MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of July 14, 1998

1. **CALL TO ORDER**:

The meeting was convened at 5:20 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. Wuerch.

4. **MINUTES OF PREVIOUS MEETING**:

A. Regular Meeting - April 7, 1998
B. Regular Meeting - April 14, 1998

Mr. Murdy moved, seconded by Mr. Kendall, and it passed without objection, to approve the minutes of the regular meetings of April 7 and April 14, 1998.

5. **MAYOR'S REPORT**:

Mayor Mystrom commented the Joint Crafts Council accepted the Municipality's agreement after a second vote. The agreement will be forwarded to the Assembly for approval soon. He added a vote by the International Association of Fire Fighters on their agreement was scheduled for this weekend.

In response to Mr. Meyer, Mayor Mystrom announced a groundbreaking will occur within a few weeks for the Dempsey-Anderson Ice Arena expansion. Bonds for the project were sold today. He will make a report next week on the status of the skateboard park.

6. **ADDENDUM TO AGENDA**:

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

A. BID AWARDS:

1. Assembly Memorandum No. AM 672-98, recommendation of award to Alaska Sales & Service and Cal Worthington Ford for furnishing **miscellaneous light duty vehicles** to the Municipality of Anchorage, Department of Property and Facility Management (ITB 98-65), Purchasing.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 98-116, an ordinance of the Municipality of Anchorage creating **Alley Reconstruction Special Assessment District 8SR98 - West 4th/5th Avenue Alley from 'C' Street to 'D' Street** and determining to proceed with improvements therein, Public Works. public hearing 8-18-98.
   a. Assembly Memorandum No. AM 673-98.
2. Ordinance No. AO 98-117, an ordinance renumbering and amending Anchorage Municipal Code Section 15.05.160 and enacting a new Section 15.65.055 to require the **issuance of a municipal certificate of health authority approval for all private, on-site water wells and on-site wastewater systems** prior to the transfer of any ownership interest in such on-site water well or on-site wastewater system or the transfer of property on which such well or wastewater system is located, except for transfers between spouses, Health and Human Services. ~~public hearing 8-18-98.~~
   a. Assembly Memorandum No. AM 674-98.

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

3. Ordinance No. AO 98-118, an ordinance amending the zoning map and providing for the rezoning from R-2M (Multiple Residential District) to PLI (Public Lands and Institutions District) for **Lot 1A, Block 39A, South Addition Subdivision**, generally located on the east side of "E" Street and north of ~~East~~ West 15th Avenue (South Addition Community Council) (Case 98-050), Community Planning and Development. public hearing 8-25-98.
    a. Assembly Memorandum No. AM 698-98.

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

4. Ordinance No. AO 98-119, an ordinance amending the zoning map and providing for the rezoning from T (Transition) District to AF (Antenna Farm) District for the **Tower Subdivision, Tract A**, generally located south of the curve where Minnesota Drive turns into O'Malley Road and north of Klatt Road and west of "C" Street (Bayshore-Klatt Community Council) (Planning and Zoning Commission Case 98-036), Community Planning and Development. public hearing 8-25-98.
    a. Assembly Memorandum No. AM 699-98.
5. Resolution No. AR 98-213, a resolution of the Municipality of Anchorage appropriating $199,000 for emergency alcohol services funds from the U.S. Public Health Service to the Federal Categorical Grants Fund (0241) for the purpose of providing **emergency alcohol services**, Health and Human Services. public hearing 7-21-98.
    a. Assembly Memorandum No. AM 675-98.
6. Resolution No. AR 98-214, a resolution of the Municipality of Anchorage appropriating $285,451 from Alaska Housing Finance Corporation (AHFC) to the State Categorical Grants Fund (0231) for the **Weatherization Assistance Program**, Health and Human Services. public hearing 7-21-98.
    a. Assembly Memorandum No. AM 676-98.
7. Resolution No. AR 98-215, a resolution appropriating $514,000 grant from the Department of Transportation and Public Facilities, State of Alaska, for financing snow removal and sweeping of trails and access connections to some People Mover routes to the State Categorical Grants Fund (0231), authorizing a contribution of $300,000 to the Equipment Maintenance Vehicle and Equipment Purchases Fund (0606) and appropriating that amount for the **purchase of snow removal equipment**, Public Works. public hearing 7-21-98.
    a. Assembly Memorandum No. AM 677-98.
8. Resolution No. AR 98-216, a resolution repealing and re-enacting Chapter 3.85 of the Anchorage Municipal Code of Regulations to establish the **administrative procedures of the Police and Fire Retirement Board** including the administrative procedures governing the filing, processing and decisions on applications for death or disability benefits, Police and Fire Retirement Board. public hearing ~~8-25-98~~ 9-15-98.
    a. Assembly Memorandum No. AM 678-98.

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

9. Resolution No. AR 98-224, a resolution of the Municipality of Anchorage appropriating $113,000 of unappropriated interest from within the Anchorage Parks and Recreation Service Area Capital Improvement Fund (0461) and $144,000 of unappropriated interest from the Areawide Capital Improvement Fund (0401) to the Anchorage Parks and Recreation Service Area Capital Improvement Fund (0461) for **capital improvements at the South Anchorage Sports Field**, Office of Management and Budget.
public hearing 7-21-98.
    a. Assembly Memo randum No. AM 700-98.
10. Ordinance No. AO 98-120, an ordinance of the Anchorage Municipal Assembly amending AMC 21.35.020 B. to change the **definition of "Dwelling, Factory-Built"** (Formerly Ordinance No. AO 97-129) (Planning and Zoning Commission Case No. 97-189), Assemblymember Carlson. public hearing 8-18-98. (**addendum**)
    a. Assembly Memorandum No. AM 713-98.
11. Ordinance No. AO 98-121, an ordinance of the Anchorage Municipal Assembly **authorizing the Heritage Land Bank (HLB) to sell Lot A1, Abbott Loop Christian Center, Plat 86-15, Anchorage** on a sole source basis to the Abbott Loop Christian Church, Assemblymember Bell. public hearing 8-18-98. (**addendum**)
    a. Assembly Memorandum No. AM 715-98.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 98-206, a resolution of the Anchorage Municipal Assembly **approving an appointment to fill the remaining two years of Richard Meehan's term on the Anchorage Telephone Utility (ATU) Labor Board**, Assembly Chair Von Gemmingen.

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

2. Resolution No. AR 98-217, a resolution of the Municipality of Anchorage providing for the appropriation of $1,500 to the State Categorical Grants Fund (0231) from the State of Alaska for the **Municipal Youth at Risk Bike Rodeo and Safety Program**, Cultural and Recreational Services.
    a. Assembly Memorandum No. AM 679-98.
3. Resolution No. AR 98-218, a resolution of the Municipality of Anchorage providing for the appropriation of a grant totaling $28,640 from the State of Alaska, Department of Education to the State Categorical Grants Fund (0231) for the **800# Interlibrary Loan and Reference Backup Services**, Cultural and Recreational Services/Library.
    a. Assembly Memorandum No. AM 680-98.

4. Resolution No. AR 98-219, a resolution of the Municipality of Anchorage appropriating $5,000 to the State Categorical Grants Fund (0231) from the Alaska Mental Health Trust Authority to be used for a **study of needs and resources for senior citizens in Anchorage**, Health and Human Services.
   a. Assembly Memorandum No. AM 681-98.
5. Resolution No. AR 98-220, a resolution appropriating $30,000 from the fund balance of Mt. Park/Robin Hill Limited Road Service Area (LRSA) Fund (0118) to the Mt. Park/Robin Hill LRSA Budget Unit for **1998 summer road repair and maintenance expenditures** in this Limited Road Service Area (1998 operating budget), Public Works.
   a. Assembly Memorandum No. AM 682-98.
6. Resolution No. AR 98-221, a resolution authorizing the Municipality of Anchorage, Public Transportation Department, to enter into a Transfer of Responsibilities Agreement (TORA) in the amount of $35,000 with the State of Alaska, Department of Transportation and Public Facilities, and appropriating these funds to the State Categorical Grants Fund (0231) for **financing the update of the Alaska Public Transportation Management Systems**, Public Transportation.
   a. Assembly Memorandum No. AM 683-98.
7. Resolution No. AR 98-222, a resolution authorizing the Municipality to **grant an electrical easement across a portion of Block "T", Nunaka Valley Subdivision** for Nunaka Valley Elementary School located near Craig Drive, Public Works.
   a. Assembly Memorandum No. AM 684-98.
8. Resolution No. AR 98-223, a resolution authorizing the Administration to **amend the current participation agreement between the Municipality of Anchorage and the Public Employees' Retirement System (PERS) for employees assigned to the Anchorage Telephone Utility**, Public Works.

   a. Assembly Memorandum No. AM 685-98.
9. Resolution No. AR 98-225, a resolution of the Municipality of Anchorage appropriating $75,000 from the Anchorage Fire Service Area (0131) Fund Balance to the Anchorage Fire Department to pay attorney's fees to the Government Hill Community Council (GHCC) in order to conclude **settlement of GHCC v. Municipality of Anchorage**, Case No. 3AN-97-4549 Civil, Legal Department.
   a. Assembly Memorandum No. AM 701-98.

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

10. Resolution No. AR 98-226, a resolution of the Municipality of Anchorage appropriating $76,640 from the Areawide General (0101) Fund Balance to the Employee Relations Department to pay **attorneys' fees, costs, nominal damages, and interest in Alaska Mechanical, Inc. v. Municipality of Anchorage**, Legal Department.
    a. Assembly Memorandum No. AM 702-98.
11. Resolution No. AR 98-227, a resolution **transferring the managing authority of Lot 1A, Block 39A, South Addition, Anchorage Townsite**, known as the ATU North Wire Center and Offices, to the Department of Property and Facility Management, Legal Department.
    a. Assembly Memorandum No. AM 703-98.

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

12. Resolution No. AR 98-228, a resolution of the Municipality of Anchorage appropriating $99,000 from the Areawide General (0101) Fund Balance to the Office of the Municipal Attorney to **secure additional contract legal services for the sale of the Anchorage Telephone Utility**, Legal Department.
    a. Assembly Memorandum No. AM 704-98.
13. Resolution No. AR 98-229, a resolution of the Anchorage Municipal Assembly appropriating $95,000 from Areawide General Fund Balance (0101) to the Department of Health and Human Services to **increase the municipal match for the Human Services Matching Grant Program for the purpose of increasing the grant to the Anchorage Neighborhood Health Center**, Assemblymember Wohlforth.
    a. Assembly Memorandum No. AM 705-98.

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

14. Resolution No. AR 98-230, a resolution of the Anchorage Municipal Assembly appropriating $5,000 from Areawide General Fund Balance (0101) to the Department of Health and Human Services to provide a **grant to Victims for Justice**, Assemblymember Wohlforth.
    a. Assembly Memorandum No. AM 706-98.

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

15. Resolution No. AR 98-231, a resolution of the Anchorage Municipal Assembly **recognizing and applauding the Assembly Office staff for creating "CounciLink"**, Assemblymembers Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Taylor, Von Gemmingen, Wohlforth, and Wuerch.

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

16. Resolution No. AR 98-232, a resolution of the Anchorage Municipal Assembly **recognizing and thanking those involved with the passage of Senate Bill 36**, Assemblymember Wohlforth.

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

17. Resolution No. AR 98-234, a resolution of the Anchorage Municipal Assembly appropriating $95,000 from Areawide General Fund Balance (0101) to the Department of Health and Human Services to be used as a **grant to the Anchorage Neighborhood Health Center**, Assemblymember Clementson. (**addendum**)

a. Assembly Memorandum No. AM 716-98.

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

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 687-98, **Chugiak-Eagle River Parks and Recreation Board of Supervisors appointments** (John D. Jones, Sandy Shacklet), Mayor's Office.
2. Assembly Memorandum No. AM 688-98, **School Budget Advisory Commission appointment** (Katherine Giard), Mayor's Office.

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

3. Assembly Memorandum No. AM 689-98, **Sister City Commission appointment** (Karin Wanamaker), Mayor's Office.
4. Assembly Memorandum No. AM 690-98, **Skyranch Estates Limited Road Service Area Board of Supervisors appointment** (Joseph M. Kurtak, Patrick Parker), Mayor's Office.
5. Assembly Memorandum No. AM 691-98, **appointment to the Executive Staff** (Elaine Christian - Executive Manager), Mayor's Office.
6. Assembly Memorandum No. AM 692-98, **appointment to the** Executive Staff (George Vakalis - Municipal Manager), Mayor's Office.
7. Assembly Memorandum No. AM 636-98, **Backstage Cafe** - Transfer of Ownership of a Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Downtown/Fairview/South Addition Community Councils), Clerk's Office.
8. Assembly Memorandum No. AM 637-98, **Cafe Amsterdam** - New Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Spenard Community Council), Clerk's Office.
9. Assembly Memorandum No. AM 638-98, **Clarion Suites Hotel/Choice Picks Restaurant** - New Tourism Beverage Dispensary Liquor License and Restaurant Designation Permit (Downtown Community Council), Clerk's Office.

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

10. Assembly Memorandum No. AM 639-98, **Glacial Reflections Fine Catering** - New Theatre Liquor License (Downtown Community Council), Clerk's Office.
11. Assembly Memorandum No. AM 640-98, **International Palace** - 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.

12. Assembly Memorandum No. AM 641-98, **La Mex** (Dimond)- Restaurant Designation Permit (Taku-Campbell Community Council), Clerk's Office.
13. Assembly Memorandum No. AM 642-98, **Las Margaritas** - New Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Fairview/North Star/Spenard Community Councils), Clerk's Office.
14. Assembly Memorandum No. AM 643-98, **Lone Star Steakhouse and Saloon** - Transfer of Ownership of a Beverage Dispensary Liquor License and Restaurant Designation Permit (Spenard/Taku-Campbell Community Councils), Clerk's Office.
15. Assembly Memorandum No. AM 644-98, **Moose's Tooth Brewing Company** - Transfer of Ownership and Location of a Brewery Liquor License (Downtown/Fairview/Government Hill Community Councils), Clerk's Office.
16. Assembly Memorandum No. AM 645-98, **Uncle Joe's Pizzeria** - New Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Downtown Community Council), Clerk's Office.
17. Assembly Memorandum No. AM 646-98, **1998-1999 Liquor License Renewals**: AMF East 40 Bowl/Gold Room, Border Grill, Cheers-Duplicate, Crossroads Lounge Dart Pub, Darwin's Theory, Don Jose Mexican Restaurant (**NO PREMISES**), Frontier Lounge-Tourism, Gallo's Mexican Restaurant, Hacienda Mexican Restaurant, Harry's, Red Robin Burger & Spirits, Turnagain House, Upper One (Beverage Dispensary); Denali Brewing Company (Brewery); Fraternal Order of Eagles #4207, Eagle River Lions Club, Loyal Order of Moose #1534 (Club); Value Liquor #6 (Package Store); Anchorage Glacier Pilots (Recreational Site); Adria Diner-Bakery, Downtown Deli Cafe, Elmer's Pancake & Steak House, Glacier Brew House, Sub Station Restaurant, Southside Bistro, Thai Town Restaurant, Tito's Gyros (Restaurant/Eating Place), Clerk's Office.
18. Assembly Memorandum No. AM 670-98, **1998-1999 Liquor License Renewals**: The Homestead Lounge, The Irish Setter, My Bar, Red Robin/Spirits Emporium #2, River City, Trophy Lounge, The Wave, The Wave (Duplicate) (Beverage Dispensary); Alaska Glacier Brew House (Brewery), Clerk's Office.
19. Assembly Memorandum No. AM 671-98, **New Party Time Liquor II** - Transfer of Ownership of a Package Store Liquor License (Campbell Park/University Area Community Councils), Clerk's Office.
20. Assembly Memorandum No. AM 693-98, change order No. Three (3) to construction contract with Koho Contracting, Inc., for **park parking lots and other improvements package**, Cultural and Recreational Services.

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

21. Assembly Memorandum No. AM 694-98, **Lake Otis Parkway and Tudor Road Intersection Capacity Improvements**, DPW 98-01, Utility Relocation Agreement with Chugach Electric Association, Inc., Public Works.
22. Assembly Memorandum No. AM 695-98, **Anchorage Loop Water Transmission Main, Phase III** - professional engineering services agreement amendment No. 4 with CH2M Hill, Inc., Water and Wastewater Utility.

23. Assembly Memorandum No. AM 696-98, amendment No. 2 to professional services agreement with Reynolds Consulting, Inc. for the **upgrade of AWWU's Customer Information and Billing System**, Water and Wastewater Utility.
24. Assembly Memorandum No. AM 707-98, amendment No. 2 to professional services agreement with Resource Data Inc. for the **preparation and implementation of the first modules of the Relational Database Management System (RDBMS)**, Water and Wastewater Utility.
25. Assembly Memorandum No. AM 709-98, contract amendment No. 1 to the agreement with the Boys and Girls Club of Greater Anchorage for the **development and management of the Mt. View Community Recreation Center**, Property and Facility Management.
26. Assembly Memorandum No. AM 710-98, change order No. 1 to purchase order 72683 with KJS Associates, Inc. for providing a **transportation model update** to the Municipality of Anchorage, Department of Community Planning and Development/Purchasing.
27. Assembly Memorandum No. AM 711-98, change order No. 3 to purchase order 43678 with the Law Offices of William F. Reeves for providing **Administrative Hearing Officer services** to the Municipality of Anchorage, Police and Fire Retirement System/ Purchasing.
28. Assembly Memorandum No. AM 712-98, change order No. 2 to purchase order 72999 with Robert D. Klausner, P.A. for providing **legal services** to the Municipality of Anchorage, Police and Fire Retirement System/Purchasing.

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 77-98, **Federation of Community Councils, Inc. - Statement of Financial Position**, Municipal Clerk.
2. Information Memorandum No. AIM 78-98, Internal Audit Report 98-11 - **Accounts Receivable, Solid Waste Services**/Internal Audit.
3. Information Memorandum No. AIM 79-98, **Manifest Clerical Error**; AO 97-141, approving Marlow (Klatt) Heritage Land Bank Land Exchange, Legal Department.
4. Information Memorandum No. AIM 80-98, **Manifest Clerical Error**; amending the zoning map, Southcreek Estates Subdivision, Legal Department.
5. Information Memorandum No. AIM 83-98, waiver of formal procedures for the **Midtown Parks Improvement Project** for the Municipality of Anchorage, Department of Cultural and Recreational Services (ITB 98-C45), Purchasing.
6. Information Memorandum No. AIM 85-98, Executive Appointment Report for the period of April 1998 to June 1998 (Bruce Chandler, Medical Officer-DHHS; Sandra J. Shissler, Program/Policy Director (temporary)-DPW; John E. Middleton, Utility Division Manager I-ML&P; Kevin Waring, Physical Planning Manager-DCPD), Employee Relations.

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.

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

8. **REGULAR AGENDA**:

A. TIME CRITICAL ITEMS: None.
B. BID AWARDS: None.

C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 98-117, an ordinance renumbering and amending Anchorage Municipal Code Section 15.05.160 and enacting a new Section 15.65.055 to require the **issuance of a municipal certificate of health authority approval for all private, on-site water wells and on-site wastewater systems** prior to the transfer of any ownership interest in such on-site water well or on-site wastewater system or the transfer of property on which such well or wastewater system is located, except for transfers between spouses, Health and Human Services. ~~public hearing 8-18-98.~~
   a. Assembly Memorandum No. AM 674-98.

Mr. Carlson, Ms. Clementson and Mr. Murdy joined in introducing this ordinance.

Operations Manager George Vakalis requested this item be tabled. Another ordinance on the same topic was planned for introduction next week.

Mr. Carlson moved, seconded by Ms. Clementson, and it passed without objection,	to postpone action on AO 98-117 indefinitely.

2. Ordinance No. AO 98-118, an ordinance amending the zoning map and providing for the rezoning from R-2M (Multiple Residential District) to PLI (Public Lands and Institutions District) for **Lot 1A, Block 39A, South Addition Subdivision**, generally located on the east side of "E" Street and north of ~~East~~ West 15th Avenue (South Addition Community Council) (Case 98-050), Community Planning and Development. public hearing 8-25-98.
   a. Assembly Memorandum No. AM 698-98.

Messrs. Wohlforth, Murdy and Bell joined in introducing this ordinance. The public hearing was scheduled for August 25, 1998.

Mr. Wohlforth moved, seconded by Mr. Wuerch, and it passed without objection, to amend AO 98-118 in the title to read: "...and north of West 15th Avenue..."

3. Resolution No. AR 98-216, a resolution repealing and re-enacting Chapter 3.85 of the Anchorage Municipal Code of Regulations to establish the **administrative procedures of the Police and Fire Retirement Board** including the administrative procedures governing the filing, processing and decisions on applications for death or disability benefits, Police and Fire Retirement Board. public hearing ~~8-25-98~~ 9-15-98.
   a. Assembly Memorandum No. AM 678-98.

Mr. Murdy, Ms. Clementson and Mr. Meyer joined in introducing this resolution.

Employee Relations Director Tom Tierney noted the Police and Fire Retirement Board members and their attorney wished to address a minor change to the ordinance at their next meeting. He asked the public hearing be scheduled in September, after that meeting.

Mr. Kendall moved, seconded by Mr. Murdy, and it passed without objection, to schedule the public hearing for AR 98-216 for September 15, 1998.

In response to Mr. Murdy, Mr. Tierney discussed the minor changes proposed by Mr. Klausner, the Board's attorney. The changes relate to the term "light duty" for police officers. There is no current procedure for paying an employee in that circumstance.

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 98-206, a resolution of the Anchorage Municipal Assembly **approving an appointment to fill the remaining two years of Richard Meehan's term on the Anchorage Telephone Utility (ATU) Labor Board**, Assembly Chair Von Gemmingen.

Mr. Wuerch moved, seconded by Mr. Meyer, to approve AR 98-206.

Municipal Clerk Lejane Ferguson distributed and tallied ballots of Assembly members.

Chair Von Gemmingen announced Keith Sanders received a majority of the votes.

Mr. Wohlforth moved, seconded by Ms. Clementson, and it passed without objection, to amend AR 98-206 on line 25 to read: "That Keith A. Sanders is appointed..."

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

2. Resolution No. AR 98-225, a resolution of the Municipality of Anchorage appropriating $75,000 from the Anchorage Fire Service Area (0131) Fund Balance to the Anchorage Fire Department to pay attorney's fees to the Government Hill Community Council (GHCC) in order to conclude **settlement of GHCC v. Municipality of Anchorage**, Case No. 3AN-97-4549 Civil, Legal Department.
   a. Assembly Memorandum No. AM 701-98.

Mr. Murdy moved, seconded by Ms. Clementson, to approve AR 98-225.

In response to Mr. Murdy, Municipal Attorney Mary Hughes explained this item would appropriate funds to pay legal fees for the litigant as a result of a settlement.

Question was called on the motion to approve AR 98-225 and it passed:

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

3. Resolution No. AR 98-227, a resolution **transferring the managing authority of Lot 1A, Block 39A, South Addition, Anchorage Townsite**, known as the ATU North Wire Center and Offices, to the Department of Property and Facility Management, Legal Department.
   a. Assembly Memorandum No. AM 703-98.

Mr. Wohlforth explained this item would provide a location for the Municipal Emergency Operations Center. He noted the Anchorage Telephone Utility Board of Directors supports the proposal.

Mr. Wohlforth moved, seconded by Mr. Murdy, and it passed without objection, to approve AR 98-227.

4. Resolution No. AR 98-229, a resolution of the Anchorage Municipal Assembly appropriating $95,000 from Areawide General Fund Balance (0101) to the Department of Health and Human Services to **increase the municipal match for the Human Services Matching Grant Program for the purpose of increasing the grant to the Anchorage Neighborhood Health Center**, Assemblymember Wohlforth.
   a. Assembly Memorandum No. AM 705-98.
5. Resolution No. AR 98-234, a resolution of the Anchorage Municipal Assembly appropriating $95,000 from Areawide General Fund Balance (0101) to the Department of Health and Human Services to be used as a **grant to the Anchorage Neighborhood Health Center**, Assemblymember Clementson. (**addendum**)
   a. Assembly Memorandum No. AM 716-98.

Ms. Clementson moved, seconded by Mr. Murdy, to approve AR 98-229.

Ms. Clementson discussed the differences between AR 98-229 and AR 98-234. AR 98-229 provides for awarding $95,000 to Anchorage Neighborhood Health Center (ANHC) by increasing the total funding for the Human Services Matching Grant program. AR 98-234 provides for creation of a separate contract award to ANHC administered by the Health and Human Services Department. ANHC would provide certain deliverables, and staff would work with the group on its grant-writing skills and identification of alternative funding sources.

Ms. Clementson moved, seconded by Mr. Meyer, to substitute AR 98-234.

Mr. Wohlforth pointed out the Matching Grant program funding has been reduced steadily over the last decade, and has not been adjusted for inflation. Although both resolutions will fund the ANHC, he felt his proposal will be better because it will fund the program for two years. He explained he, Ms. Clementson and Mr. Meyer were assigned to an ad hoc committee to review this issue. They met with social services providers, and examined several scenarios which would provide funding for ANHC. He felt the committee and interested parties wanted to keep the grant process intact by adding funds to the program rather than changing the existing funding allocations. Another option would be to withhold funding from ANHC, although there is no other organization which provides dental services on a sliding fee scale for the needy.

Mr. Meyer outlined the options discussed by the committee for funding ANHC. He felt Ms. Clementson's resolution more accurately reflected the goals of the committee. If the total amount of the grant program needs to be increased, as proposed by Mr. Wohlforth, he felt that should be done during the budget process.

Mr. Kendall moved, seconded by Ms. Clementson, and it passed without objection, to postpone action on AR 98-229 and AR 98-234 until after action on item 9.B, AM 592-98.

6. Resolution No. AR 98-230, a resolution of the Anchorage Municipal Assembly appropriating $5,000 from Areawide General Fund Balance (0101) to the Department of Health and Human Services to provide a **grant to Victims for Justice**, Assemblymember Wohlforth.
   a. Assembly Memorandum No. AM 706-98.

Mr. Wohlforth moved, seconded by Mr. Meyer, to approve AR 98-230.

Mr. Wohlforth explained this item was presented because several Assembly members wished to indicate symbolic support for this group, which did not receive any funds from the Human Services Matching Grant program.

Mr. Meyer and Ms. Clementson spoke in support of the group.

Mr. Wuerch also supported the group, but pointed out the grant task force recommended against funding after its screening process.

Mr. Kendall also felt the Assembly should honor the recommendations of the task force.

Question was called on the motion to approve AR 98-230 and it passed:

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

7. Resolution No. AR 98-231, a resolution of the Anchorage Municipal Assembly **recognizing and applauding the Assembly Office staff for creating "CounciLink"**, Assemblymembers Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Taylor, Von Gemmingen, Wohlforth, and Wuerch.

Ms. Abney moved, seconded by Mr. Kendall, and it passed without objection, to postpone action on AR 98-231 until July 21, 1998, to allow all recipients to be present.

8. Resolution No. AR 98-232, a resolution of the Anchorage Municipal Assembly **recognizing and thanking those involved with the passage of Senate Bill 36**, Assemblymember Wohlforth.

Mr. Wohlforth moved, seconded by Mr. Murdy, to approve AR 98-232.

Mr. Wohlforth moved, seconded by Mr. Murdy, and it passed without objection,	to postpone action on AR 98-232 until July 21, 1998 pending finalization of the document.

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 688-98, **School Budget Advisory Commission appointment** (Katherine Giard), Mayor's Office.

Mr. Wohlforth moved, seconded by Mr. Murdy,	to approve AM 688-98.

Mr. Wohlforth noted the resume information on this appointment was missing from the memorandum.

Mayor Mystrom introduced Ms. Giard, noting she was previously a member of the Commission. He added she was a candidate for the Anchorage School Board in the April 1998 regular election. Ms. Giard is intelligent, a Certified Public Accountant and is very committed to education.

Mr. Wohlforth moved, seconded by Mr. Murdy,	to postpone action on AM 688-98 until July 21, 1998, pending receipt of background information on the appointee.

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

Question was called on the motion to approve AM 688-98 and it passed:

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

2. Assembly Memorandum No. AM 638-98, **Clarion Suites Hotel/Choice Picks Restaurant** - New Tourism Beverage Dispensary Liquor License and Restaurant Designation Permit (Downtown Community Council), Clerk's Office.

Mr. Murdy moved, seconded by Mr. Kendall,	to approve AM 638-98.

Mr. Murdy declared a conflict of interest on this item.

Mr. Bell disclosed his firm provided electrical and mechanical design services for the hotel owners.

Mr. Meyer moved, seconded by Ms. Clementson,	the question "does Mr. Bell have a substantial financial interest in the matter before the Assembly?"

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

Question was called on the motion to approve AM 638-98 and it passed:

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

3. Assembly Memorandum No. AM 640-98, **International Palace** - New Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Government Hill Community Council), Clerk's Office.

Mr. Wohlforth moved, seconded by Ms. Clementson,	to approve AM 640-98.
Mr. Wohlforth moved, seconded by Ms. Clementson, and it passed without objection,	to amend AM 640-98 on line 38 to read: "...Actions. The Assembly requests the conditions on the conditional use permit be noted as conditions on the license, which the Municipality may enforce through its power to protest future renewal or other Assembly action on the license."

Question was called on the motion to approve AM 640-98 as amended and it passed without objection.

4. Assembly Memorandum No. AM 693-98, change order No. Three (3) to construction contract with Koho Contracting, Inc., for **park parking lots and other improvements package**, Cultural and Recreational Services.

Ms. Clementson moved, seconded by Mr. Murdy,	to approve AM 693-98.

Ms. Clementson said she has heard that Koho Contracting is virtually out of business. She questioned whether a company with this status should receive additional awards.

In response, Cultural and Recreational Services Acting Director Kathy Kingston said she was unaware of the company's status. The proposed change order was for a small amount, $8,000, to finish work on four parks and some trails. She added the contractor is currently physically working on the projects.

Question was called on the motion to approve AM 693-98 and it passed without objection.

F. INFORMATION AND REPORTS: None.

The Assembly then considered item 10, Appearance Requests.

A. **Planning & Zoning Commission**, regarding Open House - Anchorage Bowl Comprehensive Plan Goals and Objectives.

Bob Stiles, vice chairman of the Planning and Zoning Commission (P&Z), invited the Assembly to view a presentation during its recess of the Comprehensive Plan being conducted in the adjacent Public Conference room. He outlined the schedule for the Comprehensive Plan revision. Public review and comment on draft goals and objectives will be open until August 1. A revised draft with comments integrated to be available for review about mid-August. A revised draft will be reviewed by P&Z in September. Two meetings will be held. The final draft will be forwarded to the Assembly with P&Z recommendations in October. Assembly adoption of the goals and objectives will be requested by the end of October. Finalization of the Comprehensive Plan will probably occur a year or more from now.

B. **Daniel Bourassa**, regarding police service.

Mr. Bourassa complained about lack of effective police service. He explained his family requested help from the police to deal with his alcoholic father-in-law. They were not informed of the existence of Clitheroe Center treatment facility; the next day, his father-in-law died. Mr. Bourassa felt if they had known about the facility, there would have been a chance for his father-in-law. He complained about the lack of response from the Mayor's Office and the Police Department to his telephone calls.

C. **John E. Stonerock**, regarding ice cream truck safety on the city streets.

Mr. Stonerock, owner of Stonerock Enterprise, discussed ice cream truck safety and enforcement against illegal ice cream truck operations. He explained about forty trucks are currently operating without the required roving vendor license. He pointed out a young girl was recently killed after visiting an ice cream truck. The truck had no signs on the back to warn passing motorist of the presence of children. Mr. Stonerock felt the police should be directed to enforce Title 10 of the Municipal Code which requires a roving vendor license for ice cream trucks. He recommend regulations be established to require trucks be marked with warning signs, and to require training for truck drivers.

D. **Andree McLeod**, regarding possible future costs of ignoring school board policy referencing proposed surveys.

Ms. McLeod distributed copies of local, State and Federal laws regarding surveys. The laws provide that students may not be surveyed without written consent from a parent or guardian. She questioned why some Municipal employees wrote letters in support of a Youth Risk Behavior survey. She asked Assembly members to try to influence School Board members not to authorize the proposed survey.

The meeting recessed at 6:50 p.m. and reconvened at 7:30 p.m.

Ms. Clementson moved, seconded by Mr. Kendall, and it passed without objection,	to suspend the rules to consider items 9.A, B and C.
Ms. Abney moved, seconded by Ms. Clementson, and it passed without objection,	to postpone action on item 9.D, AR 98-124, indefinitely.

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

A. <u>Resolution No. AR 98-122</u>, a resolution of the Municipality of Anchorage appropriating $2,500,000 from the Building Safety Service Area (0181) Fund Balance as a contribution to Areawide General CIP (0401) Fund, Property and Facility Management, to **reduce the cost of a lease of a Permit and Development Center**, Public Works.
1. Assembly Memorandum No. AM 367-98.
(POSTPONED FROM 4-14-98 AND 5-19-98)

Mr. Murdy moved, seconded by Ms. Clementson, and it passed without objection,	to postpone action on AR 98-122 until July 21, 1998.

B. <u>Assembly Memorandum No. AM 592-98</u>, **Fiscal Years 1999 and 2000 Human Services Matching Grant Awards**, Health and Human Services.
(POSTPONED FROM 6-9-98)

Chair Von Gemmingen gave the history of the memorandum and noted no motions were pending.

Ms. Abney moved, seconded by Mr. Murdy,	to approve AM 592-98.
Mr. Wohlforth moved, seconded by Ms. Clementson, and it passed without objection,	to postpone action on AM 592-98 until after action on AR 98-229 and AR 98-234.

Resolution No. AR 98-229, a resolution of the Anchorage Municipal Assembly appropriating $95,000 from Areawide General Fund Balance (0101) to the Department of Health and Human Services to **increase the municipal match for the Human Services Matching Grant Program for the purpose of increasing the grant to the Anchorage Neighborhood Health Center**, Assemblymember Wohlforth.

a. Assembly Memorandum No. AM 705-98.

Resolution No. AR 98-234, a resolution of the Anchorage Municipal Assembly appropriating $95,000 from Areawide General Fund Balance (0101) to the Department of Health and Human Services to be used as a **grant to the Anchorage Neighborhood Health Center**, Assemblymember Clementson. (**addendum**)

a. Assembly Memorandum No. AM 716-98.

Chair Von Gemmingen noted a motion to substitute AR 98-234 for AR 98-229 was on the floor.

Mr. Wuerch spoke in support of the substitution.

Question was called on Ms. Clementson's motion to substitute AR 98-234 for AR 98-229 and it passed:

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

Mr. Wuerch moved, seconded by Mr. Wohlforth, and it passed without objection,	to amend AR 98-234 on line 18 to read: "...Health Center for preventative and restorative dental services."

Question was called on the motion to approve AR 98-234 as amended and it passed:

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

The Assembly then returned to item 9.B, AM 592-98.

Ms. Abney disclosed a possible conflict of interest on this item. She is a member of the Board of Alaska Children's Services.

Chair Von Gemmingen declared a conflict of interest on this item, because of her relationship with the Alzheimers Association. She noted in the past the Assembly determined she has a conflict because of this association. She asked the record reflect her abstention with regard to the grant for that organization.

Mr. Wohlforth thanked the task force for their work on the matching grant recommendations.

Question was called on the motion to approve AM 592-98 and it passed:

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

C. Assembly Memorandum No. AM 627-98, Fiscal Years 1999 & 2000 **Community Development Block Grant (CDBG) Public Services grant awards**, Health and Human Services.
(POSTPONED FROM 6-9-98)

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

Ms. Taylor moved, seconded by Ms. Clementson,	to divide the question between the award to Muldoon Community Development Center and the other grant awards.

Ms. Taylor and Ms. Clementson noted they were ex-officio members of the NorthEast Community Center. Ms. Clementson noted the Center was not being recommended for any funding under the proposed grant awards.

Question was called on the motion to divide the question and it passed:

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

Ms. Taylor noted the NorthEast Community Center Board was unaware of the program proposed by the Muldoon Community Development Center (MCDC.) She met with the MCDC Board and explained her concerns; an agreement was made to postpone action on the MCDC grant award for about two weeks, to allow both boards to meet and discuss the impact of the program.

Ms. Taylor moved, seconded by Ms. Abney,	to postpone action on the MCDC grant award until July 21, 1998 pending discussions between the boards of MCDC and NorthEast Community Center on how best to facilitate the program.

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

Question was called on the motion to approve all grant awards in AM 627-98 except that for MCDC and it passed:

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

Ms. Clementson moved, seconded by Ms. Taylor,	to amend AM 627-98 to redistribute $55,180 of the proposed MCDC grant to Alaska Youth and Parent Foundation, $13,748 and Anchorage Center for Families, $31,432.

Ms. Clementson felt the MCDC program, to help youth ages 16 to 23 who have been involved in gang-related activities, although a nobel goal, has the potential to be very controversial. Also, the area community council and the Board of the NorthEast Community Center were not aware of the program. The NorthEast Community Center, which is in the same building as MCDC, serves a large number of young, at risk children. She felt expansion of the MCDC gang program was inappropriate at this location.

Ms. Taylor said she would prefer the MCDC funds be redistributed to a group operating in the Muldoon area.

Mr. Kendall pointed out the grant task force spends a lot of time and effort to allocate the available funds. MCDC ranked third. He felt the Assembly should follow the task force's recommendations.

Question was called on Ms. Clementson's motion to amend and it failed:

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

Ms. Clementson moved, seconded by Mr. Bell,	to postpone action on the MCDC grant in AM 627-98 until August 25, 1998.

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

Question was called on the motion to approve the MCDC grant in AM 627-98 and it passed:

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

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.
   2. Assembly Memorandum No. AM 697-98, Cultural and Recreational Services.
   (CARRIED OVER FROM 4-14-98; POSTPONED FROM 4-28-98 AND 5-5-98)

This item was postponed indefinitely by a motion passed earlier in the meeting.

10. **APPEARANCE REQUESTS**:

A. **Planning & Zoning Commission**, regarding Open House - Anchorage Bowl Comprehensive Plan Goals and Objectives.
B. **Daniel Bourassa**, regarding police service.
C. **John E. Stonerock**, regarding ice cream truck safety on the city streets.
D. **Andree McLeod**, regarding possible future costs of ignoring school board policy referencing proposed surveys.

These persons appeared earlier in the meeting. See after item 8.F.

Ms. Abney introduced Scout Troop 5 from St. Mark's Lutheran Church.

Tom Balensiefer introduced Nick and Justin Millet and Craig Balensiefer, star scouts in attendance to work toward their communications merit badges.

11. **CONTINUED PUBLIC HEARINGS**:

A. 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.

(CONTINUED FROM 6-2-98)

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

Ms. Abney moved, seconded by Mr. Wohlforth, and it passed without objection,	to continue the public hearing for AO 98-51 until August 25, 1998.

12. **NEW PUBLIC HEARINGS**:

A. Resolution No. AR 98-201, a resolution authorizing the Municipality of Anchorage, Community Planning and Development Department to enter into a Memorandum of Agreement in the amount of $138,000 with the Department of Transportation and Public Facilities, State of Alaska, for **financing the Municipal Transportation Planning Model Update** and appropriating these funds to the State Categorical Grants Fund (0231), Community and Planning Development.
   1. Assembly Memorandum No. AM 611-98.

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. Meyer moved, seconded by Ms. Abney,	to approve AR 98-201.

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

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

B. Resolution No. AR 98-203, a resolution of the Municipality of Anchorage appropriating $362,000 to the Equipment Maintenance Internal Service Capital Fund (0606) from Cultural and Recreational Service sources for the purpose of **purchasing vehicles and equipment**, Property and Facility Management.
   1. Assembly Memorandum No. AM 616-98.

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. Meyer moved, seconded by Ms. Abney,	to approve AR 98-203.

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

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

C. Ordinance No. AO 98-76, an ordinance of the Anchorage Municipal Assembly **continuing or reestablishing the Heritage Land Bank Advisory Commission** pursuant to Anchorage Municipal Code Section 4.05.150, Municipal Clerk.
   1. Assembly Memorandum No. AM 421-98.

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. Carlson moved, seconded by Mr. Wuerch,	to adopt AO 98-76.

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

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

D. Ordinance No. AO 98-115, an ordinance amending Anchorage Municipal Code Chapters 3.10 and 3.20 to amend the Executive Organization of the Municipality by **redefining the duties and responsibilities of the Municipal Manager, eliminating the position of Operations Manager and creating and specifying the duties and responsibilities of the position of Executive Manager**, Legal Department.
   1. Assembly Memorandum No. AM 667-98.
   2. Ordinance No. AO 98-115(S), an ordinance amending Anchorage Municipal Code Chapters 3.10, 3.20, 3.30 and 3.70 to amend the Executive Organization of the Municipality by redefining the duties and responsibilities of the Municipal Manager, eliminating the position of Operations Manager, creating and specifying the duties, responsibilities and pay range of the position of Executive Manager, and designating the staff of the Executive Manager exempt employees, Legal Department.
   3. Assembly Memorandum No. AM 708-98.

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. Abney moved, seconded by Mr. Kendall,	to adopt AO 98-115(S).

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

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

E. Resolution No. AR 98-204, a resolution **approving the extension and amendment of the collective bargaining agreement between the Municipality and the International Brotherhood of Electrical Workers, Local 1547 (IBEW)** effective January 1, 1995 covering eligible employees of Municipal Light and Power/Employee Relations Department.
   1. Assembly Memorandum No. AM 617-98.

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. Wuerch,	to approve AR 98-204.

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

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

F. Ordinance No. AO 98-107, an ordinance amending Chapter 11.50 of the Anchorage Municipal Code by adding a new Section 11.50.280 to provide for an **annual payment from the Port of Anchorage** to the General Fund and providing the formula for the payment calculation, Office of Management and Budget.
   1. Assembly Memorandum No. AM 588-98.

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

Mr. Wuerch moved, seconded by Mr. Meyer, and it passed without objection,	to continue the public hearing for AO 98-107 until July 21, 1998.

Mr. Wuerch requested a work session be scheduled to discuss the Municipal enterprise service assessment for the Port, and the Port Commission report dated September 26, 1997 addressing Port enterprise fund dividends.

G. 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 SE 1/4 and the SW 1/4 of the SE 1/4 and the East 1/2 of the NW 1/4 of the SE 1/4 and the South 1/2 of the SW 1/4 of the NW 1/4 of the SE 1/4 and the NE 1/4 of the SE 1/4 of the SW 1/4 the East 1/2 of the NW 1/4 of the SE 1/4 of the SW 1/4 and the East 1/2 of the West 1/2 of the NW 1/4 of the SE 1/4 of the SW 1/4 of all of Section 16, Township 15 North, Range 1 West, Seward Meridian, Alaska, Heritage Land Bank.
   1. Assembly Memorandum No. AM 549-98.

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

ROBERT WORTHINGTON, a homeowner in the subdivision closest to the proposed snowmachine trail, said snowmachine traffic is very noisy and disturbing to residents. There is an alternative trail proposed that would still use the easement, but would avoid the subdivision and keep noise from being a problem. The Chugach Citizens Advisory Board has approved this alternative trail. Therefore, he asked this easement not be granted until the alternative trail is completed. Mr. Worthington explained several other people wish to testify on this item, but they would not be present until later in the evening.

This item was continued until July 21, 1998.

H. Resolution No. AR 98-200, a resolution approving **construction of the Airport Phase 1B Water Transmission Main extension** and providing for assessment of benefited properties at time of service connection, Water and Wastewater Utility.
   1. Assembly Memorandum No. AM 610-98.

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 Ms. Abney,	to approve AR 98-200.

In response to Mr. Wohlforth, Water and Wastewater General Manager Mark Premo explained the project would extend water service from northeast Anchorage to the Sand Lake area. The assessments are a notification that should the affected properties connect to the water main, they will be assessed. Assessments would be due only when a property is connected. Since this is a major transmission main, not all properties along the corridor will connect directly. Properties on corner lots or major streets will connect to distribution centers that would connect to the main. Only properties with no other reasonable alternative will connect directly to the main.

Question was called on the motion to approve AR 98-200 and it passed:

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

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

I. Ordinance No. AO 98-98, an ordinance of the Municipality of Anchorage creating Street Construction Special Assessment District 1SA98 - **street drainage and street light construction for Spalding Circle and Racquet Circle** and determining to proceed with proposed improvements therein, Public Works.
   1. Assembly Memorandum No. AM 534-98.

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 98-98.
seconded by Mr. Meyer,

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

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

J. 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.
   1. Assembly Memorandum No. AM 535-98.

Mr. Bell declared a conflict of interest. He lives on Curlew Circle, which is included in the proposed road improvement district.

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 98-99.
seconded by Mr. Meyer,

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

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

K. Ordinance No. AO 98-103, an ordinance of the Municipality of Anchorage **creating Alley Reconstruction Special Assessment District 1SR98 - West 4th/5th Avenue Alley from 'G' Street to 'H' Street** and determining to proceed with proposed improvements therein, Public Works.
   1. Assembly Memorandum No. AM 573-98.

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 98-103.
seconded by Mr. Wohlforth,

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

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

L. Ordinance No. AO 98-104, an ordinance of the Municipality of Anchorage **creating Alley Reconstruction Special Assessment District 2SR98 - West 5th/6th Avenue Alley from 'H' Street to 'I' Street** and determining to proceed with proposed improvements therein, Public Works.
   1. Assembly Memorandum No. AM 574-98.

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. Wuerch moved, to adopt AO 98-104.
seconded by Mr. Wohlforth,

In response to Chair Von Gemmingen, Mark Sollenberger of Public Works explained property assessments are attached to the property, rather than the property owner.

Question was called on the motion to adopt AO 98-104 and it passed:

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

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

M. Ordinance No. AO 98-105, an ordinance of the Municipality of Anchorage **creating Alley Reconstruction Special Assessment District 3SR98 - West 3rd/4th Avenue Alley from 'E' Street to 'F' Street** and determining to proceed with proposed improvements therein, Public Works.
 1. Assembly Memorandum No. AM 575-98.

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. Carlson moved, seconded by Mr. Kendall,	to adopt AO 98-105.

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

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

Mr. Wohlforth moved, seconded by Ms. Taylor, and it passed without objection,	to change the orders of the day to consider item 12.aa, AO 98-110.

Ordinance No. AO 98-110, an ordinance amending the zoning map and providing for the rezoning from B-1A SL (Local and Neighborhood Business) District and R-10 SL (Alpine/Slope with Special Limitations) District to B-1A SL (Local and Neighborhood Business) District, R-10 SL (Alpine/Slope with Special Limitations) District and PLI SL (Public Lands and Institutions with Special Limitations); **Tracts A and B, Stuckagain Heights Subdivision, located in the NE 1/4 of Section 6, T12N, R2W, S.M., AK**, generally located to the east of Basher Drive and north of Nearpoint Drive (Basher-Stuckagain Hgts. Community Council) (Planning and Zoning Commission Case 98-052), Assemblymember Wohlforth.
 1. Information Memorandum No. AIM 82-98, Community Planning and Development.

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, seconded by Mr. Kendall,	to adopt AO 98-110.
Mr. Wohlforth moved, seconded by Ms. Abney, and it passed without objection,	to amend AO 98-110 in Section 1 to read: "...thence N06 °40'41"W, 172.14'; thence N89° ..."; in Section 2 to read: "...thence N06°40'41"W, 141.94'; thence N89°..."; in Section 3 to read: "...thence N06°40'41"W, 30.20'; thence N89°..."; and in Section 5, paragraph 1 to read: "...uses on the 2.24 acre portion of the site."

Question was called on the motion to adopt AO 98-110 as amended and it passed:

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

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

N. Resolution No. AR 98-197, a resolution authorizing eminent domain proceedings and acceptance of the Decisional Document for the **1998 Construction of East 68th Avenue Improvement Project** between Lake Otis Parkway and Abbott Loop Road, Public Works.
 1. Assembly Memorandum No. AM 590-98.

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

DAVID LATONDRAS spoke on behalf of Rebecca Marie Wilson, owner of a property involved in the eminent domain proceedings. He said Ms. Wilson is almost eighty years old and is frightened by the officials who visit her property. She opposes the 68th project and wants to be left alone. Mr. Latondras asked the Assembly to postpone the proposal in order to review the ramifications.

RAYMOND FINDORFF, owner of 2728 East 68th Avenue, said he bought the property in 1955 because of its natural beauty and many trees. He objected to the proposed loss of his trees by the taking of his property. He felt the amount offered by Municipal officials was far below the worth of the trees which would be destroyed. Mr. Findorff opposed the road project in part because it included as much path as road. He said a retaining wall proposal was agreed to as the best compromise he could accept.

JOANNA FINDORFF clarified part of the problem is a hill on their property which will be lowered during the 68th renovation. This will leave their property elevated, making it necessary to slope the land, resulting in loss of trees and vegetation. She and her husband have tried to find other alternatives; the proposed retaining wall was acceptable, although some trees would be lost from root damage. She felt it was ironic that the Mayor will soon announce creation of another task force to work toward tree preservation.

JOE WILLIAMS, an affected property owner, echoed the comments of previous speakers. He added taking easements was not fair, because owners would still be taxed on the easements but would not be able to use them. If his property is taken, he will face loss of privacy and increased threat to his security. Also, he will be unable to expand his home as planned. He said there were alternatives to the proposed eminent domain, which he would like to discuss. He recommended money set aside for the taking be spent instead on paving Spruce Street, which is in much poorer condition than 68th. He stressed the proposed bike trails and sidewalks along 68th could be installed without taking adjacent property. Mr. Williams added there was no full disclosure by Municipal officials about the proposed taking during community meetings about the 68th expansion.

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

Mr. Murdy moved, seconded by Mr. Meyer,	to approve AR 98-197.

Public Works Director Jim Fero noted parcels 39 and 63A are no longer in contention. The administration had made settlements with the owners of these parcels.

Mr. Wuerch address parcel 75. He noted the administration's offer to the parcel owner was $2,791 while the owners have requested $3,204. He felt uncomfortable imposing eminent domain in this case where the disagreement is over $413.

Mr. Fero responded the owner, Mr. Herda, has requested a sewer line be installed on his property. The Municipality cannot pay for a sewer line to cross 68th Avenue. The administration has agreed to install the line for a reduced cost, before the road is paved.

Steve Gillette of Public Works added discussions are ongoing with Mr. Herda. He felt an agreement was imminent; he can confirm by next week.

In response to Mr. Meyer, Vivian Dietz-Clark of Public Works explained in Mr. Herda's case, the Municipality proposes to purchase his easements in fee title. If this happens, the property will then be public and Mr. Herda would have no liability.

Mr. Fero clarified even after the proposed ordinance is adopted, the administration will continue to negotiate will all parties in an attempt to avoid court actions. The ordinance will merely provide the authority to proceed with court action if absolutely necessary. He stressed court action is not desired and will be used only as a last resort.

In response to Mr. Meyer, Ms. Dietz-Clark discussed negotiations with the Findorffs, owners of parcel 50. She said a retaining wall was an option that was discussed. She deferred to Mr. Gillette regarding the cost of the wall.

Mr. Gillette said the cost of the proposed retaining wall was about $40,000. The value of the land proposed to be taken is about $2,000. He described several alternatives offered to the Findorffs; the cost for most far exceed the market value of the land. He stressed the goal was to treat all residents along the road on an equal basis.

Municipal Attorney Mary Hughes advised the Assembly treat all the property owners in the proposed ordinance, those that have not settled, the same. The ordinance is a decisional document; to alter the ordinance will make the legal proceedings much more difficult. However, after adoption of the ordinance further negotiations are still possible.

In response to Ms. Clementson, Ms. Dietz-Clark discussed the retaining wall discussions with the Findorffs. She explained regardless of the type of wall, some trees and vegetation would be destroyed.

In response to Ms. Abney, Mr. Fero said the value of a naturally-occurring tree was impossible to compare to the value of a tree purchased at a greenhouse.

Ms. Dietz-Clark explained once a taking escalates to eminent domain, the government is required to measure the loss in market value before and after the project. Trees are a sensitive subject, because their value is very different in the market versus the value for viewing pleasure. She stressed the goal is to achieve the greatest public benefit with the least private harm. The desire is to revegetate the Findorff's property, but negotiations have been very difficult. She said the trees which would be used would be younger and smaller than the existing trees, which are older. Ms. Dietz-Clark added there is great motivation for the administration to attempt an agreement, because eminent domain is an expensive alternative.

In response to Mr. Wohlforth, Ms. Dietz-Clark explained the benefit of purchasing an easement rather than condemning for a full fee taking. After purchase of an easement, the property owner may still use the easement for any purpose that is not inconsistent with the government's need. She said trees are replaced with trees as large as possible, to prevent total destruction by moose. Trees which are destroyed within two years are replaced.

Mr. Wohlforth suggested a postponement to allow further negotiations between the parties.

Mr. Carlson moved, seconded by Mr. Wohlforth,	to postpone action on AR 98-197 until July 21, 1998.

Mr. Carlson said he opposed public use easements. He felt further negotiation could bring resolution for the remaining parties.

Question was called on the motion to postpone action on AR 98-197 until July 21 and it passed:

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

Mr. Kendall moved, seconded by Ms. Clementson, and it passed without objection,	to change the orders of the day to consider item 12.R, AO 98-109.

<u>Ordinance No. AO 98-109</u>, an ordinance of the Municipality of Anchorage **creating Natural Gas Line Special Assessment District No. 1G98 - Natural Gas Line in the East Eagle River Valley Area** and determining to proceed with proposed improvements therein, Public Works.

1. Assembly Memorandum No. AM 609-98.

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

ART ISHAM said he and his neighbors have been working on a gas line project since about 1984. This proposal was not requested by the residents, however, he was one of the residents who voted in support. Support was a difficult decision, because residents will pay for a support line to cross Eagle River in addition to extension of the line to their homes. The support line will provide needed gas pressure to supply the homes outside the assessment district. Some people feel unhappy about the situation, because they feel it is the responsibility of Enstar Natural Gas to provide the appropriate gas pressure.

JOHN WILK concurred with Mr. Isham's comments. He said at a community meeting, an Enstar representative and a Municipal official stated there was concern about homes in Overlook Estates running out of gas on very cold days, because of a lack of pressure. Mr. Wilk noted Overlook Estates is not fully occupied; when the subdivision is full, the line across the river would have to be built anyway. He objected to having to pay for the support line in addition to the regular gas service assessment. However, he did support bringing gas service to the subdivision.

JOE RIDING, a resident of Eagle River Valley, echoed the concerns from the previous speakers. For him, the decision was based on finances. He felt it would behoove him to support the gas service, although he felt residents were at a disadvantage.

HAROLD DIETZ felt the proposal was the most inexpensive yet to bring gas to Eagle River Valley. He felt the price per property owner was reasonable.

NORA FURMAN, a resident of the area, felt it was not the function of government to promote a program that benefits a private company. This effectively forces residents to pay for service that they perhaps do not want. She felt gas will eventually come to the valley, and Enstar would build the line anyway in the future, at a more reasonable cost to residents. By this proposal, residents will bear the cost rather than the private company. She spoke against the ordinance.

WILLIAM LESTER said he was one of the residents who initiated the assessment district. He felt gas service was necessary, and desired by many affected residents. Gas is cheaper to use and will be an asset, although it is expensive to install initially. He encouraged the Assembly to adopt the ordinance.

JAMES BRAUER said he voted "no" on the assessment district. He felt he should not have to pay for a bigger pipe; Enstar should have installed the correct size pipe initially.

RANDY HOFFBECK spoke in support of building the gas line now. He was not inclined to wait another five or ten years for service. He pointed out if there was a delay, residents would pay more for fuel in the interim.

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

Mr. Kendall disclosed a conflict of interest, because he is employed by Enstar. He asked to be excused from voting. There was no objection.

Mr. Carlson moved, seconded by Mr. Wuerch,	to adopt AO 98-109.

In response to Mr. Carlson, Dave Web addressed the Assembly as an Enstar representative. He said existing service for existing customers is adequate for cold winter nights. At some point in the future, the line will need to be enhanced, which will require a river crossing. In order to extend the line to serve the proposed assessment district, the river crossing must be done now. In light of the current development rate in Eagle River, estimates indicate the line will have to be reinforced in about five years.

Mr. Wohlforth moved, seconded by Mr. Wuerch,	to extend the public hearing portion of the meeting until 11:00 p.m. to consider items 12.P, Q and continue item 12.G, AR 98-212, AR 98-164 and AO 98-100.

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

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

Mr. Carlson moved, seconded by Mr. Wuerch, and it passed without objection,	to postpone action on AO 98-109 until July 21, 1998 pending a work session with Enstar and Eklutna, Inc.

<u>Notice of Intent to Amend Something Previously Adopted</u>

Mr. Bell gave notice of intent to amend AR 98-177(S), the School District Budget. He said his intent was to amend line 77 to reduce the budget by $300,000 and also line 85 by the same amount, and line 92 by the same amount.

Ms. Clementson seconded this notice.

(Clerk's Note: See action on AR 98-248, introduced on July 21, 1998.)

O. 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.

This item was continued until July 21, 1998.

P. Resolution No. AR 98-212, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Beverage Dispensary License, Duplicate) located at Hillstrand Subdivision, Tract A, Lots 6 & 7, generally located on the east side of Spenard Road and north of West 26th Avenue (Jadon, Inc. d.b.a. **Chilkoot Charlie's**) (Case 98-127), Community Planning and Development.
1. Assembly Memorandum No. AM 669-98.

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

KEN CAVANAUGH spoke as a resident near Chilkoot Charlie's. He pointed out traffic and noise from bar customers until 3:00 a.m. is like a controlled riot. He expressed concern that adding capacity of 135 seats will exacerbate an already intolerable problem. Parking overflow and traffic congestion, especially in winter, is also a concern.

MIKE GORDON, owner of Chilkoot Charlie's, stated everything possible is done to accommodate his neighbors. Twelve security people are on duty Fridays and Saturdays; four of these people work exclusively outside the club, in an attempt to reduce vehicle and property vandalism and discourage vehicles with super-loud stereos from loitering. He felt these efforts have been very successful. He noted loitering after closing seems to be more of a problem in the summer rather than the winter. Mr. Gordon added the existing club meets parking requirements. The proposed expansion has grandfathered parking provisions. This location has been used as a bar since the early 1950's. In response to Ms. Clementson, Mr. Gordon said there are no happy hours at the bar. There are no games or contests that include consumption of alcoholic beverages. Patrons have access to and assistance with public transportation. Notices of penalties for driving while intoxicated are posted at the bar. Non-alcoholic beverages are available to patrons. There is no solicitation or encouragement of alcoholic beverage consumption. Mr. Gordon added he would apply for a conditional use permit for a brew pub in the near future.

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

Mr. Murdy moved, to approve AR 98-212.
seconded by Mr. Wuerch,

Mr. Murdy spoke in support of the resolution. He pointed out Mr. Gordon is active in the community and a good friend to Spenard. Although there will likely be increased noise from the expansion, he hoped some agreement could be reached to satisfy surrounding residents.

Question was called on the motion to approve AR 98-212 and it passed:

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

Mr. Wohlforth moved, to extend the meeting past 11:00 p.m. to consider items
seconded by Mr. Wuerch, 12.Q and 12.G, AR 98-164 and AO 98-100.

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

(Clerk's Note: Due to lack of time, item 12.G, AO 98-100 was continued until July 21, 1998.)

Q. 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.
1. Assembly Memorandum No. AM 474-98.

Sandra Wicks, the Assembly's attorney on this matter, explained the resolution. She said the Municipal Code has a provision that allows the Assembly to revoke a conditional use permit for violations of the conditions on the permit. When the Assembly takes this action, it is acting as a judicial body rather than a legislative body. Judicial matters have different provisions, including prohibitions against ex parte contact. The resolution essentially charges that the permit owner has violated conditions of the permit relating to floor area and food service. The Assembly will make a judgement pertaining to these two issues.

Mr. Wohlforth moved, to postpone action on AR 98-164 and the proposed
seconded by Mr. Kendall, settlement until October 6, 1998 and direct both the Municipal Attorney and defendant to submit, by July 31, 1998, briefs of 5 pages or less regarding the chronology of events to this point, and to declare it the intent of the Assembly that litigation in this matter proceed as quickly as possible.

Mr. Wohlforth felt it was untimely for the Assembly to act on this issue. Members have not been provided with any background information on the settlement. Because of ex parte laws, members do not have information on the legal complaints and counts in a court case. Members do not know who sued or over what issue. These are some of the items which should be included in the 5-page briefs.

In response to Mr. Bell, Assistant Municipal Attorney Jim Walker said a trial is scheduled for June of 1999.

In response to Mr. Meyer, Mr. Walker said the Municipality could proceed with an administrative action to close the establishment based on zoning violations. It was decided not to pursue that because the establishment's owners initiated suit against the Municipality in Superior Court. Any administrative decision may be appealed to Superior Court, so it was felt it would be best to handle the whole thing in Superior Court. When that decision was made, it was not anticipated the procedure would be so lengthy. He said one or both of the liquor licenses at the location have been inactive during various time periods, but they did keep the license active by operating the required amount of time.

Mr. Meyer asked for a report on the status of the conditional use permit for alcohol service.

Mr. Wohlforth asked the Municipality's brief include an explanation of why a resolution to revoke the permit was submitted prior to pursuing the standard zoning enforcement process.

In response to Mr. Wohlforth, Mr. Aglietti, attorney for the establishment owners, addressed the Assembly. He clarified the license for the basement and the license for the bar on the main floor of the establishment are under the same ownership. He added the issue before the Assembly is a matter of litigation; he felt it was best dealt with in the courts. He encouraged the Assembly to approve the settlement agreement regarding floor space and food service, and let the remaining constitutional issues be addressed by the court.

Mr. Wohlforth asked the Municipal Clerk to forward all information from the public to Ms. Wicks. Ms. Wicks should review the information and determine whether it is appropriate for Assemblymembers to view. She should speak with both parties, and if neither object and Ms. Wicks feels the information is appropriate, it should be forwarded to the Assembly.

Ms. Wicks agreed.

Question was called on Mr. Wohlforth's motion to postpone until October 6, 1998 and other stipulations and it passed:

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

Resolution No. AR 98-251, a resolution enacting a new Chapter to the Anchorage Municipal Code of Regulations to **establish pre-hearing, hearing and post-hearing procedures governing all aspects of the initiation and conduct of proceedings before the Assembly for the grant and revocation of conditional use permits for the retail sale of alcoholic beverages**, Assemblymember Wuerch.
1. Assembly Memorandum No. AM 866-98.

Mr. Wuerch, Mr. Murdy and Ms. Clementson joined in introducing this resolution.

Mr. Wuerch directed the Municipal Attorney to take the draft prepared by outside counsel and have procedures ready for the first meeting in August.

Ms. Clementson suggested a public hearing be scheduled on August 25, 1998. There was no objection. A work session was scheduled on this topic on August 25, 1998.

R. Ordinance No. AO 98-109, an ordinance of the Municipality of Anchorage **creating Natural Gas Line Special Assessment District No. 1G98 - Natural Gas Line in the East Eagle River Valley Area** and determining to proceed with proposed improvements therein, Public Works.
1. Assembly Memorandum No. AM 609-98.

This item was considered earlier in the meeting. See after item 12.N.

S. Ordinance No. AO 98-106, an ordinance of the Municipality of Anchorage **amending the term "prisoner" found in AMC 21.35.020(B)**, Assemblymember Wohlforth.
1. Assembly Memorandum No. AM 584-98.
2. Assembly Memorandum No. AM 686-98, Community Planning and Development.

T. Ordinance No. AO 98-93, an ordinance providing for the **creation of a new service area designated Powder Reserve Streetlight Service Area** to operate and maintain streetlights in Tract A, Powder Reserve, generally located west of New Glenn Highway and north and south of the north access road and to amend Anchorage Municipal Code Section 27.30.700 to consolidate the new Powder Reserve Streetlight Service Area (PRSSA) with the existing Eagle River Streetlight Service Area (ERSSA), Community Planning and Development.
1. Assembly Memorandum No. AM 512-98.

U. Ordinance No. AO 98-92, an ordinance submitting to the qualified voters of the Chugiak Fire Service Area **a ballot proposition to deannex Tract A, Powder Reserve**, generally located west of New Glenn Highway and north and south of the north access road from the Chugiak Fire Service Area, and submitting to the qualified voters of the Anchorage 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 Anchorage Fire Service Area, Community Planning and Development.
1. Assembly Memorandum No. AM 511-98.

V. Ordinance No. AO 98-64, an ordinance amending the Anchorage Municipal Code Title 21 to **increase the allowable maximum sign viewing area for churches and schools** from 20 square feet to 50 square feet, to increase the number of signs from one per church or school to one sign for each street frontage and to permit signs for schools to be illuminated or lighted, Assemblymembers Wuerch, Carlson, and Meyer.
1. Assembly Memorandum No. AM 333-98.
2. Information Memorandum No. AIM 84-98, Community Planning and Development.

W. Ordinance No. AO 98-88, an ordinance amending the zoning map and providing for the rezoning from R-3 (Multi-Family Residential) to B-3/SL (General Business District) with Special Limitations for the **south 700 feet of Tract A-1**, and from B-3 (General Business District) to B-3 SL (General Business District with Special Limitations) for **Tract A-2**, all located within **Waldec Subdivision #1**, generally located on the north side of DeBarr Road and east of Boniface Parkway (Northeast Community Council) (Planning and Zoning Commission Case 98-019), Community Planning and Development.
1. Assembly Memorandum No. AM 483-98.

X. Ordinance No. AO 98-90, an ordinance amending the Hillside Wastewater Management Plan, Anchorage Municipal Code Section 21.05.030 M., to reduce the minimum required residential housing density from 3.0 to 1.0 dwelling units per acre on **Tracts B and C, Southcreek Estates Subdivision, and Tract 10 and 11, Villages Subdivision**, generally located south of Potter Creek at the southern end of the Hillside Area above Potter Marsh. (Rabbit Creek Community Council) (Planning and Zoning Commission Case 98-056), Community Planning and Development.
   1. Assembly Memorandum No. AM 509-98.

Y. Ordinance No. AO 98-102, an ordinance amending the zoning map and providing for the rezoning from R-4 (Multi-Family Residential District) to B-3/SL (General Business District with Special Limitations) for the **Hillside Subdivision, Tracts A-1 and B-2**, generally located north of East 22nd Avenue and west of the Seward Highway (Fairview Community Council) (Planning and Zoning Commission Case 98-038), Community Planning and Development.
   1. Assembly Memorandum No. AM 572-98.

Z. Ordinance No. AO 98-108, an ordinance amending the zoning map and providing for the rezoning from PLI (Public Lands and Institutions) to R-10 (Residential Alpine/Slope Affected) for the **N 1/2 of the E 1/2 of the SE 1/4 of Section 16, T15N, R3W, S.M., Alaska** located on the west side of Jasmine Road and south of Sumac Drive (Chugiak Community Council) (Planning and Zoning Commission Case 98-037), Community and Planning Development.
   1. Assembly Memorandum No. AM 589-98.

Items 12.S. through 12.Z. were continued until July 21, 1998.

aa. Ordinance No. AO 98-110, an ordinance amending the zoning map and providing for the rezoning from B-1A SL (Local and Neighborhood Business) District and R-10 SL (Alpine/Slope with Special Limitations) District to B-1A SL (Local and Neighborhood Business) District, R-10 SL (Alpine/Slope with Special Limitations) District and PLI SL (Public Lands and Institutions with Special Limitations); **Tracts A and B, Stuckagain Heights Subdivision, located in the NE 1/4 of Section 6, T12N, R2W, S.M., AK**, generally located to the east of Basher Drive and north of Nearpoint Drive (Basher-Stuckagain Hgts. Community Council) (Planning and Zoning Commission Case 98-052), Assemblymember Wohlforth.
   1. Information Memorandum No. AIM 82-98, Community Planning and Development.

This item was considered earlier in the meeting. See after item 12.M.

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

14. **SPECIAL ORDERS**:

A. Information Memorandum No. AIM 72-98, First Quarter Bar Report: **Gallo's Mexican Restaurant** - 8311 Arctic Blvd., Municipal Clerk.

This item was continued until July 21, 1998.

15. **ASSEMBLY COMMENTS**: None.

16. **UNFINISHED AGENDA**: None.

17. **AUDIENCE PARTICIPATION**: None.

18. **EXECUTIVE SESSIONS**: None.

19. **ADJOURNMENT**:

The meeting adjourned at 11:58 p.m.

____
Chair

ATTEST:

____
Municipal Clerk

Date Minutes Approved: September 22, 1998

LF/db

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