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Dear Mr. DeVilbiss,

Having procured a copy of your letter responding to Mayor Lacher's veto, I would like to sincerely thank you for collecting your thoughts on this issue and putting them down on paper. It's obvious you've put a lot of time into it, and it helps me understand a little better how you arrived at your position. I understand you believe public land should be transferred to private hands so it can generate revenue for the government.

Much of your statement questions the testimony of citizens opposing the land transfer. But, a major part of the controversy has been the thwarting of the public process from the beginning. It is unfortunate that you waited until the public process was essentially over to release your statement. I could discuss this subject at length, but instead I will attempt to address some of your responses point-by-point.

I realize your position against public land is hardwired by ideology - although it's somewhat difficult to understand why, since it's neither a constitutional nor a moral issue. However, I believe you should know how your actions are perceived by many of us out here in the public. I may get harsh at times, but please don't take it personally. (That may be difficult, but this is an honest attempt to call into question what I believe to be very improper action by the Borough government.) You are my Assemblyman (I even voted for you), and you have been a major supporter of Mr. Trygstad. You released a statement containing many things which need responses, and I am frustrated enough that I will not pull many punches.

"Because of the full agenda on July 15 I did not explain my position but I feel that those who took the trouble to testify deserve to know. If I were a typical politician I would have done what I see done around the Assembly table. I would have voted "no" pretty well knowing that the other members would have voted "yes"."

The fact that everyone on the Assembly voted this thing through with scant commentary, after heavy testimony in opposition sustained over several months at several different meetings, was the culmination and expected outcome of this controversy. Citizens in opposition to this transfer realize their opinions do not carry much weight compared to whatever agenda is pushing this conveyance. I agree it may have been dishonest for you to vote "no" simply for political purposes, if it could not have affected the outcome. (However, please do not let this dissuade you from voting "no" on the veto override if you can get two more members to vote with you.)

"The majority who communicated with me opposing the sale indicated that this was their favorite place to recreate. On closer questioning it became clear that most did not even know where the property was. Many were concerned about McRoberts Creek which does not even run through the Borough parcel. Even more revealed that they enjoyed the trails and lake on the property already owned by Homestead Resort. (About 500 acres that has been privately owned for many years and to which the public has had access including Weiland's hay fields and Burkholder Lake.)"

I agree that there has been some confusion regarding the exact geography in question. It is my understanding that some older topographical maps are not correct, and that McRoberts Creek currently does run through a small portion of the 320 acres. But your implication is correct - if a golf course were to be developed, it's pretty clear the major impact on the creek would be from the private land. You are also correct in stating that the public has been accessing the private land and Burkholder Lake - for many decades in fact. Many of us have been removing trash from the trails and lakeside for years. (I do not believe the Lake is currently owned by Homestead Resort Properties. You might find it interesting to look at the confusing paper trail on that parcel.) I assure you, the people leaving trash in the woods are not the same ones who are concerned enough to spend all this time opposing the land transfer. After this property becomes developed, as a golf course or otherwise, the 320 acre public parcel will be even more valuable to the public. It is a fact that Mr. Trygstad has stated that he would proceed with his project even without the 320 acre parcel.

“Apart from wood cutting which has denuded the parcel of most big trees and some hunting activities in August and Sept., there is very little evidence that this public recreation area is being used at all off the trail. For that reason I conditioned the sale of the property to the perpetual, free and unrestricted use of Maud-Plumley trail. In my judgment the primary current function of the 320 acres is as a corridor between Maud and Plumley roads to access Mud and Jim lakes. That use and function would be preserved.”

You use of the word “denuded” indicates a negative opinion of people using a designated wood-cutting area to cut down some trees. Isn't Mr. Trygstad planning on cutting most of them down for a golf course anyway? I agree there is plenty of hunting activity on the parcel. That is because the area is exceptional game habitat that supports large numbers of spruce hens and moose. There aren't many reasons to go off trail if you're not hunting, and most hunting takes place in August and September. What activities would be carried out on a vast, lifeless wasteland of golf course fairways in October through May? None, in my judgment.

“I cannot accept that this 320 acres represents the crown jewel of the last of the public lands in the Butte. There are literally thousands of acres of state and borough land in the Butte around Jim, Mud, and Swan Lakes and the rivers that demonstrate much heavier recreational use at present. I will be working with the community and the administration to insure that the management and use of those lands is preserved for that use. Coupled with the Maud-Plumley trail there would be virtually no functional change from the current use patterns of public land.”

Your constituents have testified about this ad nauseum. You heard them at two assembly meetings, and at least three planning commission meetings. They use it, they like it, and they feel strongly enough to show up again and again and again to testify. Accept it. You are not **that** much smarter than the average Butte resident. If we believed this was just another piece of land like the mountaintop state property or the submerged borough property you are referencing, would we spend all this time and effort opposing this?

“Another concern that I took seriously was the contamination and depletion of ground water. Numerous sources testified to the wetlands on this parcel. There is indeed a significant amount of black spruce. In my opinion this is because of deposits of peat that have insulated the ground keeping it cold and suitable habitat for black spruce. I know that when Weiland's cleared the large fields to the West of the 320 acres back in the 60's it was largely covered with black spruce. After clearing the black spruce and peat this ground actually proved to be almost to dry for good hay crops.”

Will the Corps of Engineers use your 'peat method' when determining whether to issue Trygstad wetlands permits?

“I have looked into the modern construction of golf courses and have concluded that if you wanted to you could build a golf course on a lake. The greens and fairways are irrigated with closed system water that re-circulates and when proximate to shallow water tables are shielded with liners to keep the golf water isolated. Typically these irrigation systems are not drawn from deep water sources which would affect the general water table.”

Interesting. You would think that if Trygstad were planning on using an extremely expensive closed system, re-circulating 'golf water', he would have described it in his plan as a positive attribute of his project. I still haven't seen a plan. Have you? Wasn't he supposed to have turned one in months ago before this could move past the Planning Commission?

“In my judgment the 320 acres has very little wetland. The two wettest holes indicated by soil maps are both traversed by the Maud-Plumley trail and today you can't even find water in these meadows. The predominant grass is a brome, native mix which are not even wetland species. They are quickly crowding out the species that used to dominate. Curiously, the parent parcel immediately to the north of the 320 acres is very boggy and is probably what many people confuse with the Homestead application.”

Will the Corps of Engineers use your 'grass method' when determining whether to issue Trygstad wetlands permits?

“Another criticism is that we are subsidizing the development by selling the land cheap. The fair market value will be established by an independent appraisal and while it may seem cheap on a per acre basis compared to one acre in a subdivision, the developer will be paying no less than any other purchaser of raw borough land.”

You mean like what Bill Collins would have paid if it hadn't been for the hardwired deal with Trygstad?

"In fact the 13 conditions attached to this disposal are without precedence in this borough and will make the actual cost to the developer much higher. Some suggested holding the land and selling it after the development. This may bring a higher value but in the meantime would bring nothing. A later development by another developer would force access through the bogs to the north and be much more intrusive to the community. The 320 acres is on a geographic bench and ecosystem that is most feasible and naturally developed through the 500 acres already owned by Homestead Resort."

\$700 per acre now - at least \$70,000 per acre in three or four years if Trygstad does what he says he will. (We'll all have to move because our property values and taxes will be so high.) If he doesn't, we still have prime public recreational land, which is what your constituents want to preserve. To us, that doesn't mean it's "bringing nothing". I am certainly amazed at how much research you have done to show how this 320 acre parcel fits into Trygstad's plans.

"CLASS WARFARE"

"Several testimonies suggested the dislike for the higher income neighbors that would move into Homestead Resort Properties. Such testimony ignores the fact that you already have living in the Butte some of the best paid government workers and private contractors in the United States. When and if the state and federal governments begin to operate with balanced budgets we are going to be thankful for wealthy neighbors who can contribute to our roads and schools. The welfare class is not going to pay those bills. I had enough hayseed and carrot dirt under my fingernails on July 15 to easily identify with any red neck in the Butte. Over the years I have learned that as people the wealthy are no different than we are. Some are good and some are bad. I believe this development will attract more of the good ones with a lesser impact per family on the school district and a higher return to the Borough in property taxes. This adds up to a plus for the schools, the roads, and the fire service area."

I agree that little is served by engaging in "Class Warfare". However, I can't help noticing that after you bring it up you immediately begin engaging in it. Why do you think that wealthy people who don't play golf have more of a tendency to be "bad". It also sounds as if you believe the people in this "development" will have few or no children, yet will pay through the nose on property taxes. Should government be involved in this kind of demographic manipulation?

"DEVIOS DEVELOPER"

Other testimony indicated distrust for the developer. The Borough Code does not have a trust factor when it comes to disposing of Borough land. Without entering into either defense or slander of Mr. Trygstad I will just say that I have looked into his law history and his development history and have found nothing to cause alarm."

The fact that the Borough code does not have a "trust factor" is precisely why we need to rely on assembly persons to apply common sense to these situations. When a 'developer' refuses to submit information as basic as a resume or references throughout the public process, your personal "trust factor" should be ZERO. Why should anybody believe the verbal promises of somebody like that? Have you seen a resume or a list of references? I still haven't seen them. Wasn't he supposed to have turned that in months ago before this could move past the Planning Commission? How is it you seem to have all the information everybody else has been trying to get for months?

"Many of constituent concerns about secrecy demonstrate a complete naivety to the business complexity of putting together a development this size. When he was negotiating for several parcels simultaneously during the early stage of his application for the Borough parcel he understandably could not divulge all of his holdings and negotiations."

Not once did anybody question Mr. Trygstad's right to have secret negotiations with private citizens. As for his holdings, anybody can look them up at the Recorder's Office. What has been questioned is whether it is correct for secret investors to attempt to acquire public land, and especially for public officials to encourage and support this activity by ignoring Mr. Trygstad's obvious pattern of constant verbal promises, stonewalling of written information, and bait 'n switch tactics. To believe it's acceptable for a secret group of individuals to lobby public officials in order to circumvent the public process demonstrates extreme arrogance and contempt for the public. To believe

everything Mr. Trygstad says in view of his constantly changing verbal 'plans' demonstrates complete gullibility. Pay no attention to what he says. Pay attention to what he writes.

"I have followed very closely the application process and public hearings. (The only one I missed was the last Planning Commission meeting.) I even conducted a special review of the process with Mr. Trygstad and the planning department. The only instance of withholding information that I am aware of is when he missed a deadline for providing a site plan. It turns out he was very ill at the time. (Incidentally the site plan requirement for purchase of borough land was not practiced prior to this application and was only activated midway into the process.) To construe this as a "pattern of continued failure to respond to requests for critical information" is an overstatement in my opinion."

Mayor Lacher's statement concerning Mr. Trygstad's "pattern of continued failure to respond" was not even close to being an overstatement. If you had paid attention at these meetings you would remember that Trygstad missed three deadlines to submit the plan, and then submitted his one-page drawing, showing houses and fairways on wet ground, that had no bearing on reality. He still has not submitted references or a resume as requested of him months ago – yet the Borough continues to pass the issue to the next phase. It is this pattern of deceit that makes many people question the true nature of this 'project', and makes them very suspicious of public officials who believe it's fine for anyone to behave in this manner when attempting to acquire public land.

"NON FEASIBILITY

I have no way to predict if he will be able to attract the investments that will make this project fly. I am not a golfer and know nothing about the feasibility of another golf course. I believe that as with many other businesses there is always room at the top for something well done. I think his alliances with Jack Nicklaus and Audobon indicate his desire to do things first class and merits our giving a fair chance."

Have you seen a contract with Jack Nicklaus indicating an "alliance"? I haven't. Wasn't Trygstad supposed to submit correspondence with Nicklaus to the Planning Commission months ago before this could move forward? Just because some salesmen fly up (during fishing season) to speak to the Assembly about golf courses does not mean there is an "alliance". Salesmen take every opportunity to come to Alaska during the summer. Call a tractor company today and tell them you're real interested in buying half dozen brand-new models, and see what happens.

"If we pursue the development of this valley without regard to open spaces and jobs that the golf course and equestrian center will represent, we will be a community of bedrooms in high density subdivisions that has the potential for spawning violent, unemployed kids."

Why is the government "pursuing development"? Doesn't 320 acres of woods qualify as "open space" to keep our subdivisions less dense? Trygstad said he would proceed without the 320 acres - a couple of kids can still become non-violent by mowing lawns on the private golf course, and some people in Borough government can continue plying their trade in the Equestrian Center.

I'm sure thankful that the government didn't run a feasibility study on my dad's farm when he homesteaded back in the 50's. There was no road, no electricity and only a homemade bridge across Wolverine Creek. This Valley was developed by people with vision and I think this Borough is still big enough for visionaries."

This is not a "homestead" issue. Those days are over. This is a public land and public process issue. What "vision" does Trygstad have? What "vision" will he have next week?

"INTIMIDATED NEIGHBORS

Finally, you should know that the public hearings did not reflect the phone calls I have gotten in the past 9 months on this project. Initial calls were almost entirely negative. More recently I have gotten calls from many who were initially negative who consider the development to be the best thing for the 320 acres. They thought the combination of preserving the Maud-Plumley trail and privately managed and developed new trails and development was superior to the trash and gunshots they now here in the property. Many of these people said they were intimidated by the public hearings and those opposing the sale. Some even attended but didn't speak. Some were put off by the door-to-door campaign to organize opposition. Given this community-wide effort it is significant that there wasn't more opposition. The conditional use

permit for the race track in the core area attracted nearly twice the testimony at the same scheduled meeting.”

Your constituents feel very strongly about this issue, and dozens showed up to testify again and again and again at three Planning Commission meetings and two Assembly Meetings. Public opposition has been at least at the 90% level. To suggest that number should be even higher is ridiculous. It is unfortunate that some who are proponents of this land transfer are intimidated by certain aspects of the public process such as door-to-door campaigns and public testimony. It is understandable that people who choose not to participate in the public process would be the same ones who would not mind if 'developers' and secret investors attempt to circumvent the public process to procure public land. But at no time should anyone have been "intimidated" by their neighbors who happened to have a different opinion. At the last meeting, the Assembly had an armed trooper with a bullet-proof vest sit in the back of the room - who's doing the intimidating?

“YOU DID MAKE A DIFFERENCE

Lest you think your testimony was a waste of time I would like to assure you that it was because of your testimony that I supported the lease rather than an outright sale. The 13 conditions attached to that lease are onerous and I hope does not push the project into malfeasance. I personally think it is entirely inappropriate for government to be baby-sitting a private development but acquiesced because of testimony.”

Don't you remember the Planning Commission meeting when Trygstad said that HE supported the lease conditions to show he only wanted to do the right thing? Regardless, I am glad to see your ideology on public land can be penetrated somewhat by listening to the public. I realize my testimony was not a waste of time. I don't believe it made a bit of difference regarding the issue at hand, but it did allow me to take notice at how dysfunctional Borough government is with respect decision-making, the public process, and questionable sources of influence.

“THE “PRIVILEGED FEW”

The mayor's veto of ordinance 97-039 on the basis of “setting aside a huge amount of prime public land for exclusive use of a privileged few” demonstrates to me an ignorance of current uses of the property, allowable uses after disposal, and the Homestead Resort Plan.”

Of course, everybody but you is ignorant of the Homestead Resort Plan - because you are apparently the only one who has seen it. Please, tell us what's in it this week.

“The current use of the 320 acres is 99% confined to the use of Maud-Plumley trail. That would not go away when the “privileged few” take over. The “privileged few” would include not only the 50% of the homeowners who can buy into the golf club membership but the other 50% of the homeowners who just want to live in a safe, controlled environment, and the community members who want to use the equestrian arena and/or trails.”

So when did you learn that 50% of the people in this development won't have golf course memberships, but will live in a "safe, controlled environment". When did this interesting nugget of information surface? Was this in the Plan that you, and only you, have seen? This sounds like a private enclave to me. "Safe" from whom, and "Controlled" by whom? Will there be electric gates, fences, security guards, and hounds? I believe it is extremely disingenuous of you to withhold this information from the public until after the public process. Contrast this with the what Trygstad publicly "envisioned" in the Planning Commission stage - "hay rides and sleigh rides will be fun for all!", and "joyful gatherings around the hearth", Soon, it will be "Lock and load, I hear a 4-wheeler!". Nobody with a conscience can ignore this blatant manipulation of the public process.

I would suggest that this “privileged few” which includes the public at large far exceeds the number of people who are using the property presently. By the mayor's logic we should not sell any Borough land because most of the public lands we sell are for the use of one property owner!”

The mayor used logic, common-sense, and insight to formulate her veto statement. Your statement ignores all those in order to attempt to justify disposing of Borough land at all costs to fulfill an ideology.

“BACK ROOM DEALS

Having been accused of “being on the take” and in a process that involves back room deals I can give you my word that I have been party to neither. I can tell you that being responsible for balancing the borough’s budget causes me to look at some of these issues from a very different perspective than I probably would if I were living next to and fighting to keep a vacant piece of borough land from changing. Many of your positions were predictable and understandable given your geographics. I respect that and I hope you can respect my logic if not my vote.”

I do not believe you are “on the take”. I have talked to a few of your friends who say that is not possible, and that they believe your support for this is driven by ideology. On the other hand, many who have no idea of your character are positive you and others are “on the take”. Look at this from the perspective of someone sitting in the audience of Borough meetings time after time. Trygstad was always given second chances and every benefit of the doubt, while citizens’ concerns were dismissed and overridden with little or no debate. It naturally makes people wonder how decisions are made in the Borough.

Although some might be against this ‘development’ because of geographical concerns, many of us are shocked at how easily the public process can be subverted by someone who comes out of nowhere and lobbies Borough officials out of view of the public eye. You claim you have not been a party to “back room deals”. But it is obvious from your statement and from previous news reports that you have been communicating with Trygstad for months, and appear to know things about his plans that nobody else does. Additionally, you have been supporting entering into a contract with Trygstad on a non-competitive basis. I believe there is adequate suspicion to believe that his private meetings with you may have influenced your support for this non-competitive transfer. This would be a violation of Borough code, and is the basis for the recall effort I’m sure you have heard about.

I hope you realize the extreme frustration felt by citizens about what has become of the public process in the Borough.

Sincerely,

Jim Courtney