

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of June 2, 1998

1. CALL TO ORDER:

The meeting was convened at 5:00 p.m. by Chair Fay Von Gemmingen in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. ROLL CALL:

Present: Bob Bell, Ted Carlson, George Wuerch, Melinda Taylor, Charles Wohlforth, Fay Von Gemmingen, Cheryl Clementson, Kevin Meyer, Pat Abney, Dan Kendall, Joe Murdy.
Absent: None.

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Mr. Murdy.

4. MINUTES OF PREVIOUS MEETING:

A. Regular Meeting - March 31, 1998

Ms. Abney moved, to approve the minutes of the regular
seconded by Mr. Meyer, meeting of March 31, 1998.
and it passed without
objection,

5. MAYOR'S REPORT:

Mayor Mystrom updated the Assembly on progress of a skateboard park. Six potential locations have been identified; important criteria include access, visibility, neighborhood proximity. He asked the Chair to appoint a three-person committee of Assembly members to review the sites and make a recommendation.

Chair Von Gemmingen noted Mr. Murdy, Mr. Wuerch and Mr. Meyer have been appointed to this committee.

Mayor Mystrom felt the facility could be built this year with existing funds if the selected site is already paved.

Mr. Wohlforth requested the committee involve affected community councils when considering a site for the park. He noted residents are concerned about noise associated with skateboarding activities.

Mayor Mystrom also outlined a tentative agenda for an upcoming breakfast meeting with Assembly members.

6. ADDENDUM TO AGENDA:

Mr. Wuerch moved, to amend the agenda to include
seconded by Mr. Meyer, the addendum items.

Chair Von Gemmingen read the addendum items.

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

7. CONSENT AGENDA:

Ms. Clementson moved to approve all items on the
seconded by Mr. Meyer, consent agenda as amended.

A. BID AWARDS:

1. Assembly Memorandum No. AM 545-98, recommendation of award to Frontier Paper, Inc. for furnishing **xerographic paper** to the Municipality of Anchorage, Purchasing Department (ITB 98-53), Purchasing.

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

2. Assembly Memorandum No. AM 546-98, recommendation of award to SeaCoast Construction Co., Inc., for **miscellaneous pedestrian safety improvements-Russian Jack Elementary** for the Municipality of Anchorage, Public Works (ITB 98-C20), Purchasing.
3. Assembly Memorandum No. AM 547-98, recommendation of award to N.C. Machinery, Inc. for furnishing a **front-end wheel loader** to the Municipality of Anchorage, Solid Waste Services (ITB 98-52), Purchasing.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 98-98, an ordinance of the Municipality of Anchorage creating Street Construction Special Assessment District ISA98 - **street drainage and street light construction for Spalding Circle and Racquet Circle** and determining to proceed with proposed improvements therein, Public Works. public hearing 7-14-98.
 - a. Assembly Memorandum No. AM 534-98.
2. Ordinance No. AO 98-99, an ordinance of the Municipality of Anchorage creating Street Reconstruction Special Assessment District 6SR98 - **street and drainage reconstruction for Albatross Drive and Curlew Circle** and determining to proceed with proposed improvements, Public Works. public hearing 7-14-98.
 - a. Assembly Memorandum No. AM 535-98.
3. Ordinance No. AO 98-100, an ordinance of the Anchorage Municipal Assembly approving the **grant of an easement to the State of Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation consisting of a specified 60 foot wide easement over and across Heritage Land Bank Parcel 1-008** being a portion of the Ptarmigan Valley Trail off the Old Glenn Highway in Chugiak and located within the East 1/2 of the Southeast 1/4 and the Southwest 1/4 of the Southeast 1/4 and the East 1/2 of the Northwest 1/4 of the Southeast 1/4 and the South 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Southeast 1/4 and the Northeast 1/4 of the Southeast 1/4 of the Southwest 1/4 the East 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Southwest 1/4 and the East 1/2 of the West 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of all of Section 16, Township 15 North, Range 1 West, Seward Meridian, Alaska, Heritage Land Bank. public hearing 7-14-98.
 - a. Assembly Memorandum No. AM 549-98.
4. Ordinance No. AO 98-101, an ordinance amending Anchorage Municipal Code Title 21 by enacting a new Chapter 21.67, Stormwater Discharge, to provide for **stormwater restrictions and system plan review**, Public Works. public hearing 6-9-98.
 - a. Assembly Memorandum No. AM 564-98.
5. Resolution No. AR 98-177, a resolution of the Municipality of Anchorage providing for a **revision of the Anchorage School District Budget for FY 1998-99**, Anchorage School District. public hearing 6-9-98.
 - a. Assembly Memorandum No. AM 531-98.

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

6. Resolution No. AR 98-185, a resolution of the Municipality of Anchorage **accepting, appropriating, reappropriating and deleting State of Alaska legislative grants per Senate Bill 321**, Office of Management and Budget. public hearing 6-9-98.
 - a. Assembly Memorandum No. AM 554-98.
7. Resolution No. AR 98-189, a resolution of the Municipality of Anchorage, Alaska, accepting and appropriating State of Alaska matching grant funds in the amount of \$2,000,000 for **projects constructed under the ADEC Matching Grant Program** (Senate Bill 231), Water and Wastewater Utility. public hearing 6-9-98.
 - a. Assembly Memorandum No. AM 565-98.
8. Resolution No. AR 98-190, a resolution of the Municipality of Anchorage appropriating \$5,500,000 of proceeds from the sale of revenue bonds to the Anchorage Parks and Recreation Service Area CIB Fund (0461) for the **Dempsey Anderson Ice Arena expansion**, Property and Facility Management. public hearing 6-9-98. **(addendum)**
 - a. Assembly Memorandum No. AM 567-98.
9. Resolution No. AR 98-194, a resolution of the Municipality of Anchorage appropriating \$300,000 from Areawide General Fund Balance (0101) to the Municipal Attorney Office for **business and sale consulting services for the acquisition by a purchaser of the assets of the Anchorage Telephone Utility**, Office of Management and Budget. public hearing 6-9-98. **(addendum)**
 - a. Assembly Memorandum No. AM 581-98.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 98-69, a resolution of the Anchorage Municipal Assembly **approving an appointment to a three-year seat on the Anchorage Telephone Utility (ATU) Labor Board**, Assembly Chair Von Gemmingen.

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

2. Resolution No. AR 98-179, a resolution authorizing the granting of a **tax refund to Karen Malcom as a result of manifest clerical error** on Business Personal Property Account 500336, Finance.
 - a. Assembly Memorandum No. AM 536-98.
3. Resolution No. AR 98-180, a resolution of the Anchorage Municipal Assembly appropriating \$30,000 from Areawide General Fund Balance (0101) to Non-Departmental to be used as a **grant to the Anchorage School District for the Clark and Wendler Middle Schools' On Stage Delinquency Prevention and Literacy Enhancement Program**, Assemblymember Abney.
 - a. Assembly Memorandum No. AM 541-98.

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

4. Resolution No. AR 98-184, a resolution of the Anchorage Municipal Assembly appropriating the sum of \$1,500 from the State of Alaska, Department of Public Safety, Highway Safety Planning Agency for the **Bicycle/Pedestrian Safety Program**, Anchorage Police Department.
 - a. Assembly Memorandum No. AM 550-98.
5. Resolution No. AR 98-186, a resolution authorizing the Municipality to **acquire BLM Lot 173 of Section 33, T12N, R3W, Seward Meridian** located near the northeast corner of Rabbit Creek Road and Wildien Drive, Tax #018-292-21, as part of the approved Rabbit Creek Greenbelt Plan, Public Works.

- a. Assembly Memorandum No. AM 555-98.
6. Resolution No. AR 98-187, a resolution of the Municipality of Anchorage appropriating \$10,500 from the Fire Service Area (0131) Fund Balance to the Anchorage Fire Department; \$18,900 from the Anchorage Metropolitan Police Service Area (0151) Fund Balance to the Anchorage Police Department; and \$600 from the Areawide General (0101) Fund Balance to the Anchorage Fire Department to obtain outside contract legal services to assist in the **litigation of Gallion, Jack et al v. AP&FRS**, Case No. 3AN-98-4563, Legal Department.
 - a. Assembly Memorandum No. AM 560-98.
7. Resolution No. AR 98-188, a resolution of the Municipality of Anchorage appropriating \$20,000 from the Anchorage Metropolitan Police Service Area (0151) Fund Balance to the Anchorage Police Department to obtain additional contract paralegal services to assist in the **litigation of Rob Heun v. MOA**, Legal Department.
 - a. Assembly Memorandum No. AM 561-98.
8. Resolution No. AR 98-181, a resolution of the Anchorage Municipal Assembly **expressing appreciation to Kenneth Lane for his nearly 24 years of service** to the Municipality of Anchorage, Assemblymembers Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Taylor, Von Gemmingen, Wohlforth, and Wuerch.

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

9. Resolution No. AR 98-183, a resolution of the Anchorage Municipal Assembly **recognizing "Teen of the Year" Brian J. Osborn**, Assemblymembers Carlson, Abney, Bell, Clementson, Kendall, Meyer, Murdy, Taylor, Von Gemmingen, Wohlforth, and Wuerch.

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

10. Resolution No. AR 98-195, a resolution of the Anchorage Municipal Assembly recognizing and **thanking Brigadier General William J. Lake for his service, leadership and support of community activities** during his tenure as Commander, 3rd Wing, Elmendorf Air Force Base, Alaska, Assemblymembers Wuerch, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Taylor, Von Gemmingen, Wohlforth, and Wuerch. (**addendum**)
11. Resolution No. AR 98-196, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Detective Billy F. Reeder, Jr. for his 20 years of service** with the Anchorage Police Department, Assemblymembers Murdy, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Taylor, Von Gemmingen, Wohlforth, and Wuerch. (**addendum**)

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

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 543-98, **Bidding Review Board appointment** (Dale Morman), Mayor's Office.
2. Assembly Memorandum No. AM 544-98, **Mt. Park/Robin Hills Limited Road Service Area Board of Supervisors appointment** (Brian Hoefler), Mayor's Office.
3. Assembly Memorandum No. AM 556-98, **Girdwood Board of Supervisors appointment** (Julie Jonas), Mayor's Office.
4. Assembly Memorandum No. AM 557-98, **Mountain Park Estates Limited Road Service Area Board of Supervisors appointments** (Dan Repasky, J. R. Eker), Mayor's Office.
5. Assembly Memorandum No. AM 558-98, **Transportation Commission appointment** (Tracey Knutson), Mayor's Office.
6. Assembly Memorandum No. AM 537-98, the **sunset of AO 95-98 the Anchorage Solid Waste Commission and AO 95-99 the Anchorage Women's Commission**, Municipal Clerk.
7. Assembly Memorandum No. AM 538-98, change order #2 to provide **parking lot and sidewalk maintenance**, PO #70327, Property and Facility Management.
8. Assembly Memorandum No. AM 539-98, change order No. 2 to purchase order 71707 to exercise the option with Broshum Janitorial to providing **custodial services** to the Municipality of Anchorage, Department of Property and Facility Management/Purchasing.
9. Assembly Memorandum No. AM 540-98, recommendation of award to Michael Investments, Ltd. for providing **leased space for the Anchorage Equal Rights Commission** for the Municipality of Anchorage, Department of Property and Facility Management (RFP 13-98), Purchasing.
10. Assembly Memorandum No. AM 551-98, recommendation of award to Coffman Engineers, Inc. for providing **various engineering services** of the Municipality of Anchorage, Municipal Light and Power (RFP 7-98), Purchasing.
11. Assembly Memorandum No. AM 552-98, Findings and Conclusions, Appeal 97-148 - **Maui Industrial Park, Block 3, Lot 2A**, Community Planning and Development.

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

12. Assembly Memorandum No. AM 559-98, change order No. 2 to purchase order 71641 with GeoNorth, Inc. for providing **software maintenance** for the Municipality of Anchorage, Public Works Department/Purchasing.
13. Assembly Memorandum No. AM 562-98, amendment No. 2 to professional legal services contract with Stoel Rives, LLP regarding the **litigation of Bruns & Saathoff v. MOA**, Legal Department.
14. Assembly Memorandum No. AM 563-98, approval of change order No. 3 to purchase order number 62837, **legal services contract** with Delaney, Wiles, Hayes, Gerety, Ellis & Young, Legal Department.
15. Assembly Memorandum No. AM 566-98, Public Hearing Request July 14, 1998 for **South Seas Hotel and Lounge Liquor License**, protested January 27, 1998, Municipal Clerk.

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 67-98, **Sole Source Procurement Report** for the month of April 1998, Purchasing.
2. Information Memorandum No. AIM 68-98, Internal Audit Report 98-10 - **Animal Control, Health and Human Services**/Internal Audit.

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

3. Information Memorandum No. AIM 69-98, report of **Public Works' construction contract amendments**, Purchasing.
4. Information Memorandum No. AIM 71-98, waiver of formal procedures for the purchase and delivery of **60" diameter spriolite pipe** in support of the Port of Anchorage SeaLand Storm Drain System Outfall Replacement Project, Purchasing.

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

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

NAYS: None.

8. **REGULAR AGENDA:**

A. TIME CRITICAL ITEMS: None.

B. BID AWARDS:

1. Assembly Memorandum No. AM 545-98, recommendation of award to Frontier Paper, Inc. for furnishing **xerographic paper** to the Municipality of Anchorage, Purchasing Department (ITB 98-53), Purchasing.

Ms. Abney moved, to approve AM 545-98.
seconded by Ms. Clementson,

In response to Ms. Abney, Purchasing Officer Ted Chenier said the proposed contract term was one year, with two one-year renewal options.

In response to Mr. Meyer, Mr. Chenier said the specifications in the bid included paper of a quality that is compatible with copiers.

Question was called on the motion to approve AM 545-98 and it passed without objection.

C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Resolution No. AR 98-177, a resolution of the Municipality of Anchorage providing for a **revision of the Anchorage School District Budget for FY 1998-99**, Anchorage School District.
public hearing 6-9-98.
 - a. Assembly Memorandum No. AM 531-98.

Ms. Clementson, Mr. Wohlforth and Mr. Wuerch joined in introducing this resolution. The public hearing was scheduled for June 9, 1998.

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 98-69, a resolution of the Anchorage Municipal Assembly **approving an appointment to a three-year seat on the Anchorage Telephone Utility (ATU) Labor Board**, Assembly Chair Von Gemmingen.

Ms. Clementson moved, to approve AR 98-69.
seconded by Mr. Wohlforth,

Mr. Wohlforth spoke in support of reappointing Mr. Van Flein to the ATU Labor Board.

Deputy Municipal Clerk Vickie Cantrell tallied ballots of Assembly members.

Chair Von Gemmingen announced Mr. Van Flein received the majority of the votes.

Mr. Wohlforth moved, to amend AR 98-69 on line 25 to
seconded by Mr. Meyer, read: "That Thomas Van Flein is
and it passed without appointed..."
objection,

Question was called on the motion to approve AR 98-69 as amended and it passed without objection.

2. Resolution No. AR 98-183, a resolution of the Anchorage Municipal Assembly **recognizing "Teen of the Year" Brian J. Osborn**, Assemblymembers Carlson, Abney, Bell, Clementson, Kendall, Meyer, Murdy, Taylor, Von Gemmingen, Wohlforth, and Wuerch.

Mr. Carlson moved, to approve AR 98-183.
seconded by Ms. Clementson,
and it passed without
objection,

Mr. Wuerch read the resolution while Mr. Carlson presented it to Mr. Osborn.

Mr. Osborn thanked the Assembly. He also thanked his teacher at the King Career Center, Mr. Woods. He praised the SAVE program.

3. Resolution No. AR 98-180, a resolution of the Anchorage Municipal Assembly appropriating \$30,000 from Areawide General Fund Balance (0101) to Non-Departmental to be used as a **grant to the Anchorage School District for the Clark and Wendler Middle Schools' On Stage Delinquency Prevention and Literacy Enhancement Program**, Assemblymember Abney.
a. Assembly Memorandum No. AM 541-98.

Ms. Clementson moved, to approve AR 98-180.
seconded by Mr. Wohlforth,

Ms. Clementson noted according to Superintendent Bob Christal, the Anchorage School District did not request this grant and the administration has no knowledge of the proposed grant.

Ms. Abney said Mr. Christal was contacted about this grant, and there was a positive response.

Mr. Wohlforth spoke in support of the grant. He said the program seems to be positive and is making a big difference in the lives of Mountain View kids.

Mr. Wuerch moved, to table action on AR 98-180.
seconded by Mr. Carlson,

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

4. Resolution No. AR 98-181, a resolution of the Anchorage Municipal Assembly **expressing appreciation to Kenneth Lane for his nearly 24 years of service** to the Municipality of Anchorage, Assemblymembers Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Taylor, Von Gemmingen, Wohlforth, and Wuerch.

Mr. Carlson moved, to approve AR 98-181.
seconded by Mr. Kendall,
and it passed without
objection,

Mr. Wuerch read the resolution while Mr. Carlson presented it to Mr. Lane.

Mr. Lane thanked the Assembly.

5. Resolution No. AR 98-196, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Detective Billy F. Reeder, Jr. for his 20 years of service** with the Anchorage Police Department, Assemblymembers Murdy, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Taylor, Von Gemmingen, Wohlforth, and Wuerch. **(addendum)**

Mr. Murdy moved, to approve AR 98-196.
seconded by Ms. Abney,
and it passed without
objection,

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 552-98, Findings and Conclusions, Appeal 97-148 - **Maui Industrial Park, Block 3, Lot 2A**, Community Planning and Development.

Ms. Clementson moved, to approve AM 552-98.
seconded by Mr. Wohlforth,

Ms. Clementson moved, to amend AM 552-98 in Conclusion #2
seconded by Mr. Wohlforth, to read: "...that the site is near a
and it passed without residential area..."
objection,

Ms. Clementson moved, to amend AM 552-98 to delete
seconded by Mr. Wohlforth, Conclusion #3 in its entirety.

Mr. Wohlforth moved, to amend the amendment to change
and it was accepted as a Conclusion #3 to read: "This salvage
friendly amendment, yard is an eyesore."

Question was called on Ms. Clementson's motion to amend as amended and it passed without objection.

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

to amend AM 552-98 in Conclusion #4
to read: "...his past actions has
violated the zoning laws..."

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

to amend AM 552-98 to add a new Conclusion #5
to read: "The development of a large salvage yard
requiring numerous conditions for approval is not
compatible with surrounding development and is not
practical to enforce."

Question was called on the motion to approve AM 552-98 as amended and it passed without objection.

F. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 68-98, Internal Audit Report 98-10 - **Animal Control, Health and Human Services**/Internal Audit.

Mr. Bell moved,
seconded by Mr. Wohlforth,

to accept AIM 68-98.

Mr. Bell expressed concern the audit indicated the animal control contractor has failed in every category, and Health and Human Services staff is stepping in to supervise the contractor. He felt if the contractor cannot perform as required, the contract should be re-bid.

Mr. Wuerch requested a more detailed written response from the administration on actions taken to correct the deficiencies in the audit.

In response to several members, Health and Human Services Director Elaine Christian said she could provide information in addition to the staff response attached to the audit. She explained DeeAnn Fetko was the contract monitor, and Bruce Kid will be working with Miles Fujimoto on the contract. There was a response from the contractor, which was not included in this packet. She will provide a copy to Assembly members. Ms. Christian said the contract began in mid-1997, and will terminate December 31, 1998. Staff is concerned about the contract and is monitoring progress very closely. The Assembly will be updated in a timely manner.

In response to Mr. Bell, Internal Auditor Pete Raiskums said the audit was limited in scope and did not include evaluation of qualifications of the contract administrator. He noted the administration requested an audit of certain items; the contractor is performing well in some areas not audited. Mr. Raiskums added the transition from the previous contractor was not smooth, and the new contractor did not receive some of the documentation necessary to perform. He felt this rocky transition contributed to some of the problems outlined in the audit.

Question was called on the motion to accept AIM 68-98 and it passed with Mr. Murdy and Ms. Clementson objecting.

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

- A. Information Memorandum No. AIM 63-98, Bar Violations/Quarterly Report (Gallo's Mexican Restaurant - 8311 Arctic Blvd; Railway Brewing Co. - 431 West 1st Ave.; Seven-Eleven #002 - 4608 Spenard Rd.), Anchorage Police Department.
(POSTPONED FROM 5-19-98)

Chair Von Gemmingen gave the history of the memorandum and noted a motion to accept was on the floor.

In response to Mr. Wohlforth, Dan Coffey addressed the Assembly representing Gallo's Mexican Restaurant. He clarified the incidents in the Bar Violations report, and described the actions and policies implemented to correct the problems.

Mr. Kendall requested Mr. Gallo return to the Assembly on July 14, after the hearing before the State Alcoholic Beverage Control Board.

Question was called on the motion to accept AIM 63-98 and it passed without objection.

The meeting recessed at 6:05 p.m. and reconvened at 6:40 p.m. Mr. Carlson was excused and left the meeting during the recess.

10. APPEARANCE REQUESTS: None.

11. CONTINUED PUBLIC HEARINGS:

- A. Resolution No. AR 98-136, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Restaurant/Eating Place Liquor License) located on North Addition, Block O, Lot 11A, generally located between East Loop Road and East Bluff Road and southwest of Bilbo Street. (Hong Kim d.b.a. **International Palace**) (Case 98-080), Community Planning and Development.
 1. Assembly Memorandum No. AM 407-98.
(CONTINUED FROM 5-19-98)

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. Wohlforth moved, to approve AR 98-136.
seconded by Ms. Clementson,

Mr. Wohlforth noted the Community Council met with the applicant, and supports the resolution.

Question was called on the motion to approve AR 98-136 and it passed:

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

(Clerk's Note: Mr. Carlson had left the meeting and Ms. Abney was out of the room at the time of the vote.)

12. NEW PUBLIC HEARINGS:

- A. Ordinance No. AO 98-86, an ordinance **continuing or reestablishing the Board of Building Regulation Examiners and Appeals** pursuant to Anchorage Municipal Code Section 4.05.150, Municipal Clerk.
1. Assembly Memorandum No. AM 479-98.
 2. Assembly Memorandum No. AM 553-98, Public Works.

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 98-86.
seconded by Ms. Clementson,

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

(Clerk's Note: Mr. Carlson had left the meeting at the time of the vote.)

- B. Resolution No. AR 98-167, a resolution of the Municipality of Anchorage appropriating \$1,185,581 to the State Categorical Grants Fund (0231) from the Department of Community and Regional Affairs for the **JTPA Program**, Health and Human Services.
1. Assembly Memorandum No. AM 484-98.

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 98-167.
seconded by Ms. Clementson,

In response to Ms. Clementson, Health and Human Services Director Elaine Christian clarified academic training in the program is provided by staff.

Question was called on the motion to approve AR 98-167 and it passed:

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

(Clerk's Note: Mr. Carlson had left the meeting at the time of the vote.)

- C. Resolution No. AR 98-168, a resolution of the Municipality of Anchorage appropriating \$2,336,903 to the Equipment Maintenance Internal Service Capital Fund (0606) from various sources for the purpose of **purchasing vehicles and equipment**, Property and Facility Management.
1. Assembly Memorandum No. AM 485-98.

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 98-168.
seconded by Mr. Meyer,

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

(Clerk's Note: Mr. Carlson had left the meeting at the time of the vote.)

- D. Ordinance No. AO 98-94, an ordinance of the Municipality of Anchorage, Alaska, providing for the **issuance of Ice Rink Revenue Bonds** of the Municipality of Anchorage in the aggregate amount of not to exceed \$5,500,000 for the purpose of providing funds to pay all or a part of the cost of acquiring, constructing and equipping an ice rink facility and to pay costs of issuance, including reserves as necessary; providing for the form and manner of sale of the bonds; and authorizing the preparation and approval of a preliminary and final official statement; and authorizing the sale of such bonds, Finance.
1. Assembly Memorandum No. AM 526-98.
 2. Ordinance No. AO 98-94(S), an ordinance of the Municipality of Anchorage, Alaska, providing for the issuance of Ice Rink Revenue Bonds of the Municipality of Anchorage in the aggregate amount of not to exceed \$5,500,000 for the purpose of providing funds to pay all or a part of the cost of acquiring, constructing and equipping an ice rink facility and to pay costs of issuance, including reserves as

necessary; providing for the form and manner of sale of the bonds; and authorizing the preparation and approval of a preliminary and final official statement; and authorizing the sale of such bonds, Finance.
(addendum)

3. Assembly Memorandum No. AM 583-98.

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

TONY BLOMFIELD addressed the substitute ordinance. He commended the administration for moving quickly on this issue. He supported the proposed fast-track schedule. He asked this ordinance be adopted with certain changes. He asked a limit of \$150 be placed on the hourly rental rate.

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

Ms. Clementson moved, to adopt AO 98-94(S).
seconded by Mr. Meyer,

In response to Ms. Clementson, Chief Fiscal Officer Soren Orley explained the differences in the substitute version. Changes would allow construction to proceed on schedule without returning to the Assembly for further approval. He said he would return to the Assembly in July with details of the debt service covenant when it is negotiated.

In response to Mr. Wohlforth, JOHN MOORE of Prudential Securities discussed the interest rate, which is determined when the bonds are rated. He felt the rate would be six percent or lower.

Mayor Mystrom said if the rental rate is higher than \$160 per hour, the figure discussed with ice users, the administration would return the issue to the Assembly. They would also return if the rate is much lower.

Question was called on the motion to adopt AO 98-94(S) and it passed:

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

(Clerk's Note: Mr. Carlson had left the meeting at the time of the vote.)

Mr. Wohlforth moved, immediate reconsideration.
seconded by Mr. Kendall,

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

(Clerk's Note: Mr. Carlson had left the meeting at the time of the vote.)

Mr. Wuerch moved, to combine the public hearings for
seconded by Mr. Wohlforth, items 12.E. and 12.F, AO 98-77 and
and it passed without AO 98-78.
objection,

- E. Ordinance No. AO 98-77, an ordinance amending the zoning map and providing for the rezoning from R-6 (Suburban Residential District) to R-1A SL (Single Family Residential District) with a special limitation setting a minimum of 2 and a maximum of 3 dwelling units per acre, for the E 1/2, W 1/2, SE 1/4, SE 1/4 and E 1/2, W 1/2, W 1/2, SE 1/4, SE 1/4 of Section 28, T12N, R3W, S.M., Alaska, consisting of approximately 14.17 acres; generally located on the **north side of DeArmoun Road between Donalds Street and Ervin Road** (Huffman O'Malley Community Council) (Case 98-015), Community Planning and Development.
1. Assembly Memorandum No. AM 443-98.
- F. Ordinance No. AO 98-78, an ordinance **amending the Hillside Wastewater Management Plan** to include land legally described as the E 1/2, W 1/2, SE 1/4, SE 1/4 and E 1/2, W 1/2, W 1/2, SE 1/4, SE 1/4 of Section 28, T12N, R3W, S.M., generally located on the north of DeArmoun Road and east of Donalds Street, entirely within the sewerage area boundary, and to reduce the minimum required residential housing density from 3.0 to 2.0 dwelling units per acre on aforementioned property (Huffman/O'Malley Community Council) (Planning and Zoning Commission Case 98-014), Community Planning and Development.
1. Assembly Memorandum No. AM 444-98.

Don Alspach of Community Planning and Development (CPD) explained the ordinances. He said AO 98-78 would amend the Hillside Wastewater Management Plan to allow sewer and water to be extended to the property. The rezoning would increase the allowable density in the neighborhood. Both ordinances were supported by the Planning and Zoning Commission.

Chair Von Gemmingen opened the public hearing for AO 98-77 and AO 98-78 and asked if anyone wished to speak.

TIM POTTER of Dowl Engineers explained how the two ordinances relate. The subject property is adjacent to a school site and the Turnagain View Subdivision, both with water and sewer connections. There is an opportunity to develop the property with single family homes with slightly larger lot sizes. Soils in the parcel can accommodate on-site septic systems, however, the soil is silty and is not optimum for on-site septic. Property to the west was developed before the current zoning and is served by on-site septic and wells. If the subject property is allowed to hook up to city sewer, further saturation of the ground would be avoided and adjacent on-site systems would have a longer viable life. A preliminary plat has been submitted, modified to address concerns by the community council and adjacent property owners. He asked the Assembly adopt both ordinances.

Ms. Clementson noted there are two separate issues before the Assembly; the proposed plat may come before the Assembly on appeal.

In response, Assistant Municipal Attorney Bill Greene said mixing legislative issues and potential quasi-judicial issues could raise problems in the future.

BETTY EVANS, with the Huffman/O'Malley Community Council, said the Council had very little notice of these issues and was unable to notify members through a newsletter because of timing. The issue was discussed with available members, and the consensus was a position in opposition to amending the Hillside Wastewater Plan. She said a petition in opposition to both issues was signed by twenty-nine area residents and presented to the Planning and Zoning Commission at its public hearing.

ELLEN BIELOWSKI, a resident on Donalds Street adjacent to the proposed rezoning, said she would rather live next to fourteen homes with on-site septic systems than forty-five homes with associated traffic and pollution from landscaping chemicals. She said she submitted comments about the rezoning twice since January, yet was told recently that Assembly members did not receive the comments. She was displeased with the public process. She feared her taxes would increase to an unaffordable level if land around her has city water and sewer. Ms. Bielowski reiterated the fact that the proposal was opposed by the Community Council. She stressed she purchased her home with the understanding that the adjacent property would be developed with only fourteen homes, and she wished the situation to remain unchanged.

ERIC LAMBERSON, a resident adjacent to the subject property, agreed with concerns of the previous speaker. He was opposed to development with increased density. He asked the Assembly to deny the rezoning.

DEB LUPER, a resident of the adjacent neighborhood, questioned the findings of the Planning and Zoning Commission. She said because of development that has already occurred, property assessments have increased. The proposed rezoning, if approved, would exacerbate this trend. The proposal would increase traffic on DeArmoun Road, yet does not include requirements to the road. She felt the rezoning was not necessary to protect existing on-site septic systems. She added many residents and the Community Council are opposed to the rezoning. Ms. Luper asked the rezoning be postponed pending further review.

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

Mr. Murdy moved, to adopt AO 98-77.
seconded by Ms. Clementson,

Ms. Abney moved, to postpone action on AO 98-77 until
seconded by Mr. Murdy, June 9, 1998.
and it was withdrawn,

In response to Mr. Kendall, Tom Nelson of CPD discussed the boundaries of the Hillside Wastewater Management Plan (HWMP.) He said provisions were placed in the HWMP that transition buffering would occur on the boundary where higher and lower density developments meet. If the proposed ordinances are adopted, the plat must include a transition buffer plan.

Ms. Abney felt amending the HWMP would impact surrounding existing homes, and Rabbit Creek School. She said it would change the character of the hillside, which is mostly low density, large lot development.

In response to Mr. Meyer, CPD Director Sheila Selkregg discussed how the proposals fit in to the Comprehensive Plan. She said strategies for finding additional residential land must be developed. The proposal seems to be a good option.

Mr. Bell pointed out existing residents purchased their homes with the belief that future development would have the same character. He felt encroaching high density development was unfair to existing homeowners.

Ms. Clementson sympathized with residents who expect a certain kind of development in adjacent vacant land. However, she pointed out the entire bowl area is running out of residential land to develop. The proposal does not seem unreasonable, especially since there is a school nearby and there will be other developments with water and sewer nearby.

In response to Mr. Wohlforth, Mr. Potter said homes in the proposed development would be similar to those in Turnagain View, and would be priced about \$300,000 to \$350,000. He said landscape buffering would be required.

Question was called on the motion to adopt AO 98-77 and it passed:

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

(Clerk's Note: Mr. Carlson had left the meeting at the time of the vote.)

Ms. Clementson moved, to adopt AO 98-78.
seconded by Mr. Kendall,

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

(Clerk's Note: Mr. Carlson had left the meeting at the time of the vote.)

- G. Ordinance No. AO 98-87, an ordinance of the Anchorage Municipal Assembly **authorizing long term leases between the Municipality of Anchorage as lessor and the T-Hangar owners as lessees of Lot 1C, Block 5, Merrill Field Replat Addition No. 5, located south of Runway 6-24, and east of Runway 15-33, Merrill Field Airport.**
 - 1. Assembly Memorandum No. AM 482-98.

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 98-87.
seconded by Ms. Clementson,

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

NAYS: None.

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

- H. Ordinance No. AO 98-89, an ordinance authorizing the **lease of 435 W. 10th Avenue to Delaney Recreation Center** d/b/a Pete's City Gym, Ltd., an Alaska non-profit corporation, Cultural and Recreational Services.
1. Assembly Memorandum No. AM 508-98.

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

DENNIS DOWNS, president and co-director of Pete's City Gym, said the facility offered primarily weight training, cardiovascular and boxing training. He added there is no contact boxing activities, merely training. Staff maintains the building and pays utilities. The building also provides other park users with bathroom, shower and water fountain facilities. Senior citizen discounts are provided, while Special Olympics athletes and disabled veterans are offered free memberships. Covenant House clients are sometimes offered positions for clerical training. Community Work Service participants are often used as supplemental staff. The Gym also participates in the School-to-Work program.

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

Ms. Clementson moved, to adopt AO 98-89.
seconded by Mr. Kendall,

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

NAYS: None.

(Clerk's Note: Mr. Carlson had left the meeting and Ms. Abney was out of the room at the time of the vote.)

- I. Resolution No. AR 98-178, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Restaurant/Eating Place Liquor License) located on Anchorage Original Townsite, Block 40, Lot 12, less than N 20', generally located on the northwest corner of West 5th Avenue and "G" Street (Joseph White d.b.a. **Uncle Joe's Pizzeria**) (Case 98-089), Community Planning and Development.
1. Assembly Memorandum No. AM 533-98.

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

JOE WHITE, the applicant, said the restaurant would add more variety in the downtown area. He offered to answer questions.

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 98-178.
seconded by Mr. Kendall,

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

NAYS: None.

(Clerk's Note: Messrs. Bell, Meyer and Murdy were out of the room and Mr. Carlson had left the meeting at the time of the vote.)

- J. 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.
1. Assembly Memorandum No. AM 459-98.

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

TOM MEEHAN, of Dowl Engineers, spoke representing the Public Works Department. The rezoning would correct zoning and property boundaries to reflect existing uses and management authority of Municipal property on land which was previously the Borough of Anchorage landfill. Part of the old landfill was developed into De La Vega Park, and part was used for Kloep Station road maintenance facility. Based on operations of the Kloep Station, including stockpiling of materials, the appropriate zone is I-2. Zoning for the Park land would be changed to PLI to ensure the long term use of the land as a park.

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

Ms. Clementson moved, to adopt AO 98-80.
seconded by Ms. Taylor,

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

NAYS: None.

(Clerk's Note: Messrs. Meyer and Murdy were out of the room and Mr. Carlson had left the meeting at the time of the vote.)

- K. Ordinance No. AO 98-53, an ordinance amending Anchorage Municipal Code Zoning District Subsections 21.40.030 I. (R-1 and R-1A Single-Family Residential), 21.40.040 I. (R-2A and R-2D Two-Family Residential), 21.40.045 I. (R-2M Multi-Family Residential), 21.40.100 I. (R-8, Rural Residential), 21.40.110 I. (R-9 Rural Residential), 21.40.115 G. (R-10 Residential Alpine), and 21.40.120 I. (D-2 and D-3 Residential) to **increase the maximum height of accessory buildings to not greater than five feet (5') less than the maximum permitted height for principal structures**, Assemblymember Kendall.
1. Assembly Memorandum No. AM 221-98.

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

Mr. Kendall moved,	to continue the public hearing for
seconded by Mr. Wohlforth,	AO 98-53 until June 9, 1998 pending
and it passed with Ms.	a report from the Planning and
Clementson objecting,	Zoning Commission.

- L. 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** (Campbell Park Community Council) (Case 98-055), Assemblymember Begich.
1. Assembly Memorandum No. AM 532-98.
 2. Information Memorandum No. AIM 70-98, Community Planning and Development.

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

PETER LEKISCH, representing Mr. Simonian, offered to answer questions.

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

Ms. Clementson moved,	to adopt AO 98-83.
seconded by Mr. Kendall,	

Mr. Meyer spoke in support of the ordinance.

Question was called on the motion to adopt AO 98-83 and it passed:

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

(Clerk's Note: Mr. Carlson had left the meeting and Mr. Wohlforth was out of the room at the time of the vote.)

- M. 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.

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

TIM POTTER of Dowl Engineers spoke representing the petitioners. He explained the time extension was necessary because of coordination issues between all parties. He felt completion of the agreement was about forty-five days in the future.

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

Ms. Clementson moved,	to adopt AO 98-85.
seconded by Mr. Wuerch,	

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

(Clerk's Note: Mr. Carlson had left the meeting at the time of the vote.)

Mr. Kendall moved,	to combine the public hearings for
seconded by Ms. Clementson,	items 12.N. and 12.O, AO 98-81 and
and it passed without	AO 98-82.
objection,	

- N. 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.
1. Assembly Memorandum No. AM 471-98.

- O. 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.
1. Assembly Memorandum No. AM 472-98.

Chair Von Gemmingen opened the public hearing for AO 98-81 and AO 98-82 and asked if anyone wished to speak. There was no one and she closed the public hearing.

Mr. Murdy moved, to adopt AO 98-81.
seconded by Mr. Wuerch,

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

(Clerk's Note: Mr. Carlson had left the meeting and Mr. Wohlforth was out of the room at the time of the vote.)

Ms. Clementson moved, to adopt AO 98-82.
seconded by Mr. Kendall,

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

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

- P. Ordinance No. AO 98-97, an ordinance submitting to the qualified voters of the Anchorage Fire Service Area a **ballot proposition to de-annex Tract A, Powder Reserve**, generally located west of New Glenn Highway and north and south of the north access road from the Anchorage Fire Service Area, and submitting to the qualified voters of the Chugiak Fire Service Area a ballot proposition to annex Tract A, Powder Reserve, generally located west of New Glenn Highway and north and south of the north access road to the Chugiak Fire Service Area, Assemblymember Kendall.
1. Assembly Memorandum No. AM 529-98.

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

BRUCE BARTLEY, assistant Chief of the Chugiak Volunteer Fire Department, spoke in support of the ordinance. He said deannexing the land from the Anchorage Fire Service area would have little impact; however, leaving the land in the Anchorage area would cause the Chugiak Fire Service Area to suffer a major loss. He assured the Assembly the Chugiak Department was willing and able to provide fire, medical and rescue services to the Powder Reserve. He noted last year, the Department was voted the outstanding ambulance service in Alaska. Because Department volunteers are not paid, taxes in the Service Area are much lower than those in the Anchorage Service Area. Mr. Bartley pointed out residents of the Department must be residents of the Service Area. If the Powder Reserve is developed, it could be a major recruiting pool for the Department, but only if it is part of the Service Area. In response to Mr. Bell, Mr. Bartley said home insurance rates are dependant on water availability rather than the volunteer status of the Department.

ROBERT DEVEROE, a member of the Chugiak Fire Service Area Board of Supervisors, spoke in support of the ordinance. He felt the administration has proposed an ordinance (AO 98-92) to place all of the Powder Reserve into the Anchorage Fire Service Area because of a belief that a non-volunteer fire department would better serve the area. He felt that belief is flawed, because the members of the Chugiak Fire Department were not solicited for input and important details about the Department were not known by the ordinance authors.

PHILLIP ROBERTS, also a member of the Chugiak Fire Service Area Board of Supervisors, thanked Mr. Kendall for submitting the proposed ordinance. He noted the Chugiak Fire Department has a good record and is growing with the community. He supported the ordinance.

MARK EIDEM, of the Chugiak/Eagle River Chamber of Commerce, noted the Assembly was forwarded a resolution approved by the Chamber in support of the proposed ordinance. He noted the Chugiak Fire Service Area has been in existence for fifty years, and the Volunteer Fire Department has an outstanding reputation. He felt it made more sense to deannex ten percent of the Powder Reserve from the Anchorage Fire Service Area rather than deannex ninety percent of the land from the Chugiak Fire Service Area. He urged support of the ordinance.

TOM MEEHAN, of Dowl Engineers, spoke representing Eklutna Inc. He explained that the original 1994 rezoning ordinance required Eklutna to petition for annexation into either the Anchorage or Chugiak Fire Service Area. Dowl Engineers prepared the annexation petition which specified the Anchorage Fire Service Area. He apologized for any misunderstandings which resulted. He noted the Eagle River and Birchwood Community Councils and many area residents supported keeping Tract A of the Powder Reserve in the Chugiak Fire Service Area. He added that George Easley, CEO of Eklutna, Inc. was in support of the proposed ordinance, according to a letter in the Assembly's packet.

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

Ms. Clementson moved, to adopt AO 98-97.
seconded by Mr. Kendall,

Mr. Kendall urged support for the ordinance. He discussed the existing boundaries of the two fire service areas in relation to the main access point for the Powder Reserve. Due to the location of the access point, Anchorage Fire Department personnel would have to enter the Chugiak Fire Service area to get to the Powder Reserve.

Municipal Manager Larry Crawford explained ordinances were submitted by the administration at the request of the petitioner. He said when Mr. Kendall raised his concerns, the administration worked cooperatively to resolve the issue.

Mr. Kendall concurred.

Question was called on the motion to adopt AO 98-97 and it passed:

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

NAYS: None.

(Clerk's Note: Mr. Carlson had left the meeting at the time of the vote.)

The meeting recessed at 9:05 p.m. and reconvened at 9:25 p.m.

- Q. Ordinance No. AO 98-51, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Chapters 11.10 - 11.40 governing the authority of the Anchorage Transportation Commission; changing the regulation of taxicabs, limousines, and vehicles for hire; **changing the regulation of chauffeurs operating taxicabs, limousines, and vehicles for hire; and changing the regulation of dispatch services**, Legal Department.
1. Assembly Memorandum No. AM 505-98.

Mr. Murdy noted his intent to continue the public hearing for this item until July 14, 1998.

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

TED RAIDER, a chauffeur with Anchorage Taxicab, outlined some suggested changes to the ordinance.

EDWARD SIDOWSKI, of Borealis Shuttle, said after twenty years in the taxicab industry he began a new venture which is opposed by the industry. He supported the proposed ordinance as presented, but opposed potential amendments developed by his detractors. The potential amendments, such as requirements for fixed and defined routes, would be burdensome and unnecessary. In response to Assembly members, Mr. Sidowski said he transports passengers to and from transportation centers such as the Airport, Port and Railroad for a fixed fee based on zones.

STAN EKMAN, of Yellow Cab, noted hotel shuttle services pick up and deliver passengers to many locations in addition to hotels. He felt these vehicles were virtually "for hire" and should have to abide by the same regulations as chauffeurs such as drug testing and training for drivers of disabled-access vehicles. A business called Mom's Shuttle uses a vehicle that weighs over 10,000 pounds, therefore, it is not subject to regulations. He felt the operator does not have adequate first aid and CPR training. He objected to prohibitions against eating or drinking in taxis. Drivers are in their vehicles many hours per day and should be allowed to drink beverages. In response to Mr. Wohlforth, Mr. Ekman said quality of drivers is often not good in part because of the time and training required to get drivers. Existing drivers, even if not good, are kept on because of the lengthy certification process.

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

Mr. Murdy moved,	to continue the public hearing for
seconded by Mr. Wuerch,	AO 98-51 until July 14, 1998.

Mr. Clementson requested information by July 14, including expanded definitions of "limited taxi" and "lease operator," to remove capacity limits for vehicles for hire, and include flat rates within the definition.

Question was called on the motion to continue the public hearing until July 14 and it passed without objection.

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

- A. Appeal S-10180, Horizon Park Estates, Clerk's Office.
(CARRIED OVER FROM 5-19-98)

Ms. Clementson moved,	to postpone action on Appeal S-10180 until a
seconded by Mr. Wohlforth,	Special Assembly meeting on June 3, 1998 at 5:30 p.m.

Mr. Wohlforth questioned the need for a special meeting to consider this appeal.

Ms. Clementson said she and the Chair were attempting a new policy: for the Assembly to consider appeals at special meetings rather than regular meetings.

Mr. Meyer agreed that there does not seem to be a need for a special meeting, as special meetings are usually reserved for time critical issues.

Mr. Kendall felt the Assembly should concentrate on dispatching appeals in a timely manner, whether at special or regular meetings.

Mr. Murdy suggested the Assembly consider establishing a special board to handle appeals.

Mr. Wohlforth moved,	to amend the motion to postpone action on
seconded by Ms. Abney,	Appeal S-10180 until the June 9, 1998 regular meeting.

AYES: Taylor, Wohlforth, Meyer, Abney, Murdy.

NAYS: Bell, Wuerch, Von Gemmingen, Clementson, Kendall.

(Clerk's Note: Mr. Carlson had left the meeting at the time of the vote. This motion failed for lack of six affirmative votes.)

Question was called on the motion to postpone action on the appeal until a June 3 special meeting and it failed:

AYES: Bell, Wuerch, Von Gemmingen, Clementson, Kendall.

NAYS: Taylor, Wohlforth, Meyer, Abney, Murdy.

(Clerk's Note: Mr. Carlson had left the meeting at the time of the vote.)

Mr. Wuerch moved,	to reconsider action on the motion
seconded by Mr. Bell,	to postpone until June 3.

Mr. Bell pointed out attorneys and constituents have been notified the appeal would be considered at a June 3 special meeting.

Question was called on the motion to reconsider action on the motion to postpone until a June 3 special meeting and it passed:

AYES: Bell, Wuerch, Von Gemmingen, Clementson, Kendall, Murdy.

NAYS: Taylor, Wohlforth, Meyer, Abney.

(Clerk's Note: Mr. Carlson had left the meeting at the time of the vote.)

Mr. Kendall moved,	to amend the motion to postpone until
seconded by Ms. Clementson,	a special meeting June 3 at 6:00 p.m.
and it was withdrawn,	

Assistant Municipal Attorney Bill Greene pointed out the special meeting was already noticed to begin at 5:30 p.m.

(Clerk's Note: A special meeting for June 3, 1998 was called by the Assembly Chair on May 29, 1998.)

Mr. Kendall withdrew his motion.

Question was called on the motion to postpone action on Appeal S-10180 until a June 3 special meeting and it passed:

AYES: Bell, Wuerch, Von Gemmingen, Clementson, Kendall, Murdy.

NAYS: Taylor, Wohlforth, Meyer, Abney.

(Clerk's Note: Mr. Carlson had left the meeting at the time of the vote.)

14. **SPECIAL ORDERS:** None.

15. **ASSEMBLY COMMENTS:**

- A. Mr. Wuerch invited everyone to a ceremony at the Veterans Memorial on the Delaney Park Strip at 10:00 a.m. on Flag Day, June 14.
- B. Mr. Wohlforth announced the selection committee has selected an investment banking team to market Anchorage Telephone Utility. He said the ATU Committee will meet with the selected company on June 4, 1998. On June 5, the ATU Committee and the investment team will meet with the Alaska Public Utilities Commission.
- C. Mr. Murdy invited everyone to the Spenard Doo Dah Parade on June 20, 1998.
- D. Chair Von Gemmingen clarified a meeting regarding the Lake Otis/Tudor Road intersection was at St. Mary's Episcopal Church on June 4, 1998. Mr. Wuerch, as AMATS liaison will attend, along with Governor Knowles. She added dedication of the Town Square fountain, donated by the Silberer family, would be on June 5, 1998.
- E. Mr. Murdy reported the National League of Cities Public Safety Committee conference in Anchorage was a great success. He thanked Assembly members and others for participating.

16. **UNFINISHED AGENDA:** None.

17. **AUDIENCE PARTICIPATION:** None.

18. **EXECUTIVE SESSIONS:** None.

19. ADJOURNMENT:

The meeting adjourned at 10:20 p.m.

ATTEST:

Chair

Municipal Clerk

Date Minutes Approved: August 25, 1998

VC/db

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