

GLEN ALPS ROAD SERVICE AREA

Thursday, April 19, 2012
7:00 pm
Bear Valley School

MINUTES

- I. Call to Order: 7:05 pm
- II. Roll Call

Board Present:

Daniel Constantine, Chair
Joe Connolly, Alternate Chair - via phone
Shelly Martin, Recording Secretary
Marc Rodman, Project Chair
Carl Luchsinger, Board Member

Contractor Present: None

Guests:

Josh Cross, Lounsbury & Associates, Inc.
Todd Jacobson, The Boutet Company

Residents Present: - The resident sign-in sheet did not make it back to the recording secretary so there is no official list of the residents; however, the following is a very small list of residents who were known personally by the recording secretary or notified her that they were in attendance:

Tim Connolly, Judy Caminer, Tom Burke, Charles Bartholomew

III. Approval of January 2012 Meeting Minutes - The January meeting minutes were read and approved with one exception; Under Section II - Roll Call, the line stating Marc Rodman and Carl Luchsinger represented the contractor will be stricken from the minutes at Carl's request as he stated he does not represent the contractor at the meetings. After a little discussion between Carl and Daniel, it was agreed that Carl and Marc do act as a liaison between the board and contractor, but not as the representative. With no other corrections, Marc Rodman motioned to approve the minutes as corrected, and Carl Luchsinger seconded the motion. The minutes were approved by a vote of 4-0.

IV. Chair Report:

- As liaison to the contractor, Daniel asked if Carl could share any contract-related winter work issues. Carl stated a total of

\$117,764 was spent during the 2011-12 winter season, which was \$19,000 more than last year.

- Resident Judy Caminer asked to discuss an issue brought up by the Chugach State Park Citizens Advisory Board. The Board is considering petitioning various agencies responsible for naming places to add a traditional Dena'ina name for Powerline Pass. The name Powerline Pass will not change, but the new Dena'ina name of *Qin Cheghitnu Tustes*, which means Crying Ridge Creek Pass will be added to the Park map. This issue is being brought before GARSA because one requirement in requesting a name change is to see if there are any objections from neighborhoods or nearby residents and currently Glen Alps does not have a community council. There were no objections to the additional name; in fact residents and board members present were very supportive of the request. Judy will take this feedback to the advisory board.
- Election of Officers:
 - o Chair - Carl nominated Joe Connolly for Board Chair. Joe accepted the nomination and Marc Rodman seconded the nomination. Shelly nominated Daniel Constantine as Board Chair. Daniel also accepted but the nomination was not seconded. The nomination of Joe Connolly as Chair was approved in a 3-1 vote (Carl, Marc and Joe voted for Joe). Daniel offered to Chair the remainder of the meeting and have Joe take over at the next GARSA Board meeting since Joe was not physically present at the meeting (but was available via cell phone), and Joe accepted the offer.
 - o Recording Secretary - Daniel nominated Shelly as Recording Secretary, and Marc Rodman seconded the nomination. Shelly accepted and by a vote of 4-0 the nomination passed.
 - o Treasurer - Both Marc & Joe nominated Daniel for Treasurer, but Daniel did not accept the nomination. Daniel did agree to report the finances at the meetings but did not want the title or responsibilities of the Treasurer's position.
 - o Vice-Chair - Joe nominated Marc Rodman who accepted, and Carl seconded the nomination. The nomination was approved in a 4-0 vote.
 - o Project Chair - This position was not addressed at the April Meeting and therefore remains vacant.

V. Old Business:

- Update of Toilsome/Glen Alps & Canyon Road Improvements Project - Josh Cross, Lounsbury & Associates, Inc. *See Attachment 1*

Glen Alps side: Mr. Cross reported that the ROW appraisals are currently being updated and he anticipates getting them to the Municipality by late next week (week of April 22-25). The ROW agent working this issue at the MOA feels the appraisals should be turned around very quickly and that a three-week schedule is then projected to acquire the property.

Mr. Jacobson cautioned everyone that to be bid-ready you must have ROW, and since acquiring the property will be dependent on how the

affected residents respond a three-week schedule to acquire the property could be a little optimistic. In addition, the project bid requires assembly approval first and then it is typically another six weeks before a Notice To Proceed (NTP) is issued. Mr. Jacobson stated the best case scenario would be to receive the NTP by the end of July or early August. The MOA believes the contractor could knock out the project within 30 days, but the contract would likely allow 45 - 60 days for work completion.

Carl Luchsinger stated he is frustrated with MOA's progress of the whole project, and that \$72,000 has already been spent by the residents (i.e., GARS Board funds) to keep the road maintained since the project was first planned. The residents are getting tired of waiting and not only is the road getting worse, but it's getting harder and more costly to maintain as well. Carl noted that the Assembly meets only twice a month during the summer so it will be easy for the schedule to slip even more and residents will have to spend more money to maintain it. Carl also reminded everyone that the park will be doing a lot of construction this year on the parking lot expansion project, so there's no telling what those construction vehicles will do to the road. Carl asked if there was a penalty if the schedule slips because it will just make it hard on the residents as well as the budget.

Mr. Jacobson agreed with Carl's concern and said there may be an option for bid waivers to expedite the bidding process. In order to do so, it must be determined that waiving the formal bidding requirements is in the best interest of the Municipality.

Daniel asked at what point would the contract not be let because it's too late in the season, and who makes that call. Mr. Jacobson stated the MOA would make the call after talking with the board but there is no such date yet. A date of September 1st was then suggested as the drop dead date for letting the contract. Mr. Jacobson said the assembly will be reminded how time critical this issue is, and went on to say we should learn more in the next three weeks at which point Joe Connolly stated the next meeting is 5/17 so we should have the decision by then and can consider our actions at that time. **MAY AGENDA ITEM**

A Resident asked if the Board's intent is to stop maintenance on Glen Alps altogether, and Carl said he will likely have to at least put some asphalt down. Resident Judy Caminer asked if the construction company doing the state's parking lot project could help in some way to maintain or at least fix the road if they destroy it. It was agreed that this issue and further actions would be discussed at the May meeting. **MAY AGENDA ITEM**

- Canyon Road Improvement Project - Daniel started this update by giving a summary of the three areas of concern discussed at the January GARS Board meeting. They were: 1) Acquiring ROW through

Rohaley property 2) Improving Canyon Road from DeArmoun to Bee's Hill; and 3) Acquiring ROW through Hocker-Beede subdivision. There were many questions from the residents on how the work would proceed, and none of the residents at the meeting were in favor of either of the proposed project options. An alternative option was proposed by the Canyon Road residents to research the possibility of obtaining Public Use Easements (PUEs).

Mr. Jacobson had taken an action item from the January meeting to write a white paper on this topic and gave the board and residents an overview of his paper and the MOA's reaction to it. See Attachment 2. Mr. Jacobson stated the issue came up regarding the feasibility of utilizing a proposed PUE using capital dollars through the Hocker-Beede Subdivision. The problem is you can't use public money (capital dollars) for road maintenance. Mr. Jacobson stated the PUE option won't work because the MOA cannot construct the road to current Municipal standards, and by accepting a PUE for a substandard roadway, the MOA would own a road with liability. He explained further the two leading reasons PUEs wouldn't work which are: 1) The MOA does not believe under any circumstances that this road could be built in compliance to standards, and 2) They can't obtain the necessary ROW width for a "residential collector road" which is what the Canyon Road area is considered to be. Mr. Jacobson stated Jennifer Johnston, the Assembly representative for the GARSA, queried the MOA to see if there had been any other substandard road adopted with a PUE by the MOA and found that there has been no road adopted in the past 20 years that doesn't have a ROW less than 60 feet, although there are a few substandard roads.

Daniel asked that since the MOA already owns the maintenance portion (through the GARSA) what is the difference with liability? Mr. Jacobson agreed that this was a good point. Daniel stated he felt the MOA owns the liability regardless.

Resident Burke posed the question that if the residents own the road, couldn't they then close the road because it would be considered private property? There was much discussion about this issue and it was determined that there needs to be a legal resolution to the private road issue, especially since it is an access road to a state park. Resident Burke suggested GARSA look into purchasing an insurance policy. Mr. Jacobson agreed that this issue should be elevated to the MOA attorney. Resident Tim Connolly said maybe the question should be whether the residents are liable. Mr. Jacobson clarified for the record that the white paper he wrote does not state that the residents are liable. Resident A(unknown) asked if this issue could be resolved with something as simple as posting a sign on the road stating there is no liability? This did not seem like a bad idea but this whole issue should really be discussed with a land attorney. Mr. Jacobson noted that 'Prescriptive Rights' allows individuals to go through your private property. Tim Connolly suggested contact be made with the GARSA Assembly representatives Chris Birch and Jennifer Johnston to get clarification on the private property ruling and ask them to hold a community meeting

so the residents and city attorney could discuss this issue. Mr. Jacobson once again stated for the record that the white paper he wrote did not specifically state that the property owners are liable. Tim Connolly stated he would take the action to contact both assembly members about this issue. Joe Connolly said we should make a note of action items about this issue and consider holding a special meeting.

MAY AGENDA ITEM

Resident B (unknown) who has a prescriptive easement that applies to only applied uses, stated there is a clear disconnect between residents, the MOA and park administrators because residents really don't want huge amounts of traffic on their roads, and he would like to open a discussion on opening a parking lot on Rohaley. Joe Connolly added that as a user himself, there are three purposes why people go to the park: 1. Climb peak Three; 2. ski; 3. Hike back to Rabbit Lake. If a parking lot is constructed at Rohaley there will still be lots of traffic going back to the park. Daniel asked that we come back to the road issue itself even though we all agree the park entrance and road maintenance issues are very closely related.

Carl Luchsinger made the motion to change the Canyon Road project priorities to improve DeArmoun to Rohaley by: #1 use left over money to improve Bee's hill, #2 pave Upper DeArmoun from Hillside to Bee's Hill; #3 Upgrade the road to the top of Upper Canyon (from the park property to the gate); #4 get ROW through Rohaley property; #5 look at best route through Hocker-Beede subdivision.

Mr. Jacobson stated he is an advocate to start from the bottom up, and working on Bee's hill does make sense as does acquiring ROW through Rohaley. In reference to the Hocker-Beede subdivision proposal, Mr. Jacobson pointed out that the hillside did not receive much project money in the state budget and one thing he's noticed is that projects on the hillside have become somewhat contentious so it would be very effective to get a couple of projects done to prove we can do it, and we need consensus on whatever we decide to do. One thing to keep in mind as we prioritize the projects is that Representative Hawker got the project money by selling it as being used for the greater good for the community.

Going back to Carl's motion, Daniel commented that it sounded like priority #2 is not something we can use funds for but Carl stated he wanted to leave it in until we get a ruling by the MOA. Daniel also commented that priority #3 may be a stretch since it is such a long way up (based on Mr. Jacobson's suggestion that we work from the bottom up). Daniel said his priorities would be: #1 Use left over money to improve Bee's hill; #2 Acquire ROW through Rohaley if agreement could be reached; #3 Look at best route through Hocker-Beede subdivision; and #4 Upgrade the road to the top of Upper Canyon (from the park property to the gate).

After some discussion of both motions, the board voted in favor of Carl's original motion by a vote of 4-0.

- Resident Ted Moore was unable to attend this meeting, but sent in a statement that will be entered into the minutes as *Attachment 3*, even though it appears his observations may be mute at this point.
- Patrick Rd Culvert - Carl Luchsinger stated he received an estimate of \$11,220 to move the utility pole at the end of Patrick which would improve maintenance efforts on that street. Carl motioned we spend this money from capital budget and Marc Rodman seconded the motion. With no further discussion, the motioned carried 4-0 in favor of spending \$11,220 from the Capital budget.

VI. Treasurer's Report: See *Attachment 4*. As of 3/15/2012, the total direct budget amount unexpended equals \$152,392.88.

- **Fund balance a/o 12/31/11(before set asides):** \$187,106
- **Available Unaudited Fund Balance:** \$94,520
- **Emergency Fund Balance:** \$61,214
- **Capital Budget:** \$56,000 (\$40K Contributions to Others; \$16K unspent balance from 2011 CIP contribution)
- **Contractor Bills Paid:** \$45K spent in Nov and Dec 2011

VII. New Business:

- Carl read a list of projects that should be completed between now and the May meeting and stated both he and Marc feel these projects can be done within the \$105k budget, but we won't have any reserves for spring emergencies. Daniel asked if a bid process would be followed on these projects and Carl said no there is already a rate in the contract and there is \$94K that can be transferred into maintenance funds. Daniel stated he does not like the idea of spending the fund balance and Carl replied there is \$61K left for emergencies. Daniel reiterated that we need to stay within our budget, but Carl stated we are trying to maintain what we have and if we don't keep the pavement and chip seal roads up to par we'll have more problems later. Daniel said he would agree to sweeping, crack sealing and completing the chip seal road repairs (fix potholes) within the next 30 days but asked that the pricing of the other projects be confirmed for the May meeting. Daniel stated that we can approve a total amount with a not to exceed stipulation and then get prices for the other work and approve via email but we must stay within the set price amount. Carl was feeling that maybe his integrity and expertise in the maintenance area was being questioned, to which Daniel stated he does value the two board members who put time and effort into getting the list together but because Carl and

Marc also work for the contractor he is trying to use a little more caution to protect them and the Board. Joe Connolly also felt uncomfortable approving all the projects on the list to be completed in the next month, so Carl asked Daniel to make up a list of projects and he will get prices for everything, but in the end Carl made up a list and forwarded it to the Board the next day (Friday, April 20th). *See Attachment 5.*

- Joe Connolly then read an email from resident Mark Mitchell (not in attendance) regarding chip sealing of Patrick. *See Attachment 6.*

VIII. Next Meeting Announcement - May 17, 2012
7:00 pm
Bear Valley School

IX. Adjournment: 8:50 pm