

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Regular Meeting of February 4, 1997

1. **CALL TO ORDER:**

The meeting was convened at 5:00 p.m. by Chairman Mark Begich in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. **ROLL CALL:**

Present: Charles Wohlforth, Pat Abney, Dan Kendall, George Wuerch, Mark Begich, Kevin Meyer,
Fay Von Gemmingen, Cheryl Clementson, Ted Carlson.

Absent: Bob Bell (excused), Joe Murdy (excused.)

3. **PLEDGE OF ALLEGIANCE:**

The pledge was led by Ms. Abney.

4. **MINUTES OF PREVIOUS MEETING:**

A. Regular Meeting - September 24, 1996

Mr. Kendall moved, to approve the minutes of the
seconded by Ms. Abney, regular meeting of September 24,
and it passed without objection, 1996.

5. **MAYOR'S REPORT:**

Mayor Mystrom discussed the history of the effort to form a downtown improvement district. He said fifty-eight percent of downtown property owners indicated support for the district, much more than the percentage required to create a district. He congratulated the citizens who initiated this project.

At the Mayor's invitation, Bob Neumann of the Downtown Partnership Group addressed the Assembly. He distributed a press release announcing approval of the district formation. He discussed the next steps in the process. He felt the district would be a success, and convince opponents of its potential.

Mr. Wuerch encouraged Mr. Neumann to use the district to help combat the problem of inebriates in the downtown area.

Mr. Wohlforth thanked and congratulated all those involved in this effort.

Other members of the Downtown Partnership Group introduced themselves to the Assembly.

6. **ADDENDUM TO AGENDA:**

Mr. Kendall moved, to amend the agenda to include
seconded by Mr. Wuerch, the addendum items.

Chairman Begich read the addendum items.

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

7. **CONSENT AGENDA:**

Mr. Wuerch moved to approve all items on the
seconded by Mr. Meyer, consent agenda as amended.

A. **BID AWARDS:**

1. Assembly Memorandum No. AM 117-97, recommendation of award to Microage Infosystem Services for furnishing Microsoft Inc. **software maintenance services** to the Municipality of Anchorage, Water and Wastewater Utility (ITB 96-137), Purchasing.

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

B. **ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:**

1. Ordinance No. AO 97-28, an ordinance amending Anchorage Municipal Code Chapter 10.60 by adding a new section on 10.60.045 that provides for the assignment of **sidewalk vendor sites** by outcry auction and amending 10.60.070 to increase the number of sites allowed, Assemblymember Begich. public hearing 3-4-97.
a. Assembly Memorandum No. AM 110-97.
2. Ordinance No. AO 97-29, an ordinance amending Anchorage Municipal Code Sections 10.60.050 and 10.60.070 concerning applications for vendors licenses and providing for assignment of **sidewalk vendor sites** by lottery, and a non-refundable application fee for a sidewalk vendor license, Assemblymember Begich. public hearing 3-4-97.
a. Assembly Memorandum No. AM 110-97.
3. Ordinance No. AO 97-30, an ordinance amending Anchorage Municipal Code Sections 10.60.050 and 10.60.070 concerning applications for **sidewalk vendor licenses** providing for assignment of sidewalk vendor sites by lottery, a non-refundable application fee, a limit to the number of applications which may be submitted, Assemblymember Begich. public hearing 3-4-97.
a. Assembly Memorandum No. AM 110-97.
4. Ordinance No. AO 97-31, an ordinance amending Anchorage Municipal Code Section 26.80.055 providing for **reduced solid waste fees to certain recycling operations** to prevent the automatic termination (sunset) of said section, Municipal Clerk. public hearing 3-25-97.
a. Assembly Memorandum No. AM 111-97.
5. Ordinance No. AO 97-32, an ordinance continuing or reestablishing the **Anchorage Memorial Park Cemetery Advisory Board**, Municipal Clerk. public hearing 3-25-97.
a. Assembly Memorandum No. AM 112-97.
6. Ordinance No. AO 97-33, an ordinance continuing/ reestablishing the **Municipal Health and Human Services Commission**, Municipal Clerk. public hearing 5-6-97.
a. Assembly Memorandum No. AM 113-97.
7. Ordinance No. AO 97-34, an ordinance of the Municipality of Anchorage creating Street Reconstruction Special Assessment District 3SR96 - the **Devonshire Subdivision street reconstruction** and determining to proceed with proposed improvements therein, Public Works. public hearing 2-25-97.
a. Assembly Memorandum No. AM 118-97.
8. Ordinance No. AO 97-35, an ordinance of the Municipality of Anchorage creating Street Reconstruction Special Assessment District 2SR96 - the **Subdivision of Foxridge street reconstruction** and determining to proceed with proposed improvements therein, Public Works. public hearing 2-25-97.
a. Assembly Memorandum No. AM 119-97.
9. Ordinance No. AO 97-36, an ordinance submitting a ballot proposition to the qualified voters of the Municipality at the Regular Municipal Election April 15, 1997 to amend Anchorage Municipal Charter Sections 6.01 and 6.02(a) to **require school board members to reside in and be elected from single-member election districts** established and apportioned by the Assembly pursuant to the same requirements and procedures applicable to the Assembly, Assemblymembers Kendall, Bell, Carlson, Meyer, and Wuerch. public hearing 2-25-97. (addendum)
a. Assembly Memorandum No. AM 131-97.
10. Ordinance No. AO 97-37, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 3.30.172 by **assigning the classifications of "Assistant Police Chief" and "Deputy Police Chief" to Range 22E, Executive Positions**, subject to the appointment by the Mayor, Assemblymembers Carlson and Murdy. public hearing ~~2-25-97~~ 3-18-97. (addendum)
a. Assembly Memorandum No. AM 132-97.

Mayor Mystrom asked this item be considered on the regular agenda. See 8.C.

11. Ordinance No. AO 97-38, an ordinance submitting a ballot proposition to the qualified municipal voters residing in the South Goldenview Limited Road Service Area to approve **removing from the South Goldenview Limited Road Service Area approximately twenty (20) acres of the Goldenview Park Subdivision** west of St. James Street, north of 164th Avenue, and south of Bridgeview Drive (formerly Goldenview Park Drive) and amending Anchorage Municipal Code Section 27.30.700 to implement said de-annexation, Public Works. public hearing 2-25-97. (addendum)
a. Assembly Memorandum No. AM 133-97.
12. Ordinance No. AO 97-39, an ordinance of the Anchorage Municipal Assembly providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$27,015,000 of General Obligation Bonds of the Municipality of Anchorage to pay the **costs of educational capital improvements** in the Municipality at an election in and for the Municipality of Anchorage on April 15, 1997, Assemblymember Wohlforth. public hearing 2-25-97. (addendum)
a. Assembly Memorandum No. AM 134-97.

Mr. Wohlforth moved, to reschedule other public
 seconded by Ms. Clementson, hearings regarding education
 and it passed without bonds (AO 97-13 and AO 97-14)
 objection, until
 February 25, 1997.

13. Ordinance No. AO 97-40, an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Section 3.85.020 regarding **membership in the Police and Fire Retirement System**, Employee Relations. public hearing 2-25-97. **(addendum)**
 - a. Assembly Memorandum No. AM 135-97.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 97-26, a resolution of the Municipality of Anchorage appropriating \$9,000 of Girdwood Fund Balance (Girdwood Valley Service Area Fund 0106), and reallocating \$28,670 of 1996 Operating Budget appropriations from the Fire Department (Girdwood Fund 0106) and \$15,800 from the Cultural and Recreational Services Department (Girdwood Fund 0106) to the Department of Public works (Girdwood Fund 0106) for **1996 Girdwood road maintenance expenses**, Office of Management and Budget.
 - a. Assembly Memorandum No. AM 120-97.
2. Resolution No. AR 97-28, a resolution of the Anchorage Municipal Assembly **recognizing and honoring former State House Representative and Anchorage Women's Political Caucus President Kay Brown** for her legislative accomplishments and advocacy for women's issues, Assemblymember Abney, Begich, Meyer, Murdy, Von Gemmingen, and Wohlforth. **(addendum)**

Ms. Abney asked this item be considered on the regular agenda. See 8.D.

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 114-97, **1997-1998 Liquor License Renewals**: Ah Sa Wan, Blue Fox, Hollywood Rock, Time Out Lounge, Top of the Rock (Beverage Dispensary); Grumpy's Liquor (Package Store); Anchorage Bucs (Recreational Site); Ah Sa Wan, Thai Village Restaurant (Restaurant/Eating Place), Clerk's Office.
2. Assembly Memorandum No. AM 115-97, **Hellfighters** - Transfer of Ownership for a Beverage Dispensary Liquor License (Downtown Community Council), Clerk's Office.
3. Assembly Memorandum No. AM 116-97, **Hellfighters** - Transfer of Ownership for a Duplicate Beverage Dispensary Liquor License (Downtown Community Council), Clerk's Office.
4. Assembly Memorandum No. AM 121-97, proprietary purchase to Durr Medical for furnishing **medical and laboratory supplies** to the Municipality of Anchorage, Community Health Division, Department of Health and Human Services/Purchasing.
5. Assembly Memorandum No. AM 122-97, proprietary purchase to V. F. Grace, Inc. for furnishing **medical and laboratory supplies** to the Municipality of Anchorage, Community Health Division, Department of Health and Human Services/Purchasing.
6. Assembly Memorandum No. AM 123-97, change order No. 4 to purchase order 44014 to Great Alaska Lawn & Landscaping for providing **snow removal and sanding services** for the Municipality of Anchorage, Municipal Light and Power/Purchasing.
7. Assembly Memorandum No. AM 124-97, change order No. 3 to purchase order 63982 with Polar Supply Company, Inc. for furnishing **liquid magnesium chloride** to the Municipality of Anchorage, Public Works Department/Purchasing.

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

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 18-97, **Internal Audit Department - 1996 Annual Report**, Assemblymember Begich.

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

2. Information Memorandum No. AIM 19-97, **1996 Executive Salaries and Employee Salary Listing**, Employee Relations.

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

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

AYES: Wohlforth, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Clementson, Carlson.
 NAYS: None.

8. REGULAR AGENDA:

A. TIME CRITICAL ITEMS: None.

B. BID AWARDS:

1. Assembly Memorandum No. AM 117-97, recommendation of award to Microage Infosystem Services for furnishing Microsoft Inc. **software maintenance services** to the Municipality of Anchorage, Water and Wastewater Utility (ITB 96-137), Purchasing.

Mr. Wuerch moved, to approve AM 117-97.
seconded by Mr. Kendall,

In response to Mr. Wuerch, Water and Wastewater General Manager Mark Premo said the proposed maintenance services would not address year 2000 issues. He said the Microsoft software would automatically handle the transition to 2000 for Microsoft applications.

Question was called on the motion to approve AM 117-97 and it passed without objection.

C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 97-37, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 3.30.172 by **assigning the classifications of "Assistant Police Chief" and "Deputy Police Chief" to Range 22E, Executive Positions**, subject to the appointment by the Mayor, Assemblymembers Carlson and Murdy. public hearing ~~2-25-97~~ 3-18-97. **(addendum)**
 - a. Assembly Memorandum No. AM 132-97.

Mayor Mystrom noted Chief Udland wished to hire a Deputy Chief as soon as possible; deadline for applications is February 7, 1997. He expressed concern the proposed ordinance will confuse the process.

Mr. Carlson clarified the proposed ordinance was intended to take effect after hiring of the new Deputy Chief.

Mr. Carlson, Mr. Kendall and Ms. Clementson joined in introducing this ordinance. The public hearing was scheduled for March 18, 1997.

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 97-28, a resolution of the Anchorage Municipal Assembly **recognizing and honoring former State House Representative and Anchorage Women's Political Caucus President Kay Brown** for her legislative accomplishments and advocacy for women's issues, Assemblymember Abney, Begich, Meyer, Murdy, Von Gemmingen, and Wohlforth. **(addendum)**

Ms. Abney moved, to approve AR 97-28.
seconded by Ms. Von Gemmingen,

Ms. Abney read the resolution.

Question was called on the motion to approve AR 97-28 and it passed without objection.

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 124-97, change order No. 3 to purchase order 63982 with Polar Supply Company, Inc. for furnishing **liquid magnesium chloride** to the Municipality of Anchorage, Public Works Department/Purchasing.

Mr. Wohlforth moved, to approve AM 124-97.
seconded by Mr. Kendall,

Mr. Wohlforth said he supported the use of this chemical for ice control downtown. However, one downtown business owner complained the chemical resulted in slush staying on the ground, which was continually tracked into his building on the shoes of pedestrians. He asked about removal procedures after the chemical is applied.

In response, Public Works Director Jim Fero said the object was for the slush to run into the storm drains. He noted it would be difficult to move slush and water with a snow grader.

Mr. Wohlforth asked Mr. Fero to further investigate, and provide a contact number for people with complaints about slush problems.

Question was called on the motion to approve AM 124-97 and it passed without objection.

F. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 18-97, **Internal Audit Department - 1996 Annual Report**, Assemblymember Begich.

Mr. Wuerch moved,
seconded by Mr. Kendall,

to accept AIM 18-97.

Mr. Wuerch said he wanted a progress report on any action taken in response to findings in the audit about the business and personal property tax system.

Chairman Begich suggested holding a work session regarding all property appraisal and tax issues on April 8, 1997. There was no objection.

Question was called on the motion to accept AIM 18-97 and it passed without objection.

2. Information Memorandum No. AIM 19-97, **1996 Executive Salaries and Employee Salary Listing**, Employee Relations.

Mr. Meyer moved,
seconded by Mr. Kendall,

to accept AIM 19-97.

Mr. Meyer questioned why Anchorage School District (ASD) employees' salaries are not published in the newspaper.

Chairman Begich requested Legal Department staff to research and report on whether ASD employee were exempt from salary disclosure.

Question was called on the motion to accept AIM 19-97 and it passed without objection.

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

A. **NOTICE OF RECONSIDERATION:** Ordinance No. AO 96-153, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code 21.85 repealing and reenacting AMC 21.85 Table A concerning **Urban Residential Streets minimum standards**, Assemblymembers Clementson, Begich, Carlson, and Murdy.

1. Assembly Memorandum No. AM 1034-96, Community Planning and Development.
(CONTINUED FROM 11-26-96; APPROVED 1-28-97; NOTICE OF RECONSIDERATION WAS GIVEN BY ASSEMBLYMEMBER MEYER 1-29-97)

See consideration of this item after item 9.B.

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 & 12-17-96; POSTPONED FROM 1-14-97 & 1-28-97)

Chairman Begich gave the history of the ordinance.

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

to postpone action on AO 96-140

until March 4, 1997.

The meeting recessed at 5:50 p.m. and reconvened at 6:25 p.m.

The Assembly then returned to item 9.A, AO 96-153.

NOTICE OF RECONSIDERATION: Ordinance No. AO 96-153, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code 21.85 repealing and reenacting AMC 21.85 Table A concerning **Urban Residential Streets minimum standards**, Assemblymembers Clementson, Begich, Carlson, and Murdy.

1. Assembly Memorandum No. AM 1034-96, Community Planning and Development.
(CONTINUED FROM 11-26-96; APPROVED 1-28-97; NOTICE OF RECONSIDERATION WAS GIVEN BY ASSEMBLYMEMBER MEYER 1-29-97)

Chairman Begich gave the history of the ordinance and noted the question of whether to reconsider action was before the body.

Mr. Meyer asked that a representative of the Anchorage Home Builders Association address the Assembly, to explain issues not considered by the Assembly when acting on the ordinance. He encouraged reconsideration and postponement to allow Mr. Murdy and Mr. Bell to participate in further debate.

MR. TAYLOR explained the ordinance would result in a loss of buildable area in Anchorage of about two lots per 6,000 square-foot subdivision; this would cause a financial loss of about \$1,000 per lot. He felt it was important to educate home owners about snow storage easements. He said the ordinance would result in unnecessary costs

to developers, builders and homeowners. Instead, he suggested an alternative solution be implemented, to create a 5-foot snow storage easement on either side of a street. This would appear on the plat, so owners would be aware of the easement upon purchase of their home.

In response to Mr. Meyer, Mr. Taylor said members of the Association felt very strongly about this issue; they would have testified had they known about the ordinance. Miscommunication contributed to this lack of knowledge.

There was a lengthy discussion of the issue including responsibility of ownership, financial concerns, road construction standards and snow storage easements.

Mr. Meyer argued in support of reconsideration. He felt he should have been aware of the information presented by Mr. Taylor when voting on the ordinance. He suggested a work session be scheduled to discuss the issue if reconsideration was approved.

Mr. Carlson opposed reconsideration. He suggested changing zoning laws to address concerns that the ordinance would increase costs to builders and home owners.

Mr. Wohlforth noted he was aware of Mr. Taylor's arguments when he voted initially. He opposed reconsideration.

Ms. Clementson also argued against reconsideration.

Question was called on the motion to reconsider action on AO 96-153 and it failed:

AYES: Meyer, Von Gemmingen.

NAYS: Wohlforth, Abney, Kendall, Wuerch, Begich, Clementson, Carlson.

10. **APPEARANCE REQUESTS:** None.

11. **CONTINUED PUBLIC HEARINGS:**

- A. Ordinance No. AO 96-162, an ordinance amending the zoning map and providing for the rezoning from B-1A (Local and Neighborhood District) to B-3 (General Business District) for **Campbell Creek Greenbelt Subdivision, Lot 79 A-1A**, generally located on the west side of "C" Street and north of West Dimond Boulevard (Taku-Campbell Community Council) (Planning and Zoning Commission Case 96-142), Community Planning and Development.
 - 1. Assembly Memorandum No. AM 1077-96.
(CONTINUED FROM 1-28-97)

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

JOE STIMSON, representing the property owner, noted the Planing and Zoning Commission unanimously supported the proposed ordinance. He said the owner agreed with the Commission resolution and staff analysis, and accepted the effective clauses.

In response to Mr. Wohlforth, Mr. Stimson explained why access to C Street from the subdivision was not possible and not recommended.

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

Mr. Wuerch moved, to adopt AO 96-162.
seconded by Mr. Meyer,

In response to Mr. Wohlforth, Don Alspach of Community Planning and Development confirmed C Street was a "controlled access" highway; the State Department of Transportation (ADOT) will not permit access to C Street from the subject subdivision. Staff recommended a special limitation to reiterate the prohibition of access to C Street, to concur with ADOT. However, he acknowledged a special limitation would be redundant.

Question was called on the motion to adopt AO 96-162 and it passed:

AYES: Wohlforth, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Clementson, Carlson.

NAYS: None.

- B. Ordinance No. AO 96-163, an ordinance amending the zoning map and providing for the rezoning from R-6 (Suburban Residential District) to R-1A, (Single Family Residential District) for **Bruin Park Subdivision, Block 1, Lot 10, and Block 1, South 75', of the North 400' of the East 1/2 and Block 1, South 142' of the East 1/2**, generally located on the west side of Lake Otis Road and south of O'Malley Road (Huffman-O'Malley Community Council) (Planning and Zoning Commission Case 96-141), Community Planning and Development.
 - 1. Assembly Memorandum No. AM 1078-96.
(CONTINUED FROM 1-28-97)

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

Mr. Wuerch moved, to adopt AO 96-163.
seconded by Ms. Clementson,

AYES: Wohlforth, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Clementson, Carlson.
NAYS: None.

- C. Ordinance No. AO 96-164, an ordinance amending the zoning map and providing for the rezoning from I-1, (Light Industrial District) to PLI (Public Lands and Institutions) for **Seventh Subdivision, Tract A**, generally located on the south side of Lore Road and east of Hartzell Road (Abbott Loop Community Council) (Planning and Zoning Commission Case 96-144), Community Planning and Development.
1. Assembly Memorandum No. AM 1079-96.
(CONTINUED FROM 1-28-97)

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

Mr. Wuerch moved, to adopt AO 96-164.
seconded by Ms. Von Gemmingen,

Mr. Wuerch explained the affected area was a small park. The proposal would alter the zoning to reflect the use of the land.

Question was called on the motion to adopt AO 96-164 and it passed:

AYES: Wohlforth, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Clementson, Carlson.
NAYS: None.

- D. Ordinance No. AO 96-160, an ordinance amending the zoning map and providing for the rezoning from B-3 (General Business District) to R-3 (Multiple-Family Residential District) for a 16-acre portion of **Tract B-8, Eagle Glenn South Subdivision**; generally located east of the New Glenn Highway and south of Farm Avenue (Eagle River Community Council) (Planning and Zoning Commission Case 96-187), Community Planning and Development.
1. Assembly Memorandum No. AM 1055-96.
(CONTINUED FROM 1-28-97)

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

DON MCCLINTOCK, representing Eagle River Joint Venture, discussed the issues involved in the proposed rezoning. He said the proposed development was planned to mirror density of the adjoining neighborhood, about eight dwelling units per acre. Also, the ten-acre development was to be submitted for cluster plat approval, which would ensure greenbelt and trail placement and resolution of traffic issues. He felt local residents are opposed to this development because they would oppose any development in the area. He pointed out many uses allowed under the current zoning would be more dense and invasive than the proposal.

In response to Mr. Kendall, Mr. McClintock discussed reports of soil contamination on adjacent property. He said the owner would be responsible for remediation regardless of the zoning. He discussed the features of a cluster plat development. He said the developer intended to build homes with two-car garages; he noted architectural style is usually not addressed in cluster plat requirements.

NATHAN BURNAM, a resident of Eagle Glenn Subdivision, said the subdivision was an example of short-sighted development. He said some problems include minimized setbacks to allow for maximum density, lack of planned vacant space, no trees, virtually no snow storage, no consideration of the fact that many people own three vehicles, and no access to the trails system, which is a short distance from the subdivision. He said he did not want another neighborhood as crowded and uncomfortable as his to be developed in Eagle River. Mr. Burnam felt architecture should fit human habitat into the environment to create aesthetic beauty. He opposed the proposed rezoning, because it would further Eagle River's status as a "bedroom" community. Without business-zoned land to support a viable economy, Eagle River can not develop its own identity.

JERRY KEFFER, a resident on Copper Mountain Drive, said his goal, along with many other residents, was responsible development of Eagle River. He felt the subject land should remain zoned for business development. Mr. Keffer urged the Assembly to consider the Eagle River Comprehensive Plan (ERCP) when deciding this issue. He pointed out many years in the future, Eagle River would probably be a city separate from Anchorage. At that time, proper business and economic infrastructure will be necessary.

KARL WATERS said he and other residents of Eagle Glenn South Subdivision opposed the proposed rezoning. However, they supported responsible development that is consistent with the ERCP. He expressed concern that the proposed ordinance continues to enjoy support by politicians, in light of overwhelming opposition by affected citizens. He discussed statements by the developer he felt were misleading. He asked the Assembly to weigh

the developer's misleading, incomplete reasons in support of the rezoning against opposition by area residents, the Planning and Zoning Commission, Eagle River Community Council and Rural Road Service Board of Directors.

JOAN HODSON reiterated concerns about traffic control and soil contamination. She pointed out the ERCP was only a few years old; she could not understand why the opportunity for business growth and development was seemingly being cut short to accommodate a developer. She noted residents have a severe lack of trust of this particular developer. Lastly, she questioned whether the number of Eagle River police was adequate to address increases in crime that result from low income housing developments. In response to Ms. Clementson, Ms. Hodson said it was her understanding that Phase III and IV of the development would be six and eight-unit low-income housing.

MICHELLE WATERS outlined the history of the ERCP development. She stressed the Plan was adopted only three years ago, and its concepts should be followed. She felt the subject property should remain zoned B-3.

CHARLIE HORSEMAN, representing the Chugiak, Birchwood, Eagle River Rural Road Service Board of Supervisors, felt the proposal before the Assembly was different than that submitted to the Planning and Zoning Commission (P&Z.) He said his Board was opposed to the rezoning request. He explained that the proposed development would have inadequate snow storage area on the lots. In years with heavy snowfall, snow would have to be hauled out of the neighborhood to maintain minimum required road widths. However, the Road Service Board does not have the capability to haul snow without raising its mill levy or reducing other services. Mr. Horseman said high density developments cost more to provide adequate street maintenance, and place an unfair tax burden on those living in low density developments. The Board is also concerned about traffic impact in the area. If the Assembly chooses to adopt the ordinance, he requested a special limitation be incorporated to require all streets in the development to have sixty feet of right-of-way, or fifty feet of right-of-way and five feet snow storage easements on either side. Also, lots should be a minimum of fifty-feet wide. The Board feels these requirements should be standard on all residential developments. Lastly, he requested a requirement that Regency Drive be completed to Municipal standards by the developer prior to commencement of the housing development, and the development plan be subject to public review and comment prior to approval by P&Z.

CATHY SAMIS, a resident on Buttermilk Way, pointed out the community has a trust problem with the developer. She said neighbors had submitted suggestions to make the development acceptable, but the developer had adopted only some of the suggestions. She supported the idea of placing a park in part of the subject area. She said rumors that the developer is considering building low-income housing on the property is a great concern to area residents.

DALE CLINTSMAN, a resident on Carter Circle, explained why the community has problems trusting the developer. He felt they used tactics throughout the process to keep area residents off guard and uninformed. He supported his community and testimony made previously by his neighbors.

The meeting recessed at 8:15 p.m. and reconvened at 8:40 p.m.

TOM COLLINS, a resident in the subject area, said he was confused that the proposed development did not seem to comply with the ERCP. He said if a zoning change is made to this property, he favored making part of the land a park. Also, the homes built should be similar to surrounding neighborhoods. However, he opposed the zoning change.

DAN SPARTMAN, a resident on Copper Mountain Drive, discussed the history of the issue. He opposed the rezoning.

MARIA KEFFER, a resident on Copper Mountain Drive, outlined the history of the contaminated site. She said the levels of pollution qualify the area as a hazardous waste dump. Although the contamination is not located on the subject property, topography indicates that the contaminated pond likely spread to the property. She explained residents have contacted the State Department of Environmental Conservation (ADEC), which referred them to the Municipality, which referred them again to ADEC. She felt the citizens were stuck in the middle. She questioned how residents of the new development could be assured that heavy metal poisoning was not a danger.

ALISON SEVIGNY, a resident on Copper Mountain Drive, said her husband served in the military. She explained why they decided to purchase a home in the community, opting to leave the security of base housing. She felt threatened by the proposed development. Having lived most of her life in low-income housing, she was sure this type of housing would devalue her property in the adjacent neighborhood. She criticized the developer for presenting changes in the plan at every turn in the process.

HARLAN LEGARE, a resident on Copper Mountain Circle, discussed the history of the developer's presence in the Eagle River community. He related a story when the developer applied for rezoning of parcels across the street from his home. Pictorial representations were made of the types of homes to be built, which conformed to surrounding existing structures, and the rezoning was approved with the support of residents. However, the homes actually built were not compatible with the neighborhood and are a visual intrusion. He urged the Assembly, if it decides to adopt the proposed rezoning, to include written requirements to ensure the resulting development will conform to existing development.

MS. FETHEROLF said the proposal made to the community council had no relationship to the proposal on the table tonight. She said residents of the area want the land used for business development, preferably to provide

retail merchandise. She stressed that the ERCP was only a few years old, and should be followed. She opposed reducing business zoned land in the subject area.

MICHELLE ADAM, representing the Eagle River Community Council, said the Council was concerned with the loss of B-3 land in the downtown Eagle River area. As a realtor, she knew the proposed development would serve mostly military families and others with small children. The lots in the development are not adequate for child and animal needs. She urged the Assembly to consider the comments of concerned residents.

JOHN RODDA, president of the Chugiak/Eagle River Chamber of Commerce, discussed a resolution the Chamber passed recently outlining concerns about the rezoning. He said the Chamber supported development, but also supported residents of the community. If the Assembly adopts the ordinance, he asked they impose written conditions and limitations in accordance with the community.

JOHN TINDALL, spoke representing Arctic Acquisition Group and Fred Fourtier, controlling partners of Eagle Glenn Joint Venture. In response to comments about lack of trust, he argued that the developer was responsible for many luxury neighborhoods and has a good track record. He pointed out concessions have been made to accommodate Assemblymembers' wishes. He felt the result was a fair compromise.

In response to Mr. Kendall, Mr. Tindall said he could arrange to have the property cleared of junk automobiles, large appliances and other garbage. He was concerned about placing a condition in the ordinance to require the developer to address possible soil contamination, because it is possible contamination does not exist. He noted development of the land would assure any contamination would be addressed by the proper authorities.

Vice Chairman Wuerch took the Chair.

In response to Mr. Wohlforth, Mr. Tindall discussed the goals of ERCP in relation to potential development of the subject property.

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

The meeting recessed at 9:30 p.m. and reconvened at 9:40 p.m.

In response to Chairman Begich, Assistant Municipal Attorney Bill Greene discussed whether changes in the proposal necessitated introduction of a substitute ordinance or additional public notice. He added the changes might also require another hearing before P&Z.

Mr. Wohlforth moved,
seconded by Mr. Meyer,

to adopt AO 96-160.

In response to Chairman Begich, Mr. McClintock said he felt the Assembly could vote on the issue of the rezoning tonight, without additional notice. He noted the Assembly could also impose conditions or special limitations on the zoning, with the petitioner's concurrence. The petitioner's proposed changes were an indication of willingness to accept those limitations if the Assembly chooses to impose limitations.

In response to Ms. Abney, Mr. McClintock said the purpose of keeping Tract B8-B undeveloped and zoned B-3 was for the Municipal Heritage Land Bank to use the land as a park. He said if the land swap does not occur, the land will remain zoned as B-3, which seems to be the desire of local residents.

Mr. Wohlforth said he opposed the rezoning, regardless of whether conditions might be imposed. He noted residents felt there was a lack of notice, and they were unable to comment on the proposal currently on the table.

Ms. Abney concurred with Mr. Wohlforth. She pointed out the community seemed very unified against the proposal.

Mr. Wohlforth said one argument that the ERCP did not need to be followed in this case was that the large powder reserve was commercially zoned.

In response, Community Planning and Development (CPD) Director Sheila Selkregg noted the powder reserve was intended for hotel, retail and office space. It is located in an area that will probably serve a regional function. The subject area is in the heart of the Eagle River central business district. She felt the two areas were not comparable in terms of commercial development. She explained why residential development is allowed in a business zone. Ms. Selkregg felt the issue before the Assembly was an example of why the Code should be reevaluated. She said CPD staff would be focusing on this type of change to the Code, even prior to revision of the Anchorage Comprehensive Plan. She also discussed enforcement of goals in comprehensive plans.

Mr. Wohlforth felt the proposal violated the intent of the ERCP.

Ms. Clementson thought the property was currently mis-zoned as B-3, because B-3 land is intended for areas near major arterial intersections. She pointed out Regency Drive, the access to the parcel, is not classified as a collector street. She believed this was why the property has not been developed. She questioned whether the Assembly had the option to rezone the property to B1-B rather than the proposed R-3.

Mr. Greene felt such a change tonight would violate notice requirements. He added the B1-B issue had not been heard by P&Z, which is required prior to Assembly action.

In response to Mr. Kendall, Don Alspach of CPD said staff recommended against the proposal in order to maintain a viable commercial area in Eagle River. He said apartment buildings are considered a residential use rather than a commercial use.

Ms. Clementson moved,
seconded by Ms. Von Gemmingen,

to amend AO 96-160 in Section 1 to
read: "The northern 10-acre portion designated as
Tract B8-A, Eagle Glenn South..." and to add a new
Section 4 to read: "The R-3 zone shall be subject to
the following special limitations: a) The owners shall
subdivide Tract B-8 into three tracts substantially
similar to the tracts described in Exhibit B. b) Any
resubdivision or subdivision of Tract B8-A into
residential lots shall be by cluster plat approved by
the Platting Board under the standards set forth by
AMC 21.50.210. The density of the development on
Tract B8-A as a whole shall not exceed 8 dwelling
units per acre. The Platting Board shall consider
adequate snow storage. c) There shall be a Public
Hearing Site Plan review prior to issuance of any
building permit. If appropriate, the review may be
conducted in conjunction with consideration of the
cluster plat. d) The owners shall not sell nor develop
Tract B8-B as shown on Exhibit B prior to July 1,
1998. The owners will record an instrument after the
subdivision of Tract B-8 against Tract B8-B, stating
that it will not be sold, nor developed without the
written consent of the executive director of the
Municipality of Anchorage Heritage Land Bank prior to
July 1, 1998."

Mr. Wuerch moved,
seconded by Ms. Clementson,

to amend AO 96-160 in Section 1 to
read: "...Commission Case 96-187) and Exhibit B attached." and
add a new Section 2 to read: "The southern 6-acre
portion of Tract B, annotated as B8-B on Exhibit B,
will continue to be zoned B-3 and remain undeveloped
until July 1, 1998 or until acquired by the Heritage
Land Bank or Municipality for use as a park,
whichever occurs first." and renumber the following
sections accordingly.

Ms. Clementson moved,
seconded by Mr. Wuerch,
and it passed without

to extend the public hearing
portion of the meeting to
complete this item and consider
objection,
11.E, AO 97-11.

item

Mr. Greene advised the Assembly the proposed conditions raise significant public notice legal issues.

In response to Mr. Carlson, Mr. Tindall said if the proposed rezoning was denied, the developer intended to submit plans to construct tri-plex type homes at twelve units per acre. Preference was for the lower density housing, but higher density will be built if necessary. He said he did not believe the land would be used for business development; the land has been zoned business for twenty years.

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

Question was called on Ms. Clementson's motion to amend and it passed without objection.

Ms. Clementson spoke in support of the ordinance. She felt residential use, with the conditions, would be better for the community than the current potential for a large commercial development adjacent to the existing neighborhood.

Mr. Wohlforth moved,
seconded by Ms. Abney,

to postpone action on AO 96-160 until
March 4, 1997 to allow time for research and report to the
Assembly of whether further public notice is
necessary.

Question was called on the motion to postpone action until March 4, 1997 and it failed:

AYES: Wohlforth, Abney, Kendall.

NAYS: Wuerch, Begich, Meyer, Von Gemmingen, Clementson, Carlson.

Question was called on the motion to adopt AO 96-160 as amended and it passed:

AYES: Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Clementson, Carlson.
NAYS: Wohlforth, Abney.

Mr. Wuerch moved, immediate reconsideration.
seconded by Mr. Meyer,

AYES: Wohlforth, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Carlson.
NAYS: Clementson.

Mr. Wuerch moved, to postpone action on AO 96-160
seconded by Mr. Meyer, as amended
until February 11,
and it passed without 1997.
objection,

- E. 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.
1. Assembly Memorandum No. AM 44-97.
(CONTINUED FROM 1-28-97)

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

Ms. Abney moved, to adopt AO 97-11.
seconded by Ms. Von Gemmingen,

AYES: Wohlforth, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Clementson, Carlson.
NAYS: None.

- F. Ordinance No. AO 96-111, an ordinance submitting to the qualified voters of the Municipality an advisory ballot proposition asking whether **photo radar** should: 1) continue operating in school zones all year 7:00 a.m. to 7:00 p.m. Monday through Friday or 2) be limited to operating in school zones only during the school year Monday through Friday 7:00 a.m. to 4:30 p.m. with no summer operation or 3) be eliminated entirely without financial obligation to the contractor or Municipality, Assemblymember Begich.
1. Ordinance No. AO 96-111(S), an ordinance submitting to the qualified voters of the Municipality an advisory ballot proposition asking whether photo radar should: 1) continue operating in school zones all year 7:00 a.m. to 7:00 p.m. Monday through Friday or 2) be limited to operating in school zones only during the school year Monday through Friday 7:00 a.m. to 4:30 p.m. with no summer operation or 3) be eliminated entirely without financial obligation to the contractor or Municipality, Assemblymember Begich.
2. Assembly Memorandum No. AM 57-97.
(CONTINUED FROM 10-1-96)

This item was continued until February 11, 1997.

12. **NEW PUBLIC HEARINGS:** None.
13. **BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:** None.
14. **SPECIAL ORDERS:** None.
15. **ASSEMBLY COMMENTS:** None.
16. **UNFINISHED AGENDA:** None.
17. **AUDIENCE PARTICIPATION:** None.
18. **EXECUTIVE SESSIONS:** None.
19. **ADJOURNMENT:**

The meeting adjourned at 11:00 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: June 10, 1997

VC/db

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