

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Regular Meeting of January 14, 1997

1. **CALL TO ORDER:**

The meeting was convened at 5:05 p.m. by Chairman Mark Begich in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. **ROLL CALL:**

Present: Charles Wohlforth, Bob Bell, Pat Abney, Dan Kendall, George Wuerch, Mark Begich, Kevin Meyer, Cheryl Clementson, Ted Carlson, Joe Murdy.

Absent: Fay Von Gemmingen (excused.)

3. **PLEDGE OF ALLEGIANCE:**

The pledge was led by Mr. Meyer.

4. **MINUTES OF PREVIOUS MEETING:**

- A. Regular Meeting - July 30, 1996
- B. Regular Meeting - August 6, 1996
- Mr. Murdy moved,
seconded by Mr. Meyer,
and it passed without
objection,

to approve the minutes of
the regular meetings of July 30 and
August 6, 1996.

5. **MAYOR'S REPORT:** None.

6. **ADDENDUM TO AGENDA:**

Mr. Wuerch moved,
seconded by Mr. Kendall,

to amend the agenda to include
the addendum items.

Chairman Begich read the addendum items.

Mr. Murdy moved,
seconded by Mr. Kendall,
and it passed without
objection,

to amend the addendum to
include AR 97-14, a resolution
to honor Bruce Heck.

Question was called on the motion to amend the agenda and it passed without objection.

7. **CONSENT AGENDA:**

Mr. Murdy moved,

to approve all items on
seconded by Mr. Kendall, the
consent agenda as
amended.

- A. BID AWARDS: None.
- B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 97-4, an ordinance providing for the submission of a ballot proposition to qualified voters within a described area at the April 15, 1997 Regular Election, regarding **continuation of the Talus West Limited Road Service Area** and amending Anchorage Municipal Code Title 27, Assemblymembers Abney and Bell.
public hearing 2-11-97.
a. Assembly Memorandum No. AM 41-97.

2. Ordinance No. AO 97-5, an ordinance providing for the submission of a ballot proposition to qualified voters within a described area at the April 15, 1997 Regular Election, regarding **continuation of the Upper O'Malley Limited Road Service Area** and amending Anchorage Municipal Code Title 27, Assemblymembers Abney and Bell.
public hearing 2-11-97.
a. Assembly Memorandum No. AM 41-97.

3. Ordinance No. AO 97-6, an ordinance providing for the submission of a ballot proposition to qualified voters within a described area at the April 15, 1997 Regular Election, regarding **continuation of the Section 6/Campbell Airstrip Road Limited Road Service Area** and amending Anchorage Municipal Code Title 27, Assemblymembers Begich and Clementson. public hearing 2-11-97.
 - a. Assembly Memorandum No. AM 41-97.
4. Ordinance No. AO 97-7, an ordinance providing for the submission of a ballot proposition to qualified voters within a described area at the April 15, 1997 Regular Election, regarding **continuation of the Bear Valley Limited Road Service Area** and amending Anchorage Municipal Code Title 27, Assemblymembers Abney and Bell. public hearing 2-11-97.
 - a. Assembly Memorandum No. AM 41-97.
5. Ordinance No. AO 97-8, an ordinance providing for the submission of a ballot proposition to qualified voters within a described area at the April 15, 1997 Regular Election, regarding **continuation of the Sequoia Estates Limited Road Service Area** and amending Anchorage Municipal Code Title 27, Assemblymembers Abney and Bell. public hearing 2-11-97.
 - a. Assembly Memorandum No. AM 41-97.
6. Ordinance No. AO 97-9, an ordinance providing for the submission of a ballot proposition to qualified voters within a described area at the April 15, 1997 Regular Election, regarding **continuation of the Villages Scenic Parkway Limited Road Service Area** and amending Anchorage Municipal Code Title 27, Assemblymembers Abney and Bell. public hearing 2-11-97.
 - a. Assembly Memorandum No. AM 41-97.
7. Ordinance No. AO 97-10, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the borrowing of a total amount not to exceed \$10,950,000 from the State of Alaska Clean Water Fund for the purpose of paying a portion of the **costs of wastewater capital improvements** in the Municipality, and providing for related matters, Water and Wastewater Utility. public hearing 1-28-97.
 - a. Assembly Memorandum No. AM 43-97.
8. Ordinance No. AO 97-11, an ordinance adopting a **final report concerning and designating a sole joint-use access corridor over public lands for land transportation and utilities** from the northern terminus of Arlberg Road in the Girdwood Valley Service Area to Glacier-Winner Creek Resort base area in the Upper Girdwood Valley, Legal Department. public hearing 1-28-97.M.
 - a. Assembly Memorandum No. AM 44-97.
9. Resolution No. AR 97-9, a resolution of the Municipality of Anchorage appropriating up to \$3,000,000 to the Management Information Systems Department Capital Budget (Fund 0608) as a loan from the Areawide General Fund (Fund 0101) for the required **Year 2000 Project**, Finance. public hearing 1-28-97. **(addendum)**
 - a. Assembly Memorandum No. AM 52-97.

Mr. Bell asked this item be considered on the regular agenda. See 8.C.

10. Resolution No. AR 97-10, a resolution of the Municipality of Anchorage appropriating \$105,561 of released reserve requirements from the 1994 **sale of COPs (Certificates of Participation)** per AO 94-60, Management Information Systems. public hearing 1-28-97. **(addendum)**
 - a. Assembly Memorandum No. AM 53-97.
11. Ordinance No. AO 97-12, an ordinance amending Anchorage Municipal Code Section 12.20.025 as enacted by Anchorage Ordinance No. 96-103, to provide a **temporary exemption for hotel-motel operators** renting or offering to rent three or less rooms from obtaining a registration certificate, collecting the tax and filing tax returns under Anchorage Municipal Code Chapter 12.20, Finance. public hearing 1-28-97. **(addendum)**
 - a. Assembly Memorandum No. AM 55-97.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 97-6, a resolution adopting the **1997 Legislative Program** for the Municipality of Anchorage, Municipal Manager's Office.
 - a. Assembly Memorandum No. AM 39-97.

Mr. Wuerch asked this item be considered on the regular agenda. See 8.D.

2. Resolution No. AR 97-8, a resolution of the Anchorage Municipal Assembly **recognizing and thanking Tom McGrath for his service as President of the Federation of Community Councils**, Assemblymember Meyer.

Mr. Meyer asked this item be considered on the regular agenda. See 8.D.

3. Resolution No. AR 97-11, a resolution repealing Anchorage Municipal Code of Regulations Subsection 16.60.009H. regulating and requiring **food handler cards** for food facility employees, Legal Department. **(addendum)**
 - a. Assembly Memorandum No. AM 54-97.

Mr. Wohlforth asked this item be considered on the regular agenda. See 8.D.

4. Resolution No. AR 97-12, a resolution of the Anchorage Municipal Assembly **recognizing the Assembly's inaugural "Battle of the Spare Tire"**, Assemblymember Murdy. **(addendum)**

Mr. Kendall asked this item be considered on the regular agenda. See 8.D.

5. Resolution No. AR 97-13, a resolution of the Anchorage Municipal Assembly **honoring Robert Atwood and remembering his contributions** in shaping the history of Anchorage and Alaska, Assemblymembers Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch. **(addendum)**

Mr. Wuerch asked this item be considered on the regular agenda. See 8.D.

6. Resolution No. AR 97-14, a resolution of the Anchorage Municipal Assembly **expressing sympathy in the death of Alaska State Trooper Bruce Heck**, Assemblymembers Murdy, Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Von Gemmingen, Wohlforth, and Wuerch. **(addendum)**

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 40-97, change order No. 1 to purchase order 54213 to exercise the option with Inlet Petroleum Company for providing **miscellaneous automotive supplies** to the Municipality of Anchorage, Purchasing Department.
2. Assembly Memorandum No. AM 42-97, the **sunset of AO 96-18(S) (AMC 26.80.050) and AO 94-156 (Anchorage Memorial Park Cemetery Advisory Board and the Health and Human Services Commission)**, Municipal Clerk.

Mr. Wohlforth asked this item be considered on the regular agenda. See 8.E.

3. Assembly Memorandum No. AM 45-97, change order No. 5 to purchase order 42914 with Kemppe Huffman and Ellis, P.C. for providing **legal services assistance in labor negotiations** for the Municipality of Anchorage, Employee Relations Department/Purchasing.
4. Assembly Memorandum No. AM 46-97, change order No. 4 to purchase order 44405 with Partnow Sharrock & Tindall PC for providing **legal services** for the Municipality of Anchorage, Employee Relations Department/Purchasing.
5. Assembly Memorandum No. AM 47-97, cooperative purchase of an **integrated rotary carrier-mounted snow blower and a front end loader** from Yukon Equipment, Inc. for the Municipality of Anchorage, Public Works Department/ Purchasing.
6. Assembly Memorandum No. AM 48-97, contract amendment No. 3 to TAM Construction, Inc., for the construction of the **Hood Creek improvement project**, File No. 91-5, Public Works.
7. Assembly Memorandum No. AM 49-97, 1997 professional **federal lobbying services** with Birch, Horton, Bittner and Cherot by William P. Horn, Municipal Manager's Office.
8. Assembly Memorandum No. AM 50-97, **Totem Limited Road Service Area Board of Supervisors appointment** (Raymond Bond), Mayor's Office. **(addendum)**
9. Assembly Memorandum No. AM 51-97, **Upper O'Malley Limited Road Service Area Board of Supervisors appointment** (James Cazort), Mayor's Office.

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 4-97, **contracts awarded between \$30,000 and \$100,000 through formal competitive processes** for the month of December 1996, Purchasing.
2. Information Memorandum No. AIM 5-97, **Sole Source Procurement Report** for the month of December 1996, Purchasing.

Mr. Kendall asked this item be considered on the regular agenda. See 8.F.

3. Information Memorandum No. AIM 6-97, **Anchorage Loop Water Transmission Main, Phase II - Potential Change Order**, Water and Wastewater Utility.

Mr. Kendall asked this item be considered on the regular agenda. See 8.F.

4. Information Memorandum No. AIM 7-97, **Monthly Financial Report** - November 1996, Finance.

5. Information Memorandum No. AIM 8-97, **Public Safety Advisory Commission recommendation** (Chief of Police appointment), Operations Manager. **(addendum)**

Question was called on the motion to approve the remaining items on the consent agenda as amended and it passed:

AYES: Wohlforth, Bell, Abney, Kendall, Wuerch, Begich, Meyer, Clementson, Carlson, Murdy.
NAYS: None.

8. **REGULAR AGENDA:**

A. TIME CRITICAL ITEMS: None.

B. BID AWARDS: None.

C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Resolution No. AR 97-9, a resolution of the Municipality of Anchorage appropriating up to \$3,000,000 to the Management Information Systems Department Capital Budget (Fund 0608) as a loan from the Areawide General Fund (Fund 0101) for the required **Year 2000 Project**, Finance. public hearing 1-28-97. **(addendum)**
 - a. Assembly Memorandum No. AM 52-97.

Mr. Bell moved, to introduce AR 97-9.
seconded by Mr. Meyer,

In response to Mr. Bell, Management Information Systems Director Bill Rasmussen confirmed that the Anchorage School District (ASD) could utilize the software proposed in this resolution. He said ASD was invited to coordinate, but thus far is proceeding on a separate course.

In response to Mr. Wuerch, Mr. Rasmussen confirmed Mr. Holthouse of the ASD asked him not to participate further in coordination efforts to revamp computer systems; it was felt he had a conflict of interest and might encourage use of Municipal systems.

Mr. Wuerch felt it was imperative for the ASD to coordinate with the Municipality on this issue, to reach the most economic solution for the taxpayers.

Chairman Begich stated that the next joint Assembly/School Board meeting was scheduled for February 25, 1997.

In response to Mr. Kendall, Mr. Rasmussen explained the need for the new system.

In response to Mr. Wohlforth, Chief Fiscal Officer Jerry Anderson explained the total of \$3,000,000 would be appropriated, but funds would be used only as required.

Question was called on the motion to introduce AR 97-9 and it passed without objection. The public hearing was scheduled for January 28, 1997.

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 97-6, a resolution adopting the **1997 Legislative Program** for the Municipality of Anchorage, Municipal Manager's Office.
 - a. Assembly Memorandum No. AM 39-97.

Mr. Wuerch moved, to approve AR 97-6.
seconded by Mr. Meyer,

Mr. Wuerch moved, to amend the Legislative Program to
seconded by Mr. Meyer, replace
pages 1-1 and 1-2 with 1-2 through 1-3 revised,
replace page 2-4 with 2-4 revised, replace page 2-5
with 2-5 revised, and replace page 4-9 with 4-9
revised, to change language on the Safe Communities
program, water rights program and juvenile offenders'
program.

(Clerk's Note: These revised pages are attached as Exhibit A. this exhibit is missing)

Mr. Wuerch distributed copies of the proposed language and summarized the changes.

Ms. Abney felt that the program did not include sufficient language to address the educational issues facing Anchorage.

Question was called on Mr. Wuerch's motion to amend and it passed without objection.

Ms. Abney moved, to postpone action on AR 97-6
seconded by Mr. Wuerch, until later in the meeting.
and it passed without
objection,

(Clerk's Note: For further action, see item 16, Unfinished Agenda.)

2. Resolution No. AR 97-8, a resolution of the Anchorage Municipal Assembly **recognizing and thanking Tom McGrath for his service as President of the Federation of Community Councils**, Assemblymember Meyer.

Mr. Meyer moved, to approve AR 97-8.
seconded by Mr. Wuerch,

Mr. Murdy read the resolution and Mr. Meyer presented it to Mr. McGrath.

Question was called on the motion to approve AR 97-8 and it passed without objection.

Mr. McGrath accepted the resolution, thanking the Assembly and other key individuals in the Federation of Community Councils.

3. Resolution No. AR 97-11, a resolution repealing Anchorage Municipal Code of Regulations Subsection 16.60.009H. regulating and requiring **food handler cards** for food facility employees, Legal Department. **(addendum)**
 - a. Assembly Memorandum No. AM 54-97.

Mr. Wohlforth moved, to approve AR 97-11.
seconded by Mr. Kendall,

In response to Mr. Wohlforth, Health and Human Services Director Elaine Christian explained the reason for the resolution. She noted that an entire rewrite of the food code will be presented to the Assembly in the near future. She felt it was important for the Assembly to consider the food code issue at one time; the regulation in question contains a due date for the rewrite that will impede this process. The regulation will be rewritten also, to ensure position-appropriate training for food handlers.

Question was called on the motion to approve AR 97-11 and it passed without objection.

4. Resolution No. AR 97-12, a resolution of the Anchorage Municipal Assembly **recognizing the Assembly's inaugural "Battle of the Spare Tire"**, Assemblymember Murdy. **(addendum)**

Mr. Wuerch moved, to approve AR 97-12.
seconded by Mr. Bell,

Chairman Begich read the resolution. He presented a box of donuts to Mr. Murdy and Assembly Policy and Budget Director Greg Moyer.

Question was called on the motion to approve AR 97-12 and it passed with Mr. Murdy abstaining.

5. Resolution No. AR 97-13, a resolution of the Anchorage Municipal Assembly **honoring Robert Atwood and remembering his contributions** in shaping the history of Anchorage and Alaska, Assemblymembers Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch. **(addendum)**

Mr. Wuerch moved, to approve AR 97-13.
seconded by Mr. Kendall,

Mr. Wuerch read the resolution.

Question was called on the motion to approve AR 97-13 and it passed without objection.

Chairman Begich noted a memorial service for Mr. Atwood was scheduled for January 17, 1997 in the Atwood Concert Hall, Alaska Center for the Performing Arts.

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 42-97, the **sunset of AO 96-18(S) (AMC 26.80.050) and AO 94-156 (Anchorage Memorial Park Cemetery Advisory Board and the Health and Human Services Commission)**, Municipal Clerk.

Mr. Wohlforth moved, to approve AM 42-97.
seconded by Mr. Murdy,

Mr. Wohlforth felt the Department of Law should be directed to prepare continuing ordinances for both Boards. He recommended creating a practice to refer all continuance legislation to the Department of Law, rather than assign it to individual departments.

Mr. Wohlforth moved, to amend AM 42-97 in the fourth
seconded by Ms. Clementson, paragraph, to delete reference
and it passed without to "Solid Waste Services."
objection,

Question was called on the motion to approve AM 42-97 as amended and it passed without objection.

F. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 5-97, **Sole Source Procurement Report** for the month of December 1996, Purchasing.

Mr. Murdy moved, to accept AIM 5-97.
seconded by Mr. Wuerch

Chairman Begich asked when the Mercer actuarial report cited in AIM 5-97 would be available to the Assembly.

Municipal Attorney Mary Hughes noted that the report, regarding the Gentile litigation, is a confidential work product and may not be available for release.

Chairman Begich expressed concern that the Assembly could not make proper decisions without the information on the lifetime retirement/ medical benefits.

Ms. Hughes stated the information might be available from other sources. She suggested the issue be discussed in Executive Session.

Question was called on the motion to accept AIM 5-97 and it passed without objection.

(Clerk's Note: An executive session was held on this topic later in the meeting.)

2. Information Memorandum No. AIM 6-97, **Anchorage Loop Water Transmission Main, Phase II** - Potential Change Order, Water and Wastewater Utility.

Mr. Kendall moved, to approve AIM 6-97.
seconded by Mr. Murdy,

In response to Mr. Kendall, Water and Wastewater General Manager Mark Premo noted that the potential change order was a result of wetlands mitigation as discussed in the contract documents. He noted that a claim may be made by the contractor, and that it was only a potential change order. The Assembly was informed because AWWU may need to expend funds to protect residential houses. If this expenditure is necessary, there will not be sufficient time to approach the Assembly for approval. He noted that the permitting requirements had an impact on the scope of the project and could result in changes to the project.

In response to Mr. Bell, Mr. Premo said if a claim was filed, the scope of the claim would be reviewed. He brought this before the Assembly although a claim has not been filed, noting that the Assembly had requested to be informed of such matters.

In response to Mr. Carlson, Mr. Premo said if a claim is filed, he would investigate whether these problems would have occurred if the project was completed last year.

Question was called on the motion to accept AIM 6-97 and it passed without objection.

9. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS:

- A. Assembly Memorandum No. AM 3-97, 1997-1998 Liquor License Renewal: **Oaken Keg #52** - 1340 Gambell Street (Package Store), Clerk's Office.
(POSTPONED FROM 1-7-97)

Chairman Begich gave the history of the memorandum and noted a motion to approve was on the floor.

Question was called on the motion to approve AM 3-97 and it passed:

AYES: Wohlforth, Bell, Kendall, Wuerch, Begich, Meyer, Clementson, Murdy.
NAYS: None.

(Clerk's Note: Ms. Abney and Mr. Carlson were out of the room at the time of the vote.)

- B. Assembly Memorandum No. AM 12-97, approval to enter into **grant agreements with the Association for Retarded Citizens of Anchorage, Boys and Girls Clubs of Alaska, Alaska Dance Theatre, Anchorage Concert Association, Anchorage Opera, and Anchorage Symphony Orchestra**, Cultural and Recreational Services.
1. Information Memorandum No. AIM 9-97. **(addendum)**
(POSTPONED FROM 1-7-97)

Chairman Begich gave the history of the memorandum and noted two motions were pending: one to have an internal auditor examine all non-profits, and another to approve AM 12-97.

Ms. Clementson noted auditors performed a basic analysis of the organizations being funded. She felt that Out North Theatre's rent of the Grandview Gardens Library was not reported properly. She believed that the community did not support Out North Theatre and would not support the organization receiving a \$20,000 grant in addition to rent subsidies. She asked if the Assembly could address Out North Theatre's grant request, as they obtain more than \$30,000 in subsidies when the rent subsidy and grant amounts are combined.

In response, Municipal Attorney Mary Hughes stated that the Assembly could not, because of the way funding is allocated.

Ms. Clementson stated she disapproved of the way Out North Theatre's funding was handled. She felt that the taxpayers would not be happy if they knew how the \$40,000 that goes to Out North Theatre was being spent and mis-reported.

Mr. Bell asked if the Administration could provide \$100,000 in engineering monies \$20,000 at a time to a particular firm without triggering the Assembly review requirement.

Ms. Hughes noted that in this hypothetical situation, the transactions were separate, so a review would not be required.

Mr. Bell requested a memorandum explaining this situation.

Ms. Clementson requested information on who determined whether or not the "community good" requirement was met to allow a lease at less than fair market value.

Mr. Kendall asked for information on the relationship between the administration and the Lessee.

Mr. Wuerch asked how the Assembly could prohibit the lease from being renewed.

Ms. Clementson withdrew her previous motion to direct an audit. Mr. Wuerch, who seconded the motion, concurred.

Question was called on the motion to approve AM 12-97 and it passed without objection.

- C. Information Memorandum No. AIM 1-97, **1996 Heritage Land Bank (HLB) Inventory**, Heritage Land Bank.
(CARRIED OVER FROM 1-7-97)

Mr. Bell moved, to accept AIM 1-97.
seconded by Mr. Kendall,
and it passed without
objection,

- D. Ordinance No. AO 96-95(S), an ordinance amending Anchorage Municipal Code Chapter 2.25 by adding a new Section 2.25.020 to **limit multi-member Assembly election districts to two-member districts** and to require and provide procedures for random re-assignment of any single-member election district to a different geographical area of the Municipality with each reapportionment of the Assembly, Assemblymember Wohlforth.
1. Assembly Memorandum No. AM 747-96.
(FAILED 8-6-96; NOTICE OF RECONSIDERATION WAS GIVEN BY MS. VON GEMMINGEN 8-7-96; RECONSIDERED 8-13-96; POSTPONED FROM 8-13-96; CARRIED OVER FROM 9-24-96; POSTPONED FROM 10-1-96; CARRIED OVER FROM 1-7-97)

Mr. Wohlforth moved, to postpone action on
seconded by Mr. Bell, AO 96-95(S) until after
and it passed without discussion of item 11.D.
objection,

(Clerk's Note: The public hearing for this item was reopened and continued until January 28, 1997 by a motion passed later in the meeting.)

Chairman Begich requested the Assembly change the orders of the day to consider item 13, Board of Adjustment/Assembly Appeals. There was no objection.

Appeal S-9880 - Goldenview Park Subdivision #2, Clerk's Office.

Chairman Begich gave the history of the appeal and noted Attorney Ron Baird was hired to summarize the situation for the Assembly.

Municipal Attorney Mary Hughes requested this issue be considered in Executive Session.

Mr. Baird agreed that Executive Session might be an appropriate forum to present his review to the Assembly.

Mr. Wohlforth expressed concern that this suggestion might violate the Open Meetings law. It was noted that a deliberative action was not subject to the Open Meetings law.

Assistant Municipal Attorney Bill Greene noted a judicial deliberative body was not subject to the Open Meetings Act.

Mr. Murdy moved,	to recess into executive session
seconded by Mr. Wohlforth,	to discuss a confidential memorandum from Mr. Baird regarding Appeal S-9880, Goldenview Park Subdivision #2.

Ms. Clementson asked if it was necessary to question Mr. Baird. She clarified that the only questions the Assembly may ask of Mr. Baird are regarding the record in the original appeal.

Question was called on the motion to recess into executive session to discuss a memorandum on Appeal S-9880 and it passed without objection.

Mr. Murdy moved,	to recess into executive session
	seconded by Ms. Clementson,
	for the purpose of discussing
and it passed without	matters, under litigation, the
	objection,
	immediate knowledge of which would clearly
	have an adverse impact upon the finances of the
	Municipality, regarding International Association of
	Fire Fighters litigation and Gentile litigation.

The meeting recessed at 6:25 p.m. and reconvened at 7:55 p.m.

Mr. Murdy moved,	to instruct the Clerk not to
seconded by Mr. Wuerch,	release the tapes of the
and it passed without	executive session regarding the
	objection,
	Gentile matter, until the pending litigation is
	concluded.

Mr. Wuerch moved,	to instruct the Clerk not to
seconded by Ms. Clementson,	release the tapes of the
and it passed without	executive session regarding the
	objection,
	Fire
	Fighter (IAFF) litigation, until the pending litigation is
	resolved and the current IAFF contract terminates,
	whichever comes later.

Ms. Abney moved,	to instruct the Clerk not
seconded by Mr. Wohlforth,	not to release the tapes of the executive session relating to
	Appeal S-9880 - Goldenview Park Subdivision #2, until
	all litigation and any court actions or appeal periods
	are concluded.

Mr. Kendall moved,	to change the orders of
	seconded by Mr. Wuerch,
	the
	day to consider item 13,
and it passed with Mr.	Board of Adjustment/Assembly
	Meyer objecting,
	Appeals.

Mr. Kendall moved,	to approve Appeal #S-9880.
seconded by Mr. Wohlforth,	

Mr. Kendall reviewed the history of the appeal and spoke in opposition. He did not agree with residents of Southpark Subdivision who feared the Platting Board's action would result in their neighborhood road becoming a large collector street. Mr. Kendall felt this fear would not be realized, because there is easier vehicle access to

the subdivision than the subject road. Also, he felt need for the proposed access road had been adequately demonstrated by staff.

Mr. Bell reviewed the options available to the Assembly. He felt the Platting Board erred in making their decision, as there was no determination if the action would change Southpark Bluff Drive to "collector" status; neither was there a determination as to whether Southpark Bluff Drive has adequate right-of-way requirements for a collector road. He suggested remanding the decision to the Platting Board for further review. Lastly, he pointed out no traffic impact analysis was performed on the subdivision.

Mr. Bell moved, to substitute a motion to remand
seconded by Ms. Abney, Appeal S-9880 to the Platting Board.

Mr. Wohlforth did not believe there was evidence in the record to show the connection would encourage through-traffic. He pointed out the road allowed better fire and police access.

Mr. Kendall felt the record indicated the Platting Board did not intend this road to be a collector.

Ms. Abney described the difficulties with the intersection at Old Seward Highway and Rabbit Creek Road. She noted subdivision residents were satisfied by present response times by emergency personnel, who presently access the subdivision from Old Seward Highway. She felt the connection was not supported by the community.

Mr. Wuerch felt staff had provided ample evidence to allow the Assembly to decide the issue.

Question was called on the motion to remand Appeal S-9800 to the Platting Board and it failed:

AYES: Bell, Abney.

NAYS: Wohlforth, Kendall, Wuerch, Begich, Meyer, Clementson, Carlson, Murdy.

Mr. Bell emphasized the intersection at Rabbit Creek Road and Old Seward Highway was very busy. As the area develops further, traffic will be increased. He reiterated the Platting Board made its decision without the benefit of traffic impact analysis data.

Mr. Wuerch read an excerpt tract from Fire Chief Nolan's letter regarding access for emergency vehicles to this neighborhood. The Chief of Police joined Chief Nolan in his belief that improved access is imperative to reduce loss of life from disasters and medical emergencies. Mr. Wuerch also cited the design standards for street alignment and design, which seem to support the Platting Board's action regarding this connection. He encouraged a vote to deny the appeal.

Question was called on the motion to grant Appeal S-9880 and it failed:

AYES: Bell, Abney.

NAYS: Wohlforth, Kendall, Wuerch, Begich, Meyer, Clementson, Carlson, Murdy.

10. **APPEARANCE REQUESTS:** None.

11. **CONTINUED PUBLIC HEARINGS:**

A. Ordinance No. AO 96-155, an ordinance providing for **converting to public vehicular ways the private street easements and rights-of-way within the subdivisions adjacent to Potter Valley Road** commonly known and referred to collectively as Potter Valley as described herein, Assemblymember Wohlforth.

1. Assembly Memorandum No. AM 997-96.

2. Assembly Memorandum No. AM 1039-96, Public Works.

(CONTINUED FROM 11-26-96 AND 12-17-96)

Chairman Begich opened the public hearing and asked if anyone wished to speak.

JULIUS BRECHT, president of the Park Creek Homeowners Association, spoke representing his organization. He noted the homeowners are paying property taxes for services that they are not receiving. Homeowners are paying private contractors to perform these services. Mr. Brecht stated that a new development is being built that will create two classes of property owners in the same area. The Association voted to approve a resolution supporting this ordinance.

Mr. Kendall detailed two solutions that have been presented to resolve this situation. In response, Mr. Brecht said allowing residents to separate from the Anchorage Roads and Drainage Service Area (ARDSA) was preferred.

NICK KALADI, a homeowner in the area and member of the homeowner's board, said he would like to know what will happen as the area develops. He wanted to see an equitable solution.

In response to Ms. Clementson, Mr. Kaladi said he understood that ARDSA taxes were used to maintain roads other than those in his neighborhood.

TED KENNEDY, spoke as president of the Chugiak, Birchwood, Eagle River, Rural Road Service Area. He noted that Potter Valley residents are not alone in suffering from this situation. He asked that the Assembly not act in such a manner that would allow every private road in the Municipality to obtain private road maintenance services.

Chairman Begich asked if anyone else wished to speak. There was no one and he closed the public hearing.

Mr. Bell moved, to adopt AO 96-155.
seconded by Ms. Abney,

Mr. Bell moved, to amend AO 96-155 to add two WHEREAS
seconded by Ms. Abney,
clauses to read: "WHEREAS the road
maintenance situation at Potter Valley is unique from
other road service areas in Anchorage and is a unique
subdivision within the Anchorage Roads and Drainage
Service Area; and WHEREAS it is the intent of the
Assembly that this unique situation not constitute a
precedent for transfer of other private roadways to the
Municipality;"

Mr. Bell explained his amendment would preclude setting a precedent that will affect other areas of the Municipality.

Mr. Meyer noted the amendment seemed discriminatory to other homeowners.

Ms. Clementson agreed with Mr. Meyer and asked how it was possible to not set a precedent.

Mr. Kendall pointed out this was a case of citizens petitioning the government for relief. He believed the precedent would encourage others to come before the Assembly for relief.

Mr. Bell noted that his amendment would not preclude others from doing the same thing, but it would require them to follow the same process.

In response to Mr. Carlson, Assistant Municipal Attorney Bill Greene pointed out the current Assembly cannot take action that would bind a future Assembly.

Mr. Wohlforth felt the Assembly was attempting to make the best legislative public policy decision, by correcting a problem created by a prior Assembly. He discussed the history of the situation.

In response to Ms. Clementson, Public Works Director Jim Fero felt that snow removal activities would be difficult in the area considering the size of the proposed rights-of-ways. He said snow would need to be hauled from Potter Valley to the storage dump at Minnesota and C Street, at an average cost of \$3 to \$4 per cubic yard.

Ms. Clementson noted that snow rarely gets removed in "normal" residential neighborhoods. She pointed out there were no streets in the subdivision, only easements that were noted in the plats. She spoke against the ordinance, stating it would be bad public policy.

Mr. Meyer spoke against the action, concurring with Ms. Clementson.

Mr. Bell noted the intent of the amendment was to show that this subdivision is unique. He stated that without the amendment, other groups could use the ordinance as a precedent to change their status as members of ARDSA.

Operations Manager George Vakalis stated the administration opposed the amendment due to the reasons stated previously.

Question was called on Mr. Bell's motion to amend and it failed:

AYES: Wohlforth, Bell, Abney, Kendall, Begich.
NAYS: Wuerch, Meyer, Clementson, Carlson, Murdy.

Mr. Bell presented potential amendments to AO 96-155 regarding snow removal. He noted the plats did not state the homeowners in the area would have to pay for snow removal via property taxes, as well as independently. He discussed snow removal issues in detail.

Mr. Kendall moved, to postpone action on AO 96-155
seconded by Mr. Wuerch, until
February 4, 1997.

Mr. Bell spoke against postponement. He stated the issue had been under debate for four years and needed resolution.

Question was called on the motion to postpone and it failed:

AYES: Wohlforth, Kendall, Wuerch, Meyer.

NAYS: Bell, Abney, Begich, Clementson, Carlson, Murdy.

Mr. Bell moved, to amend AO 96-155 to add a new
seconded by Mr. Kendall,
Section to read: "Provide seven foot (7') snow
storage and temporary construction easements on
both sides of all roads that would be platted under this
ordinance." and renumber the following section
accordingly.

Mr. Meyer pointed out retaining walls had been built in some areas, which would make snow removal difficult.

Mr. Fero stated these retaining walls and steep hills prevent snow being piled on the side of the road.

Chairman Begich asked if the administration had actual data on the number of retaining walls.

In response to Ms. Clementson, Mr. Greene stated that each property owner would have to agree to waive liability within their snow removal easement.

Question was called on the motion to amend AO 96-155 and it passed:

AYES: Wohlforth, Bell, Abney, Kendall, Wuerch, Begich.

NAYS: Meyer, Clementson, Carlson, Murdy.

Ms. Abney argued in support of the ordinance. She felt the government had no right to tax citizens who did not receive corresponding services.

Mr. Bell said that homeowners were not receiving services for their taxes and had a right to be upset.

Mr. Wohlforth moved, to call the previous question.
seconded by Mr. Kendall,
and it passed without
objection,

Question was called on the motion to adopt AO 96-155 as amended and it failed:

AYES: Wohlforth, Bell, Abney, Kendall, Begich.

NAYS: Wuerch, Meyer, Clementson, Carlson, Murdy.

(Clerk's Note: See minutes of January 28 and March 4, 1997 for action on reconsideration and veto override for this item.)

Chairman Begich requested a change of the orders of the day to consider item 12.A, AR 97-2. There was no objection.

Resolution No. AR 97-2, a resolution of the Anchorage Municipal Assembly approving an **appointment to a five-year seat on the Anchorage Telephone Utility (ATU) Board of Directors**, Assemblymember Begich.

Chairman Begich opened the public hearing and asked if anyone wished to speak. There was no one and he closed the public hearing.

Chairman Begich explained the ballot process.

Chairman Begich requested a change of the orders of the day to consider a Special Order, while members voted. There was no objection.

Resolution No. AR 97-15, a resolution of the Anchorage Municipal Assembly requesting that the Administration amend the 1997 Capital Improvement Budget and the 1997 State grant request to include funding in the amount of \$331,000 for the **Midtown Park land acquisition and development**, Assemblymembers Meyer and Wuerch. **(LAID ON THE TABLE)**

Mr. Meyer moved, to introduce AR 97-15 for public
seconded by Mr. Wuerch, hearing on January 28, 1997.

Mayor Mystrom indicated support for this resolution.

Question was called on the motion to introduce AR 97-15 for public hearing on January 28, 1997 and it passed without objection.

Chairman Begich clarified that this change did not require adoption of an ordinance, but approval of a resolution after a public hearing.

The Assembly then returned to item 12.A, AR 97-2.

Ballots were collected and Ms. Godfred was the selected nominee for the Anchorage Telephone Utility (ATU) Board of Directors vacancy. Chairman Begich thanked the nominees and encouraged each of them to continue pursuit of public service.

Mr. Wohlforth moved,	to amend AR 97-2 on line 24	
	seconded by Ms. Abney,	to
	read: "That Bonnie Shrader	
and it passed without	Godfred is appointed to..."	
objection,		

Question was called on the motion to approve AR 97-2 as amended and it passed:

AYES: Wohlforth, Bell, Abney, Wuerch, Begich, Meyer, Clementson, Carlson, Murdy.

NAYS: None.

(Clerk's Note: Mr. Kendall was out of the room at the time of the vote.)

- B. Ordinance No. AO 96-140, an ordinance adopting the **Areawide Trails Plan** as an element of the Anchorage Comprehensive Plan and amending Chapter 21.05 of the Anchorage Municipal Code, Community Planning and Development.
1. Assembly Memorandum No. AM 907-96.
 2. Information Memorandum No. AIM 150-96.
- (CONTINUED FROM 11-5-96 AND 12-17-96)

Chairman Begich opened the public hearing and asked if anyone wished to speak.

GEORGE LYLE, president of the University Area Community Council, spoke in support of keeping the University Lake Area a part of the natural trail system as detailed on page 35. He also supported the crosstown trail connection, provided it did not follow an eastern route. The Council preferred a route that would utilize the Chester Creek area. He offered a history of the two routes and asked for clarification.

Lance Wilber of Community Planning and Development explained the routes' differences. He continued by describing the routes in question, noting that both the eastern and western routes were parts of the plan.

ART GUESS spoke in support of the updated trails plan.

AUDIS WADE spoke in support of the trails plan, with the exception of establishing snowmobile trails inside the Municipality. He noted that these trails are not currently allowed because snow machines cause air pollution.

DWAYNE ADAMS, a consultant that assisted in development of the plan, spoke in favor of the trails plan. He noted that there were numerous meetings with the public and he believed the plan demonstrated the will of the people. He commended Ms. Abney and Mr. Wohlforth for their involvement. He emphasized that the plan is not only recreational, it is an important transportation plan.

BUD RICE, vice president of the North American Skijor and Skipolk Association, spoke in favor of the updated plan. He presented some modifications supported by the group.

RON CRENSHAW thanked a number of people involved in developing the trails program. He spoke in favor of the trails system, on behalf of the Anchorage Trails and Greenways Association. One change suggested was to replace the oversight committee with a trail coordinator.

JACK MOSLEY of the National Park Service spoke in favor of the plan. He advocated the appointment of a trail planner and a person responsible for implementing the plan. Speaking as an individual, he suggested placing the eastern connection immediately south of the existing trail on the south edge of University Lake.

VI WORTHINGTON, a Chugiak resident, advocated severe restrictions on snow machine use on the trails system. She also read a letter written by her son, which also indicated support for snow machine restrictions.

MARY CAREY, an equestrian trail advocate, noted that several multi-use trails have been set aside for skiing only trails. It was her understanding that the trails were not designed to restrict use, but to facilitate transportation. She presented a number of changes to the Assembly.

PEGGY BOULEY, an equestrienne, voiced her concurrence with Ms. Carey's testimony.

SUSAN WAGNON, with the Alaska Sled Dog and Racing Association, supported the trails plan. She thanked the Assembly for including a second sled dog trail crossing over Campbell Airstrip Road. She pointed out several errors in the maps.

JIM CANTOR voiced his support for the trails plan.

RICK SULLIVAN spoke on behalf of equestrian users. He noted that he lived in Peter's Creek, where six or eight people's livelihood depended on the 200-300 horses in the area. In response to Ms. Abney, Mr. Sullivan noted that quite a few horse trails had been eliminated in Anchorage over the last fifteen years.

SCOTT SEAMONS submitted written information to the Assembly outlining his concerns.

DON FULTON, a member of the Eagle River Parks and Recreation Board of Supervisors, spoke in support of the trails plan.

CHRIS BECK spoke in support of the trails plan. He urged prompt adoption, and especially supported inclusion of the North-South trail.

JIM BURKHOLDER supported the trails plan, urging quick passage. He addressed issues regarding trails near the Airport.

CAROL COMANEN with the Chugach Range Riders discussed equestrian issues in regard to the trails system.

LINDA CYRA-KORSGAARD, a trail user and former member of the Assembly trail user group, spoke in support of the trails plan.

MALCOLM FORD, a member of an environmental advocacy group, testified in favor of the trails plan. He discussed the composition of the oversight committee and other issues.

KEVIN HYDE, President of the Anchorage Snowmobile Club, spoke in support of the trails plan.

TERRY BURRELL spoke on dog musher issues and requested the addition of some trail items. She also requested compliance with the Americans with Disabilities Act be included in the plan.

LYLA SMITH with the Chugach Riders Club spoke to equestrian issues.

AN UNIDENTIFIED WOMAN spoke to equestrian issues. In response to Ms. Abney, she noted that there are 4,000 riders in the Anchorage area and 400 horses in her area. She noted that there are about ten horse- related businesses in her area. She felt there was not sufficient access to multi-use or equestrian trails.

Chairman Begich asked if anyone else wished to speak. There was no one and he closed the public hearing. (See further action after the following item.)

Mr. Wohlforth moved, to extend the public hearing
seconded by Mr. Meyer, portion of the
meeting and
and it passed without change the orders of the day to
objection,
consider item 11.C, AO 96-159.

- C. Ordinance No. AO 96-159, an ordinance **requiring the Municipal Clerk to place on proposition ballots, including those submitted by voter initiative and referendum, a true, impartial and concise summary of the proposition** and to provide for notice of the full text of propositions (amends AMC 28.40 by adding AMC 28.40.040 and amends AMC 28.20.040.C.),
Assemblymember Wohlforth.
1. Assembly Memorandum No. AM 1053-96.
 2. Ordinance No. AO 96-159(S), an ordinance requiring the Municipal Clerk to place on proposition ballots, including those submitted by voter initiative and referendum, a true, impartial and concise summary of the proposition and to provide for notice of the full text of propositions, Assemblymember Wohlforth.
 3. Assembly Memorandum No. AM 33-97.
- (CONTINUED FROM 1-7-97)

Chairman Begich opened the public hearing and asked if anyone wished to speak. There was no one and he closed the public hearing.

Mr. Wohlforth moved, to adopt AO 96-159(S).
seconded by Ms. Clementson,

AYES: Wohlforth, Bell, Abney, Kendall, Wuerch, Begich, Meyer, Clementson, Carlson, Murdy.
NAYS: None.

Discussion then returned to item 11.B, AO 96-140.

Ms. Abney moved, to adopt AO 96-140.
seconded by Mr. Wuerch,

Ms. Clementson moved, to postpone action on AO 96-140
seconded by Mr. Murdy, until January
28, 1997 for the purpose of addressing questions
brought up in public hearing.

Mr. Kendall felt the trails committee issue should be resolved. He asked the Assembly to consider how various users could all take advantage of the trails.

Mr. Wuerch expressed frustration with the way the plan was designed. In some cases, public opinion was disregarded because of the mandate to design multi-use trails. He requested a definition of the term "multi-use trail."

Question was called on the motion to postpone action on AO 96-140 until January 28, 1997 and it passed without objection.

Ms. Abney thanked the people who worked on the task force and trails project.

- D. Ordinance No. AO 96-165, an ordinance of the Anchorage Municipal Assembly submitting to the qualified voters of the Municipality at its next Regular Election on April 15, 1997, a ballot proposition to amend the Anchorage Home Rule Charter Section 4.02(A) to **increase the term of an Assemblymember in a single member district to three years** in the event that the Anchorage Municipal Code is amended to establish single member districts, Assemblymember Meyer.
1. Assembly Memorandum No. AM 1091-96.
(CONTINUED FROM 1-7-97)

Mr. Wohlforth moved, to continue the public hearing
seconded by Mr. Kendall, for
AO 96-165 until January 28,
and it passed without 1997, and reopen and continue
objection, the
public hearing for item 9.D, AO 96-95(S) until the
same date.

12. NEW PUBLIC HEARINGS:

- A. Resolution No. AR 97-2, a resolution of the Anchorage Municipal Assembly approving an **appointment to a five-year seat on the Anchorage Telephone Utility (ATU) Board of Directors**, Assemblymember Begich.

This item was considered earlier in the meeting.

13. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:

- A. Appeal S-9880 - **Goldenview Park Subdivision #2**, Clerk's Office.

This item was considered earlier in the meeting. See after item 9.

14. SPECIAL ORDERS:

- A. Ms. Clementson moved, to reschedule the public hearing
seconded by Mr. Wohlforth, date for AO 96-85(S), regarding
and it passed without bulk fuel
storage, from January
objection, 28 to February 11, 1997.

15. ASSEMBLY COMMENTS: None.

16. UNFINISHED AGENDA:

- A. Resolution No. AR 97-6, a resolution adopting the **1997 Legislative Program** for the Municipality of Anchorage, Municipal Manager's Office.
a. Assembly Memorandum No. AM 39-97.
- Mr. Wuerch moved, to amend the Legislative Program in
seconded by Mr. Murdy, Section 2,
Legislative Issues, to add a
and it passed without page entitled "School Foundation
objection,
Formula" to read: "The Municipality of
Anchorage encourages the Legislature to address the
existing school foundation formula, which has not
been significantly revised for many years. In revising
the school foundation program, we encourage the
Legislature to treat the Municipality of Anchorage in a

more equitable manner than the existing formula. Currently, the Anchorage School District receives less than an equitable per capita share of State education funding of all types. Anchorage taxpayers have received a fast-increasing bill for local education, and students have seen new fees and cuts to important programs. No other issue has greater potential financial impact or affect on Anchorage children than fair and adequate State funding of education."

Question was called on the motion to approve AR 97-6 as amended and it passed:

AYES: Wohlforth, Bell, Abney, Kendall, Wuerch, Begich, Meyer, Carlson, Murdy.
NAYS: None.

(Clerk's Note: Ms. Clementson was out of the room at the time of the vote.)

17. AUDIENCE PARTICIPATION:

CATHY HIGHLINE, a Southpark Bluff Drive resident, expressed her deep disappointment in the Assembly's action regarding Appeal S-9880, Goldenview Park Subdivision Addition #2. She was also discouraged with the public process and results of contact with Municipal officials on this issue.

Mr. Kendall requested Ms. Highland keep him informed of results of the road construction, after about a year.

DENISE KAUFIELD, a resident of Southpark Subdivision, expressed concern over the Assembly's action regarding Appeal S-9880. She noted that her small children play along Southpark Bluff Drive every day. The connection of this road with the Goldenview Subdivision will reduce her sense of security. She urged the Assembly to consider an alternative, such as a break-away gate, which would allow access by emergency vehicles. She felt many residents would prefer a longer response time by emergency personnel over having increased traffic as a result of connecting the subdivisions.

In response to Mr. Bell, Ms. Kaufield noted her home was located on a cul-de-sac; this was a major factor in her purchasing decision. In response to Mr. Murdy, Ms. Kaufield said she was unaware an appeal was in process when she purchased her home.

18. EXECUTIVE SESSIONS:

- A. IAFF Labor Negotiations.
- B. Mercer contract.
- C. Dispositive hearing on adjudicatory matter related to Appeal S-9880, Goldenview Park Subdivision Addition #2.

Executive Session items were considered earlier in the meeting.

19. ADJOURNMENT:

The meeting adjourned at 11:05 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: June 10, 1997

VC/kbs

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