

**City of Palmer  
Action Memorandum No. 16-001**

**Subject:** Authorize the City Manager to Negotiate and Execute a Memorandum of Agreement with the Matanuska-Susitna Borough Regarding the Transfer of Road Maintenance Responsibilities by the Matanuska-Susitna Borough for Portions of Roads Inside and Outside the City of Palmer

**Agenda of:** January 12, 2016

**Council Action:** Authorized

**Originator Information:**

**Originator:** Tom Healy, Public Works Director  
**Date:** December 12, 2015      **Requested agenda date:** January 12, 2016

**Department Information:**

Route to:	Department Director:	Signature:	Date:
	Community Development		
x	Finance		12/21/15
	Public Safety		
x	Public Works		12/18/15

**Approved for presentation by:**

	Signature:	Remarks:
City Manager		
City Attorney		
City Clerk		

**Certification of Funds:**

Total amount of funds listed in this legislation: \$ 0

This legislation (√):

Has no fiscal impact       Creates a positive impact in the amount of: \$ \_\_\_\_\_  
 Negative impact in the amount of: \$ \_\_\_\_\_

Funds are (√):

Budgeted      Line item(s): Street maintenance  
 Not budgeted      Affected line item(s): \_\_\_\_\_

General fund assigned balance (after requested budget modification): \$ \_\_\_\_\_

Enterprise unrestricted net position (after requested budget modification): \$ \_\_\_\_\_

Director of Finance Signature: 

**Attachment(s):**

- Memorandum of Agreement with Mat-Su Borough

**Summary statement:** This Action Memorandum authorizes the city manager to enter into a Memorandum of Agreement (MOA) with the Mat-Su Borough regarding street maintenance work on streets inside and outside the City of Palmer.

The need for this MOA arose with the reconstruction and expansion of W. Arctic Avenue, now E. Bogard Road, by the Borough. Some part of those improvement are inside the City limits, and some parts are not in the City limits. The City has maintained this section of road, including parts outside the City, for many years, but notified the Borough this City maintenance would end with the opening of the new Bogard Road.

This arrangement results in the Borough maintaining parts of Bogard Road that are inside the City limits. The Borough cannot spend road service area funds outside the road service area, so this MOA is necessary to have an agreement that provides for a trade of road maintenance services and costs that is as close as possible to an equal value exchange.

The City has maintained Irwin Road and Palmer Moose Drive for many years. Portions of these roads are outside the City limits. The City will maintain the new frontage roads (W. Auklet Ave. and Recon Circle) outside the City limits. The streets the City will maintain balance out the work the Borough must do on the new, expanded Bogard Road, with portions of that road inside the City limits.

The cost of this agreement to the City should remain within budgeted street maintenance expenses. The City has been maintaining Irwin Loop and Irwin Road for years, as well as Palmer Moose Drive, so the only additional roads to maintain are W. Auklet Ave. and Recon Circle.

The City and Borough continue to discuss who will maintain the new streetlights, traffic signal and storm water drainage improvements built under the Borough's project to upgrade Bogard Road. The road maintenance agreement that is the subject of Action Memorandum No. 16-001 does not address maintenance of those improvements.

*In approving Action Memorandum No. 16-001, the Council should amend the Memorandum of Agreement by deleting the first sentence of Section 4, which reads, "Each party agrees that all maintenance work in Paragraph 1 will adhere to the standards set forth in the Special Provisions Section (Attachment 1) of the annual Road Service Area contract for RSA 16 for all roads that the City of Palmer is maintaining." The Borough's Special Provisions Section contains provisions more appropriate for an agreement involving a road maintenance contractor and are not needed for this agreement between two governments.*

**Administration recommendation:** Authorize Action Memorandum No. 16-001, with recommended amendment.

**MEMORANDUM OF AGREEMENT**  
**Between the**  
**Matanuska-Susitna Borough**  
**and the**  
**City of Palmer**  
**Regarding the transfer of road maintenance**  
**for portions of roads outside of each entities boundaries.**

WHEREAS, the Matanuska Susitna Borough and the City of Palmer agree to a year round road maintenance only exchange; and

WHEREAS, there are roads mostly within RSA 16 that have portions within the City of Palmer boundaries; and

WHEREAS, there are roads mostly within the City of Palmer that have portions within RSA 16 boundaries; and

WHEREAS, this exchange of road maintenance will allow the most appropriate entity to maintain the roads listed below in their entirety which will enhance the productivity of the maintenance contractors, allow for quicker response time in weather events and reduce maintenance costs.

BE IT NOW AGREED that

1. This road maintenance transfer shall include the following work:

Winter Maintenance

Snow Plowing  
Sanding/Chipping  
Icing Maintenance  
Drifting Maintenance

Summer Maintenance

Gravel Road Grading  
Paved Road Sweeping  
Pull Ditches  
Brush Cutting  
Striping

All other work, including management, repair, and/or reconstruction, is not affected by this agreement and remains the responsibility of the owner of the roads. Both parties will use best efforts to maintain the road in a manner which does not burden the roadways in such a manner as to increase the need for management, repair, and/or reconstruction.

2. The following road located in the City of Palmer and partially in the South Colony Road Service Area No. 16 will be maintained by the Matanuska-Susitna Borough:
  - Bogard Road (E.) 3,875 feet = .74 miles
3. The following roads located outside the City of Palmer in the Matanuska-Susitna Borough South Colony Road Service Area No. 16 will be maintained by the City of Palmer:
  - Irwin Road (S.) 1,444 feet
  - Palmer Moose Dr. 1,335 feet (formerly Arctic Ave.)
  - Recon Circle (E.) 872 feet
  - Irwin Loop 1,003 feet
  - Auklet Ave (W.) 681 feet  
5,335 feet = 1.01 miles

The City will maintain the pedestrian pathway between the Glenn Highway and Hemmer Road

4. ~~Each party agrees that all maintenance work in Paragraph 1 will adhere to the standards set forth in the Special Provisions section (Attachment 1) of the annual Road Service Area contract for RSA 16 for all roads that the City of Palmer is maintaining.~~ This winter maintenance on E Bogard Road will be performed by the Matanuska-Susitna Borough at a DOT Level 1 (Attachment 2). Any deviation from these standards must be agreed to in writing by the signatories below.

5. Each party is entirely responsible for its own actions under this agreement. If there is a claim of injury, death or property damage due to an alleged error or omission, the party against whom the claim is made is responsible for defense and, if valid, payment of the claim. If there is a joint claim against both parties, the parties will work together in good faith to defend and, if valid, pay the claim. If there is a successful joint claim against the parties, the comparative fault of the parties shall determine the liability of each party.

6. This agreement shall commence upon fully executed signatures of both parties.

7. Either party may terminate this agreement at any time, for any reason, or for no reason, by giving the other party written notice to the signatory below at least 30 days in advance of the termination.

SIGNED and AGREED to by the:

MATANUSKA SUSITNA BOROUGH

\_\_\_\_\_  
John Moosey, Borough Manager

\_\_\_\_\_  
Date

CITY OF PALMER

\_\_\_\_\_  
Nathan Wallace, City Manager

\_\_\_\_\_  
Date



-  Maintained By MSB
-  Maintained By COP
-  Pedestrian Pathway Maintained By COP

# MSB -COP MOA

## 11/24/2015

