

NON-CODE ORDINANCE

By: Borough Manager
Introduced: 07/19/11
Public Hearing: 08/02/11
Amended: 08/02/11
Adopted: 08/02/11
Reconsideration filed: 08/03/11
Reconsideration Passed: 08/09/11
Amended: 08/09/11
Adopted: 08/09/11
Veto Issued: 08/11/11
Motion to Override Veto Passed: 08/11/11
Ratified by the voters: 10/04/11

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 11-084**

AN ORDINANCE RELATING TO THE CONSTRUCTION, ADDITIONS, IMPROVEMENTS, BETTERMENTS, REPAIR, RECONSTRUCTION, OR ACQUISITION OF PUBLIC ROADS AND FACILITIES RELATED THERETO IN THE MATANUSKA-SUSITNA BOROUGH, TOGETHER WITH ALL NECESSARY EQUIPMENT AND TRANSPORTATION FACILITIES, AND THE ACQUISITION OF LANDS OR RIGHTS IN LANDS IN CONNECTION THEREWITH, AND A DEBT OF THE BOROUGH, AUTHORIZING THE ISSUANCE OF AREAWIDE GENERAL OBLIGATION BONDS OF THE BOROUGH IN AN AMOUNT NOT TO EXCEED THE SUM OF THIRTY-TWO MILLION ONE HUNDRED AND SIXTY-FIVE THOUSAND DOLLARS (\$32,165,000) TO FINANCE THE COST, IN WHOLE OR IN PART, OF SUCH PUBLIC ROADS, FACILITIES AND LANDS, AND PROVIDING FOR THE SUBMISSION TO THE VOTERS OF THE BOROUGH OF A PROPOSITION RATIFYING THE AUTHORIZATION OF SUCH BONDS AT THE OCTOBER 4, 2011, REGULAR BOROUGH ELECTION.

WHEREAS, the Matanuska-Susitna Borough's 2007 Long Range Transportation Plan (LRTP) identified \$1,600,000,000 of needed road improvements between 2010 and 2025; and

WHEREAS, continued population growth has created a substantial and immediate need for road improvements throughout the Matanuska-Susitna Borough (the "Borough"); and

WHEREAS, the road improvements identified in the LRTP must be programmed and funded for construction as early as possible in order to prevent congestion and unsafe conditions; and

WHEREAS, a combination of not only federal and state funding but also local funding is necessary to accomplish such road improvements; and

WHEREAS, the Borough has previously adopted areawide transportation systems powers; and

WHEREAS, it is in the best interest of the residents and property owners in the Borough to supplement the available state and federal funds with the proceeds of Borough transportation systems bonds; and

WHEREAS, the proceeds of such bonds will be used to build the key elements of the Borough's transportation system to serve the needs of our growing community; and

WHEREAS, under the provisions of Alaska Statute 29.47.180 a municipality may acquire, construct, improve, and equip capital improvements and issue general obligation bonds for these purposes; and

WHEREAS, under the provisions of Alaska Statute 29.47.190 a municipality may incur general obligation debt only after a bond authorization ordinance is approved by a majority of those voting on the question at a regular or special election.

NOW, THEREFORE, BE IT ENACTED by the Assembly of the Matanuska-Susitna Borough:

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

Section 2. Authorization. There are hereby authorized to be issued areawide general obligation bonds of the Borough in an

amount not to exceed the sum of Thirty-two Million One Hundred and Sixty-five Thousand Dollars (\$32,165,000) (the "Bonds") for the purpose of paying the cost, in whole or in part, of the construction, additions, improvements, betterments, repair, reconstruction, or acquisition of the public roads set forth in Section 3 of this ordinance (the "Projects") and facilities related thereto in the Borough, together with all necessary equipment and transportation facilities, and the acquisition of lands or rights in lands in connection therewith. The full faith and credit of the Borough shall be pledged for the payment of principal and interest on the Bonds when issued and ad valorem taxes upon all the taxable property in the Borough shall be levied without limitation of rate or amount to pay the principal and interest on the Bonds.

Section 3. Purpose. The Assembly of the Borough (the "Assembly") hereby determines that the transportation systems of the Borough, in particular the arterial and collector roads, are in need of construction, additions, improvements, betterments, repair, reconstruction, or acquisition and deems the projects to be public facilities of the Borough's transportation systems under Matanuska-Susitna Borough Code 1.10.135. The Assembly hereby determines that the best interest of the residents and property owners in the Borough require the Borough to undertake the projects at the time and in the order and manner deemed most necessary and advisable by the Borough. The estimated cost to the Borough of the projects, including incidental costs and costs related to issuing

and selling the Bonds as provided in this ordinance, is estimated to be \$32,165,000.

The Projects consist of the following:

<u>BOROUGHWIDE PROJECTS, INCLUDING DISTRICTS 1 THROUGH 7</u>	<u>CLASSIFICATION</u>	<u>AMOUNT</u>
Palmer, Dogwood Avenue/ Felton Street Extension	Collector	2,150,000
Collector Road Access Construction to Machetanz Elementary School	Collector	4,150,000
Wasilla, Clapp/Mack Road Extension: Wasilla Sports Center to Knik Goose Bay Road with Pathway	Collector	3,500,000
Big Lake and South Big Lake Road Intersection Improvements	Arterial	1,000,000
Houston, Hawk Lane Upgrade and Paving: Houston High School to Beaver Lake Road	Collector	1,000,000
Seldon and Lucille Street Intersection Safety Improvements, Lucille Street Upgrade North of Spruce, and Seldon Improvements from Lucille to Wards Road	Arterial	5,000,000
Sullivan and Caudill Road Upgrade from Old Glenn Highway to Plumley Road	Collector	2,500,000
Caswell Lakes Road to Bendapole Road to East Passthebaite Avenue to Hidden Hills including South Caswell Lake Loop to Lot 15 Upgrades	Collector	1,100,000
Willow Lake Drive Upgrade, Paving, and Extension	Collector	900,000

Vine Road Upgrade and Pathway	Arterial	5,000,000
Seldon Road Extension: Church Road to Beverly Lake Road and Existing Beverly Lake Road Paving and Upgrade	Collector	3,750,000
Paved Pathway adjacent to Old Glenn Highway in Butte, from Plumley Road to Knik River Bridge	Collector	1,250,000
Paved Pathway adjacent to Wright Way and Chickaloon Way from Sutton Elementary School to Glenn Highway	Collector	500,000
Costs of Issuance		<u>365,000</u>
Total		<u>\$32,165,000</u>

Bonds may not be issued to pay costs of a Project unless matching funds for that Project are received from the State of Alaska.

The cost of all necessary planning, acquisition of property for, site preparation, construction, installing, and equipping of the Projects, architectural, engineering, design, and other consulting services, inspection and testing, administrative expenses, costs of issuance of the Bonds and other costs incurred in connection with the Projects shall be deemed to be costs of the approved Projects. The Borough is hereby authorized to undertake the Projects at the time and in the order and manner deemed most necessary and advisable by the Borough. The approved Projects may be completed with all necessary equipment and appurtenances and shall include non-motorized pathways when practicable.

The Borough shall determine the application of available money as between the various Projects so as to accomplish, as nearly as may be, all of the Projects described or provided for in this section.

If the Borough shall determine that it has become impractical to accomplish any portion of the approved projects by reason of changed conditions or needs, incompatible development or costs substantially in excess of those estimated, the Borough shall not be required to accomplish such portions and shall apply Bond proceeds as set forth in this section.

If the approved projects have been completed in whole or in part, or their completion duly provided for, or their completion found to be impractical, the Borough shall apply such remaining proceeds solely to payment of principal or interest on the Bonds. In the event that the proceeds of sale of the Bonds, plus any other money of the Borough legally available, are insufficient to accomplish the approved projects, the Borough shall use the available funds for paying the cost of those portions of the approved Projects deemed by the Borough most necessary and in the best interest of the Borough. No Bond proceeds shall be used for any purpose other than a capital improvement.

Section 4. Details of Bonds. The Bonds shall be issued upon such terms and conditions and in such form as the Borough Manager or the Borough Finance Director finds to be in the best interest of the Borough.

Section 5. Election and Proposition. A proposition ratifying the authorization of the Bonds shall be submitted to the qualified voters of the Borough at an election to be held in the Borough on October 4, 2011. The proposition to be submitted shall be in substantially the following form:

PROPOSITION NO. _____

FIFTY PERCENT STATE MATCH BOROUGH TRANSPORTATION SYSTEMS BONDS

Shall the Matanuska-Susitna Borough engage in the construction, additions, improvements, betterments, repair, reconstruction, and acquisition of public roads and facilities related thereto in the Matanuska-Susitna Borough of the following projects, together with all necessary equipment and transportation facilities, and the acquisition of lands or rights in lands in connection therewith and issue its areawide general obligation bonds, in an amount not to exceed the sum of Thirty-two Million One Hundred and Sixty-five Thousand Dollars (\$32,165,000) for the purpose of financing the cost, in whole or in part, of the following projects, in accordance with and ratifying and approving the provisions of Ordinance Serial No. 11-084 of the Matanuska-Susitna Borough adopted by the Borough Assembly on August 9, 2011

<u>BOROUGHWIDE PROJECTS, INCLUDING DISTRICTS 1 THROUGH 7</u>	<u>AMOUNT</u>
Palmer, Dogwood Avenue/ Felton Street Extension	2,150,000
Collector Road Access Construction to Machetanz Elementary School	4,150,000
Wasilla, Clapp/Mack Road Extension: Wasilla Sports Center to Knik Goose Bay Road with Pathway	3,500,000
Big Lake and South Big Lake Road Intersection Improvements	1,000,000

Houston, Hawk Lane Upgrade and Paving: Houston High School to Beaver Lake Road	1,000,000
Seldon and Lucille Street Intersection Safety Improvements, Lucille Street Upgrade North of Spruce, and Seldon Improvements from Lucille to Wards Road	5,000,000
Sullivan and Caudill Road Upgrade from Old Glenn Highway to Plumley Road	2,500,000
Caswell Lakes Road to Bendapole Road to E. Passthebait Avenue to Hidden Hills including South Caswell Lake Loop to Lot 15 Upgrades	1,100,000
Willow Lake Drive Upgrade, Paving, and Extension	900,000
Vine Road Upgrade and Pathway	5,000,000
Seldon Road Extension: Church Road to Beverly Lake Road and Existing Beverly Lake Road Paving and Upgrade	3,750,000
Paved Pathway adjacent to Old Glenn Highway in Butte, from Plumley Road to Knik River Bridge	1,250,000
Paved Pathway adjacent to Wright Way and Chickaloon Way from Sutton Elementary School to Glenn Highway	500,000
Costs of Issuance	<u>365,000</u>
Total	<u>\$32,165,000</u>

This is the amount of the Borough's contribution for the above projects. Bonds may not be issued to pay costs of a project unless matching funds for that project are received from the State of Alaska.

October 4, 2011. The remaining sections of this ordinance shall become effective upon adoption by the Assembly.

ADOPTED by the Matanuska-Susitna Borough Assembly this 9 day of August, 2011.


LARRY DEWITT, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk
(SEAL)

Motion to Override Mayoral Veto Passed - 08/11/11

YES: Keogh, Arvin, Bettine, Colver, and Halter
No: Woods and Ewing

Vote - 08/09/11

Passed Unanimously: Keogh, Woods, Arvin, Ewing, Bettine, Colver,
and Halter

Reconsideration - 08/09/11

Passed Unanimously: Keogh, Woods, Arvin, Ewing, Bettine, Colver,
and Halter

Original Vote - 08/02/11

PASSED UNANIMOUSLY: Keogh, Woods, Arvin, Ewing, Bettine, Colver,
and Halter