

# MUNICIPALITY OF ANCHORAGE

## ANCHORAGE ASSEMBLY

Minutes for the Regular Meeting of May 5, 1998

### 1. CALL TO ORDER:

The meeting was convened at 5:13 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 Chairman Begich.

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

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

### 6. ADDENDUM TO AGENDA:

Mr. Murdy moved, to amend the agenda to include  
seconded by Mr. Carlson, 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. Carlson, consent agenda as amended.

#### A. BID AWARDS:

1. Assembly Memorandum No. AM 445-98, recommendation of award to various vendors for providing **miscellaneous road maintenance material** to the Municipality of Anchorage, Public Works Department (ITB 98-34), Purchasing.

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

2. Assembly Memorandum No. AM 457-98, recommendation of award to Wilder Construction Company for **8th Avenue Rehabilitation - "L" Street to Cordova, "H" Street Rehabilitation - 3rd to 9th Avenue and "K" Street Rehabilitation - 7th to 9th Avenue** for the Municipality of Anchorage, Public Works Department (ITB 98-C9), Purchasing.
3. Assembly Memorandum No. AM 458-98, recommendation of award to Wilder Construction Company for 1998 Merrill Field Improvements - **construct Taxiway Bravo (Phase I)** for the Municipality of Anchorage, Merrill Field Airport (ITB 98-C13), Purchasing.

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

1. Ordinance No. AO 98-79, an ordinance amending Anchorage Municipal Code 3.30, the **Municipal Personnel Rules**, regarding range assignment and the Medical Officer, Employee Relations. public hearing 5-19-98.
  - a. Assembly Memorandum No. AM 446-98.
2. Ordinance No. AO 98-80, an ordinance amending the zoning map and providing for the rezoning from I-1 (Light Industrial) to PLI (Public Lands and Institutions) and I-2 (Heavy Industrial) for **Tract 3, International East Subdivision**, generally located on the south side of West International Airport Road and east of Northwood Street (Sand Lake Community Council) (Planning and Zoning Commission Case 98-013), Community Planning and Development. public hearing 6-2-98.
  - a. Assembly Memorandum No. AM 459-98.
3. Resolution No. AR 98-159, a resolution authorizing the Municipality of Anchorage, Public Transportation Department, to file a Federal Transit Administration Section 5303 Metropolitan Planning Program grant, enter into a Transfer of Responsibilities Agreement in the amount of \$158,502 with the State of Alaska, Department of Transportation and Public Facilities, and to appropriate these funds along with \$39,626 of local matching funds from the Public Transportation Department's CY 1998 Operating Budget to the State Categorical Grants Fund (0231) for **financing the Transit Planning Program**, Public Transportation. public hearing 5-19-98.

- a. Assembly Memorandum No. AM 447-98.
4. Ordinance No. AO 98-81, an ordinance **creating 32nd and Denali Water Special Assessment District 438**, and determining to proceed with the proposed improvements therein, Water and Wastewater Utility. public hearing 6-2-98. **(addendum)**
  - a. Assembly Memorandum No. AM 471-98.
5. Ordinance No. AO 98-82, an ordinance **creating 32nd and Denali Lateral Sanitary Sewer Special Assessment District 211**, and determining to proceed with the proposed improvements therein, Water and Wastewater Utility. public hearing 6-2-98. **(addendum)**
  - a. Assembly Memorandum No. AM 472-98.
6. Resolution No. AR 98-163, a resolution of the Municipality appropriating \$33,515,000 of proceeds of General Obligation Bonds to the Public Transit CIB Fund (0485), Anchorage Fire Service Area CIB Fund (0431), and Anchorage Roads and Drainage Service Area CIB Fund (0441), to pay the costs of public transportation, fire protection, road, storm drainage, and related capital improvement projects; and contributing \$712,500 from the Anchorage Roads and Drainage Service Area CIB Fund (0441) to the Equipment Maintenance Internal Service Fund (0601) for the **purchase of street maintenance vehicles and equipment**, Office of Management and Budget. public hearing 5-19-98. **(addendum)**
  - a. Assembly Memorandum No. AM 473-98.
7. Resolution No. AR 98-164, a resolution revoking the conditional use permit allowing the retail sale and dispensing of alcoholic beverages at 6119 Old Seward Highway, formerly known as the Sawmill Club and currently known as **Klondike Kate's Bare Trap Saloon**, Community Planning and Development/Public Works. public hearing 6-9-98. **(addendum)**
  - a. Assembly Memorandum No. AM 474-98.

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

8. Ordinance No. AO 98-83, an ordinance amending AO 96-89 B-3 SL (General Business District) with Special Limitations, to allow medical clinics, medical and dental laboratories, and pharmacies as permitted uses, for **Tracts B-1 and B-2, Simonian Subdivision**, Assemblymember Begich. public hearing 6-2-98. **(addendum)**

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

9. Ordinance No. AO 98-84, an ordinance amending Anchorage Municipal Code Title 2 to **enact a Demerit Point System to identify potential and actual problem alcoholic beverage licensees** and establish standards and procedures for the assignment of points, notices, hearings and Assembly action on warnings to potential problem licensees and Assembly protests of the issuance, renewal, transfer and continued operation of an alcoholic beverage license and Assembly issuance, revocation or modification of or imposition of conditions on conditional land use permits for the retail sale of alcoholic beverages. An ordinance to also reorganize, consolidate, make uniform, clarify and otherwise amend all provisions of the Anchorage Municipal Code Titles 2, 10 and 21 relating to or regulating alcoholic beverages, the Assembly's issuance of conditional use permits and protests of the issuance, renewal, transfer and continued operation of persons and premises licensed to sell alcoholic beverages, Assemblymember Begich. public hearing 10-27-98. **(addendum)**

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

#### C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 98-160, a resolution requesting **FY 99 Safe Communities funding** from the Department of Community and Regional Affairs, Office of Management and Budget.
  - a. Assembly Memorandum No. AM 448-98.
2. Resolution No. AR 98-162, a resolution of the Anchorage Municipal Assembly **expressing appreciation to Robert M. Doucette for his more than 28 years of service** to the Municipality of Anchorage upon his retirement, Assemblymembers Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch. **(addendum)**

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

to postpone action on AR 98-162 until May 19, 1998,  
to allow Mr. Doucette to be present.

3. Resolution No. AR 98-165, a resolution of the Municipality of Anchorage appropriating \$34,909 from the Anchorage Parks and Recreation Service Area (0161) Fund Balance to the Department of Property and Facility Management to **pay attorney fees awarded in Alaska Firebirds v. Ogden Allied Entertainment Services/MOA**, Case No. 3AN-96-9163 Civil, Legal Department. **(addendum)**
  - a. Assembly Memorandum No. AM 475-98.
4. Resolution No. AR 98-166, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Jacob Ancil Ruben Berg upon his accomplishment of earning the Boy Scout rank of Eagle Scout**, Assemblymembers Carlson, Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch. **(addendum)**

#### D. NEW BUSINESS:

1. Assembly Memorandum No. AM 463-98, **Corsair Restaurant** (Tourism) - Transfer of Ownership of a Beverage Dispensary Liquor License and Restaurant Designation Permit (Downtown Community Council), Clerk's Office.
2. Assembly Memorandum No. AM 464-98, **Mami's Restaurant** - New Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Government Hill Community Council), Clerk's Office.

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

3. Assembly Memorandum No. AM 465-98, **Snow City Cafe** - New Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Downtown Community Council), Clerk's Office.
4. Assembly Memorandum No. AM 466-98, **Sullivan's** - Transfer of Ownership of a Beverage Dispensary Liquor License and Restaurant Designation Permit (Downtown Community Council), Clerk's Office.
5. Assembly Memorandum No. AM 467-98, **Ultrazone** - New Restaurant/Eating Place Liquor License and Restaurant Designation Permit (North Star/Spenard Community Councils), Clerk's Office.
6. Assembly Memorandum No. AM 468-98, **The Voyager Lounge** (Duplicate Tourism) - Transfer of Ownership of a Beverage Dispensary Liquor License (Downtown Community Council), Clerk's Office.
7. Assembly Memorandum No. AM 449-98, Anchorage Historical Properties, Inc. - Request approval to loan Robert G. and Carolyn F. Neumann not more than \$200,000 for **exterior renovation of the Anchorage Hotel building**, Cultural and Recreational Services.
8. Assembly Memorandum No. AM 450-98, change order No. 2 to 1997 **professional civil engineering services** contract with CRW Engineering Group, RFP 65-76, Public Works.
9. Assembly Memorandum No. AM 451-98, proprietary purchase of **Pulsar chlorinated pellets** from Associated Supply Company for the Municipality of Anchorage, Department of Cultural and Recreational Services/Purchasing.
10. Assembly Memorandum No. AM 452-98, change order No. 1 to purchase order 72155 to exercise the option with Isaac's Pumping Services for providing **pumping services** for the Municipality of Anchorage, Department of Cultural and Recreational Services/Purchasing.
11. Assembly Memorandum No. AM 453-98, change order No. 1 to purchase order 72338 to exercise the option period with Transalaska Title Insurance Agency for furnishing **litigation reports** to the Municipality of Anchorage, Finance Department/Purchasing.
12. Assembly Memorandum No. AM 454-98, change order No. 2 to purchase order 62081 with Anchorage Clean Sweep for furnishing **labor and equipment to clean/sweep parking lots and sidewalks** for the Municipality of Anchorage, Municipal Light and Power/ Purchasing.
13. Assembly Memorandum No. AM 455-98, proprietary purchase of **handheld stationary radar units** from Kustom Signals, Inc. for the Municipality of Anchorage, Police Department/Purchasing.

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 59-98, **Annual Report of the Prefunding Investment Board**, Municipal Manager's Office.

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

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

8. **REGULAR AGENDA:**

A. TIME CRITICAL ITEMS: None.

B. BID AWARDS:

1. Assembly Memorandum No. AM 445-98, recommendation of award to various vendors for providing **miscellaneous road maintenance material** to the Municipality of Anchorage, Public Works Department (ITB 98-34), Purchasing.

Mr. Meyer moved, to approve AM 445-98.  
 seconded by Mr. Wuerch,  
 and it passed without  
 objection,

Mr. Meyer said he asked for special consideration of this item as a gesture for the Chairman. He recalled many Assembly members from the Midtown area have often "pulled" the first bid award on the agenda.

C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 98-85, an ordinance amending AO 97-149 (Rezoning from R-3 SL with Special Limitations) for **Southcreek Subdivision, Lots 1 thru 4, 5A, 8A, 9 thru 11, 12A, 14 thru 21, & Tract F-2; Southcreek Estates Subdivision - Phase 2, Block 2, Lots 1A, 2A, 3A, 5 thru 21, 22A, 23A, 24 thru 32, 33A, 34A, 36A, 37, & Tracts G1, G2, H1, E2 & E3; Southcreek Estates Subdivision - Phase 3, Block 3, Lots 1 thru 9, 11A, 12, & Tracts D1 & D2; Southcreek Estates Subdivision - Phase 4, Block 4, Lots 1A, 3A, 4A, 6A, 7 thru 20, 21B, 22A, 23 thru 27, 28A, 16A, 30, 31A, 33A, 34 thru 36, 37A, 38A, 39A, 41A, & Tract A; Southcreek Estates Subdivision, Tract B and Tract C; and the Villages Subdivision, Tract 10 and Tract 11**; generally located on the east side of the Seward Highway, south and west of Potter Valley Road, and south and west of Villages Scenic Parkway, by enlarging the time within to complete conditions precedent to effectiveness of the rezoning ordained by 97-149. (Rabbit Creek Community Council) (Case 97-153), Assemblymember Begich. public hearing 6-2-98. **(LAID ON THE TABLE)**

Messrs. Begich, Bell and Wuerch joined in introducing this ordinance. The public hearing was scheduled for June 2, 1998.

2. Resolution No. AR 98-164, a resolution revoking the conditional use permit allowing the retail sale and dispensing of alcoholic beverages at 6119 Old Seward Highway, formerly known as the Sawmill Club

and currently known as **Klondike Kate's Bare Trap Saloon**, Community Planning and Development/Public Works. public hearing 6-9-98. **(addendum)**

a. Assembly Memorandum No. AM 474-98.

Mr. Meyer moved, to introduce AR 98-164 for public hearing on June 9, 1998.  
seconded by Mr. Wuerch,  
and it passed without  
objection,

In response to Mr. Meyer, Municipal Attorney Mary Hughes explained this resolution related to the discussion last week of AM 441-98.

(Clerk's Note: A motion passed later in the meeting to approve AM 474-98. See after item 8.C.4.)

3. **Ordinance No. AO 98-83**, an ordinance amending AO 96-89 B-3 SL (General Business District) with Special Limitations, to allow medical clinics, medical and dental laboratories, and pharmacies as permitted uses, for **Tracts B-1 and B-2, Simonian Subdivision**, Assemblymember Begich. public hearing 6-2-98. **(addendum)**

Mr. Bell, Ms. Von Gemmingen and Mr. Wuerch joined in introducing this ordinance. The public hearing was scheduled for June 2, 1998.

4. **Ordinance No. AO 98-84**, an ordinance amending Anchorage Municipal Code Title 2 to **enact a Demerit Point System to identify potential and actual problem alcoholic beverage licensees** and establish standards and procedures for the assignment of points, notices, hearings and Assembly action on warnings to potential problem licensees and Assembly protests of the issuance, renewal, transfer and continued operation of an alcoholic beverage license and Assembly issuance, revocation or modification of or imposition of conditions on conditional land use permits for the retail sale of alcoholic beverages. An ordinance to also reorganize, consolidate, make uniform, clarify and otherwise amend all provisions of the Anchorage Municipal Code Titles 2, 10 and 21 relating to or regulating alcoholic beverages, the Assembly's issuance of conditional use permits and protests of the issuance, renewal, transfer and continued operation of persons and premises licensed to sell alcoholic beverages, Assemblymember Begich. public hearing 10-27-98. **(addendum)**

Messrs. Bell, Wuerch and Wohlforth joined in introducing this ordinance. The public hearing was scheduled for October 27, 1998.

(Clerk's Note: On October 20, 1998 the Assembly approved a motion to postpone this item indefinitely, cancelling the public hearing.)

Mr. Bell moved, to approve AM 474-98, accompanying item 8.C.2,  
seconded by Mr. Wuerch, AR 98-164.  
and it passed without  
objection,

D. RESOLUTIONS FOR ACTION: None.

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 464-98, **Mami's Restaurant** - New Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Government Hill Community Council), Clerk's Office.

Mr. Wohlforth moved, to approve AM 464-98.  
seconded by Mr. Murdy,

Mr. Wohlforth moved, to postpone action on AM 464-98 until May 19, 1998,  
seconded by Ms. Clementson, pending review by the Government Hill Community  
and it passed without Council.  
objection,

F. INFORMATION AND REPORTS: None.

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

- A. Assembly Memorandum No. AM 377-98, **Spenard Sports Pub** - Transfer of Ownership of a Beverage Dispensary Liquor License and Restaurant Designation Permit (Fairview/Rogers Park/Spenard Community Councils), Clerk's Office.  
(POSTPONED FROM 4-14-98)

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

Question was called on the motion to approve AM 377-98 as amended and it passed:

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

- B. Assembly Memorandum No. AM 370-98, **Captain's Club (Duplicate)** - Transfer of Ownership of a Beverage Dispensary Liquor License (Rogers Park/Spenard Community Councils), Clerk's Office.

- (CARRIED OVER FROM 4-14-98; POSTPONED FROM 4-28-98)
- C. Assembly Memorandum No. AM 371-98, Captain's Galley Steak & Seafood Restaurant - Transfer of Ownership of a Beverage Dispensary Liquor License (Rogers Park/Spenard Community Councils), Clerk's Office.  
(CARRIED OVER FROM 4-14-98; POSTPONED FROM 4-28-98)

Chairman Begich gave the history of the memorandums and noted a motion to approve AM 370-98 and AM 371-98 was on the floor.

Mr. Wuerch moved, seconded by Mr. Meyer, and it passed without objection,

to postpone action on AM 370-98 and AM 371-98 until later in the meeting.

(Clerk's Note: See after item 9 for further action on these items.)

- D. 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.
1. Assembly Memorandum No. AM 397-98, Water and Wastewater Utility.  
(CARRIED OVER FROM 4-14-98; POSTPONED FROM 4-28-98)

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

Mr. Bell noted the resolution was for a transfer of the management authority of the land. He pointed out the land could not be developed because of lack of space, so transforming the land into a park was a sensible solution.

Mr. Wuerch felt it would set a poor precedent to confiscate the land from AWWU without compensation for the value. He added there were no funds available for reimbursement.

In response to Ms. Abney, Water and Wastewater General Manager Mark Premo said the Alaska Public Utilities Commission (APUC) was not likely to consider this issue individually. However, a past APUC ruling seems to indicate the APUC would not look favorably on the proposed asset transfer.

Mr. Wohlforth recommended the Assembly correspond with the APUC Chair on the subject. He pointed out when an APUC ruling question arose before the Assembly ATU Committee, a letter to the APUC resulted in a quick response.

Mr. Bell moved, seconded by Ms. Abney, and it passed with Ms. Clementson objecting,

to postpone action on AR 98-124 until July 14, 1998 and send a letter to APUC requesting an opinion on the issue.

- E. Resolution No. AR 98-102(S-1), a resolution of the Municipality of Anchorage providing for a **revision of the 1998 General Government Operating Budget**, Office of Management and Budget.
1. Assembly Memorandum No. AM 456-98.
  2. Information Memorandum No. AIM 60-98, **(LAID ON THE TABLE)**
  3. Resolution No. AR 98-102(S-1) **Amended**, a resolution of the Municipality of Anchorage providing for a revision of the 1998 General Government Operating Budget, Office of Management and Budget. **(LAID ON THE TABLE)**
  4. Assembly Memorandum No. AM 469-98.  
(AMENDED 4-28-98; CARRIED OVER FROM 4-28-98)
- F. Resolution No. AR 98-104(S), a resolution of the Anchorage Assembly appropriating a total of \$7,060,000 from General Government Operating Fund Balances to corresponding General Government Capital Improvement Funds to provide a **Public Safety/Tax Reduction Program** which funds public safety projects and reduces the future impact on property taxpayers, Office of Management and Budget.
1. Assembly Memorandum No. AM 396-98.
- G. Resolution No. AR 98-105(S), a resolution amending the **revised 1998 General Government Capital Improvement Budget (CIB) and the 1998-2003 General Government Capital Improvement Program (CIP)**, Office of Management and Budget.
1. Assembly Memorandum No. AM 431-98.  
(CARRIED OVER FROM 4-28-98)
- H. 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.
1. Assembly Memorandum No. AM 368-98.  
(CARRIED OVER FROM 4-14-98 AND 4-28-98)
- I. Ordinance No. AO 98-65(S-2), an ordinance **setting the rate of tax levy and levying taxes** for the Municipality of Anchorage Areawide General Purposes including municipal schools and all service areas of the Municipality for the Municipal Tax Year 1998, Office of Management and Budget.
1. Assembly Memorandum No. AM 434-98.
  2. Ordinance No. AO 98-65(S-2) **Amended**, an ordinance setting the rate of tax levy and levying taxes for the Municipality of Anchorage Areawide General Purposes including municipal schools and all service areas of the Municipality for the Municipal Tax Year 1998, Office of Management and Budget. **(LAID ON THE TABLE)**
  3. Assembly Memorandum No. AM 470-98.

(CARRIED OVER FROM 4-28-98)

Items 9.E. through 9.I. were considered at the May 4, 1998 Special Meeting.

Mr. Murdy moved, seconded by Mr. Meyer, and it passed without objection, to change the orders of the day to consider item 13, Board of Adjustment/Assembly Appeals, and item 14, Special Orders.

Request for Reconsideration: Appeal 97-108, Collins Subdivision, Lot 8, Clerk's Office.  
(CARRIED OVER FROM 3-31-98, 4-7-98, 4-14-98, AND 4-28-98)

Chairman Begich gave the history of the appeal and noted no motions were pending. He recalled that he and Mr. Murdy recused themselves when this issue was decided by the Board of Adjustment on December 16, 1997, and would do so again for this action.

Mr. Kendall disclosed he received a \$500 campaign contribution from an employee of Akeela House. Three years ago, he received a contribution from Allvest, Inc.

Mr. Wohlforth recalled when the Assembly considered this appeal on December 16, 1998, members disclosed campaign contributions from involved parties. He suggested members disclose any contributions received since that time.

Mr. Bell disclosed one of the parties, Allvest, sued him for \$20 million.

Ms. Clementson felt there was a difference between receiving a contribution prior to filing of the appeal and receiving one after the appeal is before the Board of Adjustment. She felt it would be appropriate for Mr. Kendall to recuse himself because of the timing of his contribution.

In response to Mr. Kendall, Municipal Attorney Mary Hughes reiterated her position on campaign contribution issues. She said it was up to the individual member and the Assembly as a whole to decide ethics issues. In this case, two Assembly members recused themselves without a vote of the body. She advised Mr. Kendall to proceed on his own judgement. She clarified she has issued no written legal opinion on this issue.

Mr. Kendall said he would recuse himself during consideration of this appeal.

Vice Chair Von Gemmingen took the Chair. She noted the request for reconsideration of action on the appeal was based on the fact that Ms. Abney gave no reason for requesting reconsideration.

In response to Vice Chair Von Gemmingen, Assistant Municipal Attorney Bill Greene advised the Assembly that it may bring forward a reconsideration of its judgement without giving a reason.

In response to Mr. Wuerch, Mr. Greene clarified the action before the body was a request from one of the parties, that the Assembly reconsider its decision to reconsider action on the appeal.

In response to Mr. Bell, Mr. Greene explained rules for reconsideration in the Municipal Code and in Roberts Rules of Order apply to the Assembly when acting as a legislative body. The Assembly acting as the Board of Adjustment in a judicial capacity has inherent power to reconsider a prior judicial action. He said the Code provision for legislative reconsideration time limits would not apply in a judicial matter.

Mr. Bell disagreed that the Assembly has different powers acting as a legislative body than those acting as a judicial body. He felt the pending question was improper because of time limits.

Mr. Wohlforth moved, seconded by Mr. Meyer, to reconsider action on Appeal 97-108.

Mr. Wohlforth spoke against the motion. He felt the legal issue raised by the party's request was too complex and has no real bearing on the merits of the case. The intent of the Assembly was clear and on the record; he felt its decision should stand.

Mr. Wuerch also spoke against the motion. He said there was sufficient debate on the issue; to resurrect it now when so much time has passed would complicate matters.

Ms. Clementson spoke against the motion. She pointed out the party requesting the reconsideration, Akeela House, was not a party in the appeal and had no standing. She felt the request was an abuse of the process.

Ms. Abney also spoke against the motion. She said her reasons for requesting reconsideration had been resolved.

Mr. Carlson opposed the motion.

Question was called on the motion to reconsider Appeal 97-108 and it failed:

AYES: None.

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

(Clerk's Note: Messrs. Kendall, Begich and Murdy were recused for this vote.)

Chairman Begich returned to the Chair.

Appeal 97-148, Maui Industrial Park, Clerk's Office.

(CARRIED OVER FROM 4-7-98, 4-14-98, AND 4-28-98)

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

Mr. Wohlforth moved, to affirm the decision of the lower body.  
seconded by Mr. Carlson,

Mr. Wohlforth felt the lower body's decision was made without error. He noted the appellant did not allege an error but merely disagreed with the decision. The Assembly may vote to substitute its own judgement.

Mr. Bell disagreed; there was an error in the Planning and Zoning Commission's decision. He noted allowing a junkyard adjacent to a major road and near residential and recreational areas was contrary to the Comprehensive Plan. He encouraged the Assembly to grant the appeal.

Ms. Abney concurred Mr. Bell.

Ms. Clementson pointed out the property is within I-2 zoning, which is designated for this type of use. It also is governed by extensive special limitations to mitigate impact on surrounding land. She agreed with Mr. Wohlforth that the lower body did not err on this issue.

Ms. Abney moved, to substitute a motion to substitute the Assembly's judgment  
seconded by Mr. Bell, and reverse the decision of the Planning and  
and it passed without Zoning Commission.  
objection,

Question was called on the motion to substitute the Assembly judgment and reverse the decision of the Planning and Zoning Commission and it passed:

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

NAYS: Kendall, Carlson.

The Assembly then returned to items 9.B. and 9.C, AM 370-98 and AM 371-98.

Assembly Memorandum No. AM 370-98, Captain's Club (Duplicate) - Transfer of Ownership of a Beverage Dispensary Liquor License (Rogers Park/Spenard Community Councils), Clerk's Office.

(CARRIED OVER FROM 4-14-98; POSTPONED FROM 4-28-98)

Assembly Memorandum No. AM 371-98, Captain's Galley Steak & Seafood Restaurant - Transfer of Ownership of a Beverage Dispensary Liquor License (Rogers Park/Spenard Community Councils), Clerk's Office.

(CARRIED OVER FROM 4-14-98; POSTPONED FROM 4-28-98)

In response to Mr. Meyer, GEORGE KALIS, former owner of the restaurant, addressed the Assembly. He explained there are new managers for both locations; they are following the conditions that the Assembly placed on the license a few months ago. He acknowledged the conditions would continue with the transfer of ownership.

In response to Mr. Wuerch, Mr. Kalis said Ms. Wick was no longer a member of the owning corporation.

In response to Mr. Wuerch, DEMIR REDZEPI, owner of the Captain's Club, explained Ms. Wick left the business after the application was filed. He said a corrected application was filed with the Alcoholic Beverage Control (ABC) Board.

Mr. Meyer moved, to postpone action on AM 370-98 and  
seconded by Mr. Murdy, AM 371-98 until later in the meeting.  
and it passed without  
objection,

(Clerk's Note: See item 16, Unfinished Agenda for further action on these items.)

#### 10. APPEARANCE REQUESTS:

- A. K.J. Lavoie, Executive Director, **Boys & Girls Clubs of Greater Anchorage**, to present update on the Mt. View Community Center project.

Ms. Lavoie introduced Mark Pfeffer, developer, and Andy Loman, president of the Board of Boys & Girls Clubs.

Mr. Pfeffer noted construction of the Center was planned to begin on May 18, 1998. He said input came from many areas including the administration, Assembly members and residents of the community.

Mr. Loman thanked the Assembly and administration for their assistance on this project. He said it could not have become a reality without their involvement.

- B. **Andree McLeod**, regarding more responsive, more open, and more accountable municipal government.

Ms. McLeod urged the Assembly to adopt a law regulating campaign activities and lobbying efforts at the local level.

- C. **Lori Pape**, regarding public information on CDBG grant money use.

Ms. Pape did not appear.

The Assembly then considered item 14, Special Orders.

- A. Assembly Memorandum No. AM 113-98, certification of the April 21, 1998, Regular and Special Municipal Elections, Clerk's Office.

Mr. Murdy moved, to approve AM 113-98.  
seconded by Mr. Bell,

Election Commission Chair Joan Haug introduced the members of the Commission, Phylliss Walker, Ramona Fowler, Zane Jones, Carolyn Wolski and Frances Walcutt. Ms. Haug reported on the Commission canvass activities and the election, citing the number of questioned, absentee and rejected ballots.

Assembly members gave brief recognition speeches for Chairman Begich.

Chairman Begich distributed five-year Municipal service pins to Messrs. Wohlforth, Murdy, Meyer, Bell, Ms. Abney and Ms. Clementson. He reminisced about his early years on the Assembly and with Municipal government. He presented parting gifts to his colleagues.

Vice Chair Von Gemmingen presented Chairman Begich with a plaque, commemorative gavel and a gift from the Assembly.

Question was called on the motion to approve AM 113-98 and it passed without objection.

Superior Court Judge Elaine Andrews performed the swearing-in of the newly elected Assembly members, Mr. Kendall, Ms. Von Gemmingen, Mr. Wuerch, Ms. Taylor and Ms. Abney.

The meeting recessed at 7:40 p.m. and reconvened at 8:40 p.m.

- B. Assembly Reorganization.

The Assembly reconvened with the following members:

Charles Wohlforth, Bob Bell, Pat Abney, Dan Kendall, George Wuerch, Melinda Taylor, Kevin Meyer, Fay Von Gemmingen, Cheryl Clementson, Ted Carlson, Joe Murdy.

Vice Chair Von Gemmingen took the Chair.

Mr. Murdy moved, to nominate Mr. Wohlforth for Chair of the Assembly.  
seconded by Ms. Abney,

Mr. Wohlforth accepted the nomination.

Ms. Clementson moved, to nominate Ms. Von Gemmingen for Chair of the  
seconded by Mr. Bell, Assembly.

Ms. Von Gemmingen accepted the nomination.

Mr. Wuerch moved, to close nominations.  
seconded by Mr. Meyer,  
and it passed without  
objection,

Municipal Clerk Lejane Ferguson distributed, collected and tallied ballots. She announced Ms. Von Gemmingen received six votes while Mr. Wohlforth received five votes.

Mr. Meyer moved, to nominate Ms. Clementson for Vice Chair of the  
seconded by Mr. Kendall, Assembly.

Mr. Murdy moved, to nominate Mr. Carlson for Vice Chair  
seconded by Mr. Wohlforth, of the Assembly.

Mr. Wuerch moved, to close nominations.  
seconded by Mr. Meyer,  
and it passed without  
objection,

Municipal Clerk Lejane Ferguson distributed, collected and tallied ballots. She announced Ms. Clementson received seven votes while Mr. Carlson received four votes.

Ms. Clementson moved, to change the orders of the day to  
seconded by Mr. Kendall, consider item 12, New Public Hearings.  
and it passed without  
objection,

## 11. CONTINUED PUBLIC HEARINGS:

- A. Ordinance No. AO 98-73, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Title 8 to add a new Chapter 8.75, **Civil Penalties for Persons under 21 Years of Age Illegally Entering Licensed Premises**, Assemblymember Begich.

1. Assembly Memorandum No. AM 401-98.
  2. Ordinance No. AO 98-73(S), an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Title 8 to add a new Chapter 8.75, Civil Penalties for Persons under 21 Years of Age Illegally Entering Licensed Premises, Assemblymember Begich. (**addendum**)
  3. Assembly Memorandum No. AM 477-98.  
(CARRIED OVER FROM 4-28-98)
- B. Ordinance No. AO 98-72, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 2.80 pertaining to the **Assembly Policy and Budget Office**, amending Anchorage Municipal Code Section 3.30.172 C regarding Assembly-appointed classifications, and amending Anchorage Municipal Code Section 3.30.174 C regarding merit increases for Assembly executives, Assemblymember Begich.
1. Assembly Memorandum No. AM 400-98.
  2. Assembly Memorandum No. AM 442-98, Employee Relations.
  3. Ordinance No. AO 98-72(S), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 2.80 pertaining to the Assembly Policy and Budget Office, amending Anchorage Municipal Code Section 3.30.172 C regarding Assembly-appointed classifications, and amending Anchorage Municipal Code Section 3.30.174 C regarding merit increases for Assembly executives, Assemblymember Begich.
  4. Assembly Memorandum No. AM 462-98.  
(CARRIED OVER FROM 4-28-98)
- C. Ordinance No. AO 98-69, an ordinance **repealing Anchorage Ordinance No. 98-56** calling a special election April 21, 1998 and submitting a ballot proposition to alter the boundaries of the Raven Woods/Bubbling Brook Limited Road Service Area and amending Anchorage Municipal Code 27.30.700, Assemblymember Bell.
1. Assembly Memorandum No. AM 361-98.  
(CARRIED OVER FROM 4-14-98 AND 4-28-98)
- D. Ordinance No. AO 98-68, an ordinance of the Municipality of Anchorage providing for the **creation of new tariff rate schedules** herein described as seasonal rate schedules, for large commercial customers receiving service at primary voltage; providing for the creation of a new seasonal rate schedule for large commercial customers receiving service at secondary voltage; and providing for modification of the customer charge included as part of the existing seasonal rate schedules for large commercial customers receiving service as secondary voltage, Municipal Light and Power/Legal Department.
1. Assembly Memorandum No. AM 341-98.  
(CARRIED OVER FROM 4-14-98 AND 4-28-98)
- 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.
  3. Assembly Memorandum No. AM 337-98.
  4. Assembly Memorandum No. AM 360-98, AO 98-58(S): forfeitures of assets and property involved in criminal activity, Legal Department.
  5. Ordinance No. AO 98-58(S-1), 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, Assemblymembers Abney and Murdy.
  6. Assembly Memorandum No. AM 460-98.
  7. Ordinance No. AO 98-58(S-2), 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, Assemblymembers Abney and Murdy.
  8. Assembly Memorandum No. AM 461-98.  
(CONTINUED FROM 3-24-98, 4-7-98, AND 4-28-98)

Items 11.A. through 11.E. were considered later in the meeting. See item 16, Unfinished Agenda.

## 12. NEW PUBLIC HEARINGS:

- A. Ordinance No. AO 98-71, an ordinance of the Municipality of Anchorage, Alaska, providing for the issuance of water revenue and refunding bonds of the Municipality in the aggregate amount of not to exceed \$31,000,000 for the purpose of providing funds to **refund certain outstanding Senior Lien Refunding Water Revenue Bonds** and to pay costs of issuance; fixing certain covenants and protective provisions safeguarding the payment of the principal of and interest on said bonds; providing for the date, form, terms, maturities and manner of sale of the bonds; delegating to the Chief Fiscal Officer the approval of final maturity amounts and interest rates on said bonds; authorizing an official statement; and authorizing the sale of such bonds, Finance.
1. Assembly Memorandum No. AM 398-98.

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 adopt AO 98-71.  
seconded by Mr. Wuerch,

Mr. Murdy moved, to amend AO 98-71 on page 10, line 23 to read:  
seconded by Mr. Wuerch, "...The term "System" also shall include the Municipality's  
and it passed without wastewater utility if the Assembly in the future shall,  
objection, by ordinance, combine the Municipality's water and  
wastewater utilities for financing purposes."

Question was called on the motion to adopt AO 98-71 as amended and it passed:

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

- B. Ordinance No. AO 98-74, an ordinance of the Municipality of Anchorage, Alaska, **authorizing the issuance of variable rate demand notes (Alaska Seafood International Project)**, of the Municipality in an aggregate principal amount not to exceed \$48,000,000; authorizing the execution and delivery of the principal financing documents in connection therewith; authorizing the proper officials of the Municipality to do all things necessary or advisable to consummate the issuance, sale and delivery of such notes; delegating the Chief Fiscal Officer to approve the final official statement; providing the manner of sale of said notes; and providing the notes be sold to Prudential Securities Incorporated, Finance.
  1. Assembly Memorandum No. AM 402-98.
  2. Ordinance No. AO 98-74(S), an ordinance of the Municipality of Anchorage, Alaska, authorizing the issuance of variable rate demand notes (Alaska Seafood International Project), of the Municipality in an aggregate principal amount not to exceed \$48,000,000; authorizing the execution and delivery of the principal financing documents in connection therewith; authorizing the proper officials of the Municipality to do all things necessary or advisable to consummate the issuance, sale and delivery of such notes; delegating the Chief Fiscal Officer to approve the final official statement; providing the manner of sale of said notes; and providing the notes be sold to Prudential Securities Incorporated, Finance. **(addendum)**
  3. Assembly Memorandum No. AM 476-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

LARRY CASH, of Cash Barner Architects, said he and others were available to answer any questions.

In response to Ms. Clementson, STERLING GALLAGHER explained the financing was a hybrid. Due to the advantage of public funding, the client will save about one percent. The bonds are taxable and will be issued at about 5.65 percent.

In response to Mr. Murdy, AKELD ANDERSON said the plant was designed with state-of-the art technology. He did not expect any odors to escape from the plant.

In response to Mr. Bell, Mr. Gallagher confirmed the Municipality had no liability in this venture. He said the advantage to the Municipality was the creation of about 450 additional jobs in the Anchorage area.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one and she closed the public hearing.

Mr. Kendall moved, to adopt AO 98-74(S).  
seconded by Mr. Wuerch,

Ms. Clementson moved, to amend AO 98-74(S) on page 2 to add a Whereas clause  
seconded by Mr. Meyer, to read: "WHEREAS, the public interest will be served by  
and it passed without the enhancement to the local economy derived from an  
objection, estimated 450 direct and 300 indirect new jobs, the  
manufacture of products for export in an area not competing  
with other local businesses; and..."

Question was called on the motion to adopt AO 98-74(S) as amended and it passed:

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

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

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

- C. Resolution No. AR 98-95, a resolution of the Municipality of Anchorage **naming two (2) parks in Anchorage** ("McKinley View Park" shall be changed to "Suzan Nightingale McKay Memorial Park"; "Towne East Park" shall be changed to "Ira Walker Park"), Cultural and Recreational Services.
  1. Assembly Memorandum No. AM 315-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

STUART HALL, representing the Government Hill Community Council, spoke in support of the proposed Suzan Nightingale McKay Memorial Park name change. The proposal was a project of the Council to honor a beloved neighbor, mother, teacher and journalist. The park will be an appropriate tribute to her memory.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one and she closed the public hearing.

Ms. Clementson moved, to approve AR 98-95.  
seconded by Mr. Kendall,

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

- D. 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.
1. Assembly Memorandum No. AM 280-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one and she closed the public hearing.

Mr. Murdy moved, to approve AR 98-84.  
seconded by Mr. Kendall,

Mr. Murdy moved, to amend AR 98-84 on line 32 to read: "...The first  
seconded by Ms. Clementson, installment is due on August 31..." and on line 34  
and it passed without to read: installments starts to accrue on August 1, 1998..."  
objection,

Question was called on the motion to approve AR 98-84 as amended and it passed:

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

- E. Resolution No. AR 98-138, a resolution of the Municipality of Anchorage appropriating \$634,400 from within the Areawide General Capital Improvement Fund (0401) Balance, \$208,000 from within the Anchorage Parks and Recreation Capital Improvement Fund (0461) Balance, and \$45,000 from within the Chugiak-Eagle River Parks and Recreation Service Area Capital Improvement Fund (0462) Balance for **facility improvements at the Alaska Center for the Performing Arts, William A. Egan Civic and Convention Center, George M. Sullivan Arena, Anchorage Golf Course, Ben Boeke/Dempsey Ice Arenas, and the Harry J. McDonald Memorial Center**, Property and Facility Management.
1. Assembly Memorandum No. AM 410-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one and she closed the public hearing.

Mr. Murdy moved, to approve AR 98-138.  
seconded by Mr. Meyer,

Mr. Carlson asked future appropriations be noticed to the affected parks and recreation boards.

Question was called on the motion to approve AR 98-138 and it passed:

AYES: Wohlforth, Bell, Abney, Wuerch, Von Gemmingen, Meyer, Taylor, Carlson, Murdy.  
NAYS: None.

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

- F. Resolution No. AR 98-143, a resolution of the Municipality of Anchorage appropriating \$260,347 to the State Categorical Grants Fund (0231) from the Department of Community and Regional Affairs for the **JTPA Program Title IIA Adult Program**, Health and Human Services.
1. Assembly Memorandum No. AM 424-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one and she closed the public hearing.

Mr. Murdy moved, to approve AR 98-143.  
seconded by Mr. Wuerch,

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

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

- G. Resolution No. AR 98-144, a resolution of the Municipality of Anchorage appropriating \$1,340,190 of 1998 Tax Revenues from the CBERRRSA Fund (0119) to the Chugiak, Birchwood, Eagle River Rural Road Service Area (CBERRRSA) Capital Improvement Program Mill Levy Fund (0419) and \$222,593 from within the CBERRRSA Capital Improvement Program Mill Levy Fund (0419) for **road and drainage capital improvement projects**, Public Works.

1. Assembly Memorandum No. AM 425-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one and she closed the public hearing.

Mr. Murdy moved, to approve AR 98-144.  
seconded by Mr. Meyer,

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

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

- H. Resolution No. AR 98-149, a resolution of the Municipality of Anchorage **revising authorization to accept and appropriate Federal Intermodal Surface Transportation Efficiency Act (ISTEA) funding** for projects located within the Municipality of Anchorage, Office of Management and Budget.
  1. Assembly Memorandum No. AM 440-98.
  2. Resolution No. AR 98-149(S), a resolution of the Municipality of Anchorage revising authorization to accept and appropriate Federal Intermodal Surface Transportation Efficiency Act (ISTEA) funding for projects located within the Municipality of Anchorage, Office of Management and Budget. (**addendum**)
  3. Assembly Memorandum No. AM 478-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one and she closed the public hearing.

Mr. Murdy moved, to approve AR 98-149(S).  
seconded by Ms. Clementson,

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

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

- I. Resolution No. AR 98-139, a resolution **adopting the 1998 Action Plan of the Municipality of Anchorage Housing and Community Development Consolidated Plan** which constitutes the application to the United States Department of Housing and Urban Development for Community Development Block Grant, HOME Investment Partnerships, and Emergency Shelter Grants Entitlements in the amount of \$2,255,000, \$897,000, and \$90,000 respectively, and appropriates said funds, together with \$242,032 program income to the Federal Categorical Grants Fund (0241), Community Planning and Development.
  1. Assembly Memorandum No. AM 411-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one and she closed the public hearing.

Mr. Murdy moved, to approve AR 98-139  
seconded by Ms. Clementson,

In response to Ms. Clementson, Mitzi Barker of Community Planning and Development explained the Housing and Neighborhood Development committee would review eligibility of renaissance zone schools for funding. The committee would then propose an amendment to the plan.

Question was called on the motion to approve AR 98-139 and it passed:

AYES: Wohlforth, Bell, Wuerch, Von Gemmingen, Meyer, Taylor, Clementson, Carlson, Murdy.  
NAYS: None.

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

- J. Resolution No. AR 98-137, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Beverage Dispensary Tourism License) located at Original Townsite Subdivision, Block 77, Lot 7A, generally located on the north side of West 8th Avenue and between "D" & "C" Streets (John Blomfield d.b.a **Clarion Suite Choice Picks Food Court**) (Case 98-078), Community Planning and Development.
  1. Assembly Memorandum No. AM 408-98.

Mr. Murdy declared a conflict of interest. He works with the corporation building the hotel and the owner of the hotel.

Mr. Meyer moved, the question "does Mr. Murdy have a significant financial  
seconded by Mr. Wohlforth, interest in the matter before the Assembly?"

In response to Mr. Bell, Mr. Murdy said he would not be affected financially by the Assembly's action on this item. However, he was paid to prepare and submit the application, so he felt uncomfortable about voting on the item.

Question was called on whether Mr. Murdy had a significant financial interest and it passed:

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

NAYS: Bell.

ABSTAIN: Murdy.

Mr. Bell disclosed a potential conflict of interest. His firm performed civil and electrical work on the project. His role is complete, and he has no ownership in the project.

Mr. Meyer moved,  
seconded by Mr. Wohlforth,

the question "does Mr. Bell have a significant financial interest in the matter before the Assembly?"

AYES: Wohlforth, Abney, Kendall, Taylor.

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

ABSTAIN: Bell.

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

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one and she closed the public hearing.

Mr. Carlson moved,  
seconded by Mr. Wuerch,

to approve AR 98-137.

Ms. Clementson pointed out although this license was designated *tourism*, it would add to the already too-high number of beverage dispensary and package store licenses in Anchorage. Since tourism license applications are increasing, she suggested the Assembly consider studying the issue or placing some limit on tourism licenses.

Question was called on the motion to approve AR 98-137 and it passed:

AYES: Wohlforth, Bell, Abney, Kendall, Wuerch, Von Gemmingen, Meyer, Taylor, Clementson, Carlson,

NAYS: None.

ABSTAIN: Murdy.

- K. Ordinance No. AO 98-62, an ordinance amending the zoning map and providing for the rezoning from R-O (Residential Office District) to B-3 (General Business District) for the **east portion of Lot 3B, Stockhausen Subdivision**, generally located along the west side of the Old Glenn Highway and south of Dolly Avenue within the SE 1/4 of the SW 1/4 of Section 3, T15N, R1W, Seward Meridian, Alaska (Chugiak Community Council) (Planning and Zoning Commission Case 97-179), Community Planning and Development.
1. Assembly Memorandum No. AM 314-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one and she closed the public hearing.

Mr. Murdy moved,  
seconded by Mr. Kendall,

to adopt AO 98-62.

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

NAYS: None.

- L. Ordinance No. AO 98-63, an ordinance amending AO 97-111 (rezoning from R-2M (Multi-Family Residential) Zoning District to B-3 SL (General Business with Special Limitations) Zoning District for 1.50 acres in **Lake Spenard Park Subdivision, the East 2/3's of Lots 1, 2, and 3, Block 4**, generally located on the east side of Spenard Road and north of Iris Drive approved 9/23/97) by enlarging the time within to complete conditions precedent to effectiveness of the rezoning ordained by AO 97-111 (Spenard Community Council) (Planning and Zoning Commission Case 97-054), Assemblymember Von Gemmingen.
1. Assembly Memorandum No. AM 332-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one and she closed the public hearing.

Mr. Murdy moved,  
seconded by Mr. Kendall,

to adopt AO 98-63.

In response to Ms. Clementson, Chair Von Gemmingen explained the partner in the corporation with information on the project left town abruptly. The remaining partners want additional time, in part to decide the final use for the land.

Question was called on the motion to adopt AO 98-63 and it passed:

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

NAYS: Clementson.

### 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, 4-7-98, 4-14-98, AND 4-28-98)
- B. Appeal 97-148, Maui Industrial Park, Clerk's Office.  
(CARRIED OVER FROM 4-7-98, 4-14-98, AND 4-28-98)

These items were considered earlier in the meeting. See after item 9.

14. **SPECIAL ORDERS:**

- A. Assembly Memorandum No. AM 113-98, certification of the April 21, 1998, Regular and Special Municipal Elections, Clerk's Office.
- B. Assembly Reorganization.

These items were considered earlier in the meeting. See after item 10.

15. **ASSEMBLY COMMENTS:** See Special Orders earlier in the meeting and item 16.

16. **UNFINISHED AGENDA:**

- A. Ordinance No. AO 98-73, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Title 8 to add a new Chapter 8.75, **Civil Penalties for Persons under 21 Years of Age Illegally Entering Licensed Premises**, Assemblymember Begich.
  - 1. Assembly Memorandum No. AM 401-98.
  - 2. Ordinance No. AO 98-73(S), an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Title 8 to add a new Chapter 8.75, Civil Penalties for Persons under 21 Years of Age Illegally Entering Licensed Premises, Assemblymember Begich. (**addendum**)
  - 3. Assembly Memorandum No. AM 477-98.  
(CARRIED OVER FROM 4-28-98)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

OSI BADDON III, representing Brown Jug, Inc., said over the last two years there has been a dramatic increase in the number of fraudulent and under-age identification cards seized by Brown Jug employees. Over 50 percent of fraudulent documents are manufactured by the State of Alaska Division of Motor Vehicles. Changes to State law have reduced penalties for minors in possession, so the deterrent is minimal. Current alcohol enforcement focuses on store clerks, resulting in heavy penalties if a clerk is fooled by a minor. He felt enforcement should begin when the law is broken by a minor entering a premises and carrying a potential purchase to the counter. The proposed ordinance would provide substantial penalties for violation, and a significant incentive for licensees to scrutinize identification. He pointed out the list of exceptions should include accompaniment by an adult spouse.

In response to Mr. Meyer, Mr. Baddon said Brown Jug intended to pursue prosecution of minors under this law, if adopted.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one and she closed the public hearing.

Mr. Kendall moved, to adopt AO 98-73(S).  
seconded by Mr. Meyer,

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

(Clerk's Note: Mr. Wohlforth was out of the room at the time of the vote. See AIM 110-98, accepted September 15, 1998, for Revisor of Ordinances' comments on this ordinance.)

- B. Ordinance No. AO 98-72, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 2.80 pertaining to the **Assembly Policy and Budget Office**, amending Anchorage Municipal Code Section 3.30.172 C regarding Assembly-appointed classifications, and amending Anchorage Municipal Code Section 3.30.174 C regarding merit increases for Assembly executives, Assemblymember Begich.
  - 1. Assembly Memorandum No. AM 400-98.
  - 2. Assembly Memorandum No. AM 442-98, Employee Relations.
  - 3. Ordinance No. AO 98-72(S), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 2.80 pertaining to the Assembly Policy and Budget Office, amending Anchorage Municipal Code Section 3.30.172 C regarding Assembly-appointed classifications, and amending Anchorage Municipal Code Section 3.30.174 C regarding merit increases for Assembly executives, Assemblymember Begich.
  - 4. Assembly Memorandum No. AM 462-98.  
(CARRIED OVER FROM 4-28-98)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one and she closed the public hearing.

Mr. Murdy moved, to adopt AO 98-72(S).  
seconded by Mr. Kendall,

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

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

- C. Ordinance No. AO 98-69, an ordinance **repealing Anchorage Ordinance No. 98-56** calling a special election April 21, 1998 and submitting a ballot proposition to alter the boundaries of the Raven Woods/Bubbling Brook Limited Road Service Area and amending Anchorage Municipal Code 27.30.700, Assemblymember Bell.
  - 1. Assembly Memorandum No. AM 361-98.

(CARRIED OVER FROM 4-14-98 AND 4-28-98)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one and she closed the public hearing.

Mr. Bell moved, to table AO 98-69.  
seconded by Mr. Wuerch,

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

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

- D. Ordinance No. AO 98-68, an ordinance of the Municipality of Anchorage providing for the **creation of new tariff rate schedules** herein described as seasonal rate schedules, for large commercial customers receiving service at primary voltage; providing for the creation of a new seasonal rate schedule for large commercial customers receiving service at secondary voltage; and providing for modification of the customer charge included as part of the existing seasonal rate schedules for large commercial customers receiving service as secondary voltage, Municipal Light and Power/Legal Department.

1. Assembly Memorandum No. AM 341-98.

(CARRIED OVER FROM 4-14-98 AND 4-28-98)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one and she closed the public hearing.

Ms. Clementson moved, to adopt AO 98-68.  
seconded by Mr. Kendall,

AYES: Bell, Abney, Kendall, Wuerch, Von Gemmingen, Taylor, Clementson, Carlson.  
NAYS: None.

(Clerk's Note: Messrs. Wohlforth, Meyer and Murdy were out of the room at the time of the vote.)

- 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.

3. Assembly Memorandum No. AM 337-98.

4. Assembly Memorandum No. AM 360-98, Legal Department.

5. Ordinance No. AO 98-58(S-1), 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, Assemblymembers Abney and Murdy.

6. Assembly Memorandum No. AM 460-98.

7. Ordinance No. AO 98-58(S-2), 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, Assemblymembers Abney and Murdy.

8. Assembly Memorandum No. AM 461-98.

(CONTINUED FROM 3-24-98, 4-7-98, AND 4-28-98)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

PAUL HONEMAN, an officer with the Anchorage Police Department, said although he is not currently a drug investigator, in the course of his job has encountered two cases which would justify the proposed ordinance. Over \$7,000 in assets was seized, but had to be returned to the offender. He stressed the intent of the ordinance was not to seize property of innocent landlords. The focus would be on assets of drug dealers and users.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one.

Mr. Kendall moved, to continue the public hearing until June 9, 1998.  
seconded by Mr. Meyer,  
and it passed without  
objection,

Ms. Abney requested the Municipal Attorney clarify laws on seizure of assets without a conviction.

- F. Assembly Memorandum No. AM 370-98, Captain's Club (Duplicate) - Transfer of Ownership of a Beverage Dispensary Liquor License (Rogers Park/Spenard Community Councils), Clerk's Office.  
(CARRIED OVER FROM 4-14-98; POSTPONED FROM 4-28-98)
- G. Assembly Memorandum No. AM 371-98, Captain's Galley Steak & Seafood Restaurant - Transfer of Ownership of a Beverage Dispensary Liquor License (Rogers Park/Spenard Community Councils), Clerk's Office.  
(CARRIED OVER FROM 4-14-98; POSTPONED FROM 4-28-98)

Mr. Meyer distributed copies of AR 98-11(S), approved on January 27, 1998, a resolution protesting the continued operation of a beverage dispensary license at 3230 Old Seward Highway dba The Captain's Club.

Mr. Meyer moved,  
seconded by Mr. Wuerch,

to amend AR 98-11(S), previously adopted, in Section 1 to read: "That for the reasons set forth above and subject to the following conditions agreed to by the licensee, the Municipality of Anchorage hereby waives protest of the continued operation of the beverage dispensary license for Demir Redzepe and Chong Wick dba The Captain's Club, 3230 Old Seward Highway, Anchorage, Alaska. The agreed to conditions, effective March 1, 1998 and continuing until the licensee's next, regular bi-annual renewal are:", delete Section 2 in its entirety and renumber the following sections accordingly.

In response to Mr. Meyer, George Kalis explained the license was owned by a corporation in which Mr. Redzepe has an 88 percent interest. Mr. Redzepe is in agreement with the conditions that the Assembly placed on the license a few months ago.

In response to Mr. Carlson, Mr. Kalis said six percent of the corporation is owned by Tommy Lee and six percent is owned by a woman named Veronica.

Mr. Wuerch moved,  
seconded by Mr. Carlson,  
and it passed without  
objection,

to amend the amendment to delete the words "agreed to by the licensee" and the words "Demir Redzepe and Chong Wick dba".

Question was called on the motion to amend AR 98-11(S), previously adopted, and it passed:

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

Question was called on the motion to approve AM 370-98 and it passed:

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

Question was called on the motion to approve AM 371-98 and it passed:

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

H. **Assembly Comments.**

- Ms. Clementson requested information on a march to be held downtown on May 7, including provisions for notifying affected businesses.

Operations Manager George Vakalis explained the Native Alaskan march would include from 800 to 1,000 people from 3:00 to 5:30 p.m. The route is from 4th Avenue to G Street, which will be closed, to 6th Avenue which will have one lane closed, down 6th to C Street, on C Street marchers will walk on the sidewalk until 10th Avenue. On 10th Avenue the procession will continue to the flag pole on the Park Strip, using the parking lane on 10th. Adequate police officers will be in attendance, mainly to direct bus traffic so service is not interrupted. Some parade marshals have been trained and others will attend training this week. Affected businesses are being notified.

- Ms. Abney pointed out according to the Municipal Code it is illegal to sell tobacco products in a building which is owned, leased or operated by the Municipality. She questioned the sale of tobacco in the Transit Center.

Municipal Attorney Mary Hughes noted the Anchorage Parking Authority is the owner and lessor of the Transit Center building. She said the administration is working with the Parking Authority to determine the affect of the Municipal law on their current leases.

17. **AUDIENCE PARTICIPATION:**

BARBARA WEINIG requested the Assembly public hearing procedures be changed to provide that substitute ordinances be available to the public prior to closure of the public hearings.

18. **EXECUTIVE SESSIONS:** None.

19. **ADJOURNMENT:**

Mr. Murdy moved, to adjourn.  
 seconded by Mr. Meyer,  
 and it passed without  
 objection,

The meeting adjourned at 10:25 p.m.

\_\_\_\_\_  
 Chair

ATTEST:

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

Date Minutes Approved: August 18, 1998

LF/db

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