

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Regular Meeting of March 3, 1998

1. CALL TO ORDER:

The meeting was convened at 5:15 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 members of a Boy Scout Troop from south Anchorage.

4. MINUTES OF PREVIOUS MEETING:

A. Regular Meeting - January 27, 1998

Mr. Murdy moved, to approve the minutes of the regular
seconded by Mr. Wuerch, meeting of January 27, 1998.
and it passed without
objection,

5. MAYOR'S REPORT:

In response to Mr. Meyer, Operations Manager George Vakalis discussed an explosion and fire at Municipal Light & Power last weekend. There is speculation that a gas leak was outside the building and traveled to the inside, although the exact cause is unknown. Insurance investigators are in the process of reviewing the scene. The plant that was damaged was a back-up plant; the main Sullivan Plant on the Glenn Highway and Eklutna Hydroelectric Plant will provide sufficient power.

6. ADDENDUM TO AGENDA:

Mr. Murdy moved, to amend the agenda to include
seconded by Ms. Abney, 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 Ms. Von Gemmingen, consent agenda as amended.

A. BID AWARDS: None.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Resolution No. AR 98-58, a resolution of the Municipality of Anchorage **deleting, accepting, and appropriating State of Alaska legislative grants to the Municipality of Anchorage for the Anchorage School District** per Senate Bill 107, Office of Management and Budget. ~~public hearing 3-10-98.~~
a. Assembly Memorandum No. AM 255-98.

Municipal Manager Larry Crawford asked this item be considered on the regular agenda. See 8.C.

2. Resolution No. AR 98-65, a resolution approving construction of the **Highland Terrace (W97-028) water main extension**, and providing for the eventual assessment against benefited property, Water and Wastewater Utility. public hearing 3-31-98.
a. Assembly Memorandum No. AM 239-98.
3. Resolution No. AR 98-68, a resolution of the Municipality of Anchorage appropriating \$565,000 of Anticipated Building Permit Revenue to the Department of Public Works, Building Safety Division for **Phase II of the Permit Automation System, building permit counter improvements, and a wind study**, Public Works. public hearing 3-10-98. **(addendum)**
a. Assembly Memorandum No. AM 250-98.

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

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 98-59, a resolution of the Anchorage Municipal Assembly appropriating \$2,500 in restricted contributions from Key Bank to the Federal Categorical Grants Fund (0241) to assist in **funding a program of economic development planning and capacity building for the Renaissance Zone**, Community Planning and Development.
 - a. Assembly Memorandum No. AM 227-98.
2. Resolution No. AR 98-60, a resolution of the Municipality of Anchorage appropriating \$70,000 from the Anchorage Fire Service Area (0131) Fund Balance to the Anchorage Fire Department 1998 Operating Budget for **replacement personnel protective equipment, (PPE), turnouts, to maintain the Department's individual emergency response capabilities**, Fire Department.
 - a. Assembly Memorandum No. AM 228-98.
3. Resolution No. AR 98-61, a resolution authorizing the Municipality of Anchorage, Public Transportation Department, to enter into a Transfer of Responsibilities Agreement (TORA) in the amount of \$30,000 with the State of Alaska, Department of Transportation and Public Facilities, for **financing a Coordinated Client Transportation Project** and appropriating these funds to the State Categorical Grants Fund (0231), Public Transportation.
 - a. Assembly Memorandum No. AM 229-98.
4. Resolution No. AR 98-62, a resolution **authorizing a Foreign-Trade Sub-Zone Agreement for Natchiq, Inc.** (FTZ 160), Port of Anchorage.
 - a. Assembly Memorandum No. AM 230-98.
5. Resolution No. AR 98-66, a resolution of the Municipality of Anchorage providing for the appropriation of a grant totaling \$5,000 from the Rasmuson Foundation to the Miscellaneous Operational Grants Fund (0261) for the **purchase of library books**, Cultural and Recreational Services/Library.
 - a. Assembly Memorandum No. AM 246-98.
6. Resolution No. AR 98-67, a resolution **endorsing proposed uses for the reappropriation of the Ship Creek Wier and Trail Crossing grant** and revising the 1998 Legislative Program, Office of Management and Budget. **(addendum)**
 - a. Assembly Memorandum No. AM 249-98.

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

7. Resolution No. AR 98-70, a resolution **amending the revised 1998 General Government Capital Improvement Budget (CIB) and the 1998-2003 General Government Capital Improvement Program (CIP)**, Office of Management and Budget. **(addendum)**
 - a. Assembly Memorandum No. AM 252-98.
8. Resolution No. AR 98-71, a resolution of the Anchorage Municipal Assembly appropriating \$25,000 from Areawide General Fund (0101) Balance to Non-Departmental to be used as a grant to People First for **funding accessible transportation services for the 1998 People First International Conference**, Assemblymember Meyer. **(addendum)**
 - a. Assembly Memorandum No. AM 254-98.

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

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 240-98, **Budget Advisory Commission reappointments** (Dorothy Anagick, Cheryl Frasca, Richard Morrison), Mayor's Office.
2. Assembly Memorandum No. AM 241-98, **Historic Preservation Board reappointment** (Robert Erickson), Mayor's Office.
3. Assembly Memorandum No. AM 242-98, **Sequoia Estates Limited Road Service Area Board of Supervisors appointment** (Grant Vidrine), Mayor's Office.
4. Assembly Memorandum No. AM 231-98, Findings and Conclusions, **Appeal 97-108, Collins Subdivision Lot 8, Correctional Community Residential Center**, Community Planning and Development.
5. Assembly Memorandum No. AM 232-98, change order No. 3 to construction contract with Wilder Construction for **Tony Knowles Coastal Trail Rehabilitation Project**, Cultural and Recreational Services.
6. Assembly Memorandum No. AM 233-98, change order No. 3 to purchase order 63374 with Alaska Trail Service for providing **Beach Lake cross-country ski trail maintenance** for the Municipality of Anchorage, Cultural and Recreational Services/Purchasing.

Ms. Clementson asked this item be considered on the regular agenda. See 8.E.

7. Assembly Memorandum No. AM 234-98, proprietary purchase of **computer hardware and software maintenance and software license fees** from IBM Corporation for the Municipality of Anchorage, Management Information Systems Department/Purchasing.
8. Assembly Memorandum No. AM 235-98, **software license renewal** from Computer Associates International for the Municipality of Anchorage, Management Information Systems Department/Purchasing.
9. Assembly Memorandum No. AM 236-98, proprietary purchase of a **hydrostatic snowblower** from Chinook Manufacturing, Inc. for the Municipality of Anchorage, Department of Property and Facility Management/Purchasing.
10. Assembly Memorandum No. AM 237-98, change order No. 2 to purchase order 62130 with Alaska Housewares for furnishing **Polaroid film and 35mm film** for the Municipality of Anchorage, Purchasing Department.
11. Assembly Memorandum No. AM 238-98, change order No. 2 to purchase order 60921 to exercise the option period with Trailer Craft Inc. for providing **repair and supplies of Rockwell brakes** for the Municipality of Anchorage, Purchasing Department.

12. Assembly Memorandum No. AM 243-98, **Anchorage Loop Water Transmission Main, Phase II**, contract with Eastwind, a Division of NORCON, Inc. - Change Order Number 10, Water and Wastewater Utility.

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

13. Assembly Memorandum No. AM 244-98, change order No. 1 to purchase order 71390 to exercise the option period with A T Publishing for printing of the **Spring and Fall Activity Guide** for the Municipality of Anchorage, Department of Cultural and Recreational Services/Purchasing.
14. Assembly Memorandum No. AM 245-98, change order No. 1 to purchase order 71641 with GeoNorth Inc. for providing **software programming services** for the Municipality of Anchorage, Department of Public Works/Purchasing.
15. Assembly Memorandum No. AM 247-98, change order No. 5 to Miscellaneous Pedestrian Safety, **Lake George walkway** contract with SeaCoast Construction, C-70313, DPW No. 93-32, Public Works.
16. Assembly Memorandum No. AM 248-98, sole source contract for services for the **administrative processing of parking citations** with the Anchorage Parking Authority (APA) for the Municipality of Anchorage, Anchorage Police Department/Purchasing.

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

17. Assembly Memorandum No. AM 249-98, **endorsing proposed uses for the reappropriation of the Ship Creek Wier and Trail Crossing grant** and corresponding revision of the 1998 Legislative Program, Municipal Manager's Office.

See action taken on item 7.C.6, AR 98-67.

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 31-98, Internal Audit Report 98-05 - **1997 Parts and Fuel Inventory, Public Transportation Department**, Internal Audit.
2. Information Memorandum No. AIM 32-98, Internal Audit Report 98-06 - **1997 Parts and Fuel Inventory, Municipal Light and Power**, Internal Audit.
3. Information Memorandum No. AIM 33-98, Internal Audit Report 98-07 - **1997 Parts and Fuel Inventory, Anchorage Water and Wastewater**, Internal Audit.
4. Information Memorandum No. AIM 35-98, **Bar Violations Yearly Report**, Anchorage Police Department.

Ms. Clementson asked this item be considered on the regular agenda. See 8.F.

5. Information Memorandum No. AIM 36-98, **School Budget Advisory Commission Report** on Anchorage School District Proposed FY 1998-99 Budget, Office of Management and Budget. **(addendum)**
6. Information Memorandum No. AIM 37-98, **revision to 1998 Legislative Program**, Office of Management and Budget. **(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: None.
- C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Resolution No. AR 98-58, a resolution of the Municipality of Anchorage **deleting, accepting, and appropriating State of Alaska legislative grants to the Municipality of Anchorage for the Anchorage School District** per Senate Bill 107, Office of Management and Budget. ~~public hearing 3-10-98.~~
- a. Assembly Memorandum No. AM 255-98.

Municipal Manager Larry Crawford said this item was scheduled for introduction in error. The item should be acted on tonight.

Mr. Wohlforth moved, _____ to reschedule action on AR 98-58
seconded by Mr. Bell, _____ for item 9, Unfinished Business.
and it passed without
objection,

2. Resolution No. AR 98-68, a resolution of the Municipality of Anchorage appropriating \$565,000 of Anticipated Building Permit Revenue to the Department of Public Works, Building Safety Division for **Phase II of the Permit Automation System, building permit counter improvements, and a wind study**, Public Works. ~~public hearing 3-10-98.~~ **(addendum)**
- a. Assembly Memorandum No. AM 250-98.

Mr. Murdy, Ms. Von Gemmingen and Mr. Carlson joined in introducing this resolution. The public hearing was scheduled for March 10, 1998.

Mr. Murdy requested information on the status of consolidation of various departments.

Mayor Mystrom noted a work session on this subject was scheduled for March 10, 1998. He will brief Mr. Murdy and other members who will be absent at another time.

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 98-67, a resolution **endorsing proposed uses for the reappropriation of the Ship Creek Wier and Trail Crossing grant** and revising the 1998 Legislative Program, Office of Management and Budget. **(addendum)**
 - a. Assembly Memorandum No. AM 249-98.

Ms. Von Gemmingen moved, to approve AR 98-67.
seconded by Mr. Wohlforth,

Ms. Von Gemmingen noted Jerry McCutcheon has requested a number of community councils to support transferring funds from the Ship Creek Wier to a project for a fish ladder at Chester Creek.

Mr. Wohlforth said some inaccurate information was presented to the councils; if they were aware of this, they might have a different position.

Ms. Abney moved, to schedule a public hearing for
seconded by Mr. Meyer, AR 98-67 on March 10, 1998.

Mayor Mystrom said the Ship Creek task force has worked on this issue for a long time and made recommendations included in the resolution. The Legislature is questioning the intent for these funds. He was concerned the money would be used for other issues unless the Assembly declares an intent for the funds. He discussed the task forces' recommended improvements to the Ship Creek area.

In response to Mr. Wohlforth, Mr. Rogers described the funding sources for various portions of the proposed trail.

Mayor Mystrom noted completion of the northern portion of the Coastal Trail was scheduled for June, 2000.

Mr. Wohlforth thanked the Mayor for his efforts on this project. He felt the proposal was a good use of the funds. He did not feel a public hearing was necessary.

In response to Mr. Wuerch, Mayor Mystrom said the task force held many public meetings to discuss the project.

Mr. Wuerch felt since the public was involved, the Assembly should take action tonight. He pointed out funds in the Legislature are sought vigorously by many groups; the sooner the Assembly declares a request and proposal the better.

Question was called on the motion to schedule AR 98-67 for public hearing and it failed:

AYES: Abney, Meyer, Clementson.

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

Question was called on the motion to approve AR 98-67 and it passed:

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

NAYS: None.

(A motion to reconsider this action was made later in the meeting. See item 16, Unfinished Agenda.)

2. Resolution No. AR 98-71, a resolution of the Anchorage Municipal Assembly appropriating \$25,000 from Areawide General Fund (0101) Balance to Non-Departmental to be used as a grant to People First for **funding accessible transportation services for the 1998 People First International Conference**, Assemblymember Meyer. **(addendum)**
 - a. Assembly Memorandum No. AM 254-98.

Mr. Meyer moved, to approve AR 98-71.
seconded by Ms. Clementson,

In response to Mr. Meyer, David Levy of the People First International Conference addressed the Assembly. He introduced Joe Pitchler, co-chair of the Conference.

Mr. Pitchler said 1,000 would attend the Conference at the Egan Center. This will be the first disability conference of this size in the United States. Many other countries will participate. Transporting about 250 people using wheelchairs will be a challenge. Also, traveling downtown will be difficult because traffic lights change too quickly for people using wheelchairs. He said security or police presence at intersections would be helpful.

Beverly Tolmin, co-chair of the Conference, said she has worked with the Public Transportation Department. A plan for Conference transportation was put out for bid. The proposed grant of \$25,000 would offset the cost of transportation. She noted the economic benefit to Anchorage's economy would be about \$1 million.

Mr. Meyer spoke in support of the resolution.

Question was called on the motion to approve AR 98-71 and it passed:

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

NAYS: None.

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

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 233-98, change order No. 3 to purchase order 63374 with Alaska Trail Service for providing **Beach Lake cross-country ski trail maintenance** for the Municipality of Anchorage, Cultural and Recreational Services/Purchasing.

Ms. Clementson moved, to approve AM 233-98.
seconded by Mr. Murdy,

Ms. Clementson questioned the funding source for this item.

See further action on this item later in the meeting after item F.1.

2. Assembly Memorandum No. AM 243-98, Anchorage Loop Water Transmission Main, Phase II, contract with Eastwind, a Division of NORCON, Inc. - Change Order Number 10, Water and Wastewater Utility.

Ms. Abney moved, to approve AM 243-98.
seconded by Ms. Clementson,

Ms. Abney questioned why there have been so many change orders on this item. She asked when the project would extend to Service High School area.

In response, Water and Wastewater General Manager Mark Premo said he expected this would be the last change order for Phase II. He noted Phase IV would extend from Tudor to Abbott, and would begin in the year 2001 or 2002.

Ms. Abney encouraged proper planning to take into account special needs of work in wetland areas, to eliminate the need for requests for extra funds.

Mr. Premo agreed with this goal. If the U.S. Army Corps of Engineers and the State Department of Fish and Game are specific with their needs and requirements for wetland work, this would not be a problem.

Question was called on the motion to approve AM 243-98 and it passed without objection.

3. Assembly Memorandum No. AM 248-98, sole source contract for services for the **administrative processing of parking citations** with the Anchorage Parking Authority (APA) for the Municipality of Anchorage, Anchorage Police Department/Purchasing.

Mr. Wuerch moved, to approve AM 248-98.
seconded by Ms. Clementson,

Mr. Wuerch spoke against the memorandum. He felt there must be other contractors in Anchorage willing to bid on the contract if a bid was issued.

Municipal Manager Larry Crawford explained the Anchorage Parking Authority (APA) was chosen for the contract because they have the apparatus and can perform the service more inexpensively than the Police Department.

Police Chief Duane Udland added the APA is still a separate entity and it is logical that it perform this service.

In response to Mr. Meyer, Mr. Crawford said a contract is a professional, safe way to utilize the equipment.

In response to Mr. Kendall, APA Director Dave Brennan explained the contract was for a reimbursement of direct costs. There is no charge for the equipment other than for depreciation. The equipment is used for other purposes such as data collection for parking studies. Since the APA has a separate financial system than the Municipality, it has always entered into contracts and used invoices rather than Intergovernmental Charges.

Question was called on the motion to approve AM 248-98 and it passed:

AYES: Wohlforth, Bell, Abney, Begich, Von Gemmingen, Clementson, Carlson.

NAYS: Kendall, Wuerch, Meyer, Murdy.

F. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 35-98, Bar Violations Yearly Report, Anchorage Police Department.

Ms. Clementson moved, to accept AIM 35-98.
seconded by Ms. Von Gemmingen,

In response to Ms. Clementson, Police Chief Duane Udland said sometimes State Alcoholic Beverage Control Board violations are not reported in time to be included in the bar violations report.

Ms. Clementson questioned violations for the Theatrical Lounge, a license protested by the Assembly several years ago. She also questioned a violation for Chilkoot Charlies. She requested expanded reports for these incidents.

Chief Udland said he would report back to the Assembly on these violations. He said if one or more violations are received, a report is included in the Bar Violations.

Mr. Wohlforth pointed out this was another reason to create a system for administrative review of incidents and violations.

Question was called on the motion to accept AIM 35-98 and it passed without objection.

The Assembly then returned to item 8.E.1, AM 233-98.

Assembly Memorandum No. AM 233-98, change order No. 3 to purchase order 63374 with Alaska Trail Service for providing **Beach Lake cross-country ski trail maintenance** for the Municipality of Anchorage, Cultural and Recreational Services/Purchasing.

Municipal Manager Larry Crawford noted the fund certification for this item was correct.

Ms. Clementson requested similar items note the fund source in the future.

Question was called on the motion to approve AM 233-98 and it passed without objection.

The Assembly then changed the orders of the day to consider a special order.

Resolution No. AR 98-72, a resolution of the Anchorage Municipal Assembly **opposing Senate Bill No. 208 and its companion House Bill No. 365 which propose to severely limit maximum local self-government and Home Rule powers granted by the Alaska Constitution** and otherwise impair or impede the implementation of other constitution mandates for local government, Assemblymembers Clementson and Von Gemmingen. **(LAID ON THE TABLE)**

Ms. Clementson moved, to approve AR 98-72.
seconded by Ms. Von Gemmingen,

Ms. Clementson explained the pending State legislation, if approved, would limit local governments' control and authority granted by the State Constitution. She described how the legislation would affect local service areas.

Ms. Abney moved, to table AR 98-72.

Chairman Begich did not recognize the motion. He encouraged discussion.

Mr. Kendall agreed the issue was local control over local issues. He pointed out the legislation requires a majority of the voters in an area to sway a question. However, some property owners are not voters, so only those registered to vote would decide issues affecting property owners. He opposed the resolution.

Mr. Wuerch moved, to postpone action on AR 98-72 until
seconded by Ms. Clementson, later in the meeting.
and it passed without
objection,

(See further action after item 10.)

The meeting recessed at 6:15 p.m. and reconvened at 6:40 p.m.

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

- A. Assembly Memorandum No. AM 90-98, Airport Aviation Advisory Commission appointments (Christopher Hodel, William Dam, Keith Silver), Mayor's Office.
 - 1. Assembly Memorandum No. AM 90-98(A).
(POSTPONED FROM 2-3-98)

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

Mayor Mystrom noted Christopher Hodel was appointed to the Planning and Zoning Commission. Dr. Jerry Prevo replaces him as a nominee for the Airport Commission, in the A version of the memorandum.

Mr. Kendall moved, to substitute and approve
seconded by Mr. Wuerch, AM 90-98(A).
and it passed without
objection,

- B. Assembly Memorandum No. AM 180-98, recommendation of award to various firms for providing **professional engineering services for the 1998 Watershed Management Program** for the Municipality of Anchorage, Public Works Department (RFP 73-97), Purchasing.
(POSTPONED FROM 2-24-98)

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

Mr. Wuerch felt the Municipality has paid too much for construction management on the Montgomery Watson contract. He hoped in the future, billing terms would be carefully analyzed for mark-ups, such as office equipment. He said he would pursue development of standards for construction management.

Question was called on the motion to approve AM 180-98 and it passed without objection.

- C. Assembly Memorandum No. AM 206-98, April 28, 1998 Assembly Meeting, Office of Management and Budget.
(POSTPONED FROM 2-24-98)

Chairman Begich gave the history of the memorandum and noted a motion to approve was on the floor. He noted a survey of Assembly members' schedules indicated April 28 was the best date to set the mill levy as recommended by the administration. He clarified the mill levy would be the only item on the agenda.

Messrs. Kendall and Wuerch indicated they would be absent on April 28.

Question was called on the motion to approve AM 206-98 and it passed without objection.

- D. Ordinance No. AO 98-27(S), an ordinance amending Anchorage Municipal Code Chapters 8.05 and 14.60 to enact an **exemption for retail adults-only tobacco stores from the requirement of restrictions on access to tobacco** and to create a penalty for retail tobacco-only stores which permit the entry of persons under nineteen (19) years of age without a parent or legal guardian, Assemblymembers Meyer and Begich.
1. Assembly Memorandum No. AM 223-98.
 2. Ordinance No. AO 98-27(S-1), an ordinance amending Anchorage Municipal Code Chapters 8.05 and 14.60 to enact an exemption for retail adults-only tobacco stores from the requirement of restrictions on access to tobacco and to create a penalty for retail tobacco-only stores which permit the entry of persons under nineteen (19) years of age without a parent or legal guardian, Assemblymembers Meyer and Begich. (**addendum**)
 3. Assembly Memorandum No. AM 253-98.
(POSTPONED FROM 2-24-98)

Chairman Begich gave the history of the ordinance and noted a motion to adopt AO 98-27(S) was on the floor.

Mr. Meyer moved, to substitute AO 98-27(S-1).
seconded by Mr. Carlson,
and it passed without
objection,

Mr. Meyer explained the S-1 version provided that more than two violations in a six month period would trigger revocation of the exemption for a store. Also, it provided for citations against either an owner, agent or employee, and notification of the owner by the Police Department of any employee citations.

Question was called on the motion to adopt AO 98-27(S-1) and it passed:

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

- E. Ordinance No. AO 98-35, an ordinance submitting to the qualified voters of the Municipality at the Regular Municipal Election April 21, 1998 a ballot proposition to amend Anchorage Municipal Charter Article III, Subsection 3.02(b) to provide that **voter initiated referendums** shall be submitted to the voters at the first regular election after final certification of a referendum petition for placement on the ballot, Assemblymember Clementson.
1. Assembly Memorandum No. AM 156-98.
 2. Ordinance No. AO 98-35(S), an ordinance submitting to the qualified voters of the Municipality at the Regular Municipal Election April 21, 1998 a ballot proposition to amend Anchorage Municipal Charter Article III, Subsection 3.02(b) to provide that voter initiated referendums shall be submitted to the voters at the first regular election after final certification of a referendum petition for placement on the ballot, Assemblymember Clementson. (**addendum**)
 3. Assembly Memorandum No. AM 256-98.
(POSTPONED FROM 2-24-98)

Chairman Begich gave the history of the ordinance and noted a motion to adopt was on the floor.

Ms. Clementson moved, to substitute AO 98-35(S).
seconded by Ms. Von Gemmingen,
and it passed without
objection,

Ms. Clementson explained the effect of the ordinance.

Ms. Von Gemmingen supported the ordinance. She said it was clear that there were three options when a referendum is submitted.

Mr. Wohlforth also supported the ordinance. He felt it would give citizens additional rights.

Ms. Clementson added if the proposed ordinance is adopted, she would draft a separate ordinance to provide the requirement to place language on a petition that would declare the date of the election.

Mr. Wuerch spoke against the ordinance. He felt the current system gave citizens important rights.

Question was called on the motion to adopt AO 98-35(S) and it failed:

AYES: Wohlforth, Abney, Begich, Meyer, Von Gemmingen, Clementson.

NAYS: Bell, Kendall, Wuerch, Carlson, Murdy.

(Clerk's Note: This motion failed for lack of eight affirmative votes required to place a Charter amendment on the ballot.)

- F. Resolution No. AR 98-16, a resolution of the Anchorage Municipal Assembly **encouraging the AMATS Policy Committee to select the 10 percent scenario allocation for transportation enhancements**, Assemblymembers Wuerch, Bell, Carlson, Kendall, Meyer, and Murdy.
(POSTPONED FROM 1-13-98)

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

Mr. Wuerch explained this item was identical to the following item, AR 98-39. Both were introduced due to confusion about postponement. He said the resolution was advisory only and encouraged support.

Mr. Bell pointed out 10 percent is a minimum. Fifteen or twenty percent may be spent on amenities if desired. Raising the minimum would reduce flexibility.

Ms. Clementson noted a work session on the topic was scheduled for March 10, and a related item was scheduled for action on March 24, 1998. She said the AMATS Policy Committee will not meet until after the Assembly has had an opportunity to take action on the issue.

Mayor Mystrom noted his staff would make a recommendation later this week to the Technical Committee. The Technical Committee will then make a recommendation to the Assembly. The Assembly then makes a recommendation to the Policy Committee. He felt the proposed recommendation was premature.

Mr. Wuerch moved, to table AR 98-16.
seconded by Ms. Clementson,

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

NAYS: Bell, Meyer, Carlson, Murdy.

- G. Resolution No. AR 98-39, a resolution of the Anchorage Municipal Assembly **encouraging the AMATS Policy Committee to select the 10 percent scenario allocation for transportation enhancements**, Assemblymembers Wuerch, Bell, Carlson, Kendall, Meyer, and Murdy.
(POSTPONED FROM 2-3-98; CARRIED OVER FROM 2-24-98)

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

Mr. Wohlforth moved, to table AR 98-39.
seconded by Ms. Clementson,

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

NAYS: Bell, Meyer, Carlson, Murdy.

- H. Ordinance No. AO 98-23, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$10,000,000 of General Obligation Bonds of the Municipality of Anchorage to pay the **costs of planning and designing two high schools** within the Municipality of Anchorage at an election in and for the Municipality of Anchorage on April 21, 1998, Assemblymembers Bell and Kendall.
1. Assembly Memorandum No. AM 81-98.
(CONTINUED FROM 2-10-98; AMENDED AND APPROVED 2-24-98; RECONSIDERATION WAS ENTERED ON THE MINUTES 2-24-98)

Chairman Begich gave the history of the ordinance and explained the previous action of the Assembly stands. Ms. Clementson's motion to spread reconsideration on the minutes was out of order because she did not vote on the prevailing side.

The Assembly then returned to item 8.C.1, AR 98-58.

- Resolution No. AR 98-58, a resolution of the Municipality of Anchorage **deleting, accepting, and appropriating State of Alaska legislative grants to the Municipality of Anchorage for the Anchorage School District** per Senate Bill 107, Office of Management and Budget.
a. Assembly Memorandum No. AM 255-98.

Mr. Wohlforth moved, to approve AR 98-58.
seconded by Mr. Kendall,

Municipal Manager Larry Crawford recommended an amendment on line 24 to delete the WHEREAS clause.

Mr. Wohlforth moved, to amend AR 98-58 on line 24 and 25
seconded by Ms. Clementson, to delete the fifth WHEREAS clause
and it passed without regarding the public hearing date.
objection,

Question was called on the motion to approve AR 98-58 and it passed:

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

10. **APPEARANCE REQUESTS:**

A. **Michael Hansen**, regarding the Municipal Legal Department.

Mr. Hansen did not appear.

The Assembly then returned to a special order, AR 98-72.

Resolution No. AR 98-72, a resolution of the Anchorage Municipal Assembly **opposing Senate Bill No. 208 and its companion House Bill No. 365 which propose to severely limit maximum local self-government and Home Rule powers granted by the Alaska Constitution** and otherwise impair or impede the implementation of other constitution mandates for local government, Assemblymembers Clementson and Von Gemmingen.
(LAID ON THE TABLE)

Ms. Clementson moved, to amend AR 98-72 on page 2, line 18
seconded by Mr. Wuerch, to read: "...in an organized borough;
and it passed without and WHEREAS the Legislature is
objection, currently reviewing several pieces of legislation that will limit the power
of the Assembly in an organized borough (i.e. Senate Bill 208
and House Bill 365); now therefore..." and on page 2, line 23
to read: "Section 1: The Legislature is currently reviewing
legislation (i.e. Senate Bill 208 and House Bill 365) that: A.
Substantially..." and on page 3, line 7 to read: "...hereby
strongly opposes the passage of any legislation which will
unnecessarily impair the Alaska constitutional..."

Mr. Kendall moved, to amend AR 98-72 in Section 2 to
seconded by Mr. Carlson, delete the word "strongly."

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

Mr. Bell opposed the resolution. He felt the proposed Senate and House bills would enhance and clarify the powers of government.

Ms. Abney also opposed the resolution. She felt it would be very divisive.

Ms. Von Gemmingen urged approval. She felt citizens voting on the Charter in 1975 did not envision the growth of Anchorage.

Mr. Kendall noted the powers of local governments come from the State Constitution. He felt the Legislature has the authority to change powers of local governments.

Question was called on the motion to approve AR 98-72 as amended and it passed:

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

(Clerk's Note: A motion to reconsider this action was made later in the meeting. See item 16, Unfinished Agenda.)

11. **CONTINUED PUBLIC HEARINGS:**

Mr. Wohlforth moved, to combine the public hearings for
seconded by Mr. Wuerch, items 11.A. through 11.D, AO 98-44,
and it passed with Ms. AO 98-45, AO 98-3 and AO 98-4.
Clementson objecting,

- A. **Ordinance No. AO 98-44**, an ordinance of the Municipality of Anchorage providing for the submission to the qualified voters of Anchorage, Alaska the **question of whether the Anchorage Telephone Utility should be sold through a competitive procurement process**, Assemblymember Wohlforth.
1. Assembly Memorandum No. AM 164-98.
 2. Ordinance No. AO 98-44(S), an ordinance of the Municipality of Anchorage providing for the submission to the qualified voters of Anchorage, Alaska the question of whether the Anchorage Telephone Utility should be sold through a competitive procurement process, ATU Committee, Assemblymembers Wohlforth, Von Gemmingen, and Meyer.
 3. Assembly Memorandum No. AM 209-98.
 4. Ordinance No. AO 98-44(S-1), an ordinance of the Municipality of Anchorage providing for the submission to the qualified voters of Anchorage, Alaska the question of whether the Anchorage Telephone Utility should be sold through a competitive procurement process, Assemblymember Kendall.
 5. Assembly Memorandum No. AM 210-98.

- 6. Ordinance No. AO 98-44(S-2), an ordinance of the Municipality of Anchorage providing for the submission to the qualified voters of Anchorage, Alaska the question of whether the Anchorage Telephone Utility should be sold through a competitive procurement process, ATU Committee, Assembly Members Wohlforth, Von Gemmingen, and Meyer. **(LAID ON THE TABLE)**
- 7. Assembly Memorandum No. AM 257-98.
(CARRIED OVER FROM 2-24-98)
- B. **Ordinance No. AO 98-45**, an ordinance of the Municipality of Anchorage providing for **conditions for the sale of Anchorage Telephone Utility and use of the sale proceeds**, Assemblymember Wohlforth.
 - 1. Assembly Memorandum No. AM 165-98.
 - 2. Ordinance No. AO 98-45(S), an ordinance of the Municipality of Anchorage providing for conditions for the sale of Anchorage Telephone Utility and use of the sale proceeds, ATU Committee, Assembly Members Wohlforth, Von Gemmingen, and Meyer.
 - 3. Assembly Memorandum No. AM 214-98.
 - 4. Ordinance No. AO 98-45(S) **AS AMENDED**, an ordinance of the Municipality of Anchorage providing for conditions for the sale of Anchorage Telephone Utility and use of the sale proceeds, ATU Committee, Assembly Members Wohlforth, Von Gemmingen, and Meyer. **(LAID ON THE TABLE)**
(CARRIED OVER FROM 2-24-98)
- C. **Ordinance No. AO 98-3**, an ordinance of the Municipality of Anchorage providing for the **submission to the qualified voters of Anchorage, Alaska the question of whether the Anchorage Telephone Utility should be sold**, Assemblymember Kendall.
 - 1. Ordinance No. AO 98-3(S), an ordinance of the Municipality of Anchorage providing for the submission to the qualified voters of Anchorage, Alaska the question of whether the Anchorage Telephone Utility should be sold, Assemblymember Kendall.
 - 2. Assembly Memorandum No. AM 211-98.
(CARRIED OVER FROM 2-24-98)
- D. **Ordinance No. AO 98-4**, an ordinance submitting to the qualified voters of the Municipality of Anchorage a ballot proposition to **amend the Anchorage Municipal Charter Section 16.02 to require a majority vote of the electorate to approve the sale of a municipal utility**, Assemblymember Kendall.
(CARRIED OVER FROM 2-24-98)

Chairman Begich opened the public hearing for AO 98-44, AO 98-45, AO 98-3 and AO 98-4 and asked if anyone wished to speak.

MIKE BOWMAN, of the International Brotherhood of Electrical Workers (IBEW), said he was also shop steward at ATU for the IBEW. He indicated support for AO 98-45, hoping this support would encourage potential purchasers to discuss employee plans with the union. In the event these discussion do not occur, or the post-sale employee status is unacceptable, support for the sale will be withdrawn. At this point, he encouraged support for the ordinance.

CHARLES MCKEE spoke in support of AO 98-45. He expressed concern about a monopoly in the communications industry.

JOE PITCHLER spoke in support of selling ATU.

LUCY ODEN spoke against selling the utility.

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

Mr. Wohlforth moved,
seconded by Mr. Meyer,

to adopt AO 98-44(S-2).

Mr. Wohlforth noted in 1996 the Federal government passed legislation mandating competition for local phone service. This has had a huge impact on ATU, which is no longer a regulated monopoly. The utility can no longer provide increasing revenues to the Municipality; revenues are likely to steadily decline. A sale process was developed to build consensus between employees, management and potential purchasers. Also, it was structured to be as fair and simple as possible in order to maximize voter support. A plan to spend the money will reduce concern that the proceeds will be wasted or used for frivolous items. Proceeds will be used to pay off ATU's debt. The balance will be placed in a trust fund that cannot be spent. Income from the fund will only be spent to inflation-proof the fund, offset lost dividends from ATU, reduce property taxes and add to the fund. He felt the voters would support this plan if an adequate education campaign is conducted.

Mr. Kendall noted his proposal would have placed ATU stock in the hands of Anchorage citizens. He felt it was important to sell the utility.

Mr. Bell thanked Mr. Wohlforth and the ATU Committee for their efforts on this issue. He said ATU was created when there was a need. Since the rules have changed, government can no longer compete with the private sector. He supported a sale.

Ms. Von Gemmingen felt the time was right to sell the utility. She described discussions with employees, IBEW, potential purchasers, the Assembly and administration. She felt the sale would be successful because all parties are in accord.

Ms. Abney also thanked the ATU Committee. She was concerned ATU could no longer be successful as it should be because of deregulation. She supported allowing the public to make a decision on a sale.

Mr. Meyer spoke in support of the ordinance.

Ms. Clementson moved,
seconded by Mr. Wohlforth, line 27 to insert commas to read:
and it passed without objection,

to amend AO 98-44(S-2) on page 2,
"...which, after inflation-proofing,
shall be used..."

Chairman Begich echoed other comments in support of the sale.

Mr. Kendall felt the building has been an eyesore for too long. He pointed out the former Fink administration alleged it could demolish the building for \$600,000. He felt whatever must be done to remove the building should be done.

Mr. Wohlforth questioned what efforts have been done to gain control of the building.

Municipal Attorney Mary Hughes said the Municipality is presently before the Alaska Supreme Court on an appeal by the landowners of the Municipality's first abatement proceedings. These proceedings asked the owner to repair the building. The process has taken about three years. She expected to prevail before the Supreme Court. If the Municipality can gain ownership, demolition would be a separate process. The process is and will continue to be lengthy, because the owners have certain rights. She expected the Municipality will gain possession by court order.

In response to Mr. Wohlforth, Mayor Mystrom said many options are possible during the court proceedings. If the Municipality takes possession, demolition would be likely, at a cost of about \$2 million. He felt the proposed bond proposition was untimely.

Mr. Wohlforth was anxious to be rid of the MacKay eyesore. However, he has learned the obstacles are not financial, but rather stem from the ongoing legal proceedings. He felt the proposed ordinance was not timely and proposed inappropriate proceedings.

Mr. Murdy disagreed. He felt the ordinance could coincide with the ongoing legal proceedings, to have available funds when a favorable ruling is rendered.

Mr. Meyer felt the proposed bond was premature. He added many bonds would be on the ballot this year; adding another bond may discourage voters.

Ms. Clementson felt the issue should go through the capital improvement list and deal with it in a proper public process. She said during her five-year tenure on the Assembly, she has received only two letters regarding the building and no phone calls. She felt it was not a priority of Anchorage citizens.

Ms. Von Gemmingen very much wanted to be rid of the building. However, she was opposed to paying the owners for the building in light of their violations against the Municipality. She felt the proposition would give false hope to voters and taxpayers. Also, there will be \$116 million of bonds on the ballot and the proposed bond would add to the complexity of the election.

In response to Mr. Kendall, Ms. Hughes explained the current Supreme Court proceedings. She felt the proceedings would be resolved within 60 days. At that point, the Municipality would pursue repairs or demolition, with a time frame of about one year.

Mr. Kendall argued funds would be needed soon to address demolition of the building. He felt the proposed bonds would be a good source of the necessary funds.

Chairman Begich spoke against the ordinance.

Question was called on the motion to adopt AO 98-42 and it failed:

AYES: Bell, Kendall.

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

12. NEW PUBLIC HEARINGS:

- A. Resolution No. AR 98-47, a resolution of the Municipality of Anchorage, Alaska, accepting and appropriating Alaska Clean Water Fund loan offers in the amount of \$2,010,650 for **financing a portion of the costs of fuel tank upgrades, Wastewater System Expansion-1998, Equipment Wastewater-1998, Wastewater Facility Replacement and Rehabilitation-1998 and the Chester Creek Sewer Trunk Study**, Water and Wastewater Utility.
 - 1. Assembly Memorandum No. AM 167-98.

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

Mr. Murdy moved, to approve AR 98-47.
seconded by Ms. Von Gemmingen,

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

NAYS: None.

- B. Resolution No. AR 98-48, a resolution of the Municipality of Anchorage, Alaska, accepting and appropriating an Alaska Clean Water Fund loan offer in the amount of \$1,950,000 for **financing the costs of the Operations Facility Phase II project**, Water and Wastewater Utility.
 - 1. Assembly Memorandum No. AM 168-98.

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

Mr. Murdy moved, to approve AR 98-48.
seconded by Ms. Clementson,

In response to Ms. Abney, Water and Wastewater (AWWU) General Manager Mark Premo explained the project was a renovation of the facility on King Street, just south of the Toys R Us retail store. Operations crews are dispatched from this facility. Phase II was an addition to existing warm storage of the building. About half of the maintenance vehicles used for emergency responses are not in warm storage during winter months, making maintenance and immediate response difficult and more expensive.

In response to Mr. Wuerch, Mr. Premo explained the Alaska State Loan Program allows borrowing funds upon authorization by the Assembly. Part of AWWU revenues are dedicated to the repayment, similar to a revenue bond.

Question was called on the motion to approve AR 98-48 and it passed:

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

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

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

14. **SPECIAL ORDERS:**

Another special order was considered earlier in the meeting, after item 8.

- A. Information Memorandum No. AIM 25-98, 1997 Bar Violations/Fourth Quarterly Report (**Annarae's, Great Wall, K-Mart Rodeo Pl.; The Raven**) (Third Quarterly Report), Municipal Clerk.
(CARRIED OVER FROM 2-24-98)

PAUL PASSLEY, representing the Annarae's licensee, addressed violations against the license. He said incident reports on October 8, 11 and 13 resulted from two incidents when the establishment was open after hours. Management's response was to shorten the bar hours, on the weekend closing at 2:30 a.m. and on weekdays at 2:00 a.m. Both bartenders involved in the incidents were female and apparently allowed people to remain in the bar with them for security. Both bartenders were told of the seriousness of the violation and warned they would be terminated if the violations reoccurred.

In response to Mr. Carlson, Annarae Brussel said she makes regular, unannounced visits to the bar and has not seen any problems.

TOM CHEN, owner of the Great Wall restaurant, explained a violation occurred because a party was held at the establishment. After the party, some people stayed to talk. He said this situation would not occur again. He pointed out he has never had any other violations.

LYNN ETKIN, representing K-Mart on Rodeo Place, addressed a notice of violation on December 31, 1997. He clarified the violation was for selling tobacco to a minor rather than alcohol. He said the situation which led to a minor on the premises has been corrected. Signs are posted on the door of the liquor store stating no one under 21 years of age is allowed on the premises. Tobacco products were moved from the main store into the liquor store, to prevent access by minors. The store holds weekly training sessions for employees which incorporate issues regarding minors. All liquor store employees hold TAM cards.

Ms. Clementson noted no one was present representing The Raven bar. The management's attorney, Dan Coffey sent a letter declining an appearance. She felt there were problems at the establishment and encouraged her colleagues to visit.

Mr. Wohlforth said he was shocked at the attitude expressed in Mr. Coffey's letter. He said if there are further problems with the license, he would provide a copy of the letter to Assembly members when the license comes up for renewal.

Ms. Clementson requested a copy of the letter be sent to the Alcoholic Beverage Control Board.

15. **ASSEMBLY COMMENTS:**

- A. Mr. Wohlforth thanked Mr. Meyer and Ms. Von Gemmingen for their work on the ATU issue. He also thanked Dan Moore of the Office of Management and Budget, Municipal Attorney Mary Hughes and Municipal Manager Larry Crawford for their support and counsel.
- B. Ms. Von Gemmingen noted the Senior Citizens' Advisory Commission would hold a public hearing on March 14, 1998 at 1:00 p.m. regarding the real property senior citizen tax exemption program.
- C. Mr. Murdy noted Mr. Carlson was appointed to the steering committee of the Public Safety Committee of the National League of Cities.
- D. Mr. Carlson noted the Public Safety Committee would have a meeting in May or June. He would like the Assembly's concurrence to ask to host the meeting in Anchorage. There was no objection.

Mr. Wuerch moved, approval of an invitation to the
seconded by Ms. Abney, National League of Cities Public
and it passed without Safety Committee to hold their
objection, quarterly meeting in Anchorage.

16. **UNFINISHED AGENDA:**

- A. Mr. Wohlforth moved, to reconsider action on item 8.D.1,
seconded by Mr. Wuerch, AR 98-67, regarding reappropriation of the Ship Creek Wier and Trail
Crossing grant.

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

- Ms. Von Gemmingen moved, to reconsider action on AR 98-72,
seconded by Ms. Clementson, a resolution opposing Senate Bill No. 208 and its companion House Bill
No. 365 which propose to severely limit maximum local self-
government and Home Rule powers granted by the Alaska
Constitution.

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

17. AUDIENCE PARTICIPATION:

RICH KRONBERG, president of the Anchorage Education Association, noted March 2 was Read Across America Day. The goal of this day was to encourage adults to read with children. The day was a huge success in Anchorage; many adults, including some Assembly members, read aloud to children. The Association wants to build and expand the practice of reading to children every day. The Anchorage School District and Anchorage Chamber of Commerce are supporting this goal. Artist Barbara Lavallee produced a poster depicting adults and children reading together. He presented a copy of the poster to all Assembly members.

CHARLES MCKEE spoke about the vote taken earlier in the meeting regarding sale of the Anchorage Telephone Utility.

18. EXECUTIVE SESSIONS: None.

19. ADJOURNMENT:

The meeting adjourned at 9:15 p.m.

Chair

ATTEST:

Municipal Clerk

Date Minutes Approved: May 19, 1998

VC/db

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