

11/9/21 703pm- Minutes

Big Lake Community Council meeting

Dave Malo absent- quorum established

Agenda addition- Jill- presentations change? Approved? - yes

Minutes= approved? - yes

Presentations: MSB Manager Mike Brown & MSB Attorney Nick Spyropoulos:

West Lakes Blvd ROW settlement/ Burma Road Iditarod Trail crossing culvert-

1. Mr. Brown: There was a West lakes Blvd. ROW settlement between the MSB & Private party regarding access from West Lakes Blvd to the lake: MSB had a settlement with the property owner on the east side of the access, thus avoiding a court fight. "It's in the best interest for the MSB to settle disagreements before going to court," and MSB just wanted to "move on."

This agreement calls for "ROW access for public travel to be only 12 feet wide. Winter access only for vehicles, 12/1 thru 3/31, but per MSB Attorney there is legal "foot traffic" in this easement all year around. MSB will clean up previous work done along this ROW. MSB will stabilize slopes. Fix Drainage. Berm between properties is ok up to 6 feet high (I think). MSB will monitor & open seasonally by removing barriers." There are no plans to move any utilities and it's the MSB goal to keep costs down. Any design changes along the way will be paid by the MSB. Must be approved by the property owner. Work to begin next spring. Since Winter access is to be allowed, the landing will also be modified, if needed, to provide vehicle access on and off the lake.

Mayfield: Who pushed for the settlement? Brown- It's in the best interest of the MSB to settle and not go to court. Govt should not sue folks. Its best to settle. There was also an Executive session with assembly and the consensus was to settle with private property owner and move on. Dan= Would a "Freedom of Information Act" request indicate Assemblyman Tew pushed for this settlement? That he has a personal relationship with this property owner and has pushed for the resolution to benefit property owner. Mr. Brown: felt he had direction from whole assembly to settle the case within boundaries put forth by Assembly. Brown settled with property owner at the Assembly's direction. Mayfield- In 2010 council made recommendations on how this access should be developed. Why was that input not followed? Mayfield- Also, this access was addressed in the 2007 comp. plan as a priority access point. Council asked for 20 feet wide and did not request a "destination landing," just a right of way, designed by Ken Walsh. Was all planned at the time. Still 50k in borough coffers for development. Mayfield: It makes no sense that MSB representee would ever rescind this previously negotiated document. Especially if it narrows the access to only 12' road with a 6 berm on one side and a 20' hill on the other. This settlement makes this access nearly impossible to maintain in the months it is open. Mayfield feels that history shows that this property owner will keep changing design plan, as he has in the past, with the MSB on the hook for all future problems/ design request changes. Mayfield feels MSB sold out the interests of Big Lake. Councilwoman Jill- Is the MSB going to prepare and record document? Brown: No, but MSB will have a design that will be permanent and certified but not "recorded."

Councilman Ross- Will it be legal for public foot traffic access year around? "Yes", per MSB Attorney, but it is not written in the agreement, but the "MSB enjoys an easement to the MSB for year around foot traffic." Attorney indicated that foot traffic was allowed year around through this easement, but no vehicles to be parked in easement itself. He also said that there should be no harassment of public within this easement by property owner.

Councilman Terry- Was this was settled in the past and why now, all of a sudden did they decide to change the agreement? Why did they not settle with the documentation that they had in the past. Brown: This case was not a "slam dunk case." So, they felt settling with changes was best. Believes MSB made missteps in the past with this easement and "he changed it." Attorney- He says he "is not objective so he does what he was told" by his client, the MSB. Had a strong case but was told to settle it the case by the MSB Assembly. There were multiple exec sessions over time regarding this case, but

(of course) they can't discuss what they spoke about in these meetings. Terry- There was no public input was taken during this whole process. Why only 12 feet? MSB should still use the whole ROW that is available as the MSB still owns the rest of the 30 ft road way next to this 12' ROW. Brown: Settlement allows MSB to use only 12 feet of easement. It is in the patent reservation already. The other 30' feet of easement is MSB easement and it's still there but has not been developed and there are no plans to develop it in the future. Terry-Why don't you just develop the entire MSB 30-foot ROW? Ross - can't we just use more access? Brown: just because there is an access spot "available on the map," doesn't mean it will become an access to the lake that would cost the borough money to develop, there are many easements around the lake that will never be developed.

BILL Harriet- In 2001 they owned the property and when he purchased it, he tried to give public access to the MSB and MSB did not want it.

Pres. Bill- What are the estimated costs for these agreed upon improvements? Not available yet, but MSB goal is to minimize costs. Moore: Money for improvements will come from cash in account designated for this ROW.

Pres. Bill- Can we see the new design before construction. Brown: yes, but some changes will be needed at the MSB expense to adjust the plans along the way. It is also agreed that a non-affiliated engineer will do this planning work. Brown: ROW needs to be designed so the public can access the row safely. Drainage fixed; sides stabilized. Lake access point to be made "useable for vehicles" for winter use. Pres. Bill- #1: BLCC would like to see design before the construction. #2: In my opinion, this "reasonable settlement" does not make any sense when all but one person making this decision do not live in the community. All other assembly members from outside, property owner is not resident, Attorney & Manager all from other parts of the MSB, so it does not affect them. It's easy for all assembly members agree on something when none of them live in the community.

Mayfield: Will the utility pole will remain? Brown: "It's my understandings that the pole will remain." The intent around the language was to put limits on the costs that the MSB will incur so that winter access can be provided with minimal cost to the MSB.

Butch Moore: 1. Please define public row on a section line? What right does public have. Attorney: "Easement reserved along section lines, as federal land was being disposed of are different, depending on time of land transfer from Feds to state or private.

Butch Moore: Where is the public use easement? MSB: It goes all the way to the lake and overlaps the section line easement given to the MSB in a platted ROW when subdivided. MSB always owns the platted land in a road row. Moore: What is policy if someone stops public access? Attorney- no answer. Moore: "My point is that the property owner purchased property at a reduced rate at the time, knowing there was a ROW (thus reduced price) and now MSB is settling with property owner who most likely knew better." MSB reps.- (no comment)

Terry: Has a precedent been set regarding these types of ROWs? This was platted in the comp plan. Public owns this access. Now we are giving our rights away to a private owner and now, "have we set precedent in the future?" Moore: Can I do the same and reduce my own ROW exposure? Brown: No. There is no need to try to do this.

Jill- Will there be a sign placed at ROW so all rules/ safety info will be publicly posted and known to public/ land owner, including foot access? Moore: yes. Cathy Mayfield: Who will maintain/ plow it? Brown: The MSB will not plow it. QQ- Will obstacles placed by property owner be repaired/ removed so access will be useable when it is to be legal access? Brown- "non-interference" is part of the settlement private property owner and there should be no harassment by property owner.

Ken Walsh- The MSB needs to work with community to plan development responsibly in the future. Regulations (zoning) should be developed for this type of access problem. Borough wide planning/ regulations.

Subject 2: Culvert crossing underpass Burma Road & Iditarod Trail- The MSB just completed a trail crossing at the intersection of Burma Road & the Iditarod trail. It consists of a huge under culvert buried under Burma Rd so that trail users will not have conflict with vehicles while crossing Burma.

This easement is on a traditional RS2477 trail (Iditarod Trail). This is a public use space that was already litigated and in place already. There was public safety concern with this intersection. In the past, funding for projects like this has occurred within the MSB and is used for trails. This was project costed \$750K, but was completed for use before this winter. MSB is happy the project could be finished in such a timely manner as prices continue to climb for raw materials at this time. Mr. Brown justifies price by comparing to other projects that were completed in the past that were similar. Some items in this bid were higher and others lower. The cost of the pipe was 1/3 of the total cost. Lots of excavation was done for this project to get below grade to make connections and make it all good. This is a "total price" and includes all design, permitting, parts and pieces. 100% costs are the total. Brown thinks MSB got good \$\$ value for the project and it "was not simple project."

Pres. Bill- Although we all support dog folks, Why the culvert? It seems excessive. Taz ma hall. Extensive project. Why? Plenty of options- Brown: It's not unrepresented and a good, safe solution to a problem as things continue to expand and more people move to the area. The safety of all folks who use the trails are the objective.

Pres. Bill: Was it justified? Road may even be moved in at some point in future. Brown: Yes.

Bill Kendig- President of the Knik/ Fairview community: There have been documented incidents between trail users and the road or vehicles on the road. There has also been an increase of traffic along Burma from the "Prison traffic" on Burma after shift change. 20 years been pushing for this project and we feel it was a necessary project.

"Mushing Community Rep."- The Iditarod race trail is roughly 1000 miles with different stake holders/ owners all along the way. Different entities who own the land where the trail runs. Iditarod has to work with all to preserve the access on this route to save it for the generations of Alaskans in the future. To pass on the Alaskan heritage of mushing, where Knik was the start of the Iditarod dream. Youth need to reconnect with this event. Try to grow generation that connects with eco system & dogs, land and it may help them figure out "who they want to be in the future." "What can we do together to grow the next generation of explorers?"

Pres. Bill- discussion is good, and sharing points of view is good.

Membership- Time to sign up for 2022. Currently 51 members in 2021

Treasury report: \$14,997.09 in checking and \$267.48 in savings

Legislative- There is a new district redistricting plan that is just finishing up with the resolutions from the committee. (Sadly) Senator Wilson will no longer be our Senator. In only 45 days another session will start. Offices are currently open, feel free to contact them. Nothing going on at this point. After "redistricting," not only will the representative for Big Lake but (if I'm not mistaken) Our district will also include VALDEZ, Pt. Mac., Willow, Talkeetna, Anderson & the Denali borough. All the way up to dist. 9. "That's a lot of territory for one person to represent."

Many folks think what will help the Big Lake area is incorporating somehow. Try to become a city or something. Next election we will get a new senator. Current senators need to rerun in this new huge district to be reelected. Website_ its online right now.

QQ- How are areas determined? Wilson: Geographical. No "city separation." Socio-economic situations and the MSB borough can "only 2 times can be split." 5 board members appointed and make determinations.

Assemblyman Tews- The "Animal Streets Neighborhood Project" (Musk Rat, Ermine etc.) was delayed. The original plan was to basically add more fill on the roads. It appears as though the real problem is with drainage of the watershed that runs from the "Cherrywood Street Subdivision" and runs under/ through all the subdivisions to the west and eventually drains in Big Lake/ Fish Creek. Runs under Hollywood and B.L.Road. It floods the Animal Street neighborhood frequently and the answer should be fixing the drainage the whole way and not just raising the level of the subdivision roads. Project back in the planning phase to upgrade drainage.

Calcium Chloride application this Summer in beautiful Big Lake: The project was let out with multiple bids returned. Assemblyman Tew did not like the price and "worked with" other contractors to get the bid price lowered. After receiving another round of bids, he was still not satisfied with the pricing and contacted another contractor who came in with a lower bid and was awarded contract. There were modifications to the contract specs along the way, per Mr. Tew.

Councilman TERRY- Requested all the emails regarding the Calcium Chloride purchase, bidding, award and application via "Freedom of Information Act" from the Borough and it seemed to indicate problems in MSB regarding this contract regarding non-Borough standard procurement and involvement from Assemblyman Tew and subsequent rebids? Terry feels Assemblyman Tew should not be involved with contract negotiations. "He is assemblyman not RSA board member or purchasing agent, he is our assemblyman." Terry thinks most folks making positive comments CC on the roads are friends of assemblyman who are merely doing so to help the Assemblyman. Terry indicates that it "Does not look good" from comments in internal emails he has seen from the request, and it all looks suspicious. Is all this ethical/ legal? (Terry asking Brown, referring to the seemingly improprieties) "Will the Attorney or the Borough Manager put a hold on Calcium Chloride application contracts this year until the bid process in the past summers work is investigated further? Terry: More public input should be obtained. Terry does not like the way the contract was administered or handled.

All this will be discussed at the RSA meeting discussion tomorrow night and this will be discussed there. (Road service meeting postponed) 7.9 miles approved by RSA board. 12 total done. \$990. Per mile for application. Costs were between \$600 per bag & \$800 per bag. How many bags per mile, using 4 bags per mile for 7 miles and 6 bags per mile for 5 miles in Big Lake. Mayfield: Was there a legal procurement process followed? It seems like Assemblyman Tews was intimately involved with contract negotiations and set the course of the contract award. "How did that process happen? How did 3 different bid processes get done with the different contractors?"

(Input from crowd): "Lake View Loop folks" are unhappy with the road application of calcium chloride in their hood. Sloppy. Did not last more than a month. Not smooth to start with. Road needs to be fixed.

Fire report- Chief Hightower- loves community involvement, keep it up! Oct is fire safety month. Follow the Westlakes Fire department web page and "learn the sounds of safety." Is it a "chirp?" A "beeping alarm?" Or a full-on fire alarm sound? You need to know the sounds. Share with children what the sounds are. Dept wants all folks have working alarms for free. CO alarms available for free too. 57 calls responded to in the past month, including 3 structure fires. Chimneys and alternative fuel heating sources are usually the problem. If you have a fire, please call the fire dept sooner in the process of the fire. They can always turn around and go back to the station. Make sure you have a Carbon detector in the house, preferably by the bedrooms so you'll be awakened when it goes off. Don't leave cars running in garage. Should have 1 CO detector in each home. Digital readouts are best so you can observe how high it is. Co is slightly lighter than air. OK to put outside of sleeping area is best so you are awakened. Height does not matter.

Recycling- sat/ sun 12-3 until weather gets too cold.

NEW business: ROW acquisition: as we plan a future upgrade Lakes Blvd., we should request wider ROW for bike trails. Also, our request should include other main streets that intersect with WLBLVD to the ROW for future bike trail is contiguous.

Bill Harriet. Regarding the Big Lake Comp plan- Does not think the plan is being followed and in noncompliance. Might take the time to take a look at it again. Does the comp plan need to be updated every 5 years? CC will get with MSB to start that process.

Thursday at Big Lake Elementary. Breakfast for vets and videos outside. 9-10am Thursday.

Bill Haller- Lions Club Holiday bazar will be at Lion's club. Tables are sold out. Black Friday weekend. Open skating this weekend (Yea). Xmas parade will be 12/11 this year. There are also 7 different

hockey tournaments being held at the rink during December & January. Trunker treat was huge. Maybe 2k kids. Valley Transit bus won 1st place.

9:17 pm adjourned. (whew!)