

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of April 7, 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. Bell.

4. **MINUTES OF PREVIOUS MEETING:** None.

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

6. **ADDENDUM TO AGENDA:**

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

Mr. Wuerch moved, seconded by Mr. Kendall, and it passed without objection, to suspend the rules to conduct a joint teleconference with the Alaska State House Rules Committee.

There was discussion between the Committee and the Assembly on Senate Bill 259. Senator Donley spoke on behalf of the Anchorage Caucus, and described the bill which would change the composition of the AMATS Policy Committee. He hoped this conference would allow the Committee and Assembly to come to an agreement on the bill.

Senator Ward spoke in support of the bill.

There was discussion among the Rules Committee members regarding the involvement of the Legislature in the AMATS process.

Chairman Begich addressed the Committee and explained the position of the Assembly was in opposition to the bill.

Mr. Wohlforth discussed his concerns about the AMATS process and his efforts to incorporate reforms to that process. He felt the process should remain equal and cooperative.

Mr. Bell acknowledged there are perceived problems with the AMATS process, but not with the composition of the Committee. He opposed any change to the composition.

Mr. Wuerch spoke in support of the bill, which he felt would address a major flaw in the system. He felt those making decisions about Anchorage should be residents or familiar with the Municipality. Also, AMATS Committee members should be elected officials from the Anchorage area rather than Governor appointees.

Ms. Abney spoke in opposition to the bill. She discussed why it was important to retain a member from the Department of Environmental Conservation and from the Department of Transportation and Public Facilities.

Mr. Kendall concurred with Mr. Wuerch's comments in support of the bill. He felt adding elected officials would enhance communications between Municipal officials and the Legislature.

Mr. Carlson spoke in support of the pending amendment to the bill, however, he did not support the entire bill. He felt the State elected official should represent the Anchorage area.

Mr. Murdy said he supported Legislative involvement in the AMATS Committee, as long as Assembly members also have input. He felt Legislators on the Committee should be from the Anchorage area.

Ms. Clementson pointed out the intent of AMATS was to be a local planning organization. When the process is not cooperative, Federal funds may be at risk. In response to statements that the proposed change was to remedy the fact that Anchorage does not receive enough funds, she noted the Committee had no control over the amount of funds. The Committee merely determines allocation of funds, the amount of which is determined by the Legislature. She felt the proposed bill would erode local control of road projects.

In response to Ms. Clementson, Municipal Attorney Mary Hughes said in matters of State law, she defers to the State Attorney General. However, after many hours of review, she felt the Committee substitute for Senate Bill 259 does not fulfill the United States code for the AMATS process. She expressed concern that the proposed bill might violate a portion of the Alaska Constitution.

BARBARA WEINIG, representing the Rabbit Creek Community Council, said she has had concerns about the AMATS process for many years. However, she felt the Committee was working well, and the proposed change might be harmful. She felt the amount of money Anchorage receives for roads should be increased.

KATHLEEN PLUNKETT of the Federation of Community Councils, spoke from the Anchorage Legislative Information Office. She opposed the bill. She felt the AMATS ranking process works well and should be left under control of the local community.

Representative Porter moved adoption of the CS for 259 version Q dated April 4, 1998. The motion passed without objection.

Representative Porter moved an amendment to remove the words "partially or" from lines 3, 5, 10 and 11. The motion passed the Rule Committee without objection.

Representative Phillips recommended the Rules Committee wait until after Assembly action on AR 98-120 to vote on SB 259.

Chairman Begich commented that the joint teleconference was a unique event which worked well as an opportunity for the Anchorage Assembly and member of the State Legislature to discuss proposed State legislation.

In response to Mr. Bell, Chairman Kott noted Rules was the last committee to act on this bill; it would now go to another portion of the Committee for calendaring the bill for floor action.

The teleconference ended at 6:10 p.m.

A. BID AWARDS:

1. Assembly Memorandum No. AM 348-98, recommendation of award to Koho Contracting, Inc. for **1997-1998 Miscellaneous Americans with Disabilities Act (ADA) improvements** for the Municipality of Anchorage, Public Works (ITB 98-C7), Purchasing.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Resolution No. AR 98-112, a resolution of the Municipality of Anchorage appropriating \$125,100 of Intergovernmental Charges to various capital improvement funded projects to the Miscellaneous Operational Grants Fund (0261) for the **salary and benefits of a project manager and two temporary maintenance employees**, Property and Facility Management. public hearing 4-14-98.
  - a. Assembly Memorandum No. AM 347-98.
2. Resolution No. AR 98-122, a resolution of the Municipality of Anchorage appropriating \$2,500,000 from the Building Safety Service Area (0181) Fund Balance as a contribution to Areawide General CIP (0401) Fund, Property and Facility Management, to **reduce the cost of a lease of a Permit and Development Center**, Public Works. public hearing 4-14-98. **(addendum)**
  - a. Assembly Memorandum No. AM 367-98.
3. Resolution No. AR 98-123, a resolution of the Municipality of Anchorage appropriating \$300,000 as a contribution from the Department of Property and Facility Management Operating Budget through the Anchorage Metropolitan Police Service Area Fund (0151) to the Anchorage Metropolitan Police Service Area Capital Improvement Fund (0451) for **replacement Jail Site Selection (Phase II)**, Office of Management and Budget. public hearing 4-14-98. **(addendum)**
  - a. Assembly Memorandum No. AM 368-98.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 98-113, a resolution to **establish the delinquent dates for the first and second half of yearly real property tax payments for Tax Year 1998**, Finance.
  - a. Assembly Memorandum No. AM 349-98.

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

2. Resolution No. AR 98-114, a resolution of the Municipality of Anchorage authorizing the Municipality of Anchorage Solid Waste Services to apply for a loan from the Alaska Clean Water Fund for the purpose of constructing the **Cell 6 Project at the Anchorage Regional Landfill**, Solid Waste Services.
  - a. Assembly Memorandum No. AM 350-98.

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

3. Resolution No. AR 98-115, a resolution of the Municipality of Anchorage appropriating \$34,500 from the Fire Service Area (0131) Fund Balance to the Anchorage Fire Department; \$33,750 from the

Anchorage Metropolitan Police Service Area (0151) Fund Balance to the Anchorage Police Department; and \$6,750 from the Areawide General (0101) Fund Balance to the Anchorage Fire Department to obtain additional contract legal services to assist in the **litigation of Louis Mower v. MOA**, Case No. 3AN-97-7364, Legal Department.

- a. Assembly Memorandum No. AM 353-98.
4. Resolution No. AR 98-118, a resolution of the Municipality of Anchorage **recognizing the contributions of public health to the quality of life of the community**, Health and Human Services. **(addendum)**
  - a. Assembly Memorandum No. AM 362-98.
5. Resolution No. AR 98-120, a resolution of the Anchorage Municipal Assembly **re-emphasizing its opposition to Senate Bill 259, An act relating to the membership of and the State's participation in a Metropolitan Highway Planning Organization**, and requesting the State Legislature to direct a larger sum of money to Anchorage for National Highway System projects, Assemblymember Clementson. **(addendum)**

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

6. Resolution No. AR 98-121, a resolution of the Anchorage Municipal Assembly **supporting Senate Bill 36, An act relating to the public school foundation program and local aid for public education**, Assemblymember Kendall. **(addendum)**

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

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 352-98, 1998-1999 Liquor License Renewal: **Safeway #408** (Package Store), Clerk's Office.

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

2. Assembly Memorandum No. AM 346-98, AO 97-129; Planning and Zoning Commission **request for additional time to prepare recommendation to the Assembly on Dwellings, Factory Built**, Community Planning and Development.

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

3. Assembly Memorandum No. AM 351-98, change orders to exercise the option with various vendors for providing **miscellaneous electrical supplies** for the Municipality of Anchorage, Purchasing Department.
4. Assembly Memorandum No. AM 354-98, amendment No. 1 to the professional legal services contract with the Law Offices of Gilmore & Doherty regarding **plaintiffs' appeal to the Alaska Supreme Court in APDEA/IAFF v. MOA**, S-8137/8138 (Public Safety Employee Drug and Alcohol Testing Policy), Legal Department.
5. Assembly Memorandum No. AM 358-98, proprietary **rental agreement for computer hardware and software** from IBM Corporation for the Municipality of Anchorage, Management Information Systems Department (MISD), Purchasing. **(addendum)**
6. Assembly Memorandum No. AM 359-98, proprietary purchase of **computer software upgrades and software maintenance** from various vendors for the Municipality of Anchorage, Management Information Systems Department (MISD), Purchasing. **(addendum)**

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 50-98, waiver of formal procedures for **fire damage restoration at Municipal Light and Power Plant No. 1**, Purchasing. **(addendum)**

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

2. Information Memorandum No. AIM 51-98, waiver of formal procedures for **renovation of the Public Works Building Safety Permit Counter area** for the Municipality of Anchorage, Department of Property and Facility Management (ITB 98-C16), Purchasing. **(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: None.

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 98-113, a resolution to **establish the delinquent dates for the first and second half of yearly real property tax payments for Tax Year 1998**, Finance.
  - a. Assembly Memorandum No. AM 349-98.

Mr. Wuerch moved, to approve AR 98-113.  
seconded by Mr. Murdy,

Mr. Wuerch moved, to postpone action on AR 98-113 until April 14,  
seconded by Mr. Murdy, 1998 pending receipt of information from the  
and it passed without administration on notice of the delinquent dates.  
objection,

2. Resolution No. AR 98-114, a resolution of the Municipality of Anchorage authorizing the Municipality of Anchorage Solid Waste Services to apply for a loan from the Alaska Clean Water Fund for the purpose of constructing the **Cell 6 Project at the Anchorage Regional Landfill**, Solid Waste Services.
  - a. Assembly Memorandum No. AM 350-98.

Ms. Abney moved, to approve AR 98-114.  
seconded by Mr. Murdy,

In response to Ms. Abney, Solid Waste Services Director Joel Grunwaldt said there were a total of twenty-one cells at the landfill; twelve on the base, seven above those, and two on the next level. He said the remaining base cells, six through twelve, would cost about \$39 million. Cell 6 will cost more than the remaining seven cells because more excavation would be done. Mr. Grunwaldt estimated the next cell would have to be constructed in 2005, with one base cell to be built about every five years thereafter.

Question was called on the motion to approve AR 98-114 and it passed without objection.

The Assembly then changed the orders of the day to consider item 10, Appearance Requests.

**West High Students**, regarding Assembly Gang Task Force.

Jasmine Faulk, a senior at West High School, spoke on behalf of the Assembly Gang Task Force. Ms. Faulk explained the focus of the group: to discuss problems facing the youth of our community and produce solutions. Many problems identified have similar contributing factors such as lack of support and involvement by parents and other adults, and a lack of positive role models for children. Solutions center around helping youth find positive role models and mentors among parents, teachers and community leaders: increasing membership in the Boys and Girls Club and the Big Brothers/Big Sisters program, providing language translators and cultural diversity programs to help non-English speaking parents become more involved with their children's school lives, establishing Grandparents Day, for children to adopt a grandparent or become more involved with their own. Another solution was to provide more after-school and weekend supervised activities, perhaps promoted by coupon booklets for food and entertainment around town. An idea to combat feelings of hopelessness was to establish a help hotline, monitored by volunteer students and adults, to provide a means of communication for youth who may feel they have no where to turn. These are only some of the suggestions produced in the meetings; they all had the common factor of needing funding to implement. She encouraged everyone to contribute their time and effort to bring these ideas to fruition.

3. Resolution No. AR 98-120, a resolution of the Anchorage Municipal Assembly **re-emphasizing its opposition to Senate Bill 259, An act relating to the membership of and the State's participation in a Metropolitan Highway Planning Organization**, and requesting the State Legislature to direct a larger sum of money to Anchorage for National Highway System projects, Assemblymember Clementson.  
(addendum)

Mr. Carlson moved, to approve AR 98-120.  
seconded by Ms. Clementson,

Mr. Carlson moved, to amend AR 98-120 to change all references to Senate Bill  
seconded by Mr. Wohlforth, 259 to read: "Senate Bill 259 version Q dated April 4, 1998  
and it passed without as amended by the House Rules Committee."  
objection,

Mr. Carlson moved, to amend AR 98-120 to delete Section 2 in its entirety  
seconded by Mr. Kendall, and related language in the title of the resolution.

Mr. Carlson felt a request for additional money should be in a separate document from this one opposing the bill.

Mr. Kendall concurred.

Mr. Wohlforth felt both topics were appropriate to include in the resolution.

Ms. Clementson explained the request for additional funding was an attempt to address a misconception by the Legislature about the AMATS process.

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

AYES: Kendall, Wuerch, Carlson, Murdy.

NAYS: Wohlforth, Bell, Abney, Begich, Meyer, Von Gemmingen, Clementson.

Mr. Wuerch moved, to amend AR 98-120 to delete Section 1 in its entirety and  
seconded by Mr. Murdy, all references to Senate Bill 259 throughout the document.

AYES: Kendall, Wuerch, Carlson, Murdy.

NAYS: Wohlforth, Bell, Abney, Begich, Meyer, Von Gemmingen, Clementson.

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

to amend AR 98-120 in the title and Section 2 to read: "...larger sum of Federal highway money to Anchorage."

Question was called on the motion to approve AR 98-120 as amended and it passed:

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

4. Resolution No. AR 98-121, a resolution of the Anchorage Municipal Assembly **supporting Senate Bill 36, An act relating to the public school foundation program and local aid for public education**, Assemblymember Kendall. (**addendum**)

Mr. Kendall moved, seconded by Mr. Carlson,

to approve AR 98-121.

Mr. Kendall spoke in support of the resolution.

Mr. Murdy spoke against the resolution. He felt Anchorage should have a larger share of State education dollars, but not at the expense of districts in rural areas of the State. He felt there were other ways to get more funding for Anchorage without hurting rural students.

Mr. Wohlforth also felt there was another way to adjust education funding to yield more funding for Anchorage while still providing adequate funds for rural districts, where it is more expensive to operate schools.

Mr. Bell spoke in support of the resolution. He felt children in Anchorage schools should be treated the same as children in rural communities.

Ms. Abney spoke in opposition and concurred with Mr. Murdy.

Mr. Meyer felt the proposed bill would equalize the education funding system.

Mr. Kendall added not only does Anchorage have 40 percent of Alaskan students, but also educates the majority of special-needs students. The bill would change funding from the current 30 percent Anchorage receives to about 35 percent.

Mr. Wuerch felt SB 36, as it currently exists, would never become law. He noted there are ongoing efforts in the State House to draft a compromise to address the funding inequity. He recommended against approval.

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

to table AR 98-121.

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

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

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 346-98, AO 97-129; Planning and Zoning Commission **request for additional time to prepare recommendation to the Assembly on Dwellings, Factory Built**, Community Planning and Development.

Ms. Abney moved, seconded by Mr. Murdy,

to approve AM 346-98.

In response to Ms. Abney, Don Alspach of Community Planning and Development said the definition of factory-built dwellings could apply to trailers.

Chairman Begich explained his request to change the definition was in response to industry representatives who are concerned there is very little land available on which this type of construction can be built.

Mr. Wuerch moved, seconded by Mr. Carlson,

to amend AM 346-98 on line 16 to read: "...requesting a one month extension of time..."

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

to amend the amendment to read: "...a not to exceed three month extension..."

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

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

Question was called on the motion to approve AM 346-98 as amended and it passed with Mr. Wohlforth and Mr. Carlson objecting.

F. INFORMATION AND REPORTS:

- 1. Information Memorandum No. AIM 50-98, waiver of formal procedures for **fire damage restoration at Municipal Light and Power Plant No. 1**, Purchasing. (**addendum**)

Mr. Bell moved, to accept AIM 50-98.  
 seconded by Mr. Wuerch,

Mr. Bell felt there were arguments against repairing this facility.

Question was called on the motion to accept AIM 50-98 and it passed without objection.

Assembly Memorandum No. AM 352-98, 1998-1999 Liquor License Renewal: **Safeway #408** (Package Store), Clerk's Office.

Ms. Clementson moved, to approve AM 352-98.  
 seconded by Mr. Murdy,

Ms. Clementson moved, to postpone action on AM 352-98 until April 14,  
 seconded by Mr. Wohlforth, 1998, pending review of complaints against the  
 and it passed without license, and request the applicant to attend the  
 objection, Assembly meeting on that date.

The Assembly then considered item 14, Special Orders.

Ordinance No. AO 98-70, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 9.32 by adding a new Section 9.32.100 regarding **historical building zones**, Assemblymember Wuerch. (**LAID ON THE TABLE**)

Messrs. Wuerch, Murdy and Carlson joined in introducing this ordinance. The public hearing was scheduled for May 19, 1998.

Resolution No. AR 98-124, a resolution of the Anchorage Municipal Assembly requesting the Municipal Administration to **transfer management authority for the property known as Tract I, Bayshore West Subdivision #4** from the Anchorage Water and Wastewater Utility to Cultural and Recreational Services for the purpose of dedicating the property as municipal park land, Assemblymembers Abney and Bell. (**LAID ON THE TABLE**)

Ms. Abney and Mr. Bell joined in introducing this resolution. Action was scheduled for April 14, 1998.

The meeting recessed at 7:30 p.m. and reconvened at 8:00 p.m.

- 9. **OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS**: None.

10. **APPEARANCE REQUESTS**:

- A. **West High Students**, regarding Assembly Gang Task Force.

A representative of the Gang Task Force appeared earlier in the meeting. See after item 8.D.2.

Mr. Wuerch moved, to change the orders of the day to  
 seconded by Mr. Kendall, recognize members of Scout Troop 183.  
 and it passed without  
 objection,

Chris Peterson, scout master of Troop 183, introduced members of the troop. He noted the troop was unique in that over 50 percent of the scouts were from Cambodia and Laos.

Three scouts from the troop introduced themselves to the Assembly.

Mr. Bell moved, to change the orders of the day to  
 seconded by Mr. Wuerch, consider item 12.A, AR 98-99.  
 and it passed without  
 objection,

Resolution No. AR 98-99, a resolution of the Municipality of Anchorage appropriating the sum of \$5,000 from the Western States Resources Council and \$147,500 as a cash match from the 1998 Department of Health and Human Services Operating Budget to the State Categorical Grants Fund (0231) for the **operation of the Anchorage Air Pollution Control Agency**, Health and Human Services.

- 1. Assembly Memorandum No. AM 320-98.

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 98-99.  
 seconded by Mr. Carlson,

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

11. CONTINUED PUBLIC HEARINGS:

- A. 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.
1. Assembly Memorandum No. AM 297-98.  
 (CARRIED OVER FROM 3-31-98)

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 98-89.  
 seconded by Ms. Abney,

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

- B. 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.
1. Assembly Memorandum No. AM 298-98.  
 (CARRIED OVER FROM 3-31-98)

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 98-90.  
 seconded by Mr. Meyer,

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

- C. 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.
1. Assembly Memorandum No. AM 239-98.  
 (CARRIED OVER FROM 3-31-98)

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 98-65.  
 seconded by Mr. Kendall,

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

- D. 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.
  3. Assembly Memorandum No. AM 337-98.
  4. Assembly Memorandum No. AM 360-98, Legal Department. (**addendum**)  
 (CONTINUED FROM 3-24-98)

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

Mr. Murdy moved, to continue the public hearing for  
 seconded by Mr. Carlson, AO 98-58 until April 28, 1998.  
 and it passed without  
 objection,

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

to combine the public hearings for  
items 11.E, F and G, AO 98-1, AR 98-6  
and AR 98-7.

- E. 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.
- (CONTINUED FROM 3-24-98)
- F. 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.
  3. Resolution No. AR 98-6(S-1), 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, Assemblymembers Begich and Von Gemmingen. **(LAID ON THE TABLE)**
  4. Resolution No. AR 98-6(S-2), 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, Assemblymembers Begich and Von Gemmingen. **(LAID ON THE TABLE)**
- (CONTINUED FROM 3-24-98)
- G. 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.
  3. Resolution No. AR 98-7(S-1), 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, Assemblymembers Begich and Von Gemmingen. **(LAID ON THE TABLE)**
  4. Resolution No. AR 98-7(S-2), 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, Assemblymembers Begich and Von Gemmingen. **(LAID ON THE TABLE)**
- (CONTINUED FROM 3-24-98)

In response to Chairman Begich, Mr. Wohlforth described a proposed amendment which would provide a reduction in the paving assessment to \$889,000.

Chairman Begich opened the public hearing for AO 98-1, AR 98-6 and AR 98-7 and asked if anyone wished to speak.

FRANK REED, a resident on West 12th Avenue, felt the proposed assessment was too high. He pointed out it was three or four times more than originally estimated; property owners only agreed because they were desperate to resolve the issue.

JIM KUBITZ explained the affected property owners do not feel the administration has answered important questions about the district. These include why it has taken five years from the time improvements were completed to this point. He said property owners have tried to negotiate a settlement, and most support AO 98-1, AR 98-7(S-1) and AR 98-6(S-1). The assessment per lot if these proposals are approved would be about \$38,000. However, an analysis of benefit, market value and other factors indicate the assessment should be between \$25,000 and \$28,000. Property owners wanted and tried to resolve the issue five years ago, but it has been mired in bureaucracy since then. Mr. Kubitz noted property owners were told by Municipal officials there was a chance a State grant would offset some of the project costs. However, the Municipality never applied for such a grant.

JIM REEVES, an attorney representing some of the affected property owners, discussed his view of the owners' legal rights. Mr. Reeves reiterated property owners were told by Municipal officials that there was a good chance a State grant would offset about 50 percent of the project costs. However, the Municipality never applied for this a grant. He pointed out the property owners have paid taxes for the past twenty years, but for almost that entire period they have been deprived of the use of their property because of the district improvements.

ALLEN CHRISTOPHERSON, owner of Lot 30C, requested his property be deleted from the road assessment. He asked it be deleted by the same parameters that allowed deletion of lots 29C and 13B in 1979. He said he has paid in full for improvements on McAulie Avenue, the street which fronts his principle residence. The upper and lower portions of the lot are too steep to provide useful vehicular access. The useable area of the lot below the bluff along Marston Drive is less than 4,000 square feet which will not support development. Certain covenants also limit landscaping and structures which would obstruct the view of Knik Arm. When he purchased the property in 1990, the title company informed him he would not be subject to the assessment district because of the restrictive covenants. He felt his property did not benefit from the district.

BLYTHE MARSTON, owner of Lot 25B2B, pointed out lots 39B1, 40B1 and 25B2 no longer exist. She said the assessment roll should reflect the correct lot, 25B2B. She asked the assessment for her lot be suspended until the property actually benefits from the district. She noted Municipal law provides the assessment must be proportional to the benefit. Her lot has deed restrictions which preclude development and use of the district improvements. Also, the location of the lot at the top of the

bluff preclude access to the improvements from the house. She added the Municipality has already found identically-situated lots and Lyn Ary Park do not benefit from the improvements.

GUY INGRIM, owner of Lot 41B1, said he purchased the property about three years ago. He knew there would be some assessment, but was unable to determine the amount. He argued the value of his lot was less than the assessment indicated. He asked the Assembly to correct this inequity.

CHANCY CROFT explained why his property did not benefit from the improvements. He pointed out the ballots from the district included only an estimate of the proposed assessment; he voted no on the district.

RON ZOBEL, a resident adjacent to undeveloped land near the Turnagain slide, alleged no one really benefitted from the subject district. He urged the Assembly to remember this improvement district's problems when and if the area near his home is improved. He recommended land along the Coastal Trail be preserved, but was concerned there was no funding to purchase the land. He felt efforts should be made to pursue this goal.

TERRY BURRELL described the devastation in the Turnagain area resulting from the March 25, 1964 earthquake. She was disappointed that the soils study results indicated development would be safe, because she disagreed with that opinion. She felt the \$1.9 million assessment should be paid by the property owners. She agreed with Mr. Zobel that undeveloped land in the area should be made into parks rather than be developed.

CHRIS SWALLING, owner of Lot 45A in Turnagain Heights Subdivision, noted after the 1964 earthquake, Federal funds were allocated to rebuild damaged areas. However, the subject subdivision was not rebuilt; the funds were used elsewhere in the community. He pointed out property owners have continued to pay taxes on the properties since 1964. When the Coastal Trail was built, properties adjacent to this subdivision were compensated for the taking; the subject property owners were not compensated. He felt the property owners have been treated unfairly since 1964; the petition before the Assembly was reasonable.

KATHLEEN PLUNKET expressed concern about the precedent that would be set by lowering the assessment. She questioned who would pay the difference if the assessment was lowered.

MARY ANN SWALLING noted owners began discussing this matter with Municipal officials in 1977. Many people involved on both sides of the issue are no longer alive. Property owners felt they would be able to rebuild their homes with Federal disaster funds in 1964 or 1965. They have waited a long time and have had to endure many bureaucratic obstacles. She said owners voted yes on the 1990 ballot because it was viewed as just another in the series of hurdles.

DAGMAR PHILLIPS expressed concern that all citizens be treated fairly in this matter. She pointed out the property owners in the district agreed to pay a certain amount, and now seem to be protesting that situation based on sentiment.

BROOKE MARSTON clarified property in Zodiac Manor Subdivision was given to property owners in Turnagain who lost their homes in the earthquake.

GEORGE LYLE pointed out the improvements benefit all citizens of Anchorage, as road access to the Coastal Trail.

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

The meeting recessed at 10:10 p.m. and reconvened at 10:25 p.m.

Mr. Meyer moved, to approve AR 98-6(S-1).  
and it died for lack  
of a second,

Mr. Wohlforth moved, to approve AR 98-6.  
seconded by Ms. Clementson,

Mr. Wohlforth acknowledged there have been many mistakes made by a number of government entities since 1964. However, in 1990 the property owners had an opportunity to reject the assessment ballot. They had legal remedies which could have been pursued. Instead, a majority of the owners voted to accept the district assessment. Owners who purchased land after the 1990 ballot could have researched the ballot which was a matter of public record. He felt litigation on the issue was assured regardless of what action the Assembly takes. Therefore, he recommended against reducing the assessment merely to avoid threatened litigation by some property owners. A reduction in light of errors or inappropriate costs attributed to the project would be acceptable.

Mr. Bell felt the Alaska Public Utilities Commission (APUC) would not allow adoption of any version other than the original. He said any relief the Assembly may provide must come from the road improvement district. He recommended some adjustment in the assessment, to reduce the chances of litigation.

Mr. Wuerch noted the Assembly was told during a work session of years of additional overhead billing which would not have occurred if the project was resolved promptly. The S-2 version might be an appropriate vehicle to relieve some of those costs.

Mr. Wuerch moved, to substitute AR 98-6(S-2).  
seconded by Mr. Meyer,

Ms. Clementson spoke against the motion. She agreed the APUC regulates the water and sewer issues. She cited examples of other subdivisions with assessment district problems where relief was not provided. She pointed out the assessment in this case is not more than what was on the district ballot.

Question was called on the motion to substitute AR 98-6(S-2) and it passed:

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

Ms. Von Gemmingen noted over 42 percent of the total project cost was overhead, which she felt was too high.

Mr. Wuerch moved, to amend AR 98-6(S-2) on line 29 to read:  
seconded by Mr. Murdy, "...Alaska Public Utilities Commission if required by law."

In response to Mr. Wohlforth, Municipal Attorney Mary Hughes felt the amendment was superfluous. It might give someone false hope that the matter would not be presented to APUC. She said it was appropriate to take the matter before the APUC.

Water and Wastewater General Manager Mark Premo concurred with Ms. Hughes.

In response to Mr. Bell, Ms. Hughes said a direction by the Assembly not to present the matter to APUC unless required by law would violate AWWU's tariff. She said the law requires presentation to APUC.

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

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

Mr. Murdy moved, to amend AR 98-6(S-2) to defer the assessment for parcels  
seconded by Ms. Von Gemmingen, 001-132-58 and 110-132-70, Lots 19B and 18C1 owned by the  
Crofts.

In response to Ms. Clementson, Mr. Premo discussed the differences between deferrals and levies-upon-connection.

Mr. Carlson moved, to amend the amendment to add a stipulation that the  
seconded by Mr. Murdy, deferral be contingent on replat of the Croft parcels into  
and it passed without one lot, Lot 32B1.  
objection,

Mr. Wuerch moved, to extend the meeting to complete  
seconded by Ms. Von Gemmingen, the pending three items.  
and it passed without  
objection,

Question was called on Mr. Murdy's motion to amend as amended and it failed:

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

Mr. Murdy moved, to amend AR 98-6(S-2) to defer the assessment for parcels  
seconded by Mr. Meyer, 001-132-77 and 110-132-74, the Marston property.

Ms. Von Gemmingen noted the assessment roll was incorrect. The two parcels have been replatted and are now one lot, Lot 25B2B. She felt since the single house received sewer service from McAulie Avenue, and the service has been paid for, the assessment should be deferred.

Mr. Wohlforth felt there was no distinction between this parcel and the Croft property. If one property is deferred, both should be deferred.

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

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

Mr. Wohlforth moved, to reconsider action on the amendment  
seconded by Mr. Carlson, regarding the Croft properties.

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

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

Question was called on the motion to amend regarding the Croft property and it passed:

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

Mr. Wuerch moved, to reconsider action on substitution  
seconded by Mr. Kendall, of AR 98-6(S-2).

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

Question was called on the motion to substitute AR 98-6(S-2) and it failed:

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

Mr. Bell moved, to amend AR 98-6 to reduce the  
seconded by Mr. Wuerch, assessment amount by \$88,400.  
and it was withdrawn,

Mr. Bell explained reducing the amount would force a hearing before APUC, which would allow property owners to plead their cases before that body.

Mr. Premo explained if the assessment was not reduced, and customers complain to APUC, they would likely get a hearing. He noted there was an active consumer advocacy group at APUC.

Mr. Bell withdrew his amendment. Mr. Wuerch concurred.

Question was called on the motion to approve AR 98-6 and it failed:

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

(Clerk's Note: See minutes of April 14, 1998 for action on a motion to reconsider this action.)

Mr. Kendall moved, to approve AR 98-7.  
seconded by Mr. Wuerch,

Mr. Wohlforth disclosed a potential conflict of interest. He has a business relationship with Walter Hickel, one of the people who have requested their property be deleted from the roll.

Mr. Murdy moved, to substitute AR 98-7(S-2).  
seconded by Mr. Meyer,

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

Question was called on the motion to approve AR 98-7(S-2) and it passed:

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

Mr. Wuerch moved, to adopt AO 98-1.  
seconded by Mr. Wohlforth,

Mr. Wuerch moved, to amend AO 98-1 with relief  
seconded by Mr. Meyer, amendment #4A.

(Clerk's Note: This amendment is attached as Exhibit A.)

Mr. Wohlforth pointed out the amendment was a 67 percent reduction in the assessment. He spoke against the motion.

Mr. Wohlforth moved, to substitute relief amendment #5.  
seconded by Ms. Clementson,

(Clerk's Note: This amendment is attached as Exhibit B.)

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

Mr. Kendall moved, to substitute an amendment to provide  
seconded by Mr. Meyer, an assessment of \$599,856.

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

Mr. Wohlforth noted the hour was late, and felt members may be too tired to make this important decision.

Mr. Wohlforth moved, to adjourn.  
seconded by Ms. Clementson,

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

Mr. Wohlforth discussed the complexities of the roll.

Mr. Wohlforth moved, to adjourn.  
seconded by Ms. Clementson,

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

(Clerk's Note: See minutes of April 14, 1998 for further action on AO 98-1.)

- H. 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.
  - 1. Assembly Memorandum No. AM 311-98.
  - 2. Information Memorandum No. AIM 47-98.
  - 3. Resolution No. AR 98-73(S), a resolution of the Anchorage Assembly adopting recommendations on the Anchorage Metropolitan Area Transportation Study (AMATS) FFY 1998-2000 Transportation Improvement Program (TIP), Assemblymember Wuerch.
  - 4. Resolution No. AR 98-73(S-1), 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. **(addendum)**
  - 5. Assembly Memorandum No. AM 363-98.

(CARRIED OVER FROM 3-31-98)

This item was continued until April 14, 1998.

12. **NEW PUBLIC HEARINGS:**

- A. Resolution No. AR 98-99, a resolution of the Municipality of Anchorage appropriating the sum of \$5,000 from the Western States Resources Council and \$147,500 as a cash match from the 1998 Department of Health and Human Services Operating Budget to the State Categorical Grants Fund (0231) for the **operation of the Anchorage Air Pollution Control Agency**, Health and Human Services.
  - 1. Assembly Memorandum No. AM 320-98.

This item was considered earlier in the meeting. See before item 11.

- B. 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.
  - 1. Assembly Memorandum No. AM 296-98.

This item was continued until April 14, 1998.

13. **BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:**

- A. Request for Reconsideration: Appeal 97-108, **Collins Subdivision, Lot 8**, Clerk's Office.  
(CARRIED OVER FROM 3-31-98)
- B. Appeal 97-148, **Maui Industrial Park**, Clerk's Office.

Items 13.A. and 13.B. were continued until April 14, 1998.

14. **SPECIAL ORDERS:** Two special orders were considered earlier in the meeting. See after item 8.

15. **ASSEMBLY COMMENTS:** None.

16. **UNFINISHED AGENDA:** None.

17. **AUDIENCE PARTICIPATION:** None.

18. **EXECUTIVE SESSIONS:** None.

19. **ADJOURNMENT:**

The meeting adjourned at 11:55 p.m.

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Chair

ATTEST:

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Municipal Clerk

Date Minutes Approved: July 14, 1998

VC/db

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