

**BEFORE THE HEARING OFFICER OF THE
CITY OF WASILLA, ALASKA**

IN THE MATTER OF THE APPEAL OF)	
NOEL KOPPERUD AND ALEX KOPPERUD)	
OF THE CITY OF WASILLA PLANNING)	APPEAL CASE NO. 15-01
COMMISSION RESOLUTION)	
SERIAL 15-10(AM))	
_____)	

MOTION FOR PRE-HEARING CONFERENCE

Appellants Noel Kopperud and Alex Kopperud request a date for a Pre-Hearing Conference, at which time the parties to this appeal can discuss the procedure for processing and adjudicating the appeal.

Appellant Noel Kopperud is an attorney and retired member of the Alaska State Bar Association. Appellant Alex Kopperud is his son and is not an attorney. Noel Kopperud is the author of the present document. The Deputy Wasilla Clerk has contacted me about scheduling a hearing for the above appeal. I notified her that I am out of state until September 20th and I have let her know that I would file the present motion for a Pre-Hearing Conference, at which time a Scheduling Order will be agreed on that addresses preliminary matters, briefing, and the public hearing on appeal. I expect to also discuss items that are missing and incomplete transcripts from the record on appeal that we have just now received from the City Clerk's office.

I have been visiting a very close friend who has just been taken off of a respirator and I do not expect to him to survive much longer. I will be at the hospital on Friday morning, September 11th, and I need to spend the remainder of my time out of state dealing with these matters. I request that the Hearing Officer enter an order for scheduling a Pre-Hearing Conference when I return. I will be able to personally attend a Pre-Hearing conference any time after September 22nd or any time thereafter. If it would be more convenient, Alex and I could drive into Anchorage to meet with the Hearing Officer and Attorney for the City of Wasilla.

I request that the Pre-Hearing Conference be conducted on the record.

Frankly, I do not understand the Wasilla appeal procedure or lack thereof. The Clerk's proposal to set a hearing as the first step in the appeal is the equivalent of setting a Supreme Court oral argument without briefing, and I am confused.

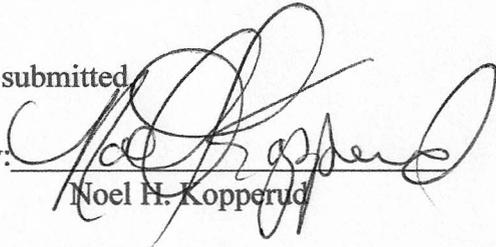
My understanding is that the Alaska Rules of Appellate Procedure serve as a model structure for conduct of the appeal. This understanding was confirmed when I noticed that the Supreme Court's structure served as the procedure established by the Hearing Officer for conduct of the appeal in MEA v. Wasilla Planning Commission (Appeal Case No. 13-01). I recognized the Hearing Officer's Pre-Hearing Scheduling Order in MEA as including the standard items and times for proceeding through the appeal process as have been established by the Alaska Supreme Court for the conduct of all appeals.

The current variance appeal involves complex questions of law that are going to require extensive briefing. The record on appeal will confirm that the Wasilla Planning Commission stated that this variance case was the most difficult matter that had ever come before the commission, including the MEA matter. The Alaska Department of Fish and Game, Soil and Water Conservation, Matanuska Susitna Borough, former Wasilla Planning Commission Chairman, neighbors and residents around Wasilla Lake have become involved in a setting where the Commission has expressed on the record substantial concerns about the proposed construction and its impact on Wasilla Lake. Under the circumstances, I believe due process for the Appellants as well as the public requires that the appeal be conducted in accord with the Alaska Rules of Appellate Procedure and in accord with the City of Wasilla's appellate procedure utilized in MEA v. Wasilla Planning Commission.

In addition to briefing and related issues, I would like to learn from the Hearing Officer the role of the City Clerk's office in the process, especially with regard to filing, service, and other matters that are not addressed in the City Code.

DATED this 10th day of September, 2015, respectfully submitted,

By:

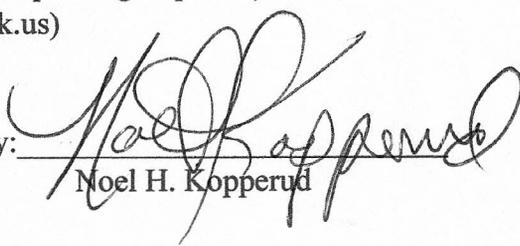

Noel H. Kopperud

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of September, 2015, a copy of the foregoing MOTION FOR PRE-HEARING CONFERENCE has been served electronically to the following parties:

Joseph N. Levesque, Hearing Officer (joe@levesquelawgroup.com)
City Clerk, City of Wasilla (clerk@ci.wasilla.ak.us)

By: _____


Noel H. Kopperud