

Birchwood Community Council

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Minutes

Wednesday, November 13, 2019, 7-9 PM
Beach Lake Chalet, 17611 S Birchwood Loop Rd

1. Call to Order 7:00

2. Approval of Minutes (October) approved

3. Announcements

- a) EagleExit has a fundraiser scheduled for Nov. 30th: see www.eagleexit.com.
- b). The Heritage Land Bank Draft 2020 HLB Annual Work Program & 2021-2025 5-Year Management Plan is available for public comment; it's at <http://www.muni.org/Departments/hlb/Pages/Plan.aspx> . Comment deadline is December 8, 2019
- c. Water and wastewater advisory commission has an opening. This commission is important for folks with septic systems.

4. Reports

- a) FCC Report: Matt Cruickshank: recall that FCC was requesting \$10,000 to purchase liability insurance to cover community council meetings; last this was done; this year there may be only \$5,000. We think no one is covered at present.
- b) CBERRRSA Road Board Report: Brooks Drive/Centerfield connection – The Board had had the funds, but those funds were pulled back because the work will be folded into Artillery Road interchange work. There's a potential Starner Bridge resolution - there's excess funding from the Yosemite Drive project; it needs to be re-appropriated by the legislature to be used for Starner bridge. The bridge is not safe for larger vehicles such as ambulances and fire trucks. The recommendation is to go to a 20-ton bridge. We discuss the resolution and make minor changes. The motion (attached) is moved, seconded, and accepted unanimously.
The board considered whether to build a heated wash bay on the CBERRRSA lot next to Fire Station 13. However, they feel it's not a good use of funds right now, especially if we ultimately want to buy Station 13.
Projects on the Capital Improvement Plan (CIP) are largely done, so we need to identify any projects that should be added, and get supporting resolutions to add them to the CIP.
- c) Parks and Recreation Report: <http://www.muni.org/Departments/ERparks/>
November meeting was postponed to next Monday Nov 18
- d) Chugiak Eagle River Advisory Board - no report
- e) Treasurer's report \$245
- f) Tim Benningfield – CVFD: In October, 110 members volunteered almost 5500 hrs. They've recorded 54,000 hours so far this year. By the end of the year, volunteers will have saved the community \$1.7 million. All their firefighters, EMTs and medics are volunteers; there are only 4 paid jobs. He introduces – Marley Lawley, an EMT who has been with CVFD not quite a yr. She has volunteered 600 hours this year. She speaks about the opportunity CVFD

2019-2020 board: Debbie Ossiander, Chair & CERAB rep; Gretchen Wehmhoff, Vice Chair and Secretary for Publicity; Lexi Hill, Secretary & Parks and Rec rep; Matt Cruickshank, FCC and Road Board rep; Patty Friend, Member at large; Val Jokela, Treasurer

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provides for students wanting to become firefighters or EMTs. Debbie asks about new equipment. They are looking to buy a new engine/tender, replacing 3 vehicles with 1. The Assembly will vote on this soon. Crystal notes that this is not a bonded item – but paid for from savings.

- g) Birchwood Patrol Report – recent crime activity – Jeff Hartley (Matt reports). Jeff will be gone all winter on family issue. Birchwood Patrol will continue in his absence, and he will be back.
- h) Legislative / Assembly reports: Crystal Kennedy (Assembly):
 - Chugach MLP sale: the sale is complicated, but it appears the Muni will receive \$234 million in cash. Assembly members are hoping to use some of this to pay off the SAP debt. Crystal wants to put some of the money towards school bond debt that the state is no longer reimbursing. Or we could put money into the trust fund and use the earnings.
 - Port: they are talking with users about tariffs. Repair, even without expansion, will be very expensive.
 - FCC insurance issue – she thinks we’re good for this year, and she and Felix Rivera are interested in solving this problem going forward.
 - Cemetery: They are trying to identify \$60,000 for the cemetery land use study. She’ll be talking to Debbie about CERAB.
 - Miscellaneous: there’s interest in making sure we can support electric vehicles, but not autonomous vehicles. She has preliminary budget information; they anticipate about a \$4 million increase. There will be a few changes to police, parks & rec. There is some controversy over hiring trail patrol officers. To contact Crystal, her cell is 351-1430.

5. Appearances:

- a) MEA: Julie Estey – MEA is clearing near the airport; this is the end of a 6-year cycle where they try to clear every line. The first cycle included a lot of widening where things had gotten too narrow. Rates went up 1% - effect of Kenia fire cutting line from Bradley Lake raised costs. Gas prices were negotiated down but this more than made up for that. They are trying to keep their costs down; we can focus on efficiency. Note LED holiday lights. They have a Christmas light contest. They are getting questions about electric vehicles (EVs), and sent a survey, also did a video with members with EVs. Alaska Energy Authority is using some of the Volkswagon (fraudulently claimed cleaner vehicles that was the case) settlement money for EV infrastructure – see their website. MLP sale is at the Regulatory Commission of Alaska (RCA), who will decide in Feb. if the sale can move forward. Justine Parks (Steffes Rd.) substation still needs expansion – they have been working with affected landowners, and will come back to us in the spring, they think.
- b) Potential casino in Birchwood: Don Mitchell speaks to us on Eklutna Village’s lawsuit to establish a Casino. He has been involved with Alaska Native legal issues for a long time. Indian Gaming is allowed under the Indian Gaming Regulatory Act, which was passed in 1988, and regulated by the Indian Gaming Commission. Recognized tribes (as defined in the act) can operate various types of gambling if they build the facility on Indian lands (defined in that and other acts) and are not subject to state regulations on that activity. In Alaska (and elsewhere) there have been disagreements over both qualifying characteristics – being a recognized tribe and having Indian land. In 1995, Eklutna filed a gaming ordinance with the commission, requesting authorization to have a class 2 gaming operation (bingo, pull tabs, poker) on an 8 acre allotment Roy Andola owned off the N Birchwood exit near the RR. They withdrew that ordinance once it appeared

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that they would be denied because the allotment might not be viewed as qualifying Indian land. They submitted a substantially similar ordinance again in 2008; the State argued that the allotment was not Indian Land, and that Eklutna did not qualify as a tribe. They again withdrew that ordinance, on the likely finding that the allotment land did not qualify. Recently, Eklutna went directly to Interior, asking for the Department to declare the allotment qualified as Indian lands. Interior lawyers issued a decision that they did not believe the allotment qualified. Eklutna filed a lawsuit in August in the DC District federal court, asking the court to rule that Interior was wrong, and the allotment did qualify. The issue is not yet resolved.

If the court case comes down in Eklutna's favor, they could likely win approval to open a Class 2 gaming operation on the 8 acres in Birchwood. In other decisions around gaming, the Indian Gaming Commission has loosened the rules around electronic versions of Category 2 games, meaning that some category 2 gaming operations now look much like Vegas-style slot-machine casinos. If such a facility were built in Birchwood, it could be much larger, busier, with a much bigger neighborhood impact than more traditional category 2-type gaming operations (for example, Tudor Road Bingo). So, the Council should monitor the court case and be prepared to speak up as necessary.

c. ASD report – Elisa Vakalis: School Board meetings are now on Tuesdays and are broadcast on YouTube. The proposed school bond is \$73 million, \$3 million for Inlet View and the rest is earthquake recovery. \$43 million for Gruening, about \$10 million for other Eagle River schools. The board should be voting next Tuesday. It's possible that there will be separate bonds, one for earthquake recovery, one for the rest. Over her 5 years on the board, they have tried to cap the bond level at the amount that is being retired from older bonds. This bond is larger than that. The District could get \$30 million back from FEMA, but with strings attached and long delays. Also, we have to pay 100% of our bonds now, and probably going forward, so we are looking at bonds having a greater impact on increased property taxes than in the past. The Board is in Phase 1 of a strategic planning effort; they need to describe what they want kids to know and be able to do when they graduate. There is a survey out, and one more public meeting next week. In mid-December, they will have the pro forma budget coming to the board. They are looking at a \$20 - \$30 million shortfall.

6. Old Business.

- a) AWWU update Plans for a water transmission line through Birchwood are dead at this moment. They may move forward with a small distribution district to serve the development Eklutna has planned near the North Eagle River exit.

9. Adjournment-9pm