SUBJECT: APPROVAL BY THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY FOR THE LESS THAN FAIR MARKET VALUE SALE OF BOROUGH LAND IN THE AMOUNT OF TEN DOLLARS TO THE TRAPPER CREEK COMMUNITY SERVICE ASSOCIATION, INC. FOR PURPOSE OF OWNING, CONSTRUCTING, MANAGING, AND MAINTAINING A COMMUNITY WELL AND WATERING POINT ON LOT 2, TRAPPER CREEK CENTER II SUBDIVISION (MSB007340).

AGENDA OF: January 21, 2020

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

without ok

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:

Route To:	Department/Individual	Initials	Remarks
	Originator	ilsc	
	Community Development Director	P	
	Finance Director	El	for Chevenne
	Borough Attorney	NS	,
AND THE RESERVE OF THE PARTY OF	Borough Clerk	BONA to	Jen

ATTACHMENT(S): Fiscal Note: YES X NO

Recorded Plat No. 2019-14(1 pp)
Best Interest Finding (4 pp)
Public Comment Received (5 pp)

Trapper Creek Community Council RS 19-001 (1 pp)

Ordinance Serial No. 20-010 (4 pp)

SUMMARY STATEMENT:

At the request of the Trapper Creek Community Council, MSB Community Development Department is seeking Assembly approval to convey at less than fair market value, 1.5 acres of borough land identified as Lot 2, Trapper Creek Center II. The land is to be conveyed in the amount of \$10.00 to the Trapper Creek Community Service Association, Inc. for the purpose of owning, constructing, managing, and maintaining a community well and watering point for residents and visitors in the Trapper Creek area.

DISCUSSION:

The subject parcel is located adjacent to the Trapper Creek Library and Public Safety Building on Devonshire Drive, at approximate MP 114 Parks Highway. At no cost to the Borough through utilization of licensed borough staff, the 10-acre parent parcel was subdivided to create two new lots being, Lot 1 (8.5 acres) where the current borough facilities are located, and Lot 2 (1.5 acres) where the proposed community well and watering project is to be located. A Best Interest Finding is attached hereto detailing the project highlights, due diligence performed, management responsibilities, and funding source.

Trapper Creek Community Council is the governing body for the community of Trapper Creek and signed Resolution RS 19-001 to transfer ownership of the Trapper Creek Water Point Project (community well and watering point) to the Trapper Creek Community Service Association, Inc., a non-profit corporation created in 1986 and in good standing.

Pursuant to Land & Resource Management Division Policy and Procedure Manual that was adopted by Assembly Resolution 16-068, Part 60, Less Than Fair Market Value Sales and Leases, Sections 3.1, 5.1 and 5.2, allows sale of Borough land at less than fair market value if for purpose of public health and welfare, or when a non-profit corporation provides a public service.

Additionally, in accordance with MSB 23.10.060 (C)(1) and Land and Resource Management Division Policy & Procedures Manual, Part 60, Less Than Fair Market Value Sales and Leases, Section 7.1, the Borough is to retain the right to revert title back to the Borough when property is sold at less than fair market value if it is not used for the purpose intended at sale, and Section 8.1(A,) states the minimum fee to be paid to the Borough for a sale at less than fair market value shall be the greater than \$500.00 or a range between 50 percent and 90 percent of the market value which shall be determined by the assembly.

The Borough does not have the manpower or resources to own, operate or maintain community wells, nor is it the Borough's position to do so. It is the intent of this legislation that adopted code and borough Policy & Procedures as referenced above shall be "notwithstood" by Ordinance so the property can be sold for \$10.000 without automatic reversionary rights. It is also the intent for the Borough to convey the property to the Association in fee wherein the Association will own, manage, and maintain the land, the community well and all associated infrastructure with full authority to build out the property in accordance with needs as determined by the community.

Page 2 of 3

Inter-department review was initiated with no objection from Borough departments. Public notice was provided in accordance with MSB 23.05.25 with all comments received being in support of the project.

RECOMMENDATION OF ADMINISTRATION:

Assembly approval of a less than fair market value sale of borough land for ten dollars to the Trapper Creek Community Association, Inc. for purpose of owning, constructing, managing, and maintaining a community well and watering point on Lot 2, Trapper Creek Center II.

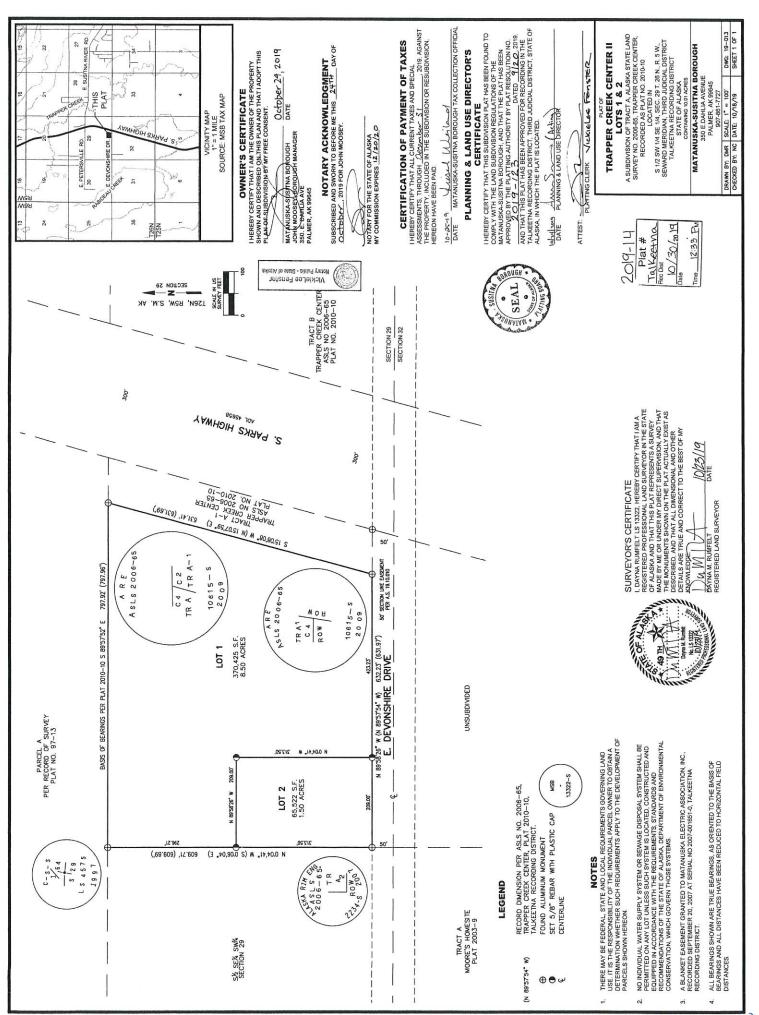
MATANUSKA-SUSITNA BOROUGH FISCAL NOTE

Agenda Date: January 21, 2020

ORIGINATOR:

SUBJECT: Approval by the Matanuska-Susitna Borough Assembly for the less than fair market value sale of borough land in the amount of ten dollars to the Trapper Creek Community Service Association, Inc. for purpose of owning, constructing, managing, and maintaining a community well and watering point on Lot 2, Trapper Creek Center II Subdivision (MSB007340).

FISCAL ACTION (TO BE COMPLETED BY FINANCE)			FISCAL IMPA	FISCAL IMPACT (YES) NO				
AMOUNT REQUESTED	FUNDING SC	FUNDING SOURCE Trapper Ch 6mm. Svc Assoc						
FROM ACCOUNT#	PROJECT#							
TO ACCOUNT: 203.00	PROJECT#	PROJECT#						
VERIFIED BY: Boxba	CERTIFIED E	CERTIFIED BY:						
DATE: /					DATE:			
EXPENDITURES/REVENUES: (Thousands of Dollars)								
OPERATING	FY2018	FY2019	FY2020	FY2021	FY2022	FY2023		
Personnel Services								
Travel								
Contractual								
Supplies								
Equipment								
Land/Structures								
Grants, Claims								
Miscellaneous								
TOTAL OPERATING								
CAPITAL								
REVENUE			101					
FUNDING:		(Th	ousands of Dollars)					
General Fund								
State/Federal Funds								
Other			.01					
TOTAL			.01					
POSITIONS:								
Full-Time								
Part-Time								
Temporary								
	ANALYSIS: (Attach a separate page if necessary)							
PREPARED BY: PHONE:								
DEPARTMENT: DATE:								
APPROVED BY:								



PRELIMINARY BEST INTEREST FINDING For the

Disposition of Borough-Owned Land

I. Summary of Proposed Action

MSB Land & Resource Management proposes to sell for Less Than Fair Market Value, Lot 2, Trapper Creek Center II to the Trapper Creek Community Service Association, Inc. (Association), for purpose of owning, constructing, managing, and maintaining a community well and watering point in Trapper Creek, Alaska.

II. Property Site Factors

- **A.** Location: The subject land is located adjacent to the Trapper Creek Library and Public Safety Building on E. Devonshire Drive at approximate MP 114 Parks Highway. The property lies within Assembly District 7, Ambulance District 307, Trapper Creek Road Service Area 030, and Trapper Creek Community Council area. The library and public safety station share a well and septic which will remain separate from the new community well and watering point.
- **B.** Legal: Lot 2, Trapper Creek Center II, according to Plat No. 2019-14, filed October 30, 2019, in the Talkeetna Recoding District, Third Judicial District, State of Alaska, containing 1.5 acres more or less. (Tax ID # 7939000L002)
- **C.** Land Status: The Borough received patent to the parent parcel from the State of Alaska in 2010 by Patent No. 22195 (ADL229822).

D. Restrictions:

- 1. Land Classification None
- 2. Title Exceptions:

Blanket utility easement granted to MEA, September 20, 2007 at Reception No. 2007-001651-0:

Notes as shown on Alaska State Land Survey No. 2006-65, Trapper Creek Center, Plat No. 2010-10, containing 10 acres more or less;

Reservations and exceptions as contained in the US Patent recorded March 27, 1967 at BK 35 PG 28; and

Reservations and exceptions as contained in the State of Alaska Patent No. 22195 recorded September 27, 2010 at Reception No. 2010-001403-0.

- 3. Covenants None
- 4. Zoning None
- E. Current Land Use: MSB Trapper Creek Library and Public Safety Building are located on Lot 1, Trapper Creek Center II, containing 8.5 aces, more or less.
- F. Surrounding Land Use: Residential, recreation.

- **G.** Existing Infrastructure: E. Devonshire Drive is a Borough maintained road (RSA 030) and utilities, well, and septic for library and safety building are also maintained by the Borough. There are two permitted driveways onto E. Devonshire Drive for existing facilities (Permit No. D016075). Staff submitted water rights application to DNR in January 2019 to protect existing water use by the library and public safety building.
- H. Soils & Terrain: Terrain is mostly level with well-graded sandy soils classified as GW and three feet of topsoil. The engineer's report for platting submittal concluded there is 10,000 s/f of useable area for building and 10,000 s/f of useable area for septic within both Lots 1 & 2. The useable septic area on Lot 2 lies outside of the existing 200' well radius which serves the library and public safety building. There is adequate room remaining for septic replacement, if needed for the existing Borough facilities.
- I. Water: KAE, Inc. under contract with Trapper Creek Community Services, dug a test well within Lot 2 to determine available water flow for the community well. Well logs and flow test data were provided to staff. Initial field tests indicated .02 ppm (or mg/l) of iron in water which is below EPA's .03 mg/l recommended levels. Iron is a secondary contaminant that does not cause health problems, nor is it regulated. More a nuisance, further lab tests are underway to determine exact amount of iron. If treatment is not indicated, use of a smaller water pump would results in lower, long-term operating/energy costs for the community. Overall, there is negative surface water, and water flow and recovery time is excellent.
- J. Resources: Heavily wooded with birch and spruce trees.
- **K. Assessment:** The 2019 certified tax assessed value of the *land only* is \$25,000 (20-acre parent parcel being Tract A, ASLS 2010-12). The 1.5 acre lot value equates to \$3,750.

III. Public, Board and Commission Comments & Recommendations

In accordance with Title 23 and the Land and Resource Management Division Policy & Procedures Manual, 30-day public notice was initiated and sent to landowners within 600 feet of the proposed property, RSA 030, Ambulance 307, MSB assembly members, Trapper Creek Library, MSB Department of Emergency Services, Trapper Creek Community Council and Community Association MSB Parks, Rec & Trails Advisory Board, and ADF&G. Additionally, notices were published in the Frontiersman, posted at the Trapper Creek Post Office, and provided on the Borough website.

All public comments received were in support of the project and are attached hereto.

IV. MSB Department Review

Borough inter-departmental review was completed and all comments received have been addressed through the draft design of the project, such as 200' radius compliance, DEC approval, application for water rights, and management/maintenance of the community system (Refer to Section V of this document for project detail).

V. Analysis & Discussion¹

Trapper Creek is an unincorporated community and according to the US Census Bureau, has a population of approximately 389 people. A private well at the Trapper Creek Community Center facility located on ETC Park Circle - MP 116 Parks Hwy, was installed in 2005 and was being used by some residents until it ran dry in 2017. In June of 2017 a new well was drilled at the community center, but it is not adequate for public use by the community and visitors. There is no public water system in operation at this time.

The majority of residents have no dedicated safe source of potable water and rely on rain catchment, water purchase from stores, well water from friends/family, or untreated water from Trapper Creek. The community leaders recognize the need to provide a safe source of drinking water for use by residents and visitors year-round.

The Trapper Creek Community Council (TCCC) and Trapper Community Service Association (Association), Inc. have been working together with the community at large over the past several years to create a business plan, obtain necessary funding and approval from the State of Alaska Department of Environmental Conservation Village Safe Water Program, and to award a contract for design and construction of a community well and watering point system that will be sustainable.

The TCCC is the governing body for the community but is only the administering agent by law. They transferred ownership of the community well and watering point to the Trapper Creek Community Service Association, Inc. (Association), a non-profit with 501c3 status, through adoption of Resolution RS 19-01 on March 21, 2019 (Resolution attached to Information Memorandum 19-185). The Association was formed in 1986 and has over 30 years of financial management history. The watering system will be owned, operated, managed, and maintained by the Association's Water Committee who reports to the Association Board. The Water Committee will prepare and submit monthly reports on the watering facility operation to the Board who reports annually to TCCC and to the Division of Community and Regional Affairs on the watering facility operations as required by the State.

Water Committee staffing consists of:

<u>Certified Operator:</u> Responsible for day-to-day management and inspection of the facility.

<u>Bookkeeper:</u> Responsible for all accounting aspects and day-to day business operations.

<u>Grounds Maintenance:</u> Responsible for keeping facility and surrounding area clean and free of debris to include garbage and snow removal, cleaning water dispenser, mowing, and taking care of potential hazards around the facility.

Training of management personnel will be provided by the Department of Commerce, Community and Economic Development, Rural Utility Business Advisor Program, including utility finances, rate-setting, and operations.

 $^{^{}m l}$ Project detail provided in part by Trapper Creek Business Plan, and Agnew Beck Consulting/Summit Consulting Services.

The watering project's new well at the E. Devonshire Drive location will be driven by a 50 gpm submersible pump and be housed in a new 10x24' well house. The building will include two 40-gallon pressure tanks, two watering point hoses and nozzles, a small electric unit heater, a credit card reader, two Campwater FUV2 treatment packages, and a 2,000 gallon water storage tank. Electric heat tape will provide freeze protection for the well house piping. An onsite backup generator and fuel tank will provide emergency power to the watering point. Construction of the project is to be completed by December 2020.

Revenue required to fund the annual operations and maintenance cost for the system will be generated exclusively by money collected from customers at the watering point. The cost per gallon depends mainly on two factors, estimated watering point demand and projected annual O&M costs. The price per gallon must generate enough revenue to cover these costs as well as an annual \$750 reserve for repair and replacement costs. It is expected 85% of community residents will regularly use the watering point. Cost estimates, design standards, regulations, and community needs have been reviewed and vetted by the Trapper Creek Business Plan (Agnew Beck Consulting, April 2019), Community of Trapper Creek Watering Point Improvements (CRW Engineering Group, LLC, December 2017/2018), and DEC Village Safe Water Program. Contract to design and construct the project was awarded to KAE, Inc., who specializes in designing and constructing village water systems and water source development projects throughout Alaska with over 23 years of experience (Contract 20-VSW-TRC-001). Association received a \$325,000 grant through DEC Village Safe Water Program for project costs to include: design/studies, engineering, water well, and construction. It should also be noted there is \$25,000 available through Land & Resource Management FY20 operating budget as a one-time source of funding to help with the project.

Land Management staff submitted application to the Alaska Department of Natural Resources to retain water rights for the Borough library and public safety building located on Lot 1, Trapper Creek Center II.

Title 23 of MSB code and Land and Resource Management Division Policy & Procedures call for Less Than Fair Market Value properties to be sold for a minimum of \$500 or a range between 50-90% of tax assessed value as determined by the Assembly. Policy also calls for the Borough to retain reversionary rights when sold at less than fair market value. The Borough does not have the manpower or resources to maintain community water systems nor has it been the Borough's position to do so; therefore, Ordinance 19-129 will include language to "notwithstand" Borough code and policy and procedures regarding the sale price and reversionary requirement.

VI. Preliminary Recommendation

The Community Development Department recommends the Matanuska-Susitna Borough Assembly approve the less than fair market value sale of Lot 2, Trapper Creek Center II, to the Trapper Creek Community Service Association, Inc. for \$10.00 dollars for public purpose of owning, constructing, managing, and maintaining a community water well.

OR 20-010

From:

Jill Irsik

Sent:

Monday, January 21, 2019 8:13 AM

To:

Nancy Cameron

Subject:

FW: MSB007340

From: JP and Paula <jpandpaula@mtaonline.net>

Sent: Friday, January 18, 2019 11:33 AM

To: Land Management < Land. Management@matsugov.us>

Subject: MSB007340

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

We support this project!!!

Thank you,

John and Paula Glenka

From:

Jill Irsik

Sent:

Friday, January 18, 2019 1:12 PM

To:

Nancy Cameron

Subject:

FW: MSB007340

From: Trapper Creek Community Council < trappercreek 2010@gmail.com>

Sent: Friday, January 18, 2019 11:31 AM

To: Land Management < Land. Management@matsugov.us>

Subject: MSB007340

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Trapper Creek Community Council supports the Water Point Project and the land conveyance of the property on Devonshire Road in Trapper Creek. This water facility will support year round access to the community and public. A much needed utility for the upper valley residents and tourists.

Sincerely,

Trapper Creek Community Council (TCCC) PO Box 13021 Trapper Creek, AK 99683-0321 trappercreek2010@gmail.com

From:

Jill Irsik

Sent:

Friday, January 18, 2019 1:12 PM

To:

Nancy Cameron

Subject:

FW: MSB007340 Sale

From: Trapper Creek Community Services <tccommunityservices@yahoo.com>

Sent: Friday, January 18, 2019 12:08 PM

To: Land Management < Land. Management@matsugov.us>

Subject: MSB007340 Sale

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

The Trapper Creek Community Services Assoc., Inc. is in full support of the request by the borough of the land be conveyed to the Association for purpose of constructing a community watering point for year-round access by the community and public, and the proposal to utilize a portion of the ten-acre parcel where the Trapper Creek Library and EMS station are currently located on Devonshire Drive in Trapper Creek.

Trapper Creek Community Services (TCCSA) PO Box 13049 Trapper Creek AK 99683 (907) 733-7375 tccommunityservices@yahoo.com

Location: MP 115.2 Parks Highway 9971 E. T C Park Circle Trapper Creek Alaska

From:

Nancy Cameron

Sent:

Thursday, January 10, 2019 10:33 AM

To:

'lauraw@mtaonline.net'

Subject:

RE: MSB007340 TRAPPER CREEK COMMUNITY WELL - Comment

Laura,

Thank you for your comment which will be included in the assembly packet. Nancy Cameron
Land Management Agent
907.861.7848 Direct
907.861.7869 Main
nancy.cameron@matsugov.us

----Original Message----

From: Laura Wright < lauraw@mtaonline.net> Sent: Wednesday, January 9, 2019 11:37 PM

To: Land Management < Land. Management@matsugov.us>

Subject: MSB007340 TRAPPER CREEK COMMUNITY WELL - Comment

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

(PLEASE REFER TO "MSB007340 TRAPPER CREEK COMMUNITY WELL" WHEN SUBMITTING COMMENTS).

Hello,

I am 100% in support of this project! It is very important that there be a year round, safe, accessible water source available to the public. Many people live without running water and it often hard to easily get water in winter. I did it for 17 years, so I speaking from personal experience.

Lack of a good water source continues to be a problem in Talkeetna and I am glad to see the Trapper Creek folks taking this on. Perhaps Talkeetna will follow suit.

Laura Wright PO Box 120 Talkeetna, AK 99676

> IM 20-015 OR 20-010



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

5 HD MSB - DES Director 680 N Seward Meridian Pkwy Wasilla, AK 99654

FIRST CLASS

PUBLIC NOTICE

MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

Type: Sale

Tax ID: 6977000T00A

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received application from the Trapper Creek Community Council on behalf of the Trapper Creek Community Services Association, Inc. requesting borough land be conveyed to the Association for purpose of constructing a community watering point for year-round access by the community and public. The proposal is to utilize a portion of the ten-acre parcel where the Trapper Creek Library and EMS station are currently located on Devonshire Drive in Trapper Creek. Both the library and EMS support the community water system and conveyance of land for such. The Association and Council have been working with the Alaska Department of Environmental Conservation (DEC) for grant funding. With Borough Assembly approval, the land is to be conveyed at Less Than Fair Market Value for no money exchanged, to include stipulation the owner, whether that be the Council or the Association, will be responsible for project design development, construction, management and maintenance of the community water system, and will pay for all infrastructure needs.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division or visit the Public Notice Section on the borough's web page www.matsugov.us. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at the address indicated above, no later than <u>January 18, 2019</u>. If you have questions about this request: call Nancy Cameron at 861-7848 between 8:00-5:00 or you can send an e-mail to: <u>LMB@matsugov.us</u> (PLEASE REFER TO "MSB007340 TRAPPER CREEK COMMUNITY WELL" WHEN SUBMITTING COMMENTS).

Comments:	No GACEAUS C	r issues F	Form DES. Please R Trapper Creek FSA	
reserve	use as Needo	ed for Futur	e Trapper Creek FSA	
Tende	A refill CapaSi	1:14.	11	
881 17	1 = (. (
Signature:	Melit	12/19/18	Phone: (907) 982 -8343	
		24-411		

(If you need more space for comments please attach a separate sheet of paper.)
For assistance with your property location, tax or assessment matters please call 861-7801.

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

1M 20-015 OR 20-010

Trapper Creek Community Council (TCCC), Trapper Creek, Alaska Resolution RS 19-001

A resolution of the Trapper Creek Community Council (TCCC) to transfer ownership of the Trapper Creek Water Point Project (Project) from TCCC to Trapper Creek Community Services Association (TCCSA) with that ownership being 100 percent owned by TCCSA which will allow for the adoption of the Business Plan associated with the Project.

WHEREAS, The TCCC is amending Resolution RS 18-001 signed on November 18, 2018 supporting the efforts of the TCCSA to develop and manage a community watering point.

WHEREAS, The TCCC supports the TCCSA's Community Water Point project.

WHEREAS, The TCCSA is concerned with the community's well-being and has a 30-year history of providing services to the area residents as a 501-c-3 organization.

WHEREAS, The Trapper Creek community needs a reliable safe source of drinking water. The community has identified the desire to have a common community watering point to access safe water.

WHEREAS, A publicly accessible source of safe water is a priority for the Trapper Creek community. The community watering point as identified in the 2018 DEC Village Safe Water Study is well conceived and reflects a realistic method for providing safe water to the public.

NOW, THEREFORE, BE IT RESOLVED, that the Trapper Creek Community Council (TCCC) transfers ownership of the Trapper Creek Community Well and Water Point to Trapper Creek Community Services Association (TCCSA) whom will adopt the Business Plan as it is owned and managed by TCCSA. Trapper Creek Community Council (TCCC) is the governing body for the community of Trapper Creek and is only the administrating agent as required by law.

Signed this 21 day of March 21, 2019

David Rittenburgh, Chair ×

Paula Glenka, Treasurer

James Morrill, Councilman

m onan

Levi Miller, Vice Chair

Janet Grelson, Secretary

Trapper Creek Community Council Page 1 of 1

Resolution RS 19-001 March 21, 2019