

BIRCHWOOD COMMUNITY COUNCIL

Minutes of March 27, 2013

Jill Flanders Crosby, Acting Chair called the regularly scheduled Birchwood Community Council Meeting to order at 7:02 pm with 17 members present.

Motion to approve minutes of February 27 2013, 1-R McCain, 2-a Peck, passed.

Announcements

Guest Speakers Jim Arnesen representing Ekluta Inc. and Shane Durand with Central Recycling Services (CRS).

Jim and Shane gave an update on the proposed Master Plan for the file site abutting Loretta French Park. The 70 acre Monofil site will be filled in with inert materials derived from reclaiming building materials. This will compliment CRS's recycling facility. The road that accesses the site will be reconstructed to improve drainage allowing water to pass under the road through a new culvert. The fill site will be used for a parking lot. There is no current plan for use of the site once developed - Eklutna welcomes community input. The estimated 15 year project will operate 7AM to 7PM. Anyone with building material to be disposed of may take them to CRS at 2400 Railroad Ave, Anchorage. www.centralrecyclingservices.com

Guest Speaker Debbie Ossiander Assembly

Debbie makes her final visit to the Council as an Assembly Representative; all congratulate her for three terms of dedicated service.

Debbie updates the Council,

- 1) There will be a change to the conditional use permits held by the downtown bars. They can now apply to serve alcohol until 3AM and remain open until 5AM; this could affect bars local to our area.
- 2) Title 21: Still to come in the recently passed Title 21 document is the adoption of Lighting Standards; our Chapter 10 has a placeholder. Also to come in the future is adoption of The Rural Road Standards. This will be of great interest to our community because we have a number of historic roads that don't fit the current standards. Effective in January of 2014 property owners will be able to apply for building permits using their choice of the old or new Title 21 Land Use Regulations until January of 2015.
- 3) Anchorage School District, there is a 6 year financial plan in the works, additional state funding will relieve the pressure in the pressure on the muni tax base.
- 4) Debbie expresses her concerns regarding the Taxi Ordinance. The section needs to be redone changing the limitations the number of permits and how they are transferred. Birchwood's lack of public transportation and lack of access of efficient cab service is a serious problem for our residents.

NEW BUSINESS

It is proposed that the council sponsors a public a public picnic.

Bobbi Wells wants to go door to door through the community one last time.

Bobbi will not run for office in the upcoming election but wishes to stay involved as an advisor to the board.

The Birchwood Community Council By Laws will be reevaluated by a standing committee.

There was a discussion on the negative impacts on our area's potential double taxation of road improvements.

Motion 1-R McCain 1-D Ossiander, Passed; Proposition 2, to send the letter sent to the mayor to all the area representatives and all the community councils asking for their assistance.

Randy McCain, Chair CCERCC, Randy informs the council on the upcoming transition from the Consortium of Chugiak Eagle River Community Councils to The Advisory Board has been approved by the Assembly. He passed out a list of discussion points "What Does It Mean To Me". Randy is seeking input from all the councils on how they would like to proceed.

Randy passed out a copy of a proposed Road Board Resolution concerning Proposition 2 and a copy of a “letter of concern” sent to the Mayor regarding concerns and question on Proposition 2 of the April ballot, and is requested that BCC consider sending out a similar ones to our state representatives.

Randy passed out a copy of a Road Board Resolution supporting Anchorage Soil and Water Conservation District’s work on Peters Creek and asked for similar support from BCC. Motion made to write a similar letter of support 1-McCain, 2-Debbie Ossiander – Motion carried – Randy to draft for submittal at next meeting.

Motion 1-D Benson 2-D Ossiander, Passed

To Draft a resolution from BCC in support of the CBERRRSA resolution on Non Support of Proposition 2.

Adjourn 9:00pm

Chair: Acting Chair Jill Flanders Crosby and Secretaries: Gail Davidson McCain and Barbara Trost.

Bobbi Wells, Chair on Leave of Absence

Jill F. Crosby, Acting Chair

Gail Davidson-McCain, James Stewart, Barbara Trost, Secretaries

Contact the Birchwood Community Council:

BCC message line 689 7621

birchwoodcouncil@gmail.com

MUNICIPALITY OF ANCHORAGE



Mayor Dan Sullivan

PUBLIC WORKS DEPARTMENT

4700 ELMORE ROAD ♦ P O Box 196650 ♦ ANCHORAGE, AK 99519-6650
(907) 343-8120 ♦ (907) 343-8200 FAX

To Assembly Member Ossiander:

The following will try to answer issues that were brought up several weeks back regarding use of funds in CBERRRSA. Item #1 and Item #2 responses were provided after the January 29, 2013 meeting. Additional information is provided after that based upon subsequent questions.

ITEM #1:

This should help explain a little more detail about our intentions in regard to the item named "Bridge and Dam Rehabilitation". I have included what Public Works described as the purpose for the project funding with respect to AO 2013-20

Bridge and Dam Rehabilitation: This project will identify, inspect, and assess the bridges and dams in the Municipality of Anchorage that need work. Future funding will be used to rehabilitate the structures as needed. The bridge and dam infrastructure in Anchorage is aging and rehabilitation is needed before safety is impacted. This is an annual funding program. This bond includes approximately \$200,000 for identification, prioritization, and rehabilitation. A matching state grant has also been requested. Contact: Steve Shrader, 343-8159. (CC & AD: Area-wide).

Upon further reading I see in AO 2013-20 the description of the work is as follows:

The Emergency Medical Service and Public Safety Improvement Bond Proposal will implement the priorities established in the recently approved 2013-2018 Capital Improvement Program. The bond provides funds for emergency medical service and public safety capital improvements, including ambulance purchases, upgrading and renewing the E911 System, making school zone safety improvements, and assessing and rehabilitating bridges and dams in the Municipality. Please see the attached Project List...

I can understand why there were questions as to CBERRRSA area residents paying for rehabilitation of bridges outside their service area. Based upon our original intent and language above I can assure you that the funds must be used entirely for the assessment of bridges and dams throughout the Municipality of Anchorage based upon priorities provided by GBOS and CBERRRSA, as well as the M&O Division of Public Works. Our description of the project above also shows that with these assessments, funding plans will be developed per the recommendations. And I want to also state that this is an annual funding program effort based upon the need to understand our current infrastructure to prevent unplanned extreme measures such as were needed at the Eklutna Bridge this past year.

ITEM #2

As to Assembly's need to understand if assessment projects such as this have been billed to CBERRRSA in the past I have confirmed that with all information available Public Works has not billed CBERRRSA

for similar types of projects. As to the request for information with regard to Fire Lake Dam, I offer the following as to what happened financially:

An imminent emergency flooding scenario was identified in 2000-2001 based upon the condition of Fire Lake Dam. Two area-wide state grants specifically for Fire Lake Dam were received in 2001 in the amounts of \$40,000 and \$240,000 to begin a design and initiate improvements. Both of these amounts were appropriated to and paid from the area wide 401 fund. (AR 2001-204, AM 621-2001, Senate Bill 29-2001).

In 2004 CBERRRSA received a State grant in the amount of \$125,000 specifically for Fire Lake Dam, which was used almost entirely on construction costs associated with the Dam. As always, PM&E administrated the project and this \$125,000 was actually appropriated to the 419 CBERRRSA fund and therefore was billed to CBERRRSA, but it paid construction costs associated with the project, not assessment of the infrastructure, and was from state grant funding (AR 2004-258, AM 772-2004, Senate Bill 283-2004)

In 2005 we received two separate grants specific to Fire Lake Dam Rehabilitation from Homeland Security and Emergency Management in the amounts of \$411,600 and \$110,000. These grant funds were appropriated to the area-wide 401 fund and spent on construction, additional design and inspection of the project. (AR 2005-12, AM 44-2005, DHS&EM Grant for \$411,600; AR 2005-288, AM 815-2005, DHS&EM for \$110,000).

In 2006 additional funding from a Misc. Capital/Pass through CIP fund state grant in the amount of \$265,000 was appropriated to the 409 area-wide fund to fund additional construction needs. (AR 2006-162, AM 443-2006, Senate Bill 231-2006).

In 2006 PM&E identified additional funding required and appropriated \$200,000 from the area-wide 401 fund that was received within Senate Bill 231 that identified area-wide Flooding and Glaciation 50/50 match program funds. This funding was used for continued construction and administering of the project. (AR 2006-227, AM 630-2006, Senate Bill 231-2006)

Finally, the last funding source to complete this project came from a State grant in 2006 to CBERRRSA identified specifically for Fire Lake Dam. The funding was appropriated to the CBERRRSA 419 fund and was billed from PM&E to cover the final construction and management costs for the project, not assessment costs. (AR 2006-162, AM 443-2006, Senate Bill 231-2006)

In conclusion, in the above description of the entire Fire Lake Dam project all funds used were grant funds specific to the Fire Lake Dam or area-wide funds identified by Public Works to rehabilitate the dam. No funding was billed to CBERRRSA for the entire project that was not identified grant funds specific to the Fire Lake dam. What the funding also shows is that Chugiak/Eagle River does in fact receive general area-wide funds from the 401 fund for projects within CBERRRSA.

The above was provided in a response through the Mayors Office on January 30, 2013.

I have recently been given information regarding a few other projects in the CBERRRSA area.

The Eklutna Bridge had to be cleaned (Cleaning cost was around \$16K) before the State inspectors could perform their inspection, CBERRRSA paid for the cleaning and the inspection was on the State dime. This is actually very standard practice for all State Inspections. If they require something completed to allow their work to be done, it must be addressed. These are not what we would consider bridge assessment costs.

Then this past fall an inspection on the Stoltze bridge during a specific high water threat, was paid for by CBERRRSA as there was a specific flooding issue that took place and therefore needed a specific inspection. This was ordered through the Municipal Engineer and conducted by USKH but only because of a specific natural cause (This cost was around \$1600.00)

My staff and I are prepared to come to the next CBERRRSA meeting to allow for any discussion that might be necessary in regards to any other projects. Please let me know what those projects or expenditures you might need info on so we can be prepared to bring info to the board.

Sincerely,

Ronald J Thompson, P.E.
Public Works Director
Municipality of Anchorage

RT/

MUNICIPALITY OF ANCHORAGE



Office of the Mayor

Phone: 907-343-7100

FAX: 907-343-7180

Mayor Dan Sullivan

April 2, 2013

Chair Anthony Vita
Chugiak-Birchwood-Eagle River Rural Road Service Area Board of Supervisors
Eagle River Town Center, Room 131
12001 Business Boulevard
Eagle River, AK 99577

Dear Chair Vita

We appreciate your inquiry into Proposition 2 regarding road/bridge maintenance and whether or not it results in double taxation for service areas, specifically CBERRRSA.

The following are our responses to your inquiry:

1. In accordance with A.S. 29.35.450, a service area that provides road, fire protection, or parks and recreation services may not be altered or combined with another service area unless that proposal is approved, separately, by a majority of the voters who reside in each of the service areas. Does Proposition 2 violate this provision?

ANSWER: No, this is an area wide assessment of bridge and dam infrastructure and therefore it is in an area wide bond proposition. Service areas provide services not otherwise provided by the Municipality provide a higher or different level of service. This does not mean service areas are the exclusive provider of the service.

2. Service Areas also have the right of immunity from the alteration of a service area, except upon a vote within the area affected as set forth in Anchorage Municipal Charter, Article 2, Bill of Rights #2. Does Proposition 2 violate this provision?

ANSWER: No, there is no alteration of the service areas.

3. The services provided in a service area shall be financed by a uniform tax levy within the area as set forth in Anchorage Municipal Charter, Article 9, section 9.01b. Does Proposition 2 violate this provision?

ANSWER: No, this is an area wide assessment project therefore it should be funded with area wide funds.

4. As set forth in AMC 27.10.050.B, no work shall be performed except in accordance with the approved service area budget and contracts and any obligation incurred otherwise is void, and the board of supervisors shall supervise and direct the provision of road services in accordance with the appropriate budget and contract. Does Proposition 2 violate this provision?

ANSWER: No, this is an area wide assessment. AMC 27.10.050 applies only to service area funds and contracts.

5. The purchasing officer may initiate procurement of services for the benefit of the service area only upon the prior recommendation of the board of supervisors as set forth in AMC 27.10.050.B. Does Proposition 2 violate this provision?

ANSWER: No, the bridge and dam assessment project will use area wide funding to assess infrastructure throughout the entire Municipality to identify future maintenance needs. It is not specific to an individual service area, as it is an area wide infrastructure assessment.

6. Taxes have been levied in the CBERRRSA assessment district thru a local mill rate for the continuing assessment, rehabilitation, maintenance and construction during the last 12 months and there remains sufficient fund balances to fund projected future roads needs, including the maintenance and rehabilitation of bridges, dams, and making school zone safety improvements along with other services and capital improvement. Does Proposition 2 result in double taxation to the residents of the CBERRRSA?

ANSWER: No, this project is for assessment of the infrastructure throughout the entire Municipality of Anchorage which will identify the need for future maintenance and/or rehabilitation projects. This program was identified to be proactive throughout Anchorage in regards to our aging infrastructure. We must take a proactive role in developing future maintenance and rehabilitation projects.

7. Subject to the limitations set forth in AMC 27.10.050.B, the board of the CBERRRSA shall review and comment to the Assembly on all proposed capital projects for the improvement of road and drainage facilities under the jurisdiction of the CBERRRSA. The CBERRRSA was not consulted or made aware of the contents of Proposition 2, nor was it given an opportunity to

review or comment to the Assembly regarding Proposition 2. Does Proposition 2 and/or the process of the creation of Proposition 2 violate this provision?

ANSWER: No, this is an overall assessment program initiated this year, with a five year plan to identify any improvement projects that will be required within the entire Municipality of Anchorage. Once each piece of infrastructure is assessed, the information will be given to each specific road service area for future consideration and planning.

8. The CBERRRSA is currently carrying forward multi-year surplus revenues from past year Mill Levies; from year 2007 of \$7,289.73, from year 2008 of \$72,958.44, from year 2009 of \$430,924.72, from year 2010 of \$1,398,100.00, from year 2011 of \$1,478.12, and from year 2012 of \$43,870.27 with a total available CBERRRSA Mill Levy balance of \$1,954,621.28. What effect does Proposition 2 have on the CBERRRSA and does it result in the residents of CBERRRSA improperly paying for services outside of its service area?

ANSWER: No, the assessment plan is to review and assess the bridge and dam infrastructure within the entire Municipality of Anchorage. If any of the bridges or dams located within this assessment plan are located within CBERRRSA, then CBERRRSA may be the entity in charge of planning the future maintenance and rehabilitation needs, and therefore can use their funds accordingly.

I have also attached a letter that was sent to Assemblymember Ossiander from the Public Works Director answering additional concerns regarding this topic.

Thank you for the opportunity to provide an explanation to your inquiry.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dan Sullivan".

Mayor Dan Sullivan