

TO BE POSTED:

Dear Mayor Shelly, Council Members and our fellow Gustavus residents,

We were informed by other residents about a discussion by the city council at the last workshop regarding the Falls Creek utility access road and a resolution to force access on private property by the City of Gustavus. This is our answer to their discussion and proposed resolution.

We have never said we want to restrict all access to the Hydro utility access road, but want to have a management plan that will reduce the problems that are coming up with the increase in population and tourism. To keep saying we are trying to block all access is a lie. We explained our issues to the past mayor and he dismissed them. We and AP&T had a plan in place that was derailed by the past mayor, and then our property was vandalized after he made his personal opinion known in the city newsletter. AP&T officials asked him to retract the statement and he refused stating "freedom of speech." The sad thing is, instead of fighting business owners and land owners, the city council should have listened to the issues and tried to work with us and help us address the problems, If they had done that we would all be in a better place.

FACT: FERC did not at any time say there is a right under the license or the recreational plan that requires unfettered and unrestricted access. This was brought up many times in the FERC meeting and how access is determined, adjusted or restricted, is addressed in the contract/easement between AP&T AND THE LANDOWNERS. The FERC 's lawyer was very adamant that they, FERC, would not get involved in easement issues. He also adamantly said that the City Of Gustavus does not have any right to interfere with the easement between AP&T and the landowners. It is a private matter.

We agree with Council member J. Mackovjak, **we highly suggest you get the city lawyer involved** before you go any further with this resolution/declaration. We have retained a lawyer and they have been made aware of the "declaration." This is clearly an overreach of the powers of the council and we have the right to take legal action if you proceed with a policy or resolution to **force access to private property by the City of Gustavus that goes against an easement, past or present.** I have also spoken with the State of Alaska Right of Way and the Road Safety Division and they have stated the same thing. This is not a state or city issue. It is private property.

It was also falsely stated in the meeting by Mayor Shelly that there are no complaints of criminal activity with the State Patrol on the utility access road or Olney land. This was clearly an attempt to minimize the issues that we have had. We have complaints of trespassing, homeless camping, property damage, breaking and entering, and discharge of firearms, all documented with the State Troopers. To say this publicly is slander and defamation of our reputation and will be brought up to our lawyer along with the recording of the meeting.

We have retained a lawyer that will work with AP&T to draw up a new easement which we will address public access. This is strictly between AP&T and us, or in this case the lawyers. Until this is resolved the council members need to withhold any and all communication, "policy", "declaration" or "resolution " about the Falls Creek Utility access road. To proceed will be considered harassment to our family and our business. AP&T knows what they need to do from their side with FERC requirements, and we will work through the lawyers to come to an agreement on how the easement is written. **To state again: any interference from the city of Gustavus council members to try to influence or coerce the writing of the easement or to attempt to influence or coerce AP&T staff or ourselves will be considered harassment and a misuse of position.**

To address the comment of asking permission from other landowners to remove the existing signs: We will be having our own land survey completed with an impartial party. If the city council had the foresight to ask, they would have known that other landowners of the subdivision are upset with the problems that have been building on the utility access road and agree that something needs to be done. We are not the only people upset with what is happening at the end of Rink Creek.

Warm Regards

The Olney's