

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Regular Meeting of September 30, 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, Bob Bell, Pat Abney, Dan Kendall, George Wuerch, Mark Begich, Kevin Meyer, Fay Von Gemmingen, Cheryl Clementson, Ted Carlson, Joe Murdy.
Absent: None.

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Mr. Wuerch.

4. MINUTES OF PREVIOUS MEETING:

- A. Regular Meeting - July 1, 1997
- B. Special Meeting - July 8, 1997

Mr. Kendall moved, to approve the minutes of the
seconded by Mr. Wuerch, regular meeting of July 1 and
and it passed without the special meeting of July 8,
objection, 1997.

5. MAYOR'S REPORT:

Mayor Mystrom said he met with Mr. Carlson and Mr. Wuerch about upcoming legislative program meetings. He said a meeting was scheduled with the Anchorage Legislative Caucus on October 1, 1997. He will report on that meeting at the next Assembly meeting.

6. ADDENDUM TO AGENDA:

Mr. Murdy moved, to amend the agenda to include
seconded by Mr. Wohlforth, 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. Murdy moved to approve all items on the
seconded by Mr. Meyer, consent agenda as amended.

A. BID AWARDS:

- 1. Assembly Memorandum No. AM 830-97, recommendation of award to Cullips Excavating, Inc., for **Taku Lake and Folker Improvement Package** for the Municipality of Anchorage, Cultural and Recreational Services (ITB 97-C59), Purchasing.

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

- 2. Assembly Memorandum No. AM 831-97, recommendation of award to various vendors for providing **snow removal services** on various municipal parking lots for the Municipality of Anchorage, Department of Property and Facility Management (ITB 97-83), Purchasing.

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

- 3. Assembly Memorandum No. AM 832-97, recommendation of award to GCR Truck Tire Center for providing **miscellaneous sized tires, repair, and service** to the Municipality of Anchorage, Purchasing Department (ITB 97-90), Purchasing.
- 4. Assembly Memorandum No. AM 837-97, recommendation of award to Big M Corporation for **King Street underground storage and tank replacement** for the Municipality of Anchorage, Water and Wastewater Utility (ITB 97-C56), Purchasing.

5. Assembly Memorandum No. AM 839-97, recommendation of award to Hartman Construction & Equipment, Inc., for **Fire Station No. 6 - Building Addition** for the Municipality of Anchorage, Property and Facility Management (ITB 97-C60), Purchasing.
6. Assembly Memorandum No. AM 844-97, recommendation of award to Unit Company for **Sullivan Arena concourse additions** for the Municipality of Anchorage, Property and Facility Management (ITB 97-C61), Purchasing. **(addendum)**

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 97-122, an ordinance adopting the **1998 General Government Capital Improvement Budget**, Office of Management and Budget. public hearings 10-21-97 and 10-28-97.
 - a. Assembly Memorandum No. AM 815-97.
2. Resolution No. AR 97-224, a resolution of the Municipality of Anchorage adopting the **1998-2003 General Government Capital Improvement Program**, Office of Management and Budget. public hearings 10-21-97 & 10-28-97.
 - a. Assembly Memorandum No. AM 815-97.

Ms. Von Gemmingen asked this item be considered on the regular agenda. See 8.C.

3. Ordinance No. AO 97-127, an ordinance amending the zoning map and providing for the rezoning of a portion of **Tract A-2 Waldec Subdivision Addition #1** from B-3 (General Business District) to R-3 (Multiple-Family Residential District) containing approximately 2.73 acres, and a portion of **Tract A-1 Waldec Subdivision #1** from R-3 (Multiple-Family Residential District) to B-3 (General Business District), containing approximately 4.5 acres; generally located on the northeast corner of DeBarr Road and Boniface Parkway (Northeast Community Council) (Planning and Zoning Commission Case 97-092), Community Planning and Development. public hearing 10-28-97.
 - a. Assembly Memorandum No. AM 834-97.
4. Resolution No. AR 97-233, a resolution confirming and levying assessments for the water improvements on property benefited in **Sunset Hills West Water Improvement District 342**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility. public hearing 10-21-97.
 - a. Assembly Memorandum No. AM 835-97.
5. Resolution No. AR 97-234, a resolution confirming and levying assessments for the sanitary sewer improvements on property benefited in **Sunset Hills West Lateral Sewer Improvement District 167**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility. public hearing 10-21-97.
 - a. Assembly Memorandum No. AM 836-97.
6. Ordinance No. AO 97-128, an ordinance amending Anchorage Municipal Code Chapter 12.10 to exempt all individual, non-business personal property from taxation; to provide for a short, simplified filing form for taxpayers reporting less than \$5,000 in business personal property valuation; and to change the filing deadline for **Business Personal Property Tax Returns** to April 20, Assemblymember Von Gemmingen. public hearing 10-21-97. **(addendum)**
 - a. Assembly Memorandum No. AM 840-97.
7. Resolution No. AR 97-236, a resolution of the Municipality of Anchorage establishing a Municipal Facilities Major Maintenance and Upgrade Program for municipally-owned general government facilities and appropriating a total of \$2,528,000 from General Government Operating Fund Balances to corresponding General Government Capital Improvement Funds in support of the **Municipal Facilities Major Maintenance Upgrade Program**, Office of Management and Budget. public hearing 10-21-97. **(addendum)**
 - a. Assembly Memorandum No. AM 845-97.
8. Ordinance No. AO 97-129, an ordinance of the Anchorage Municipal Assembly amending AMC 21.35.020 B. to **change the definition of "Dwelling, factory-built"**, Assemblymembers Begich and Carlson. **(addendum)**
 - a. Assembly Memorandum No. AM 846-97.

This item was referred to the Planning and Zoning Commission, to return at a later date for public hearing.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 97-235, a resolution of the Anchorage Municipal Assembly **recognizing the achievements of Fairview Elementary School**, thanking those involved for their dedication and efforts, and congratulating the Fairview students for their hard work and success, Assemblymembers Wohlforth, Abney, Bell, Begich, Carlson, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, and Wuerch. **(addendum)**

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

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 833-97, change order No. 3 to purchase order 62108 with HDR Alaska, Inc. for providing **professional engineering services** to the Municipality of Anchorage, Public Works Department/Purchasing.

2. Assembly Memorandum No. AM 838-97, change order No. 1 to purchase order 71066 to New Flyer Industries Limited for furnishing **additional buses** to the Municipality of Anchorage, Public Transportation Department/Purchasing.

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

3. Assembly Memorandum No. AM 849-97, change order No. 2 to purchase order 71586 with Anchorage Sand & Gravel for providing **AC hot mix** to the Municipality of Anchorage, Public Works Department/ Purchasing. (**addendum**)

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 140-97, **Sole Source Procurement Report** for the month of August 1997, Purchasing.
2. Information Memorandum No. AIM 141-97, Internal Audit Report 97-15 - **Billing and Collection, Anchorage Water and Wastewater Utility**/Internal Audit.
3. Information Memorandum No. AIM 142-97, **commencement of JCC Agreement negotiations**, Employee Relations. (**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, Von Gemmingen, Clementson, Carlson, Murdy.
NAYS: None.

8. **REGULAR AGENDA:**

A. TIME CRITICAL ITEMS: None.

B. BID AWARDS:

1. Assembly Memorandum No. AM 830-97, recommendation of award to Cullips Excavating, Inc., for **Taku Lake and Folker Improvement Package** for the Municipality of Anchorage, Cultural and Recreational Services (ITB 97-C59), Purchasing.

Mr. Meyer moved, to approve AM 830-97.
seconded by Ms. Von Gemmingen,

In response to Mr. Meyer, Cultural and Recreational Services Director Connie Jones said the majority of the work on this project would likely be delayed until next spring.

Question was called on the motion to approve AM 830-97 and it passed without objection.

2. Assembly Memorandum No. AM 831-97, recommendation of award to various vendors for providing **snow removal services** on various municipal parking lots for the Municipality of Anchorage, Department of Property and Facility Management (ITB 97-83), Purchasing.

Mr. Wohlforth moved, to approve AM 831-97.
seconded by Mr. Kendall,

Ms. Von Gemmingen declared a conflict of interest on this item; one of the vendors was her client.

Mr. Wohlforth moved, the question "does Ms. Von Gemmingen
seconded by Mr. Wuerch, have a substantial financial interest in the matter before the
Assembly?"

In response to Mr. Meyer, Ms. Von Gemmingen said the client's account represented a substantial financial interest to her income.

In response to Mr. Bell, Ms. Von Gemmingen said she did not think the outcome of the vote on this item would have a substantial financial impact on her income.

Question was called on whether Ms. Von Gemmingen has a substantial financial interest in the matter before the Assembly and it failed:

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

Question was called on the motion to approve AM 831-97 and it passed without objection.

C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Resolution No. AR 97-224, a resolution of the Municipality of Anchorage adopting the **1998-2003 General Government Capital Improvement Program**, Office of Management and Budget. public hearings 10-21-97 & 10-28-97.
 - a. Assembly Memorandum No. AM 815-97.

Ms. Von Gemmingen, Mr. Meyer and Mr. Murdy joined in introducing this resolution. The public hearings were scheduled for October 21 and 28, 1997.

Ms. Von Gemmingen moved, to amend AR 97-224 on line 25
 seconded by Mr. Wohlforth, to read: "_____, 1997."
 and it passed without
 objection,

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 97-235, a resolution of the Anchorage Municipal Assembly **recognizing the achievements of Fairview Elementary School**, thanking those involved for their dedication and efforts, and congratulating the Fairview students for their hard work and success, Assemblymembers Wohlforth, Abney, Bell, Begich, Carlson, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, and Wuerch. **(addendum)**

Mr. Murdy moved, to approve AR 97-235.
 seconded by Ms. Abney,
 and it passed without
 objection,

Ms. Abney read the resolution while Mr. Wohlforth presented it to representatives of Fairview Elementary School.

Fairview Principal Eunice Long thanked the Assembly and everyone in the community for their support.

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 838-97, change order No. 1 to purchase order 71066 to New Flyer Industries Limited for furnishing **additional buses** to the Municipality of Anchorage, Public Transportation Department/Purchasing.

Mr. Wuerch moved, to approve AM 838-97.
 seconded by Mr. Kendall,

In response to Mr. Wuerch, Public Transit Department Director Bob Kniefel described the funding source for the buses. He said about ninety percent would come from the Federal Transit Administration; ten percent would come from the State Department of Transportation. He said the Federal government requires the vehicles have at least sixty percent U.S.-made components; these buses contain over seventy percent U.S. components. These buses are used frequently in other U.S. cities. Mr. Kniefel said buses that are already in use have had favorable comments from customers and maintenance personnel. This change order will complete replacement of the entire fleet, by 1999.

In response to Ms. Abney, Mr. Kniefel said retired buses are sold at auction, for between \$2,000 and \$3,000.

In response to Mr. Carlson, Mr. Kniefel said eight more buses could be purchased under this award, but he did not anticipate this.

Question was called on the motion to approve AM 838-97 and it passed without objection.

F. INFORMATION AND REPORTS: None.

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

- A. **NOTICE OF RECONSIDERATION:** Assembly Memorandum No. AM 809-97, **Blackbeard's Fine Spirits** - New Distillery Liquor License (Campbell Park Community Council), Clerk's Office.
 1. Assembly Memorandum No. AM 809-97(A), **Blackbeard's Fine Spirits** - New Distillery Liquor License (Abbott Loop/ Campbell Park/Taku-Campbell Community Councils), Clerk's Office. **(addendum)**
 (PUBLIC HEARING WAS SET FOR 10-21-97; NOTICE OF RECONSIDERATION WAS GIVEN BY MR. WUERCH 9-24-97)

Chairman Begich gave the history of the memorandum and noted the question of whether to reconsider a motion to schedule AM 809-97 for public hearing was on the floor.

Mr. Wuerch said the Taku-Campbell Community Council had considered this license and responded with a position of non-objection. He felt the applicant should be able to start operation, without the cost that a delay would cause.

Question was called on the motion to reconsider action and it passed without objection.

Mr. Wuerch moved, to cancel the public hearing
seconded by Mr. Meyer, and approve
AM 809-97.

Question was called on the motion to approve AM 809-97 and it passed:

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

- B. Information Memorandum No. AIM 112-97, The Hub and The Hub Downstairs, 122 E. Fourth Avenue - Beverage Dispensary Liquor License (Downtown Community Council), Clerk's Office.
(POSTPONED FROM 8-19-97 AND 9-16-97)
1. Resolution No. AR 97-238, a resolution to establish conditions on which the Assembly will protest the renewal of **The Hub and Hub Downstairs beverage dispensary licenses** upon the next biennial renewal before the Alcoholic Beverage Control Board and providing for notice and an evidentiary hearing thereon, Assemblymember Wohlforth.
(LAID ON THE TABLE)

Chairman Begich gave the history of the memorandum and noted no motions were pending.

Mr. Wohlforth moved, to postpone action on AIM 112-97
seconded by Mr. Murdy, and AR 97-
238 until October 7, 1997.

Mr. Wohlforth said despite the conditions placed on operation of the establishment by the Assembly, violations continue to occur. He explained the proposed resolution would create a form of probation for the bar; notice that excess of a certain number of violations will trigger an Assembly protest of the license renewal. Each quarterly bar violations report will go the Municipal Hearing Officer, who will determine the facts of the violations, and make a report to the Assembly. The applicant and Dan Coffey will be noticed and requested to appear on October 7 to comment on the resolution.

Mr. Carlson requested a Police Department representative be present on October 7 to address police reports on the establishment.

Question was called on the motion to postpone action on AIM 112-97 and AR 97-238 until October 7, 1997 and it passed without objection.

- C. Assembly Memorandum No. AM 811-97, The Liquor Store - Transfer of Ownership of a Package Store Liquor License (Government Hill Community Council), Clerk's Office.
(POSTPONED FROM 9-23-97)

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

Mr. Wohlforth noted the applicant attended a Government Hill Community Council meeting. The Council president informed him the Council had no objection to the license transfer.

Question was called on the motion to approve AM 811-97 and it passed without objection.

In response to Chairman Begich, Bill Bobrick read a poem in honor of Mr. Murdy's birthday.

The meeting recessed at 5:40 p.m. and reconvened at 6:20 p.m.

10. **APPEARANCE REQUESTS:** None.
11. **CONTINUED PUBLIC HEARINGS:** None.
12. **NEW PUBLIC HEARINGS:**

- A. Resolution No. AR 97-209, a resolution of the Anchorage Municipal Assembly appropriating the sum of \$86,850 from the State of Alaska, Department of Public Safety, Division of Alaska State Troopers, \$28,950 as match and \$2,555 as a contribution from the 1997 New Anchorage Police Service Area Operating Budget, for the **Street Level Drug and Violent Crime Program**, Anchorage Police Department.
1. Assembly Memorandum No. AM 762-97.

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 approve AR 97-209.
seconded by Mr. Wohlforth,

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

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

Mr. Bell moved, to combine the public hearings
 seconded by Mr. Carlson, for items 12.B. and 12.C,
 and it passed without AO 97-118 and AR 97-218.
 objection,

- B. Ordinance No. AO 97-118, an ordinance suspending the effectiveness of Anchorage Municipal Code Section 8.05.440 [AO No. 95-195(S-1) AMENDED], **Curfew for Minors**, pending the results of a referendum election thereon and submitting to the qualified voters of the Municipality at the Regular Municipal Election April 21, 1998, a referendum proposition to repeal said Anchorage Municipal Code Section 8.05.440 [AO No. 95-195(S-1) AMENDED], Assemblymembers Clementson and Bell.
 - 1. Assembly Memorandum No. AM 775-97.
- C. Resolution No. AR 97-218, a resolution calling a special election and submitting to the qualified voters of the Municipality thereat a referendum proposition to repeal Anchorage Municipal Code Section 8.05.440, **Curfew for Minors**, Municipal Assembly.
 - 1. Assembly Memorandum No. AM 782-97.

Chairman Begich opened the public hearing for AO 97-118 and AR 97-218 and asked if anyone wished to speak.

SCOTT KOHLHAAS, sponsor of the petition which triggered the ordinance and resolution, advised the Assembly to listen carefully to all testimony. He felt the people who signed his petition did not intend to incur the expense of a special election; he encouraged the Assembly to suspend the law until the question could be voted on at the April 1998 election. In response to Mr. Kendall, Mr. Kohlhaas said his understanding was that the petition would trigger an election in April 1998. In response to Mr. Carlson, Mr. Kohlhaas said he opposed the curfew law; he felt the Assembly did not have the right to keep people from assembling after a certain time of day.

RON HOYT, a volunteer with the Russian Jack Community Patrol, spoke against suspending the curfew law until April 1998. He said in the two years since the curfew was enacted, there has been a decrease in vandalism in the Russian Jack area. He described an incident when three children, one who was 12 years old, were apprehended at 2:30 a.m. in the process of stealing a car. He felt the curfew was useful to address these situations. He asked the Assembly to schedule a special election.

SAM HAYWOOD encouraged the Assembly to suspend the law until the April election. He felt time for public education and debate on the issue was important. The people who signed the petition might change their positions on the law when they hear statistics about its effectiveness, and people who did not sign the petition might show greater support for the curfew if there is time to learn the facts.

RANDY SMITH spoke as president of the Mountain View Community Council and chairman of the Mountain View Community Patrol. He felt his neighborhood was a reflection of Anchorage as a whole. His contact with the public since the curfew law was enacted indicates that many children are becoming more responsible in that they have to plan activities in advance. The majority of parents he has spoken with feel the law is an effective parental tool to deal with unruly children. In response to Mr. Bell, Mr. Smith opposed a suspension of the law, therefore he supported a special election.

ED EARNHART, representing the Taku-Campbell Community Council, said the Council voted on this issue. The result was unanimous to support a special election and encourage citizens to vote "no" on the question.

AARON GODFRED, a student at West High School, spoke in support of suspending the law until the April election. He felt the curfew law was unconstitutional and violated the right to assemble. He pointed out children who are dangerous or break the law will continue to be out late at night regardless of a curfew law.

KATHLEEN PLUNKETT spoke as president of the Russian Jack Community Council and member of the Russian Jack Community Patrol. She said the Council discussed this issue and voted to support a special election. Twenty-one people were in favor; one was opposed. She said neighborhood residents have noticed a significant improvement with problems related to juveniles since the curfew law was enacted.

MARIA MIROTTA, a student at West High School, spoke in support of suspending the law until the April election. She said more people would likely vote on the issue if it was on the regular election ballot. Also, it would give people the opportunity to hear how Assembly candidates feel on the issue. Lastly, a special election would cost a lot of money. Ms. Mirott also spoke against the curfew law, pointing out it severely limits legal entertainment activities for minors.

JAMES JONES, a student at West High School, said he works every night after school, usually until after curfew begins. He objected to the curfew law because it restricts his ability to engage in entertainment activities after work. In response to Mr. Bell, Mr. Jones said he supported suspending the law until the April election.

SHANE CRAIG, a student at West High School, spoke in support of suspending the law until the April election.

ALEX PARTNOW, a student at West High School, also spoke in support of suspending the law until the April election. He said it would provide a chance for children to prove that they can behave, and an opportunity to

gather comparative statistics on juvenile crime. In response to Mr. Bell, Mr. Partnow said his parents would likely vote to repeal the curfew law.

SAM O'CONNOR, vice president of the Westside Community Patrol, supported a special election. He said police officers indicate the curfew law is an additional tool in their crime prevention efforts. The curfew is also a tool for parents who have disobedient children; parents can cite the law as a reason to keep children at home. In response to Mr. Bell, Mr. O'Connor said he felt the curfew would prevail at either a special election or the April regular election.

DON LEDERHOS, a business owner, said he initially supported the curfew law. However, he now opposed it because his child was cited under the law. He objected to having to write a note giving permission for a specific activity in order for his children to be out after the curfew. He pointed out his child was in front of his house under his supervision when the citation was issued. The police officer indicated he was instructed to ticket all violators. Mr. Lederhaus felt such inflexible enforcement violated the spirit of the law.

AN UNIDENTIFIED MAN expressed a complaint against a police officer. He said he was searched by a police officer while walking home. He felt the officer's behavior was unwarranted.

CHANCE CRAIG, a student at West High School, spoke in support of placing the question on the April ballot. He said his job lasted until 3:00 a.m. He wanted kids to have the chance to be responsible in whatever they decide to do at any hour.

BOB STEVENS, owner of the Lost Abbey Teen Club, felt parents, rather than the government, should set hours children are allowed to be out. He said laws in this country traditionally do not limit the rights of the majority in response to transgressions by the minority. He was concerned that the curfew law did not include exceptions in the event a parent wants their child to attend a movie or bowling or a teen club. In response to Mr. Wohlforth, Mr. Stevens said the question of whether to vote on the question at a special election or the regular election in April was moot, because he would challenge the result in a court of law.

MABERLY BROWN, a Service High student, felt the question should be postponed until April. She pointed out there would be greater voter turnout at a regular election. Also, many seniors who are interested in the issue would be voting age by that time. Ms. Brown felt if people are treated as adults, they will act accordingly.

SARAH MOUN spoke in support of suspending the law until the April election. She objected to punishing many good kids for the crimes of a mere few.

MICHAEL DAVIS said he helped gather signatures on the petition. He asked the Assembly to suspend the law until April, because a special election would cost a lot of money.

DANIELLE HELMS, a Service High student, spoke in support of suspending the law until April. She felt the time between now and April could be used to collect data on juvenile crime. She suggested the amount of money it would cost for a special election be used instead for youth programs, specifically constructive entertainment activities.

TOM MCGRATH noted rules are established by a democratic government to protect its citizens. He felt the curfew has been beneficial in Anchorage. He urged the Assembly not to suspend the law, no matter the cost of a special election. In response to Mr. Bell, Mr. McGrath felt the law would be upheld at a special election or the regular election in April.

KELLY SMITH, president of the Turnagain Community Council, spoke in support of a special election. He felt the curfew law was important and should not be suspended pending the April election. He added property crimes have reduced significantly since the curfew enactment; if the law was suspended, the cost of property crimes might exceed the cost of a special election. In response to Ms. Abney, Mr. Smith said the Council did not take a position on the election question.

PATTY LEDERHOS spoke in support of suspending the question until the April election. She felt a larger voter turnout would give a result more accurately reflecting the general consensus. She was opposed to the curfew law.

BILL BRADISON testified in support of a special election. He felt the curfew issue was so important it needed a forum separate from other election questions for adequate discussion.

DANA LEDERHOS agreed juvenile crime is a problem which needs serious attention. However, she disagreed the curfew was an appropriate counter measure. She felt restricting the rights of children was unfair and immoral. The curfew might be a temporary help, but would not address the root problem.

ERIC SHANE, a West High student, felt the question should be decided on whether a special election would be in the best interest of Anchorage citizens. He felt it would not be in their best interest because a special election would cost more, and voter turnout would be low. Also, there would not be time for adequate public debate on the curfew issue.

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

Mr. Murdy moved,
seconded by Mr. Wuerch,

to approve AR 97-218.

In response to Mr. Murdy, Police Chief Duane Udland addressed the Assembly. He noted among police officers, there was overwhelming opposition to suspending the curfew law until April. Most officers feel the law is so effective, it would be detrimental to suspend it even for a few months. Chief Udland discussed the cost of a special election versus the cost of suspension. He pointed out that prior to enforcement of the curfew, a lot of money was spent on overtime for officers to patrol the Northern Lights cruising strip on the weekends. Since enforcement of the curfew, overtime for this purpose is quite infrequent. He recently discussed the issue with a group of business owners, who indicated they spend much less on security since curfew enforcement began. Another cost was unmeasurable: the cost to children who get into trouble or are hurt while on the streets in the middle of the night. There are fewer occurrences of these problems since the curfew. Chief Udland pointed out the law was adopted after much public hearing. He was initially skeptical himself, but results have convinced him that the law is very effective.

In response to Mr. Bell, Chief Udland confirmed that crime in general has declined about 27 percent in the last year. Juvenile arrests during curfew hours have decreased, but arrests before curfew have increased. He said many factors might be responsible; he did not feel that juveniles deliberately decide to commit crimes before 1:00 a.m.

In response to Mr. Murdy, Chief Udland said officers are urged to treat everyone equally. They also have discretion to refrain from ticketing juveniles in appropriate situations.

In response to Mr. Wohlforth, Chief Udland discussed statistics for actual crimes and calls for service. He said national statistics show 60 to 70 percent of property crimes are committed by juveniles. Violent crimes are usually committed by adults, but in the past several years younger people are becoming more violent. Anchorage seems to reflect this national trend. However, in Anchorage more adults are arrested than juveniles.

In response to Mr. Wuerch, Chief Udland said he felt the curfew law helped officers combat gang activity.

In response to Ms. Clementson, Chief Udland said 40 percent of juveniles cited under the law had committed some other crime in addition to curfew violation.

In response to Mr. Murdy, Operations Manager George Vakalis said the Mayor supported a special election. He noted the issue had significant public hearing and debate. Also, the results of the law have been positive. Suspending the law until April would place children and others at risk. Lastly, the cost of a special election might be exceeded by costs incurred if the law is suspended for six months.

Mr. Murdy spoke in support of the resolution. He noted the curfew law was written taking Constitutional rights into consideration. He felt the safety of children and the public at large was worth the cost of a special election.

Mr. Bell argued over 11,000 people signed the petition; he felt most thought it called for an election in April. He warned a special election was likely to have poor voter turnout. He felt young people opposed to the curfew might be able to gather enough support to overturn the law. The issue would get better debate among the public and candidates for office if decided during the regular election.

Ms. Abney felt the benefits of the curfew outweighed the cost of a special election. She urged support for the resolution.

Messrs. Kendall, Carlson and Wuerch also spoke in support of a special election.

Mr. Wohlforth thought the entire community should debate and have a say on this issue, which would be more difficult at a special election, because voter turnout would likely be low. He felt statistics are not conclusive to indicate a suspension of the law until April would be detrimental.

Mr. Meyer spoke in support of a special election. He felt the question would be overshadowed by other ballot issues at a regular election. He noted there has been significant public discussion about the curfew since it was enacted.

Ms. Von Gemmingen also spoke in support of the resolution.

Ms. Clementson felt there was not overwhelming public support to have a special election. She noted many community councils voted to vote on the question in April. She reiterated the fact that voter turnout is usually low at special elections.

Mr. Wohlforth moved,
seconded by Ms. Clementson,

to amend AR 97-218 in Section 2
to clarify the ballot language by adding the words "A 'yes' vote is
a vote to repeal the curfew law. A 'no' vote is a vote
against repealing the curfew law."

Mr. Kendall moved,

to amend the amendment to read:
and it was withdrawn, "...A 'no' vote
is a vote to retain the curfew law."

Assistant Municipal Attorney Bill Greene explained any language which deviates from the nature of the petition would inject the question of whether the ballot language is biased. He said the Supreme Court has been quick to strike down such language. He strongly recommended against using the word "retain."

Mr. Kendall withdrew his amendment.

In response to Mr. Wohlforth, Mr. Greene explained voting against repeal was not the same as voting for retention.

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

Question was called on the motion to approve AR 97-218 as amended and it passed:

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

NAYS: Wohlforth, Bell, Clementson.

Mr. Wuerch moved, immediate reconsideration.
seconded by Ms. Abney,

AYES: Bell, Clementson.

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

Mr. Murdy moved, to table AO 97-118.
seconded by Mr. Wuerch,

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

NAYS: Bell, Clementson.

13. **BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:** None.

14. **SPECIAL ORDERS:**

- A. Resolution No. AR 97-239, a resolution of the Municipal Assembly appropriating ~~\$100,000~~ \$99,000 from the Areawide General Fund Balance (0101) to the Clerk's Office, Department of Assembly, to fund a special election on November 4, 1997, Assembly Chair Begich. **(LAID ON THE TABLE)**
1. Assembly Memorandum No. AM 851-97.

Mr. Murdy moved, to approve AR 97-239.
seconded by Ms. Von Gemmingen,

Mr. Kendall moved, to amend AR 97-239 to change the
seconded by Mr. Murdy, amount of the appropriation to
and it passed with Ms. \$99,000.
Clementson objecting,

Question was called on the motion to approve AR 97-239 as amended and it passed:

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

NAYS: Clementson.

Mr. Murdy moved, immediate reconsideration.
seconded by Mr. Carlson,

AYES: Clementson.

NAYS: Wohlforth, Bell, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Carlson, Murdy.

Ms. Clementson protested laying on the table the resolution appropriating funds for the election. She felt it should have been introduced at the same time as the resolution calling for the election, so people would have been noticed of the election's costs.

15. **ASSEMBLY COMMENTS:**

- A. Mr. Wuerch announced a meeting with the Anchorage Legislative Caucus on October 1, 1997. On October 2, 1997 the Joint House/Senate Task Force on Deferred Maintenance would meet.
- B. Ms. Von Gemmingen said she attended today's dedication for the Earthquake Park Interpretive Facility. She encouraged everyone to visit the wonderful site.

16. **UNFINISHED AGENDA:** None.

17. **AUDIENCE PARTICIPATION:** None.

TOM MCGRATH announced a meeting of the steering committee for Alaska's Promise - Building Assets and Youth tomorrow at 2:00 p.m.

18. EXECUTIVE SESSIONS: None.

19. ADJOURNMENT:

The meeting adjourned at 9:40 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: November 4, 1997

VC/db

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