.

Thank you for all you do!

Sent from my iPhone
Amy Hansen ~ 907-521-3043
RE/MAX Dynamic of the Valley
AmyHansenHomes@gmail.com

PB DISTRICT 7
12.31.2017

Connect with me on LinkedIn
www.linkedin.com/in/amyhansenhomes

DATE RECEIVED:
CLERKS OFFICE
SEP 06 2016

RECEIVED

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: BUTTE FIRE SERVICE AREA SUPERVISOR
(For example, Board of Equalization, Member 3)

Applicant Name: Charles C Von Gunten

Residence Address: 4405 South McKechnie Lp Palmer, AK 99645

Mailing Address: SAME AS RESIDENCE

Home phone: 907-745-4158 Work phone: 414-6726 Email: CCVON@GCI.NET

Name and Address of Employer: Retired - US Army Corps of Engrs Alaska Dist

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? 46+ years

Briefly explain, why you are you interested in serving on the board in which you are applying? I was active in the Butte Fire Dept as a firefighter for 43 1/2 yrs, ^{29/12} years of that as Chief until I retired. I wish to now serve on the Board of Supervisors to help mentor and guide the fire Dept AS IT CONTINUES TO GROW.

List professional or personal experiences that qualify you for membership on the board? You may attach a brief resume to highlight your qualifications: BUTTE Firefighter 43 1/2 yrs, ^{29/12} yrs as Fire Chief. Member of the Mat-Su Fire Chiefs Assoc. Since Conception until I retired.

List three professional or personal references: Name: Eric Van Dusen Phone: 745-0869 / 982-277
Name: Jim Steelt Phone: 861-8041
Name: Bill Grumble Phone: 861-8001

Applicant Signature: Charles C Von Gunten Date: 30 Aug 2016

(N)

Office Use Only: Precinct: 12-220 Assembly District: 1 Service Area: FSA-BUTTE
Position on Board: FSA2 member 1 Term Ends: 12/31/2016
Residence Checked: Yes Map Checked: Yes Code Checked: 1st 2nd

Applicant Name: Charles C Von Gunten

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.



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 Supervisors Willow Fire District
(For example, Board of Equalization, Member 3)

Applicant Name: Ronald G. Forsyth

Residence Address: 10170 Buckingham Palace Road, Willow, Alaska 99688

Mailing Address: PO Box 716, Willow, Alaska 99688

Home phone: 495-6034 Work phone: N/A Email: rgfnorth@mtaonline.net

Name and Address of Employer: N/A Retired

Can you regularly attend meetings? Yes No *(Pursuant to (MSB 4.05.030, "A vacancy occurs on the board when the member is absent from three (3) consecutive regular board meetings without the board excusing the absence for good cause.")*

Do you or any family member have a personal or financial interest with the Borough? Yes No

If yes, list positions and or interest: N/A
(For example: employee, emergency responder, RSA or FSA area supervisor, board member, contractor etc.)

How long have you lived in the Borough? Approximately 7-1/2 years

Briefly explain, why you are you interested in serving on the board in which you are applying? To provide support to the Willow Fire Dept. to continue building the personnel, equipment, and service to the area.

List professional or personal experiences that qualify you for membership on the board? You may **attach a brief resume** to highlight your qualifications: Please see attached resume

List three professional or personal references: Name: Tam Boeve Phone: 495-0744
Name: Bill & Kathy Mailer Phone: 495-3647
Name: Bill & Melinda Dale Phone: 495-1490

Applicant Signature: [Signature] Date: June 28, 2016

Office Use Only: Precinct: 10-045 Assembly District: 7 Service Area: FSA-Willow
Position on Board: FSA 35 member 1 Term Ends: 12-31-2017
Residence Checked: Yes Map Checked: Yes Code Checked: 1st 2nd

Applicant Name: Ronald G. Forsyth

1. 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.

2. 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.

RONALD FORSYTH RESUME

Education: BS in Civil Engineering, University of Idaho 1968.

Registered Professional Engineer in Idaho, Washington, and Alaska, retired status. President of the Alaska Chapter of the Project Management Institute, 1997.

Work Experience: Approximately 41 years working in the Oil and Gas Industries as both a direct employee and contractor employee. Areas of expertise include refining, production, pipelines, corrosion control, and LNG. Project Manager over the design and construction of an LNG Peak Shaving Plant near Boise, Idaho, 1972 – 1974. Plant Manager of the LNG Plant 1974 – 1979. Worked in both union and non-union environments. Worked as a design engineer, project engineer, project manager, construction manager, and program manager, 26 years in Alaska. Involved in contract negotiations and contract management. Worked last 15 years for an oil support contractor providing program engineering and design services to Alyeska Pipeline. Retired 2009.

Working in the Oil and Gas Industries required significant safety training as well as firefighting training.

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SEP 09 2016

CLERKS OFFICE

September 9, 2016

To: Director Ken Barkley, Mayor Vern Halter, Chief Mahlon Greene,

Please accept this letter as my resignation from my role as member to the Board of Supervisors, Willow FSA 35. I am resigning in order to pursue a position on the Willow Fire Department as Equipment Operator.

I would like to thank you for the opportunity to work with the board. It's been a pleasure working for you.

Sincerely,



Phillip Rhode

FSA 35 member |
12.31.2017

MATANUSKA-SUSITNA BOROUGH - CLERK'S OFFICE
350 E. Dahlia Avenue Palmer, AK 99645
Phone: 861-8683 Fax: 861-7845

DATE RECEIVED
RECEIVED
MAR 29 2016
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: Bogard RSA #25, Member 3
(For example, Board of Equalization, Member 3)

Applicant Name: Jennifer L. Noffke

Residence Address: 1861 Kodiak Drive, Wasilla, AK 99654

Mailing Address: Same

Home phone: 907-376-2412 Work phone: 907-343-8130 Email: noffkejl@gmail.com

Name and Address of Employer: Municipality of Anchorage, P.O. Box 196650, Anch., AK 99650

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? 13 years

Briefly explain, why you are you interested in serving on the board in which you are applying? I believe that my background and work experience can be of value in shaping future maintenance projects within the Bogard RSA.

List professional or personal experiences that qualify you for membership on the board? You may **attach a brief resume** to highlight your qualifications: Resume is attached. I have worked for the MOA, Project Management & Engineering Department since July 1997 as both a project administrator & designer. I have been involved with the design and construction of numerous road and storm drain projects throughout the municipality.

List three professional or personal references:

Name: <u>Duane Maney, MOA</u>	Phone: <u>343-8221</u>
Name: <u>Russ Oswald, MOA</u>	Phone: <u>343-8196</u>
Name: <u>Steve Gillette, MOA</u>	Phone: <u>343-8173</u>

Applicant Signature: Jennifer L. Noffke **(N)** Date: 3-29-16

Office Use Only: Precinct: <u>07-115</u>	Assembly District: <u>4</u>	Service Area: <u>RSA BOGARD</u>
Position on Board: <u>RSA 25 member 3</u>	Term Ends: <u>12.31.2017</u>	
Residence Checked: <input checked="" type="checkbox"/> Yes	Map Checked: <input checked="" type="checkbox"/> Yes	Code Checked: 1 st <input checked="" type="checkbox"/> 2 nd <input checked="" type="checkbox"/>

Applicant Name: Jennifer L. Noffke

1. 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.

2. 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.

JENNIFER L. NOFFKE

PROFESSIONAL EXPERIENCE

MUNICIPALITY OF ANCHORAGE
PROJECT MANAGEMENT & ENGINEERING DEPARTMENT

ANCHORAGE, ALASKA

July 2005-
Present
Project Administrator: Responsibilities include overseeing the preparation of plans and specifications for projects as well as participating in the reviews and necessary modifications. Prepared schedules and budgets, participated in the inspection of projects, and prepared necessary project reports including construction bid schedule quantities, design review comments, and various other project specific documentation. Worked to ensure that multiple, complex, street drainage and water quality capital projects are designed and built on time and within budget. This involves the utilization of available resources; coordination with design consultants; meeting the criteria and needs of the public, various departments of the municipality, state and federal agencies, the utilities, and the construction contractor. Other duties include participation on committees for proposal evaluation and selection.

February
2001-July
2005
Project Designer: Responsibilities included the preparation of design study reports, memos, plans, specifications, and engineering estimates for road and storm drain projects. Work involved coordination with design consultants through term contracts, coordination with various departments of the municipality, state and federal agencies, utilities, and meeting the needs of the affected public. Storm drain capacity analysis is performed using the Illudas program as specified in the Design Criteria Manual. Other duties included participation on committees for proposal evaluation and selection and other project reviews as necessary.

July 97-
January
2001
Project Administrator: Responsibilities included overseeing the preparation of plans and specifications for projects as well as participating in the reviews and necessary modifications. Prepared schedules and budgets, participated in the inspection of projects, and prepared necessary project reports including construction bid schedule quantities, design review comments, and various other project specific documentation. Worked to ensure that multiple, complex, street drainage and water quality capital projects are designed and built on time and within budget. This involves the utilization of available resources; coordination with design consultants; meeting the criteria and needs of the public, various departments of the municipality, state and federal agencies, the utilities, and the construction contractor. Other duties include participation on committees for proposal evaluation and selection.

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER / MUNICIPAL GRANTS

ANCHORAGE, ALASKA

August 96-
July 97
Environmental Engineer Assistant I: Reviewed plans and specifications for water and wastewater projects to verify compliance with state regulations and grant eligibility requirements. Processed grant applications, contracts, change orders and pay requests for Municipal Grant Projects. Performed site inspections during construction.

MUNICIPALITY OF ANCHORAGE
ANCHORAGE WATER & WASTEWATER UTILITY

ANCHORAGE, ALASKA

June 96-
August 96
Utility Construction Inspector: Performed all phases of inspection of water and wastewater construction for private development projects including responding to property owners' and contractors' questions and concerns; prepared daily and weekly reports; prepared as-built plan sets; completed inspection cards; operated main line valves for construction related activities and reviewed water and sewer plans for compliance with AWWU Design Criteria and M.A.S.S. This was a temporary position for the 1996 construction season.

DAMES & MOORE, INC.

ANCHORAGE, ALASKA

February 94-
May 96
Project Engineer: Remediation program for contaminated groundwater and soil at the Indian Booster Pump Station, Indian, AK. Reviewed and reported sample analysis results, assessed changes to sampling protocol and tracked project costs. Duties also included soil and water testing, stream velocity measuring, scheduling, cost estimating and surveying.
Construction Inspector: Pipeline excavation at the Port of Anchorage for the USAF. Responsible for monitoring the removal and replacement of a jet fuel line and performing nuclear density tests of compacted fill.

Project Engineer; Site investigation/Percolation Test for the University of Alaska, Fairbanks Large Animal Research Stations' new septic system. Obtained field data and assisted with design of sewer leachfield, meeting state and federal requirements.

Task Manager/Field Engineer; Bioremediation project for the treatment of petroleum, oil, and lubricant (POL) contaminated soils for the USAF, Elmendorf Air Force Base, AK. Managed and assisted with the collection of soil samples in order to monitor the progress of the ongoing remediation program. Assisted with preparation of interim report to apprise the USAF of the project process.

Assistant Engineer; Phase I Environmental Site Assessment in Birchwood, AK. Tasks included a site reconnaissance visit, historical records and aerial photograph review, an evaluation of nearby properties for their potential impact on site conditions, and report writing.

EDUCATION

Bachelor of Science Civil Engineering, 1994, University of Wyoming, Laramie

Graduate Studies in Civil & Arctic Engineering, 1996-1997, University of Alaska, Anchorage

Arctic Engineering; Chemical & Physical Treatment Processes; Arctic Heat & Mass Transfer

CERTIFICATIONS/TRAINING

Certified Erosion & Sediment Control Lead Training, AK CESCL, April 2013

Work Zone Safety Specialist, April 2012

Fundamentals of Engineering, April 1996

National Safety Council, Basic first Aid, March 2013

American Heart Association, Adult Heartsaver-CPR, March 2013

VOLUNTEER EXPERIENCE

President Alaska Society of Professional Engineers (ASPE), Anchorage Chapter, March 2004-2005

Vice President ASPE, Anchorage Chapter, March 2003-2004

Secretary/Treasurer ASPE, Anchorage Chapter, March 2002-2003

MATHCOUNTS Anchorage Chapter & State Coordinator, ASPE, August 1999 – May 2003

Big Brothers/Big Sisters, August 2002 – 2004

Assistant Instructor for Alaska Mountain Safety Center, Ocean Kayaking Skills Workshop, May 2001- 2004

REFERENCES

Available upon request.

I. CALL TO ORDER

The special meeting of the Matanuska-Susitna Borough Assembly was held on Tuesday, August 17, 2016, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Halter.

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. George McKee, Assembly District No. 3 (*arrived at 6:27 p.m.*)
Mr. Steve Colligan, Assembly District No. 4
Mr. Dan Mayfield, Assembly District No. 5
Ms. Barbara Doty, Assembly District No. 6
Mr. Randall Kowalke, Assembly District No. 7

Staff in attendance were:

Ms. Lonnie R. McKechnie, Borough Clerk
Mr. John Moosey, Borough Manager
Mr. Nicholas Spiropoulos, Borough Attorney

III. APPROVAL OF AGENDA

Mayor Halter inquired if there were any changes to the agenda.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Assemblymember Mayfield.

V. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person requested to be included in the executive session: Ms. Tammy Clayton.

The following person spoke to concerns with the public process: Mr. Eugene Carl Haberman.

VI. ITEMS OF BUSINESS

A. **Executive Session** (*For Subjects That Tend To Prejudice The Reputation And Character Of Any Person Provided The Person May Request A Public Discussion; Matters Which By Law Are Required To Be Confidential; And Matters Involving Consideration Of Government Records That By Law Are Not Subject To Public Disclosure.*)

1. Operation And Administration Of The Finance Department And Financial Management

MOTION: Assemblymember Beck moved to enter into executive session for subjects that tend to prejudice the reputation and character of any person provided the person may request a public discussion; Matters which by law are required to be confidential; and matters involving consideration of government records that by law are not subject to public disclosure. In particular, to discuss the ongoing review of the operation and administration of the finance department and financial management and whether there are any liabilities or remedies at issue. Those present during the executive session will be the Mayor, the members of the Assembly, the Attorney, the Clerk, and the Acting Finance Director.

VOTE: The motion passed without objection and the Assembly entered into executive session at 6:10 p.m.

(Assemblymember McKee arrived during the executive session.)

MOTION: Assemblymember Beck moved to exit executive session.

VOTE: The motion passed without objection and the Assembly exited executive session at 6:50 p.m.

VII. MAYOR, ASSEMBLY, AND STAFF COMMENTS

Mr. Moosey spoke to a meet and greet that would occur with the Fitch bond rating agency.

VIII. ADJOURNMENT

The meeting adjourned at 6:51 p.m.

I. CALL TO ORDER

The regular meeting of the Matanuska-Susitna Borough Assembly was held on September 6, 2016, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6 p.m. by Mayor Vern Halter.

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 (*Deputy Mayor*)
Mr. George McKee, Assembly District No. 3 (*arrived at 6:20 p.m.*)
Mr. Steve Colligan, Assembly District No. 4
Mr. Dan Mayfield, Assembly District No. 5
Ms. Barbara Doty, Assembly District No. 6 (*attended telephonically*)
Mr. Randall Kowalke, 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
Mr. Jude Bilafer, Capital Projects Director
Ms. Cheyenne Heindel, Acting Finance Director
Mr. Terrance Dolan, Public Works Director
Ms. Eileen Probasco, Planning and Land Use Director
Mr. Bill Gamble, Emergency Services Director
Mr. Ken Barkley, Emergency Services Deputy Director - Fire
Ms. Patty Sullivan, Public Affairs Director
Mr. Eric Phillips, Community Development Director
Mr. Eric Wyatt, Information Technology Director

III. APPROVAL OF AGENDA

Mayor Halter inquired if there were any changes to the agenda.

MOTION: Assemblymember Mayfield moved to pull Ordinance Serial No. 16-115 from the agenda and take no action.

VOTE: The motion failed with Assemblymembers Doty and Mayfield in support.

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

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ms. Helen Munoz, a member of the audience.

Mayor Halter queried if there was any objection to adding the presentation of a proclamation to the agenda.

There was no objection noted.

Mayor Halter presented a proclamation in recognition of Child Safety Week to Ms. Gwen Teutsch from Mat-Su Services for Children and Adults.

V. MINUTES OF PRECEDING MEETINGS

- A. Special Assembly Meeting: 08/02/16
- B. Regular Assembly Meeting: 08/02/16
- C. Special Assembly Meeting: 08/17/16
- D. Regular Assembly Meeting: 08/17/16

Mayor Halter inquired if there were any changes/corrections to the special or regular meeting minutes of August 2, 2016, or the special or regular meeting minutes of August 17, 2016.

Ms. McKechnie requested a change to the August 2, 2016, regular minutes, on page 11 of 17, to Assemblymember Kowalke's conflict of interest statement, by inserting after the word "for" the words "a company owned by" and inserting after the word "services" the word "principals" to read: "Assemblymember Kowalke declared a conflict of interest as he has a family member who works for a company owned by D&S Services principals."

Mayor Halter queried if there was any objection.

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

VI. REPORTS/CORRESPONDENCE

A. AGENCY REPORTS

- 1. Reports from cities

Wasilla City

Mayor Bert Cottle reported on the activities of the City.

Palmer City

Mr. Nathan Wallace, City Manager, reported on the activities of the City.

2. Matanuska-Susitna Borough School District

Mr. Luke Fulp, Assistant Superintendent, reported on the activities of the School District.

3. Alaska State Department of Conservation – Willow Creek Water Quality Sampling Project Update

Ms. Cindy Gilder, Environmental Program Manager for the state of Alaska, provided an update on the Willow Creek Water Quality Sampling Project.

B. COMMITTEE REPORTS

1. Joint Assembly/School Board Committee on School Issues

(There was no report provided.)

2. Assembly Public Relations

(There were no reports provided.)

C. MANAGER COMMENTS

1. State/Federal Legislation
2. Strategic Planning Issues
3. Insurance Update on Ferry and Port

Mr. Moosey reported on the following:

- insurance issues with the ferry and the port;
- cathodic protection repair at the port; and
- E-911 dispatch proposals.

Mr. Terry Dolan, Public Works Director, provided a staff report regarding Ordinance Serial No. 16-106.

Mr. Moosey summarized topics he would like to discuss at the planning session update.

D. ATTORNEY COMMENTS

Mr. Spiropoulos advised the Assembly that the Borough is being sued regarding the ballot initiative that would ban commercial marijuana facilities other than industrial hemp.

E. CLERK COMMENTS

Ms. McKechnie spoke regarding the upcoming meeting schedule.

F. CITIZEN AND OTHER CORRESPONDENCE

1. MSB Board/Committee Minutes:
 - a. Big Lake RSA Board of Supervisors: 03/15/16, Resolution No. 16-01
 - b. Caswell FSA Board of Supervisors: 05/11/16
 - c. Central Mat-Su FSA Board of Supervisors: 07/11/16
 - d. Enhanced 911 Advisory Board: 06/14/16
 - e. Fairview RSA Board of Supervisors: 05/17/16, Resolution No. 16-03
 - f. Greater Talkeetna RSA Board of Supervisors: 05/12/16
 - g. Library Board: 04/16/16, 05/21/16
 - h. Local Emergency Planning Committee: 04/20/16, 06/15/16
 - i. Local Road Service Area Advisory Board: 06/16/16
 - j. Planning Commission: 08/01/16
 - k. Trapper Creek RSA Board of Supervisors: Resolution No. 16-02
 - l. West Lakes FSA Board of Supervisors: 07/11/16

2. Community Council Minutes:
 - a. Meadow Lakes Community Council: 07/13/16
 - b. Point MacKenzie Community Council: 04/11/16, 06/09/16
 - c. Talkeetna Community Council: 07/05/16

The citizen and other correspondence were presented and no comments were noted.

G. INFORMATIONAL MEMORANDUMS

1. **IM No. 16-163:** Reporting Of Conclusion Of Contract For Bid No. 15-157B, Fund 450, To Bristol Prime Contractors, LLC. For Lu Young Lane Upgrade, For The Final Contract Amount Of \$1,249,992.70.

The informational memorandum was presented and no comments were noted.

(The meeting recessed at 6:43 p.m. reconvened at 6:47 p.m.)

VII. 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. 16-103:** An Ordinance Accepting \$13,140 From The Insurance Proceeds Account, Fund 100, To Allow For The Replacement Of An Emergency Medical Services Vehicle That Was Destroyed In A Collision.
 - a. IM No. 16-140

Mayor Halter opened the public hearing.

There being no one present who wished to testify, the public hearing closed and discussion moved to the Assembly.

MOTION: Assemblymember Beck moved to adopt Ordinance Serial No. 16-103.

VOTE: The motion passed without objection.

2. **Ordinance Serial No. 16-104:** An Ordinance Accepting And Appropriating \$13,755.67 From The Alaska State Division Of Homeland Security And Emergency Management For The Borough Local Emergency Planning Committee, Fund 480, Project No. 20259, For Fiscal Year 2017 Operations.
 - a. **Resolution Serial No. 16-071:** A Resolution Approving The Scope Of Work And Budget For The Alaska State Division Of Homeland Security And Emergency Management Grant, Project No. 20259, Fund 480, For The Borough Local Emergency Planning Committee.
 - (1) IM No. 16-144

Mayor Halter opened the public hearing.

There being no one present who wished to testify, the public hearing closed and discussion moved to the Assembly.

MOTION: Assemblymember Beck moved to adopt Ordinance Serial No. 16-104 and Resolution Serial No. 16-071.

VOTE: The motion passed without objection.

3. **Ordinance Serial No. 16-106:** An Ordinance Approving The Loan Offer From The Alaska State Department Of Environmental Conservation, Clean Water Fund, Loan No. 561041; And Authorizing The Manager To Incur Debt In The Amount Not To Exceed \$5,000,000, Accept And Appropriate The Loan Proceeds To The Septage And Leachate Treatment And Disposal Facility, Fund 415, Project No. 25054 For The Design, Permitting, And Initial Phase Of Construction Of The Septage And Leachate Treatment And Disposal Facility.
 - a. **Resolution Serial No. 16-072:** A Resolution Approving The Scope Of Work And Budget For The Design, Permitting And Initial Phase Of Construction Of The Septage And Leachate Treatment And Disposal Facility.
 - (1) IM No. 16-155

Mayor Halter opened the public hearing.

The following persons spoke in support of Ordinance Serial No. 16-106 and Resolution Serial No. 16-072: Ms. Helen Munoz and Ms. Beth Fread.

The following person spoke to concerns with the public hearing process: Mr. Eugene Carl Haberman.

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 No. 16-106 and Resolution Serial No. 16-072.

VOTE: The motion passed without objection.

4. **Ordinance Serial No. 16-107:** An Ordinance Amending MSB 5.25.145, To Annex Property In The Brazil Circle Area Into The West Lakes Fire Service Area No. 136.
 - a. **Resolution Serial No. 16-073:** A Resolution Finding The Annexation Of Properties In The Brazil Circle Area Into The West Lakes Fire Service Area No. 136 Serves The Public Interest Without The Placement Of The Question On The Ballot. *(Sponsored By Assemblymember Mayfield)*
- (1) IM No. 16-156

Mayor Halter opened the public hearing.

There being no one present who wished to testify, the public hearing closed and discussion moved to the Assembly.

MOTION: Assemblymember Mayfield moved to adopt Ordinance Serial No. 16-107 and Resolution Serial No. 16-073.

VOTE: The motion passed without objection.

5. **Ordinance Serial No. 16-108:** An Ordinance Accepting And Appropriating \$279,160 From The Alaska State Department Of Health And Social Services, To Fund 475, Project No. 20391, For The Human Services Community Matching Grant.
 - a. **Resolution Serial No. 16-074:** A Resolution Approving The Scope Of Work And Budget For Participation In The Human Services Community Matching Grant Program.
 - b. **Resolution Serial No. 16-075:** A Resolution Allocating Human Services Community Matching Grant Funds To Non-Profit Human Service Agencies Within The Community And Authorizing The Manager To Enter Into Grant Agreements With The Sub-Grantee Agencies.
- (1) IM No. 16-157

Mayor Halter opened the public hearing.

There being no one present who wished to testify, the public hearing closed and discussion moved to the Assembly.

MOTION: Assemblymember Beck moved to adopt Ordinance Serial No. 16-108 and Resolution Serial Nos. 16-074 and 16-075.

VOTE: The motion passed without objection.

6. **Ordinance Serial No. 16-109:** An Ordinance Authorizing The 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. 16-162

Mayor Halter opened the public hearing.

The following person spoke to concerns with the public hearing process: Mr. Eugene Carl Haberman.

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 No. 16-109.

VOTE: The motion passed without objection.

C. AUDIENCE PARTICIPATION (Three minutes per person.)

The following persons spoke to the upcoming 2016 Emergency Preparedness Expo: Ms. Beatrice Adler, Local Emergency Planning Committee Chair; and Ms. Debra McGhan.

The following person spoke to concerns with increased traffic flow on Beverly Lakes Road: Ms. Patricia Fisher, Meadow Lakes Community Council member.

The following person suggested amendments to Resolution Serial No. 16-047: Ms. Beth Fread.

The following person spoke in opposition to Ordinance Serial No. 16-011: Mr. Brian Endle.

The following person spoke to concerns with the public process: Mr. Eugene Carl Haberman.

D. CONSENT AGENDA

1. RESOLUTIONS

- a. **Resolution Serial No. 16-047:** A Resolution Supporting Planning Efforts To Develop A Regional Transportation Planning Partnership Process To Ensure Better Communication And Collaboration Between The Alaska State Department Of Transportation And Public Facilities, The Borough, And The Cities Of Palmer, Wasilla, And Houston.
 - (1) IM No. 16-109

2. ACTION MEMORANDUMS

- a. **AM No. 16-076:** Authorization To Purchase Sodium Chloride From Bering Marine Corporation In The Amount Of \$423,518 For Winter Road Maintenance.
- b. **AM No. 16-077:** Authorization To Purchase Microwave Radio Equipment From Aviat Inc. In The Amount Of \$138,956 To Support Public Safety Communications And Borough Business Functions.
- c. **AM No. 16-078:** Vacation Of A 30-Foot Wide Public Use Easement And A 15-Foot Wide Pedestrian Easement Within Lots 2 And 3, Block 11, Potter Place Addition II, Located Within Section 17, Township 17 North, Range 2 West, Seward Meridian, Alaska.
- d. **AM No. 16-079:** Acceptance Of Late Filed And Retroactive Senior Citizen And Disabled Veteran Exemption Applications.
- e. **AM No. 16-080:** Award Of Bid No. 17-016B To Valley General Construction, LLC. In The Contract Amount Of \$398,816 For Labor, Equipment, And Material To Reconstruct West Hazel Avenue.
- f. **AM No. 16-082:** Assembly Approval For The Manager To Enter Into A Memorandum Of Agreement With The Owners Of Lot 3, Block 4, Yadon Acres, Addition No. 1, MSB Tax Parcel 6438B04L003, To Purchase A Public Use Easement For The East Yadon Drive And North Country Lane Road Upgrade Project No. 14-09-003148, Not To Exceed \$8,550 (DPW290).

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Beck moved to approve the consent agenda as read into the record by the Clerk.

VOTE: The motion passed without objection.

- b. **Resolution Serial No. 16-076:** A Resolution Approving The Amended Budgets And Transfer Of Funds From Old Glenn Highway Paved Pathway In Butte, Project No. 35412, Fund 430; Roads And Bridges Capital Projects Fund To Collector Road Access To Machetanz Elementary, Also Known As Trunk Road Extension South, Project No. 35402, Fund 430, Roads And Bridges Capital Projects Fund, In The Amount Of \$500,000.

(1) IM No. 16-167

MOTION: Assemblymember Sykes moved to adopt Resolution Serial No. 16-076.

VOTE: The motion passed without objection.

VIII. UNFINISHED BUSINESS

- A. **Ordinance Serial No. 16-100:** An Ordinance Amending And Updating Title 23, Real Property.
1. **Resolution Serial No. 16-068:** A Resolution Amending The Land And Resource Management Division Policy And Procedures Manual.
- a. IM No. 16-094

MOTION PENDING: Assemblymember Beck moved to adopt Ordinance Serial No. 16-100 and Resolution Serial No. 16-08.

MOTION: Assemblymember Beck moved a primary amendment to Ordinance Serial No. 16-100, as follows:

- MSB 23.05.020(B), on page 453 of the packet, inserting after the word “precedence” the following language “with the exception of real property, personal property, and natural resources acquired as part of an active construction project or right of way reserved for future road expansion which were funded with state or federal monies under the management of the borough Capital Projects Department” to read: “Where any conflicting Chapters of borough code may occur, provisions of this title shall take precedence with the exception of real property, personal property, and natural resources acquired as part of an active construction project or right of way reserved for future road expansion which were funded with state or federal monies and under the management of the borough Capital Projects Department;” and
- MSB 23.05.020(C), on page 454 of the packet, inserting after the word “property” the words “personal property,” and after the word “resources” the following language “not part of an active construction project or acquired right of way reserved for future road expansion which are funded with state or federal monies and which are under the management of the borough Capital Projects Department” to read: “In accordance with this title a Land and Resource Management Division Policy and Procedures Manual is adopted providing policies and procedures for borough-owned real property, personal property, and resources not part of an active construction project or acquired right of way reserved for future road expansion which are funded with state or federal monies and which are under the management of the borough Capital Projects Department;” and
- MSB 23.05.100 (A), on page 460 of the packet, inserting after the word “be” the following language “classified in accordance with this title and such classifications shall be” to read: “Boroughowned land shall be classified in accordance with this title and such classifications shall be used as a tool to identify types of land use for those lands included in competitive land sales or retained for public purpose or facilities” and

- Resolution Serial No. 16-068, page 482 of the packet, by inserting two new whereas clauses after the 4th whereas clause to read: “WHEREAS, this resolution does not apply to real property, personal property, and natural resources acquired for right of way and/or construction projects funded by state or federal funds and managed by the Capital Projects Department as these projects must adhere to either the Code of Federal Regulations or the Alaska Department of Transportation and Public Facilities Right of Way Acquisition Manual; and WHEREAS, the Land and Resource Management Division Policy and Procedures Manual does not apply to real property, personal property, and natural resources acquired for right of way and/or construction projects funded by state or federal funds and managed by the Capital Projects Department as these projects must adhere to either the Code of Federal Regulations or the Alaska Department of Transportation and Public Facilities Right of Way Acquisition Manual; and”
- the Land Management Division’s Policies and Procedures Manual on page 260 of the packet, inserting after the “TABLE OF CONTENTS” title the following language: “Capital Projects Department Exemption: The policies and procedures contained herein do not apply to real property, personal property, and natural resources acquired for right of way and/or construction projects which have been funded by state or federal funds and which are managed by the Capital Projects Department. These acquisitions and projects must adhere to either the Code of Federal Regulations or the Alaska Department of Transportation and Public Facilities Right of Way Acquisition Manual.”

Mayor Halter queried if there was any objection to dividing the question to take up each amendment individually.

There was no objection noted.

MOTION: First Segment. Assemblymember Beck moved a primary amendment to Ordinance Serial No. 16-100, as follows:

- MSB 23.05.020(B), on page 453 of the packet, inserting after the word “precedence” the following language “with the exception of real property, personal property, and natural resources acquired as part of an active construction project or right of way reserved for future road expansion which were funded with state or federal monies under the management of the borough Capital Projects Department” to read: “Where any conflicting Chapters of borough code may occur, provisions of this title shall take precedence with the exception of real property, personal property, and natural resources acquired as part of an active construction project or right of way reserved for future road expansion which were funded with state or federal monies and under the management of the borough Capital Projects Department.”

MOTION: Second Segment. Assemblymember Beck moved a primary amendment to Ordinance Serial No. 16-100, as follows:

- MSB 23.05.020(C), on page 454 of the packet, inserting after the word “property” the words “personal property,” and after the word “resources” the following language “not part of an active construction project or acquired right of way reserved for future road expansion which are funded with state or federal monies and which are under the management of the borough Capital Projects Department” to read: “In accordance with this title a Land and Resource Management Division Policy and Procedures Manual is adopted providing policies and procedures for borough-owned real property, personal property, and resources not part of an active construction project or acquired right of way reserved for future road expansion which are funded with state or federal monies and which are under the management of the borough Capital Projects Department.”

MOTION: Third Segment. Assemblymember Beck moved a primary amendment to Ordinance Serial No. 16-100, as follows:

- MSB 23.05.100 (A), on page 460 of the packet, inserting after the word “be” the following language “classified in accordance with this title and such classifications shall be” to read: “Boroughowned land shall be classified in accordance with this title and such classifications shall be used as a tool to identify types of land use for those lands included in competitive land sales or retained for public purpose or facilities.”

MOTION: Fourth Segment. Assemblymember Beck moved a primary amendment to Resolution Serial No. 16-068, page 482 of the packet, as follows:

- by inserting two new whereas clauses after the 4th whereas clause to read: “WHEREAS, this resolution does not apply to real property, personal property, and natural resources acquired for right of way and/or construction projects funded by state or federal funds and managed by the Capital Projects Department as these projects must adhere to either the Code of Federal Regulations or the Alaska Department of Transportation and Public Facilities Right of Way Acquisition Manual; and WHEREAS, the Land and Resource Management Division Policy and Procedures Manual does not apply to real property, personal property, and natural resources acquired for right of way and/or construction projects funded by state or federal funds and managed by the Capital Projects Department as these projects must adhere to either the Code of Federal Regulations or the Alaska Department of Transportation and Public Facilities Right of Way Acquisition Manual.”

MOTION: Fifth Segment. Assemblymember Beck moved a primary amendment to the Land Management Division’s Policies and Procedures Manual on page 260 of the packet, as follows:

- inserting after the “TABLE OF CONTENTS” title the following language: “Capital Projects Department Exemption: The policies and procedures contained herein do not apply to real property, personal property, and natural

resources acquired for right of way and/or construction projects which have been funded by state or federal funds and which are managed by the Capital Projects Department. These acquisitions and projects must adhere to either the Code of Federal Regulations or the Alaska Department of Transportation and Public Facilities Right of Way Acquisition Manual.”

MOTION: Assemblymember Beck moved a secondary amendment to strike all references to “personal property” throughout the ordinance, the resolution, and the policies and procedures manual.

MOTION: Assemblymember Colligan moved to postpone Ordinance Serial No. 16-100 and Resolution Serial No. 16-068 to a time certain of September 20, 2016.

VOTE: The motion to postpone passed without objection.

IX. VETO

(There were no vetoes presented.)

X. NEW BUSINESS

A. INTRODUCTIONS (For public hearing – 09/20/16 Assembly Chambers)

1. **Ordinance Serial No. 16-110:** An Ordinance Requesting A Reappropriation Of \$56,883 From Project Nos. 45265 And 45267, Fund 425, To Project No. 45257, Fund 425, To Allow For The Purchase Of A Vehicle And Related Equipment For Emergency Services Administration.
 - a. **Resolution Serial No. 16-077:** A Resolution Amending The Budgets For Project Nos. 45265 And 45267, And Approving The Scope Of Work And Budget For Project No. 45257, Fund 425, To Purchase A Replacement Vehicle For Emergency Services Administration.
 - (1) IM No. 16-161
2. **Ordinance Serial No. 16-111:** An Ordinance Repealing MSB 4.10, Aviation Advisory Board; Adopting MSB 4.27.005, Purpose; Adopting MSB 4.27.015, Duties; Amending MSB 4.27.020, Membership; Amending MSB 4.27.040, Meetings, Organization; Repealing MSB 19.08.020(D); Amending MSB 19.08.020(E); Repealing MSB 4.43, Transportation Advisory Board; Adopting MSB 4.46.005, Purpose; Amending MSB 4.46.020, Functions; Amending MSB 4.46.030, Composition; Adopting MSB 4.46.035, Meetings; Repealing MSB 4.46.040, Term of Members; Amending MSB 4.58.030, Composition; Amending MSB 4.58.040, Meeting, Officers; and Adopting MSB 4.85, Transportation Technical Advisory Committee, To Assist In Meeting Budget Reduction Requirements.
 - a. IM No. 16-164

3. **Ordinance Serial No. 16-112:** An Ordinance Reappropriating \$350,000 From The Valley Pathways School Capital Project No. 40188, Fund 400, To The Emergency Power Generator And Switch Gear At 9 Schools, Capital Project No. 40194, Fund 400.
 - a. IM No. 16-165

4. **Ordinance Serial No. 16-113:** An Ordinance Amending MSB 17.28.090(A), Adding An Interim Materials District Known As Denali Highway Mile 99, Located Within Township 19 South, Range 2 West, Sections 10 And 15, Fairbanks Meridian.
 - a. IM No. 16-166

5. **Ordinance Serial No. 16-114:** An Ordinance Appropriating Up To \$800,000 From The Land Management Permanent Fund, Fund 203, To School Capital Projects, Fund 400; And To Appropriate Proceeds From The Eventual Sale Of The Parcel Described As Tract B, Iditarod Elementary-Wasilla High School Replat 2016, To The Land Management Permanent Fund, Fund 203, And The Areawide School Site Acquisition Reserve, Fund 100 (MSB007140).
 - a. **Resolution Serial No. 16-078:** A Resolution Approving The Scope Of Work And Budget To Demolish The Old Iditarod Elementary School, Project No. 40023.
 - (1) IM No. 16-168

6. **Ordinance Serial No. 16-115:** An Ordinance Adopting MSB 3.08.517 To Establish That Road Maintenance Contracts Solicited After January 1, 2017, Will Not Contain Performance Criteria. *(Sponsored by Assemblymember Kowalke)*
 - a. IM No. 16-171

Ms. McKechnie read the above legislation into the record.

MOTION: Assemblymember Beck moved to introduce the legislation as read into the record by the Clerk and set the public hearing for September 20, 2016.

VOTE: The motion passed without objection.

MAYORAL NOMINATIONS AND APPOINTMENTS

1. VACANCY REPORT

Mayor Halter requested the following removal and appointments for confirmation:

Emergency Medical Services Board

Nathan Durbin

Health and Social Services Board

Joseph Watts

Alpine RSA No. 31

John Vessey

Bogard RSA No. 25

Craig Kinnowr, removal

Caswell Lakes RSA No. 15
Dave Korpi

MOTION: Assemblymember Beck moved confirm the Mayor's removal and appointments.

VOTE: The motion passed without objection.

C. OTHER NEW BUSINESS

1. MOTION TO AMEND SOMETHING PREVIOUSLY ADOPTED

a. **Ordinance Serial No. 16-090:** An Ordinance Amending MSB 17.28.090(A), Adding An Interim Materials District Known As Central Landfill., Located Within Township 17 North, Range 1 East, Section 1, Parcel D5, Tax ID No. 17N01E01D005, Seward Meridian. (*Motion To Amend Something Previously Adopted Filed By Assemblymember Mayfield 08/16/16*)

(1) IM No. 16-128

CONFLICT OF INTEREST: Assemblymember Colligan declared a conflict of interest as one of the contracts for the project have been awarded to a client of his.

RULING: Mayor Halter ruled that Assemblymember Colligan has a conflict of interest and would be recused from voting.

(Assemblymember Colligan exited the meeting.)

MOTION: Assemblymember Mayfield moved to amend Ordinance Serial No. 16-090, which was previously adopted on August 2, 2016, Section 3, Special Conditions, No. 12, by striking "8 a.m. to 6 p.m., Monday through Friday" and inserting in its place "7 a.m. to 6 p.m., Monday through Friday, and 9:30 a.m. to 4:30 p.m. on Saturday" to read: "All extraction activities, including all activities that cause noise, dust, or traffic, shall be limited to 7 a.m. to 6 p.m., Monday through Friday, and 9:30 a.m. to 4:30 p.m. on Saturday."

VOTE: The motion passed without objection.

(Assemblymember Colligan re-entered the meeting.)

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

Mr. Moosey spoke to the Emergency Services Department working in conjunction with Mat-Su Regional Hospital providing education and training during the fair.

MOTION: Assemblymember Mayfield moved to strike the 90 day timeframe regarding the riparian buffer legislation and to have staff determine the best time to bring that legislation back before the Assembly.

VOTE: The motion passed without objection.

Assemblymember Sykes:

- thanked Governor Walker for taking quick action on the emergency declaration regarding the Matanuska River erosion issue;
- noted that a longer term solution needs to be determined;
- stated that he is looking forward to the planning session update;
- spoke to the closing of the Palmer Correctional Center and its impact on the Sutton community; and
- spoke to his support of the new Opioid Addiction Coalition.

Assemblymember Colligan spoke to concerns with speed limits on roads within the Borough.

Assemblymember Kowalke thanked Ms. Helen Munoz for all her hard work regarding the new septage facility.

Assemblymember Doty stated that she would like to see a review of the composition and vacancies of Borough boards, commissions, and committees.

Assemblymember Beck:

- spoke to his anticipation of the Potato Bowl football game;
- welcomed Mr. Ken Barkley back to work;
- thanked Assemblymember Sykes for his hard work regarding the Matanuska River erosion;
- spoke to concerns with unorganized parking at Palmer High School;
- advised that he will not be present at the meetings on September 13; and
- spoke to all the hard work of kids that raise animals for 4-H.

Mayor Halter thanked Assemblymember Sykes for all his hard work on the Matanuska River erosion.

XIII. EXECUTIVE SESSION *(For Matters, Which The Immediate Public Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Borough; And Matters Which By Law, Municipal Charter, Or Ordinance Are Required To Be Kept Confidential; And Matters Involving Consideration Of Government Records That By Law Are Not Subject To Public Disclosure.)*

- A. Discussion Of Potential Litigation Regarding A Setback/Variance On Big Lake In Clester Extension Subdivision.
- B. Willow Cabin Issues

MOTION: Assemblymember Beck moved to enter into executive session for matters, which the immediate public knowledge of which would clearly have an adverse effect upon the finances of the Borough; and matters, which by law, municipal charter, or ordinance are required to be kept confidential; and matters involving consideration of government records that by law are not subject to public disclosure. In particular, to discuss potential litigation regarding a setback/variance on Big Lake in Clester Extension Subdivision. Those present during the executive session will be the Mayor, the members of the Assembly, the Manager, the Attorney, and the Clerk.

VOTE: The motion passed without objection and the Assembly entered into executive session at 8:12 p.m.

MOTION: Assemblymember Beck moved to exit executive session.

VOTE: The motion passed without objection and the Assembly exited executive session at 8:45 p.m.

XIV. ADJOURNMENT

The regular meeting adjourned at 8:45 p.m.