

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Regular Meeting of March 24, 1998

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. Murdy.

Chairman Begich introduced students participating in the Job Shadow program with Assembly members. The students will vote on the Anchorage School District budget later in the evening.

4. MINUTES OF PREVIOUS MEETING:

A. Regular Meeting - February 10, 1998

Mr. Murdy moved, to approve the minutes of the  
seconded by Mr. Meyer, regular meeting of February 10, 1998.  
and it passed without  
objection,

5. MAYOR'S REPORT: None.

Mr. Bell commented on a letter received from Senator Dave Donely regarding potential changes to the composition of the AMATS Policy Committee. He clarified his comments about the issue were that he felt the State Senate passed relevant legislation without sufficient knowledge of the situation. He pointed out the Assembly passed a resolution opposing the legislation. Mr. Bell added he felt the AMATS Committee should be dominated by local representatives, because Anchorage is affected by the Committee's actions.

Mr. Wohlforth added he felt AMATS should be a cooperative process between the Municipality and the State. If one of the governments tries to dictate the process, Federal highway funding may be jeopardized. He felt rather than changing the composition of the Committee, legislators should concentrate on increasing the Federal highways funds allocated for Anchorage.

6. ADDENDUM TO AGENDA:

Mr. Murdy moved, to amend the agenda to include the addendum items.  
seconded by Ms. Von Gemmingen, 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 279-98, recommendation of award to Denali HVAC, Inc. for **service and replacement of furnaces** for the Municipality of Anchorage, Department of Health and Human Services (ITB 98-6), Purchasing.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 98-59, an ordinance amending Anchorage Municipal Code ("AMC") Title 8, **The Penal Code**, establishing municipal misdemeanors and infractions and their penalties and establishing general provisions for criminal liability, attempts to commit crimes, parties to a crime and certain definitions, by reorganizing, renumbering, revising and amending most sections to clarify language, specify requisite criminal intent, redefine certain crimes, incorporate the statement of penalties with the statement of the crime and to otherwise amend revise, reorganize and clarify AMC Title 8 by other similar amendments. This ordinance also amends Anchorage Municipal Code ("AMC") Title 17 by transferring AMC Chapter 17.35, (Cruelty to Animals) to the Penal Code as AMC Chapter 8.55 and also

transferring AMC Sections 17.40.070 (Crimes Relating to Animal Behavior) and 17.60.050 (Crimes Relating to Wolf Hybrids) to the Penal Code as Sections 8.55.060 and 8.55.070 respectively, Legal Department. public hearing 5-19-98.

a. Assembly Memorandum No. AM 79-98.

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

2. Ordinance No. AO 98-60, an ordinance of the Anchorage Municipal Assembly **establishing a structured process to sell the Anchorage Telephone Utility providing preapproval of the successful bidder**, Assembly ATU Committee: Assembly Members Wohlforth, Von Gemmingen, and Meyer. ~~public hearing 4-7-98.~~

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

3. Ordinance No. AO 98-61, an ordinance amending Title 23 of the Anchorage Municipal Code pertaining to **basic wind speed design requirements** in the Uniform Building Code, Public Works. public hearing 4-7-98.
  - a. Assembly Memorandum No. AM 296-98.
4. Resolution No. AR 98-84, a resolution confirming and levying assessments for the water improvements on property benefited in **Nigh Water Improvement District 421**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility. public hearing 5-5-98.
  - a. Assembly Memorandum No. AM 280-98.
5. Resolution No. AR 98-89, a resolution of the Municipality of Anchorage appropriating \$807,700 from the Anchorage Police Department's 1998 Operating Budget (0151) to the Federal Categorical Grants Fund (0241); \$281,940 as the 1998 match requirement of the **Federal COPS Universal Hiring grant** and \$525,760 as the 1998 match requirement of the **Federal COPS Phase I grant**, Anchorage Police Department. public hearing 3-31-98.
  - a. Assembly Memorandum No. AM 297-98.
6. Resolution No. AR 98-90, a resolution of the Municipality of Anchorage appropriating \$109,000 as a contribution from the 1998 General Government Operating Budget Fund (0101) to the State Categorical Grants Fund (0231) for the **Child Care Licensing Program** in the Department of Health and Human Services, Health and Human Services. public hearing 3-31-98.
  - a. Assembly Memorandum No. AM 298-98.
7. Resolution No. AR 98-73, a resolution of the Anchorage Assembly adopting recommendations on the Anchorage Metropolitan Area Transportation Study (AMATS) **FFY 1998-2000 Transportation Improvement Program (TIP)**, Community Planning and Development. public hearing 3-31-98. (**addendum**)
  - a. Assembly Memorandum No. AM 311-98.
  - b. Information Memorandum No. AIM 47-98. (**addendum**)

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

#### C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 98-76, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Sergeant Greg A. Stewart for his 24 years of service** with the Anchorage Police Department, Assemblymembers Murdy, Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Von Gemmingen, Wohlforth, and Wuerch.

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

2. Resolution No. AR 98-87, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Sandy Shissler for her 22 years of service** with the Municipality of Anchorage, Assemblymembers Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch.

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

3. Resolution No. AR 98-88, a resolution of the Anchorage Municipal Assembly **recognizing and honoring John Shissler for his 13 years of service** with the Municipality of Anchorage, Assemblymembers Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch.

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

4. Resolution No. AR 98-83, a resolution of the Anchorage Municipal Assembly **establishing a structured process to sell the Anchorage Telephone Utility**, Assembly ATU Committee: Assembly Members Wohlforth, Von Gemmingen, and Meyer.
  - a. Assembly Memorandum No. AM 312-98, Assembly ATU Committee: Assembly Members Wohlforth, Von Gemmingen, and Meyer. (**addendum**)

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

5. Resolution No. AR 98-85, a resolution of the Municipality of Anchorage appropriating the sum of \$50,000 from the State of Alaska, Department of Public Safety, Highway Safety Planning Agency and \$14,645 as a contribution from the 1998 Anchorage Metropolitan Police Service Area Operating Budget to the State Categorical Grants Fund (0231) for the **Speed Enforcement Program**, Anchorage Police Department.

- a. Assembly Memorandum No. AM 281-98.

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

6. Resolution No. AR 98-86, a resolution of the Municipality of Anchorage providing for the appropriation of \$1,394 donated from numerous citizens to the Miscellaneous Operational Grants Fund (0261) for the **purchase of library books and materials**, Cultural and Recreational Services/Library.  
a. Assembly Memorandum No. AM 282-98.
7. Resolution No. AR 98-91, a resolution of the Anchorage Municipal Assembly **recognizing and honoring the Better Business Bureau of Alaska**, Assemblymembers Begich, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth and Wuerch. (**addendum**)

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

8. Resolution No. AR 98-92, a resolution urging the Alaska State Legislature to pass Senate Bill 255 or House Bill 356 in preparation for **potential military base closure reviews in Alaska**, Mayor's Office. (**addendum**)  
a. Assembly Memorandum No. AM 313-98.
9. Resolution No. AR 98-93, a resolution of the Anchorage Municipal Assembly **expressing the Assembly's intent to invest proceeds from a potential sale of ATU for a higher rate of return than the Municipality's general cash pool**, Assembly ATU Committee: Assembly Members Wohlforth, Meyer, and Von Gemmingen. (**addendum**)

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

10. Resolution No. AR 98-94, a resolution of the Anchorage Municipal Assembly **urging potential Anchorage Telephone Utility (ATU) bidders to meet with ATU employees** as soon as possible to discuss their concerns regarding the ATU sale ballot proposition before the voters at the April 21, 1998 election, Assembly ATU Committee: Assembly Members Wohlforth, Meyer, and Von Gemmingen. (**addendum**)

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

11. Resolution No. AR 98-97, a resolution of the Anchorage Municipal Assembly appropriating \$40,000 from the Anchorage Metropolitan Police Service Area Fund Balance (0151) to Nondepartmental to be used as a **grant to the Women Police of Alaska for the 1998 International Association of Women Police Training Conference**, Assemblymembers Von Gemmingen Murdy, and Abney. (**addendum**)  
a. Assembly Memorandum No. AM 318-98.

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

12. Resolution No. AR 98-98, a resolution of the Anchorage Municipal Assembly **supporting and endorsing House Bill No. 472, "An act relating to the apportionment of Business Income"**, Assemblymembers Murdy and Begich. (**addendum**)

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

#### D. NEW BUSINESS:

1. Assembly Memorandum No. AM 264-98, **Election Data Processing Review Board appointments** (Raymond Billings, Eugene Kaplanis, Jr., Thomas E. Edwards, Jerry Gibson), Municipal Clerk.

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

2. Assembly Memorandum No. AM 283-98, **appointment to Pre-Funding Investment Board** (Soren Orley, Tim Rogers, Eugene Dusek), Employee Relations.
3. Assembly Memorandum No. AM 273-98, **Board of Adjustment Appeal - S-10180 Horizon Park Estates**, Clerk's Office.
4. Assembly Memorandum No. AM 218-98, 1998-1999 Liquor License Renewal: **Latino's Cafe** (Restaurant/Eating Place), Clerk's Office.

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

5. Assembly Memorandum No. AM 274-98, **1998-1999 Liquor License Renewals**: Alaska Blues Club, Al's Alaskan Inn (Tourism), Anchorage Billiard Palace, Hot Rods (Duplicate), The Lion's Den, Polar Bar, Susitna Lounge (Tourism) (Beverage Dispensary); American Legion Post #1 (Club); Mom & Pop's Grocery Store (Package Store); Fu Do Restaurant, Roosevelt Cafe (Restaurant/Eating Place), Clerk's Office.
6. Assembly Memorandum No. AM 275-98, 1998-1999 Liquor License Renewal: **The Avenue Bar** (Beverage Dispensary), Clerk's Office.

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

7. Assembly Memorandum No. AM 276-98, 1998-1999 Liquor License Renewal: **The Gaslight Lounge** (Beverage Dispensary), Clerk's Office.
8. Assembly Memorandum No. AM 277-98, **Jamico's Pizzeria** - Transfer of Ownership of a Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Mountain View Community Council), Clerk's Office.

- a. Assembly Memorandum No. AM 277-98(A), Jamico's Pizzeria - Transfer of Ownership of a Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Mountain View Community Council), Clerk's Office. **(addendum)**

(Clerk's Note: AM 277-98(A) was approved by action on the consent agenda.)

9. Assembly Memorandum No. AM 278-98, **Shopper's Cache** - Transfer of Ownership of a Package Store Liquor License (Chugiak Community Council), Clerk's Office.
10. Assembly Memorandum No. AM 284-98, change order No. 6 to purchase order 43741 for **Retiree Medical Actuarial and Benefits Consulting** with William M. Mercer, Inc. (Chicago), Employee Relations.

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

11. Assembly Memorandum No. AM 285-98, approval of change order No. 1 to **1994-1998 contract with Trena Heikes, Attorney**, Finance/Risk Management.
12. Assembly Memorandum No. AM 286-98, change order No. 2 to purchase order 60401 with Aetna Life Insurance Company for providing **group health and related insurance programs** for the Municipality of Anchorage, Employee Relations Department/Purchasing.

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

13. Assembly Memorandum No. AM 287-98, recommendation of award to various firms for providing **industry specific/customized training** to eligible State Training & Employment Program (STEP) or Job Training Partnership Act (JTPA) individuals for the Municipality of Anchorage, Department of Health & Human Services (RFP 79-97), Purchasing.

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

14. Assembly Memorandum No. AM 288-98, sole source contract with Adams, Morgenthaler and Company for providing **professional engineering services for a cogeneration system** for the Municipality of Anchorage, Municipal Light and Power/Purchasing.
15. Assembly Memorandum No. AM 289-98, proprietary purchase from Demag Delaval Turbomachinery Corporation for providing **repair/ refurbishment improvements to Power Generation Unit #6** for the Municipality of Anchorage, Municipal Light and Power/Purchasing.
16. Assembly Memorandum No. AM 290-98, change order No. 2 to purchase order 60792 to **exercise the option with Ike Carter Janitorial Services** for the Municipality of Anchorage, Municipal Light and Power/Purchasing.
17. Assembly Memorandum No. AM 291-98, change order No. 1 to purchase order 71034 with Westinghouse Electric Corporation for **replacement parts and repair services** for the Municipality of Anchorage, Municipal Light and Power/Purchasing.
18. Assembly Memorandum No. AM 292-98, proprietary purchase of a Honeywell, Inc. **Heating, Ventilating, and Air Conditioning (HVAC) Control System Upgrade** at the Alaska Center for the Performing Arts (ACPA) for the Municipality of Anchorage, Department of Property and Facility Management/Purchasing.
19. Assembly Memorandum No. AM 293-98, change order No. 3 to purchase order 71496 to exercise the option with G & S Enterprises, Inc. for providing **end dumps with operators** for the Municipality of Anchorage, Public Works Department/Purchasing.
20. Assembly Memorandum No. AM 295-98, sole source contract with Northwest Strategies to provide a **public education program on the ATU sale ballot proposition**, Assembly Chair Begich.

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

21. Assembly Memorandum No. AM 299-98, proprietary purchase of **computer hardware maintenance and software license renewal** from Unisys Corporation for the Municipality of Anchorage, Anchorage Police Department/Purchasing.
22. Assembly Memorandum No. AM 300-98, change order No. 2 to purchase order 80409 with Allstate Services for **rental of a hydrostatic snowblower with operator** for the Municipality of Anchorage, Department of Property and Facility Management/Purchasing.
23. Assembly Memorandum No. AM 301-98, change order No. 2 to purchase order 61289 with Alaska Rubber & Supply for providing **miscellaneous hydraulic, electrical, and shop/maintenance supplies** to the Municipality of Anchorage, Purchasing Department.
24. Assembly Memorandum No. AM 302-98, recommendation of award to Resource Data, Inc. for providing **consultant services to re-engineer Anchorage Water and Wastewater Utility's continuing property records system** for the Municipality of Anchorage, Water and Wastewater (RFP 17-97), Purchasing.
25. Assembly Memorandum No. AM 303-98, recommendation of award to Swalling Construction Company, Inc. for providing **design build services for the Eklutna Lower Portal Road Crossing (Bridge) Project** for the Municipality of Anchorage, Water and Wastewater Utility (RFP 86-97), Purchasing. **(addendum)**

Operations Manager George Vakalis asked this item be considered on the regular agenda. See 8.E.

26. Assembly Memorandum No. AM 304-98, recommendation of award to various firms for providing **professional architectural/ engineering services in support of 1998 Miscellaneous Capital Projects** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (RFP 88-97), Purchasing. **(addendum)**

Operations Manager George Vakalis asked this item be considered on the regular agenda. See 8.E.

- 27. Assembly Memorandum No. AM 305-98, proprietary purchase of **workstations** from Capital Office Systems for the Municipality of Anchorage, Public Works Department/Purchasing. (**addendum**)
- 28. Assembly Memorandum No. AM 306-98, **Animal Control Advisory Board appointments** (Janeen Johnson Schneider, Ken Bellamy, Mike Walsh, John Haggins), Mayor's Office. (**addendum**)
- 29. Assembly Memorandum No. AM 307-98, **Girdwood Board of Supervisors appointment** (Theodore Johnson), Mayor's Office. (**addendum**)
- 30. Assembly Memorandum No. AM 308-98, **Parks and Recreation Commission appointment** (Jim Balamaci), Mayor's Office. (**addendum**)
- 31. Assembly Memorandum No. AM 309-98, **Veterans Affairs Commission appointment** (Fred Becker), Mayor's Office. (**addendum**)

E. INFORMATION AND REPORTS:

- 1. Appeal 97-148, Maui Industrial Park has been scheduled for hearing before the Board of Adjustment on April 7, 1998, Clerk's Office.
- 2. Information Memorandum No. AIM 39-98, Internal Audit Report 98-08 - **Municipal Payroll, Finance Department**, Internal Audit.
- 3. Information Memorandum No. AIM 42-98, Internal Audit Report 98-09 - **Cash Control Procedures - Environmental Services Division, Community Health Services Division, Health and Human Services Department**, Internal Audit.
- 4. Information Memorandum No. AIM 43-98, **contracts awarded between \$30,000 and \$100,000 through formal competitive processes** for the month of February 1998, Purchasing.
- 5. Information Memorandum No. AIM 44-98, Anchorage Water and Wastewater Utility construction contract change order for **Crestbrook WID No. 431**, Water and Wastewater Utility.
- 6. Information Memorandum No. AIM 45-98, **Sole Source Procurement Report** for the month of February 1998, Purchasing.
- 7. Information Memorandum No. AIM 46-98, **Budget Advisory Commission Special Report - Fund Balance, Office of Management and Budget**.
- 8. Request for Reconsideration: Appeal 97-108, Collins Subdivision, Lot 8, has been scheduled for hearing before the Board of Adjustment on March 31, 1998, Clerk's Office. (**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.

Mayor Mystrom thanked and congratulated the newly-appointed board and commission members.

8. **REGULAR AGENDA:**

Mr. Wuerch moved, to change the orders of the day to  
seconded by Mr. Meyer, consider item 7.D.1, AM 264-98.  
and it passed without  
objection,

Assembly Memorandum No. AM 264-98, Election Data Processing Review Board appointments  
(Raymond Billings, Eugene Kaplanis, Jr., Thomas E. Edwards, Jerry Gibson), Municipal Clerk.

Mr. Wuerch moved, to approve AM 264-98.  
seconded by Mr. Meyer,  
and it passed without  
objection,

Mr. Wuerch commended the appointees for their efforts working on the election.

- A. TIME CRITICAL ITEMS: None.
- B. BID AWARDS: None.
- C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

- 1. Ordinance No. AO 98-59, an ordinance amending Anchorage Municipal Code ("AMC") Title 8, **The Penal Code**, establishing municipal misdemeanors and infractions and their penalties and establishing general provisions for criminal liability, attempts to commit crimes, parties to a crime and certain definitions, by reorganizing, renumbering, revising and amending most sections to clarify language, specify requisite criminal intent, redefine certain crimes, incorporate the statement of penalties with the statement of the crime and to otherwise amend revise, reorganize and clarify AMC Title 8 by other similar amendments. This ordinance also amends Anchorage Municipal Code ("AMC") Title 17 by transferring AMC Chapter 17.35, (Cruelty to Animals) to the Penal Code as AMC Chapter 8.55 and also transferring AMC Sections 17.40.070 (Crimes Relating to Animal Behavior) and 17.60.050 (Crimes Relating to Wolf Hybrids) to the Penal Code as Sections 8.55.060 and 8.55.070 respectively, Legal Department. public hearing 5-19-98.
  - a. Assembly Memorandum No. AM 79-98.

Mr. Murdy, Mr. Meyer and Ms. Von Gemmingen joined in introducing this ordinance. The public hearing was scheduled for May 19, 1998.

Mr. Murdy asked the ordinance be reviewed by the Public Safety Committee prior to the public hearing.

2. Ordinance No. AO 98-60, an ordinance of the Anchorage Municipal Assembly **establishing a structured process to sell the Anchorage Telephone Utility providing preapproval of the successful bidder**, Assembly ATU Committee: Assembly Members Wohlforth, Von Gemmingen, and Meyer. ~~public hearing 4-7-98.~~

This ordinance was not introduced. See action taken on item 8.D.4, AR 98-83.

3. Resolution No. AR 98-73, a resolution of the Anchorage Assembly adopting recommendations on the Anchorage Metropolitan Area Transportation Study (AMATS) **FFY 1998-2000 Transportation Improvement Program (TIP)**, Community Planning and Development. public hearing 3-31-98. **(addendum)**
- a. Assembly Memorandum No. AM 311-98.
- b. Information Memorandum No. AIM 47-98. **(addendum)**

Ms. Clementson, Ms. Von Gemmingen and Mr. Meyer joined in introducing this resolution. The public hearing was scheduled for March 31, 1998.

Ms. Clementson asked the public hearing be continued until April 7, 1998 because she would be absent on March 31. There was no objection.

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 98-76, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Sergeant Greg A. Stewart for his 24 years of service** with the Anchorage Police Department, Assemblymembers Murdy, Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Von Gemmingen, Wohlforth, and Wuerch.

Mr. Murdy moved, to approve AR 98-76.  
seconded by Ms. Von Gemmingen,  
and it passed without  
objection,

Mr. Carlson read the resolution while Mr. Murdy presented it to Sergeant Stewart.

Sergeant Stewart thanked the Assembly.

2. Resolution No. AR 98-87, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Sandy Shissler for her 22 years of service** with the Municipality of Anchorage, Assemblymembers Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch.
3. Resolution No. AR 98-88, a resolution of the Anchorage Municipal Assembly **recognizing and honoring John Shissler for his 13 years of service** with the Municipality of Anchorage, Assemblymembers Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch.

Ms. Von Gemmingen moved, to approve AR 98-87.  
seconded by Ms. Clementson,  
and it passed without  
objection,

Ms. Von Gemmingen moved, to approve AR 98-88.  
seconded by Mr. Murdy,  
and it passed without  
objection,

Mr. Wuerch read the resolutions while Ms. Von Gemmingen presented them to Sandy and John Shissler.

Mr. and Mrs. Shissler thanked the Assembly.

4. Resolution No. AR 98-83, a resolution of the Anchorage Municipal Assembly **establishing a structured process to sell the Anchorage Telephone Utility**, Assembly ATU Committee: Assembly Members Wohlforth, Von Gemmingen, and Meyer.
- a. Assembly Memorandum No. AM 312-98, Assembly ATU Committee: Assembly Members Wohlforth, Von Gemmingen, and Meyer. **(addendum)**

Mr. Wohlforth moved, to approve AR 98-83.  
seconded by Mr. Murdy,

Mr. Wohlforth moved, to schedule AR 98-83 for public hearing on  
seconded by Ms. Clementson, March 31, 1998, schedule a work session on the  
and it passed without topic on the same day, and provide extra advertising  
objection, of the public hearing.

5. Resolution No. AR 98-85, a resolution of the Municipality of Anchorage appropriating the sum of \$50,000 from the State of Alaska, Department of Public Safety, Highway Safety Planning Agency and \$14,645 as a contribution from the 1998 Anchorage Metropolitan Police Service Area Operating Budget to the State Categorical Grants Fund (0231) for the **Speed Enforcement Program**, Anchorage Police Department.
- a. Assembly Memorandum No. AM 281-98.

Mr. Murdy moved, to approve AR 98-85.  
seconded by Mr. Wohlforth,

In response to Mr. Murdy, Operations Manager George Vakalis explained the grant, which is applied for annually, would fund extra enforcement activities and equipment such as radar equipment, stop signs and stop lights.

Question was called on the motion to approve AR 98-85 and it passed without objection.

6. Resolution No. AR 98-91, a resolution of the Anchorage Municipal Assembly **recognizing and honoring the Better Business Bureau of Alaska**, Assemblymembers Begich, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth and Wuerch. **(addendum)**

Ms. Abney moved, to approve AR 98-91.  
seconded by Ms. Clementson,  
and it passed without  
objection,

Chairman Begich read the resolution while Ms. Abney presented it to representatives of the Better Business Bureau of Alaska.

Members of the Bureau Board thanked the Assembly.

7. Resolution No. AR 98-93, a resolution of the Anchorage Municipal Assembly **expressing the Assembly's intent to invest proceeds from a potential sale of ATU for a higher rate of return than the Municipality's general cash pool**, Assembly ATU Committee: Assembly Members Wohlforth, Meyer, and Von Gemmingen. **(addendum)**

Mr. Wohlforth moved, to approve AR 98-93.  
seconded by Mr. Murdy,

Mr. Wohlforth explained the purpose of the resolution was to clarify the Assembly's intent regarding investment of ATU sale proceeds.

Question was called on the motion to approve AR 98-93 and it passed without objection.

8. Resolution No. AR 98-94, a resolution of the Anchorage Municipal Assembly **urging potential Anchorage Telephone Utility (ATU) bidders to meet with ATU employees** as soon as possible to discuss their concerns regarding the ATU sale ballot proposition before the voters at the April 21, 1998 election, Assembly ATU Committee: Assembly Members Wohlforth, Meyer, and Von Gemmingen. **(addendum)**

Mr. Wohlforth moved, to approve AR 98-94.  
seconded by Ms. Abney,

Mr. Wohlforth explained the purpose of the resolution.

Question was called on the motion to approve AR 98-94 and it passed without objection.

9. Resolution No. AR 98-97, a resolution of the Anchorage Municipal Assembly appropriating \$40,000 from the Anchorage Metropolitan Police Service Area Fund Balance (0151) to Nondepartmental to be used as a **grant to the Women Police of Alaska for the 1998 International Association of Women Police Training Conference**, Assemblymembers Von Gemmingen Murdy, and Abney. **(addendum)**  
a. Assembly Memorandum No. AM 318-98.

Mr. Wohlforth moved, to approve AR 98-97.  
seconded by Ms. Von Gemmingen,

In response to Mr. Wohlforth, Ms. Von Gemmingen explained the history and goals of the Women Police of Alaska organization. The International Conference would be held in Anchorage for the first time. About 700 people are expected to attend. The proposed grant would help fund the conference; any left-over funds would return to the Municipality.

Cindy Moore of the Women Police of Alaska confirmed the city of Soldotna would also contribute to the conference.

Ms. Abney asked she be included as a sponsor of this item.

Question was called on the motion to approve AR 98-97 and it passed without objection.

10. Resolution No. AR 98-98, a resolution of the Anchorage Municipal Assembly **supporting and endorsing House Bill No. 472, "An act relating to the apportionment of Business Income"**, Assemblymembers Murdy and Begich. **(addendum)**

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

Mr. Murdy explained HB 472 was designed to overturn a recent decision by the Alaska Supreme Court which would allow the State to tax parts of the tourism industry. Such taxation would adversely affect the industry and create a financial hardship. He recommended approval of the resolution.

Mr. Wuerch suggested a postponement for one week in order to further investigate this complex issue.

Mr. Wohlforth and Ms. Clementson also recommended a postponement.

Mr. Murdy moved,	to postpone action on AR 98-98
seconded by Chairman Begich,	until March 31, 1998.
and it passed without	
objection,	

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 218-98, 1998-1999 Liquor License Renewal: **Latino's Cafe** (Restaurant/Eating Place), Clerk's Office.

Mr. Wohlforth recalled the Assembly recently protested a transfer of ownership of this license based on several liquor law violations regarding serving to minors and being open after closing hours. The proposed renewal would allow the existing owner to continue operation of the license.

Mr. Wohlforth moved,	to postpone action on AM 218-98
seconded by Mr. Murdy,	until March 31, 1998, pending
and it passed without	preparation of a resolution of
objection,	protest for this license.

2. Assembly Memorandum No. AM 275-98, 1998-1999 Liquor License Renewal: **The Avenue Bar** (Beverage Dispensary), Clerk's Office.

Mr. Bell moved,	to approve AM 275-98.
seconded by Mr. Wuerch,	

Ms. Clementson felt a protest resolution should be introduced for this license. However, since she did not feel this action would have sufficient support, she intended to vote "no" on this item.

Mr. Wohlforth noted the owner of the license, Mr. Pattee, appeared before the Assembly earlier in the year. The Assembly decided not to pursue a protest because there were questions about facts in the police reports. He felt Mr. Pattee was making an effort to improve the bar, however, he must be vigilant and remember the Assembly will be keeping a close watch on the establishment.

Chairman Begich noted the Assembly was pursuing establishment of a point system for license approval, based on systems in other U.S. cities.

Question was called on the motion to approve AM 275-98 and it passed with Ms. Clementson objecting.

3. Assembly Memorandum No. AM 284-98, change order No. 6 to purchase order 43741 for **Retiree Medical Actuarial and Benefits Consulting** with William M. Mercer, Inc. (Chicago), Employee Relations.

Mr. Carlson noted he was a member of the Police and Fire Retiree Medical System.

Chairman Begich ruled he did not have a conflict, as previously decided by the Assembly.

In response to Mr. Carlson, Employee Relations Director Tom Tierney confirmed there are no local consultants with the expertise to perform these services.

Mr. Wohlforth moved,	to approve AM 284-98.
seconded by Ms. Von Gemmingen,	
and it passed without	
objection,	

4. Assembly Memorandum No. AM 286-98, change order No. 2 to purchase order 60401 with Aetna Life Insurance Company for providing **group health and related insurance programs** for the Municipality of Anchorage, Employee Relations Department/Purchasing.

Mr. Wohlforth moved,	to approve AM 286-98.
seconded by Mr. Meyer,	

Mr. Wohlforth questioned whether there was a quality control system to monitor the contractor's services.

Employee Relations Director Tom Tierney explained the system. A utilization review organization reviews pre-admittance claims. Aetna has an internal audit system. The Municipality is not completely self-insured; while Aetna is responsible for paying claims, there is an incentive for the company to keep claims to a minimum.

Mr. Wohlforth suggested the Internal Auditor perform an audit of the system.

In response to Chairman Begich, Mr. Tierney said he could return to the Assembly with a report of specific quality control and audit procedures.

Question was called on the motion to approve AM 286-98 and it passed without objection.



5. Assembly Memorandum No. AM 287-98, recommendation of award to various firms for providing **industry specific/customized training** to eligible State Training & Employment Program (STEP) or Job Training Partnership Act (JTPA) individuals for the Municipality of Anchorage, Department of Health & Human Services (RFP 79-97), Purchasing.

Ms. Clementson moved, to approve AM 287-98.  
seconded by Mr. Kendall,

In response to Ms. Clementson, Health and Human Services Director Elaine Christian explained the difference in contract amounts between Child Care Connection and Job Ready, Inc. Although both serve the same number of people, Child Care Connection serves only residents of public housing under AHFC Family Self Sufficiency program. Therefore, AHFC pays over half of the training costs. The training is to be complete by September, 1998.

Question was called on the motion to approve AM 287-98 and it passed without objection.

6. Assembly Memorandum No. AM 295-98, sole source contract with Northwest Strategies to provide a **public education program on the ATU sale ballot proposition**, Assembly Chair Begich.

Mr. Kendall moved, to approve AM 295-98.  
seconded by Mr. Wohlforth,

In response to Mr. Kendall, Mr. Wohlforth explained the process which selected Northwest Strategies. He said he contacted various companies recommended by various Assembly members, and asked about their experience and potential conflicts of interest. Northwest Strategies had previous experience with other initiative campaigns, which is relatively unusual. Also, the company's conflicts were less egregious than other companies contacted.

Mr. Kendall felt there was sufficient time to go through a public selection process for this contract.

Mr. Wohlforth clarified the time frame for the process. The sale proposition was adopted on March 3; funding for a campaign was approved on March 10. He felt there was not sufficient time to do a public selection process.

Question was called on the motion to approve AM 295-98 and it passed without objection.

7. Assembly Memorandum No. AM 303-98, recommendation of award to Swalling Construction Company, Inc. for providing **design build services for the Eklutna Lower Portal Road Crossing (Bridge) Project** for the Municipality of Anchorage, Water and Wastewater Utility (RFP 86-97), Purchasing. **(addendum)**

Ms. Clementson moved, to approve AM 303-98.  
seconded by Ms. Von Gemmingen,

Purchasing Officer Ted Chenier requested this item be tabled. A protest of the award is in progress. An award will return to the Assembly when that process is complete.

Mr. Wuerch moved, to table AM 303-98.  
seconded by Mr. Murdy,  
and it passed without  
objection,

Chairman Begich disclosed his brother-in-law works for Swalling Construction, and is a partner with his wife in a business venture.

8. Assembly Memorandum No. AM 304-98, recommendation of award to various firms for providing **professional architectural/ engineering services in support of 1998 Miscellaneous Capital Projects** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (RFP 88-97), Purchasing. **(addendum)**

Mr. Murdy moved, to approve AM 304-98.  
seconded by Ms. Von Gemmingen,

Purchasing Officer Ted Chenier requested this item be tabled.

Mr. Murdy moved, to table AM 304-98.  
seconded by Mr. Wohlforth,  
and it passed without  
objection,

F. INFORMATION AND REPORTS: None.

The meeting recessed at 6:30 p.m. and reconvened at 7:00 p.m.

Mr. Wohlforth moved, to suspend the rules to consider item  
seconded by Mr. Carlson, 9, Unfinished Business.  
and it passed without  
objection,

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

- A. Ordinance No. AO 98-46, an ordinance determining and approving the total amount of the **annual operating budget of the Anchorage School District for its Fiscal Year 1998-99** and determining and appropriating the portion of the Assembly approved budget amount to be made available from local sources, Anchorage School District.
1. Assembly Memorandum No. AM 162-98.
  2. Assembly Memorandum No. AM 310-98, Mayor's Office. (**addendum**)  
(POSTPONED FROM 3-10-98)

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

Mr. Murdy moved, to adopt AO 98-46.  
seconded by Mr. Carlson,

In response to Chairman Begich, Anchorage School District (ASD) Superintendent Bob Christal addressed the Mayor's recommendations in AM 310-98. He pointed out the ASD proposal was an attempt to clarify the financial situation for the public. However, he did not object to the Mayor's proposal.

Mr. Wuerch moved, to amend AO 98-46 according to the Mayor's  
seconded by Mr. Meyer, recommendations in AM 310-98, to reduce the amount of the  
ASD budget by \$1,617,000 debt service and of that said  
amount reduce the amount of local property taxes or other  
local sources by \$1,617,000.

Mr. Wuerch clarified after the April Municipal election, the ASD would return to the Assembly with a request to fund any bonds which were approved.

Mr. Christal explained in the past, the pending bond funds have not been included in the budget. The result was the ASD was criticized for not including the potential bonds, so this years' budget was prepared to address this criticism.

In response to Mr. Kendall, Chairman Begich clarified the \$10 million bond for two high schools was not included in the ASD budget figure.

Question was called on Mr. Wuerch's motion to amend and it passed:

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

Question was called on the motion to adopt AO 98-46 as amended and it passed:

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

10. **APPEARANCE REQUESTS:** None.

11. **CONTINUED PUBLIC HEARINGS:**

- A. Ordinance No. AO 98-10, an ordinance amending Anchorage Municipal Code Section 21.20.090 to prohibit any increase in existing residential density, **a zoning change to permit residential land uses; mobile home parks; or camper parks in the 60 day night level (DNL) contour of Anchorage International Airport**, Community Planning and Development.
1. Assembly Memorandum No. AM 60-98.  
(CONTINUED FROM 2-10-98)

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

DEANNA ESSERT, a member of the Sand Lake Community Council, said many of her neighbors resent the perceived attempt by the Airport to rezone their property. They want to retain rezoning ability themselves.

Chairman Begich asked Ms. Essert to conclude, because she had already testified on this item.

ANDREW HALCRO, president of the Sand Lake Community Council, said the Council voted on March 11, 1998 to oppose the proposed ordinance. Opposition was due to a lack of information from Airport staff. Council members had questions on the number of landowners who would be affected, the effect on development in the Sand Lake area, the effect of the proposed ordinance on the Comprehensive Plan and the effect of new, quieter aircraft on the Airport's DNL. Mr. Halcro added members also questioned the Airport's incentive to address complaints from existing landowners and were concerned about the speed with which the proposed ordinance has gone through the public process. He discussed the problems which landowners would face if the proposed ordinance is adopted.

KEN LAMB, a resident of Sand Lake, noted the March 11 Council meeting was the first notice he had of the proposed ordinance. He was upset with the way Airport officials presented information at the meeting. The presentation was very short, and a "ringer" in the audience immediately made a motion to approve a resolution in support of the proposal. Mr. Lamb felt the proposal was being forced on the community by Airport officials without adequate notice. He asked the Assembly to delay action until landowners have had adequate opportunity to review the situation.

PAT REDMOND, president of the Turnagain Community Council, said the Council voted to support the ordinance. However the vote was very close and there were many questions, such as how the ordinance would fit into the Comprehensive Plan which is currently being revised. Another question was how zoning would change as the Airport's contour map changes over time.

BOB PRICE, vice president of the Turnagain Community Council, noted his was a vote of opposition on the issue. He felt many issues have not been clearly addressed, such as future changes in the contour map and overlapping of contour areas from various Anchorage airports. He advised caution in proceeding with the proposal.

PATTY SULLIVAN, an airport planner with the Federal Aviation Administration, said she is working with the Airport on their Airport Noise and Land Use Compatibility Plan. She said the FAA encourages adoption of the ordinance. It is viewed as a step in the right direction for reducing noise impacts to residents surrounding the Airport. FAA regulations encourage a balanced and comprehensive approach in reducing these impacts, including operational and land use control measures. In response to Mr. Kendall, Ms. Sullivan explained the Airport's process in updating noise exposure maps according to Federal regulations, which includes a public process. In response to Mr. Wohlforth, Ms. Sullivan noted the Airport cannot restrict aircraft operations or place an undue burden on foreign commerce. Aircraft pilots have the ultimate decision on landing options, based on safety concerns. In response to Mr. Wuerch, Ms. Sullivan confirmed the FAA is advocating this type of zoning restriction in other cities in the United States. She said new Federal regulations disallow Federal funding of noise control mitigation for new land uses. In response to Mr. Carlson, Ms. Sullivan said Merrill Field is scheduled to update its noise exposure maps. She added Merrill Field and the International Airport's exposure areas do not overlap. Elmendorf Air Force Base, as a military facility, is not subject to the same regulations as public facilities. Birchwood airfield does not have the volume of operation to warrant a noise exposure map.

WILL WALKER agreed with the proposed ordinance. He felt general aviation activities, such as those at Lake Hood and Lake Spenard, cause more problems than major operations at Anchorage International Airport.

JIM REEVES said he represented people who sued the Airport on an inverse condemnation case some years ago. The process was extremely difficult; he believed the likelihood of another such case being brought against the Airport was slight. He did not feel protection against this type of case was the Airport's motivation for requesting the proposed rezoning. There may be some good reasons for the change. However, he questioned the reasons in this case to change a zoning law which works well and provides tools to address concerns on an individual basis. The proposal seems to limit property rights without providing apparent benefit.

TOM MCGRATH felt there was not individual notification of affected property owners in this case, as is normally done with rezoning proposals. Also, he felt the process has progressed too quickly.

JIM GALE said he owned property adjacent to a railroad track. He felt it would be irresponsible to purchase land next to a railroad track and then complain about passing trains. He said lack of proper planning in the Sand Lake area allowed a conflict to develop between Airport impact and residential uses. He felt proper planning would limit the amount of conflict in the future.

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

Ms. Von Gemmingen moved,  
seconded by Mr. Kendall,

to adopt AO 98-10.

Mr. Murdy said he has debated this issue extensively, and finally decided to opposed the ordinance. He felt it would reduce freedoms of affected citizens.

In response to Ms. Von Gemmingen, Mary Ellen Tuttle, Noise-Compatibility Program manager, said the Airport management consulted Municipal officials regarding notice. It was decided newspaper advertisements and notices in the Federation of Community Councils newsletter would be an adequate level of notice. Display advertisements were published twice a week for three weeks in the Anchorage Daily News. Ms. Tuttle added the woman who made the motion to approve a Sand Lake Community Council resolution to support the ordinance was not affiliated with the Airport. She was a landowner in the area and has been involved in the Part 150 study. In response to Mr. Bell, Ms. Tuttle explained the decision not to mail individual notices to all affected property owners. She pointed out the proposal was not a specific rezoning. In response to Mr. Meyer, Ms. Tuttle said there would not be specific financial penalties if the ordinance is not adopted, however, Federal funds would not be available to mitigate noise problems with new development in the noise exposure area.

Ms. Von Gemmingen agreed the issue was difficult. She pointed out the Airport will always be in its present location; there is no other location in Anchorage to operate an airport of this size. She added the contour area seems to be shrinking over time; much of the area now is over water. She felt most people would not wish to change the zoning on their properties.

Mr. Carlson felt all property owners should have been notified. He agreed with the goals of the Airport, but felt notification was mandatory for this type of change.

Mr. Bell concurred with Mr. Carlson.

Mr. Bell moved,  
seconded by Mr. Murdy,

to postpone action on AO 98-10 until May 19, 1998,  
pending notification of all affected property owners.

Ms. Clementson spoke against postponement.

Mr. Bell withdrew his motion, to allow a statement by Mr. Kendall. Mr. Murdy concurred.

Mr. Kendall clarified the Assembly's legislative intent was that a zoning change necessary to modify a housing style but does not increase density was allowable under this ordinance.

Mr. Bell moved,  
seconded by Mr. Murdy,

to reopen and continue the public hearing on AO 98-10 until  
May 19, 1998, pending notification of all affected property  
owners.

AYES: Bell, Wuerch, Meyer, Carlson, Murdy.

NAYS: Wohlforth, Abney, Kendall, Begich, Von Gemmingen, Clementson.

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

to postpone action on AO 98-10 until  
later in the meeting.

See further action on this item after item 12.E.

## 12. NEW PUBLIC HEARINGS:

- A. Resolution No. AR 98-80, a resolution of the Municipality of Anchorage appropriating \$450,660 from the Building Safety Service Area (0181) Fund Balance to the Department of Public Works for **staff, hardware/software, and equipment needs**, Public Works.
1. Assembly Memorandum No. AM 270-98.

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,  
seconded by Ms. Abney,

to approve AR 98-80.

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

- B. Resolution No. AR 98-81, a resolution of the Municipality of Anchorage **amending the 1992 Air Quality Attainment Plan for Anchorage, Alaska**, Health and Human Services.
1. Assembly Memorandum No. AM 271-98.

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,  
seconded by Ms. Clementson,

to approve AR 98-81.

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

- C. Ordinance No. AO 98-57, an ordinance **continuing or reestablishing the Animal Control Advisory Board** pursuant to Anchorage Municipal Code Section 4.05.150, Legal Department/Municipal Clerk.
1. Assembly Memorandum No. AM 263-98.
  2. Assembly Memorandum No. AM 294-98, Health and Human Services.

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

KEN BELLAMY, chair of the Animal Control Advisory Board, spoke in support of the Board's continuance. He said the Board meets monthly to review the application of Title 17 and the operation of the animal control facility. Currently, the Board is working on revisions to Title 17 and improvements to the facility.

TOM MCGRATH recommended the Board include members from the youth community.

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. Meyer,

to adopt AO 98-57.

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

- D. Resolution No. AR 98-77, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Restaurant/Eating Place Liquor License) located on Martin Subdivision, Block 1A, generally located on the south side of West Northern Lights Boulevard and west of Spenard Road (Northzone of Alaska d.b.a. **Ultrazone**) (Case 98-049), Community Planning and Development.
1. Assembly Memorandum No. AM 224-98.

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

ALICIA KNIGHT spoke in opposition to the conditional use permit. As a parent, she was concerned that family entertainment is connected with consumption of alcohol. Also, she was concerned about the number of liquor licenses granted in the Spenard area. Ms. Knight also expressed concern about the nature of the game itself, where children are matched against adults in a dark, smokey setting where the goal is to destroy ones opponent. There is a chance a child may be hurt by an adult who is partially intoxicated. She added there was a Lutheran Church less than a city block away. There have been many police calls to the establishment regarding fighting. Her son was assaulted by an adult in the arena.

SABRINA KAUFUSH also spoke against the ordinance. She pointed out the facility was geared toward teens and children, so alcohol was unnecessary. She felt the presence of alcohol would create a safety hazards. Also, it would exclude children who did not have a parent present to accompany them.

KELLY SMITH strongly opposed alcohol service at the establishment. He reiterated the facility was a venue for youth and teens. Although some adults participate, it is mainly an attraction for children. Alcohol is unnecessary.

TOM MCGRATH also urged the Assembly to keep this establishment free of alcohol. He said if the application is approved, a stipulation be made that two TAMS-trained personnel be on duty at all times. He questioned whether staff for Community Planning and Development, who recommended the ordinance, are familiar with the Municipal Alcohol Policy and if they are aware alcohol is a factor in 85 percent of all police work in Anchorage, 70 percent of all child abuse and 80 percent of prison inmates. Mr. McGrath added if the permit is granted, concentration of establishments in the area will increase. He felt the concentration of licenses in the Spenard area is already too high. He added the plan for service of alcohol provided no access control. The facility caters to children; allowing parents to drink while waiting for children to play and then driving them home is a terrible practice and example.

DENNIS KELLY, owner of the facility, said the facility was for all ages. He has put a great deal of effort into making the environment clean and friendly. He discussed the length of time he has lived in Anchorage and his employment history. He likened the facility to Chuck E. Cheese's, which also serves alcohol in a family environment. He added John Charbonneau of the State Alcohol Beverage Control Board designed the alcohol service area to provide a completely "dry" area where children can use all facilities without access to alcohol. He visited Spenard, North Star, Turnagain and Rogers Park community council meetings to present the proposal. All four voted either to support or not to oppose the application. In response to Mr. Murdy, Mr. Kelly said without being able to cater to more adults by serving alcohol, the business would be in danger of closing.

KEN LAMB, former member of the Spenard Community Patrol, felt more alcohol was the last thing needed in the area. He pointed out recent laws require tobacco products to be completely inaccessible to customers, to protect children. There is still debate on whether tobacco is a drug. He felt access to a proven drug was inappropriate, and controls should be more stringent than those on tobacco. He pointed out contrary to Chuck E. Cheese, children who frequent Ultrazone are older and at the age they might be tempted to circumvent alcohol control measures.

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

Mr. Bell moved, to approve AR 98-77.  
seconded by Mr. Kendall,

Mr. Bell spoke in support of the resolution. He pointed out people recognized that Ultrazone is a fine facility and a good place for children to recreate. If the owner does not receive a liquor license, the facility might be closed.

In response to Mr. Meyer, Joe Knight, Alicia Knight's son addressed the Assembly. He explained the game is played in a dimly-lit space; the objective is to find and "shoot" one's opponent. The game is adrenaline-driven. One supervisor watches up to thirty people in play.

Ms. Clementson clarified the issue was one of land use; whether this location was appropriate for the retail sale of alcohol. She pointed out the facility was geared to serve teens. She felt mixing family establishments with alcohol was a practice that should be avoided.

Mr. Wohlforth disclosed ex parte contact by being in attendance at a South Addition Community Council meeting at which this item was discussed.

Mr. Wuerch disclosed ex parte contact by being in attendance at a Rogers Park Community Council meeting at which this item was discussed.

Question was called on the motion to approve AR 98-77 and it failed:

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

(Clerk's Note: See minutes of March 31, 1998 for action on a motion to reconsider this action.)

- E. Ordinance No. AO 98-58, an ordinance amending Anchorage Municipal Code Title 8, The Penal Code, by enacting a new Chapter 8.55 to **authorize and establish conditions and procedures for the seizure, forfeiture, recovery and disposition by the Municipality of specified proceeds of a crime**, substituted proceeds of a crime, instrumentalities of a crime, contraband and other property the manufacture, possession, sale, distribution or use of which is illegal or which is used in illegal activities, Assemblymember Abney.
1. Assembly Memorandum No. AM 269-98.
  2. Ordinance No. AO 98-58(S), an ordinance amending Anchorage Municipal Code Title 8, The Penal Code, by enacting a new Chapter 8.55 to authorize and establish conditions and procedures for the seizure, forfeiture, recovery and disposition by the Municipality of specified proceeds of a crime, substituted proceeds of a crime, instrumentalities of a crime, contraband and other property the manufacture, possession, sale, distribution or use of which is illegal or which is used in illegal activities, Legal Department. **(addendum; NOT SUBMITTED)**

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

Ms. Abney moved, to continue the public hearing on AO 98-58 until  
seconded by Mr. Meyer, April 7, 1998 pending review by the Public Safety  
and it passed without Committee.  
objection,

The Assembly then returned to item 11.A, AO 98-10.

Ordinance No. AO 98-10, an ordinance amending Anchorage Municipal Code Section 21.20.090 to prohibit any increase in existing residential density, **a zoning change to permit residential land uses; mobile home parks; or camper parks in the 60 day night level (DNL) contour of Anchorage International Airport**, Community Planning and Development.

- 1. Assembly Memorandum No. AM 60-98.  
(CONTINUED FROM 2-10-98)

Mr. Kendall moved, seconded by Mr. Wohlforth, and it passed without objection,	to amend AO 98-10 in Section 1, paragraph C.2. to read: "...new or additional residential land uses."
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Mr. Kendall requested the Municipal Attorney's staff to draft a resolution to attach to the ordinance declaring the Assembly's legislative intent.

Mr. Wohlforth noted area residents would prefer the Sand Lake Gravel Pits to remain zoned residential. He questioned if that use was not economical, whether industrial or commercial zoning would be allowed or encouraged.

Community Planning and Development Director Sheila Selkregg said the goal was to reduce the number of residential units around the Airport that would be adversely impacted by noise.

Mr. Wohlforth moved, seconded by Ms. Abney, and it passed without objection,	to amend AO 98-10 in Section 1, paragraph C to read: "...within the adopted 1997 60 Day Night Level (DNL) noise contour..."
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Question was called on the motion to adopt AO 98-10 as amended and it passed:

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

(Clerk's Note: This action was reconsidered. See minutes of March 31, 1998.)

The meeting recessed at 9:30 p.m. and reconvened at 10:05 p.m.

Mr. Wohlforth moved, seconded by Mr. Bell, and it passed without objection,	to combine the public hearings for items 12.F, G and H, AO 98-1, AR 98-6 and AR 98-7.
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- F. Ordinance No. AO 98-1, an ordinance of the Municipality of Anchorage amending and consolidating amendments to **Paving Special Assessment District 8P79 - Northeast Turnagain Paving** and resolving to confirm and levy special assessments for street and street light improvements on property specially benefited in Paving Special Assessment District 8P79 and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Public Works.
  - 1. Assembly Memorandum No. AM 10-98.
  - 2. Information Memorandum No. AIM 2-98.
- G. Resolution No. AR 98-6, a resolution confirming and levying assessments for the sanitary sewer improvements on property benefited in **NE Turnagain Lateral Sewer Improvement District Number 101**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility.
  - 1. Assembly Memorandum No. AM 11-98.
  - 2. Information Memorandum No. AIM 2-98.
- H. Resolution No. AR 98-7, a resolution confirming and levying assessments for the water improvements on property benefited in **Turnagain Water Improvement District Number 307**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility.
  - 1. Assembly Memorandum No. AM 12-98.
  - 2. Information Memorandum No. AIM 2-98.

Chairman Begich noted concerned parties in this issue were close to a compromise. He suggested a continuance pending coordination of various scenarios. He opened the public hearing and asked if anyone wished to speak. There was no one.

Mr. Wohlforth moved, seconded by Mr. Murdy, and it passed without objection,	to continue the public hearing for AO 98-1, AR 98-6 and AR 98-7 until April 7, 1998.
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- 13. **BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:** None.
- 14. **SPECIAL ORDERS:** None.
- 15. **ASSEMBLY COMMENTS:**

- A. Mr. Bell felt a response from Health and Human Services staff after a recent animal control work session was more accusatory toward the staff of the Ombudsman's office and the Assembly Policy and Budget Office than necessary.

Operations Manager George Vakalis said he had not seen the memorandum yet, and would investigate.

- B. Mr. Wuerch noted the Alaska Municipal League Legislative Committee would be in Juneau on April 2 and 3, 1998 for the annual Legislative Conference. He asked his colleagues have any issues they wish highlighted, to present them to a Committee member.
- C. Ms. Abney thanked the Job Shadow students for their participation tonight and last week.
- D. Mr. Meyer noted Mr. Wohlforth would replace him on this Thursday's KENI radio program.
- E. Ms. Von Gemmingen announced she recently became a grandmother. Her granddaughter is named Arianna Alicia Aurora.
- F. Mr. Carlson noted the National League of Cities Steering Committee would meet in Anchorage in May 1998. He thanked members for their support of this event.
- G. In response to Mr. Murdy, Mr. Wohlforth said he wrote a memorandum to the Assembly regarding a suit by the Government Hill Community Council against the Municipality.
- H. Mr. Murdy moved, to retain attorney Ron Baird for legal counsel to the  
seconded by Mr. Carlson, Assembly on the Horizon Park Estates Platting Board  
and it passed without Appeal S-10180.  
objection,
- I. In response to Chairman Begich, Municipal Attorney Mary Hughes updated the Assembly on the power of the Mayor to veto the Anchorage School District (ASD) budget. Litigation is pending regarding the ASD supply fee and the Mayor's authority to veto the ASD budget.
- J. Chairman Begich requested information by next week on possible funding sources for a skateboard park.

Ms. Hughes explained regarding litigation by the Government Hill Community Council was against the Municipality. The Assembly and individual Assembly members were not defendants. Various members are witnesses in the case. She said the litigation was very delicate; she wished to discuss the matter with members prior to any decisions to hire outside counsel.

16. UNFINISHED AGENDA: None.

17. AUDIENCE PARTICIPATION:

MERLE ACRES, a pilot, related a recent emergency at Merrill Field. A student pilot flying solo had trouble and successfully landed the aircraft. Mr. Acres listened to the exchange between the pilot and air traffic controllers while he was in his aircraft on the taxiway. When he spoke with the Airport manager later in the day, the manager was unaware of the incident. Mr. Acres felt it was inexcusable that while the student pilot was in the air, some fifteen minutes, tower personnel had not called for crash and rescue equipment. He felt the incident should be investigated because of the Municipality's liability.

Mr. Bell provided Mr. Acres with a copy of the Municipality's response to his report.

18. EXECUTIVE SESSIONS:

19. ADJOURNMENT:

The meeting adjourned at 10:35 p.m.

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Municipal Clerk

Date Minutes Approved: June 9, 1998

VC/db

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