




Matanuska-Susitna Borough

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DATE: July 22, 1997

TO: Borough Assembly

FROM: Barbara Lacher, Borough Mayor 

SUBJECT: Veto of Ordinance No. 97-039 regarding classifying approximately 320 acres of borough-owned land as general purpose land and approving a conveyance by lease with option to purchase to Homestead Resort Properties.

After careful consideration of all the information brought forth to the assembly, for the purpose of justifying execution of a lease/purchase to Homestead Resort Properties, I am unable to conclude that such a lease/purchase is lawful or in the best interest of the people of the Mat-Su Borough.

While I certainly agree with our borough attorney's opinion, which finds that the state of Alaska allows local government great latitude when making decision regarding management of our local lands, I am just as certain that exercising such privileged latitude of this project can not be justified. My reasons for this opinion are several.

First and foremost, I believe this project fails to rise to the level of the "maximum use consistent with the public interest" clause found within Article VIII, section 1 of the Alaska Constitution, which article otherwise encourages "the settlement of its land and the development of its resources." Moreover, additional constitutional direction can be found in section 2 of Article VIII wherein it states "utilization, development and conservation of all natural resources of the state including land and waters, [shall be] for the maximum benefit of its people."

The question, thus, becomes: How can setting aside a huge amount of prime public land for exclusive use by a privileged few (who can pay \$25,000 for membership or afford \$85,000 to \$100,000 for a home site) benefit the public at large? Considering the exhaustive testimony of residents proximate to this project, that a mini-city built around a country club will increase and forever erode the character of what is now a pristine recreational area, and further, considering the testimony and evidence set out in the public record regarding the high probability of ground and surface water contamination, the answer becomes obvious.

This project does not hold "maximum benefit" for the people of the Mat-Su Borough. Rather, it holds a great proprietary benefit and benefit for a privileged few. Given this fact, its development

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and use will not be "consistent with public interest" but rather, highly detrimental to those who must live near to it. Therefore, I have no choice but to register my VETO in the public record and hope that other members of the assembly will reconsider their prior vote on this issue.

Although there is, in my opinion, overwhelming legal and public interest reasons that support rejecting any lease agreement for this project, I am further troubled by the manner in which the review process made its way through this government body and through our planning department.

Mr. Trygstad has demonstrated a pattern of continued failure to respond to requests for critical information and a failure to work with the neighbors of his proposed development, the good citizens of the Butte community. Rather than properly researching, proposing, or acting on solutions that may allay the concerns of those who would be adversely impacted by this project, Mr. Trygstad chose an opposite and disingenuous path, that of intense political pressure opportunistically applied in private meetings, without benefit of proper public discourse.

For a recent example of how Mr. Trygstad has attempted to manipulate and circumvent the public process one need look only so far as his recent and latest agreement and promises made to the people of the borough. Specifically, Mr. Trygstad no sooner had embraced the lease conditions put forth by our Planning Commission as valid, reasonable, and mutually endearing, then he was back in action, circulating a promotional book among assembly members that called the agreement and conditions of the lease "prohibitively restrictive" and "individually capricious." To call the conditions capricious gives some insight as to this developer's true intentions and is an insult to our fine Planning Commission. To call them such immediately after thoughtful consideration and agreement by both parties, and to then immediately lobby against them shows no conscience.

Certainly, the future and adequate resolution of the questions surrounding the negative impact upon residents of the Butte community, including but not limited to questions of the very real probability of ground and surface water contamination, traffic, or other problems, require a developer who demonstrates he can work with both the borough government, and its citizens, in good faith.

In my opinion, given his prior dealings with this body, Mr. Trygstad has, throughout this process, never exercised good faith. Therefore, I do not believe he can possibly be a good steward of the public lands.