

SUBJECT: ACCEPTING AND APPROPRIATING \$188,866.80 FROM A JUDGEMENT IN THE BOROUGH'S FAVOR AND APPROVING THE SCOPE OF WORK AND BUDGET FOR COMMUNITY CLEANUP AND ABATEMENT OF JUNK AND TRASH ISSUES

AGENDA OF: July 18, 2023

ASSEMBLY ACTION: Adopted without objection 08/01/23 - SP

AGENDA ACTION REQUESTED: Introduce and set for public hearing.

Route To	Signatures
Originator	<div>7 / 6 / 2 0 2 3</div> <div>X A n g e l i n a B l a n c h a r d</div> <div>Signed by: A n g e l i n a B l a n c h a r d</div>
Department Director	<div> Recoverable Signature</div> <div>X C h e y e n n e H e i n d e l</div> <div>Signed by: C h e y e n n e H e i n d e l</div>
Comptroller	<div>X</div>
Finance Director	<div> Recoverable Signature</div> <div>X C h e y e n n e H e i n d e l</div> <div>Signed by: C h e y e n n e H e i n d e l</div>
Borough Attorney	<div>7 / 7 / 2 0 2 3</div> <div>X N i c h o l a s S p i r o p o u l o s</div> <div>Signed by: N i c h o l a s S p i r o p o u l o s</div>
Borough Manager	<div> Recoverable Signature</div> <div>X M i c h a e l B r o w n</div> <div>Signed by: M i c h a e l B r o w n</div>
Borough Clerk	<div> Recoverable Signature</div> <div>X L o n n i e M c K e c h n i e</div> <div>Signed by: L o n n i e M c K e c h n i e</div>

ATTACHMENT (S) : Fiscal Note

Ordinance Serial No. 23-076 (2 pp)

Resolution Serial No. 23-084 (2 pp)

SUMMARY STATEMENT:

This ordinance will appropriate \$188,866.80 from a judgment in the Borough's favor to a project account for future junk and trash cleanup efforts.

In May of 2018 the Matanuska-Susitna Borough filed a lawsuit seeking an injunction against a property owner related to the junk and trash on his property. The Borough obtained a permanent

injunction (ordering the property owner to clean his property) and a judgment for penalties and attorney's fees in the amount of \$188,866.80 in June of 2019. The property owner did not follow the order of the court to clean the property, nor the July 2020 contempt order obtained by the Borough, nor did he pay the Borough's monetary judgment.

In May of 2022 the Borough began proceedings to collect its judgment by going through the court processes to sell properties owned by the property owner via a writ of execution sale. There were also other outstanding liens on the property. In June of this year (2023), the properties at issue were scheduled to be sold at the courthouse for the highest bid. Shortly before the sale, the property owner hired an attorney and began discussing with the Borough ways to satisfy the Borough's judgment and cleaning up the property. The Borough was unwilling to cancel the writ of execution sale, but ultimately delayed the sale on a week-to-week basis for a few weeks. During that time, the property owner exerted some effort to clean up the property and sold the properties to new owners with the condition that the new owners finish the clean-up process. The Borough's judgment against the prior owner who caused the longstanding junk and trash violations was paid from the proceeds of the private sale. The Borough then released its judgement lien against the properties, and terminated its writ of execution sale.

The ordinance here will appropriate the funds into a project account to be used for community clean up and abatement of junk and trash issues. There is already a program being developed for such as a result of an appropriation of \$100,000 from the FY 2024 operating budget. This \$188,866.80 is proposed to be placed in a project account so it does not lapse and will also be restricted to use related to cleanup efforts.

RECOMMENDATION OF ADMINISTRATION:

Adopt legislation as presented.

MATANUSKA-SUSITNA BOROUGH

FISCAL NOTE

Agenda Date: July 18, 2023

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FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT YES NO
AMOUNT REQUESTED \$188,866.80	FUNDING SOURCE Settlement
FROM ACCOUNT #	PROJECT
TO ACCOUNT : 420.000.000 3XX.XXX	PROJECT # 25004
VERIFIED BY: _____ X _____ Signed by: Liesel Weiland 7 / 6 / 2 0 2 3	CERTIFIED BY:
DATE: 7/6/2023	DATE:

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL		188.9				
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REVENUE						
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FUNDING:

(Thousands of Dollars)

General Fund						
State/Federal Funds						
Other		188.9				
TOTAL		188.9				

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: _____ PHONE: _____

DEPARTMENT: _____ DATE: _____

IM No. 23-162
Ordinance Serial No. 23-076
Resolution Serial No. 23-084



Recoverable Signature

APPROVED BY:

X

C h e y e n n e H e i n d e l

DATE:

S i g n e d b y : C h e y e n n e H e i n d e l