

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of August 18, 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, Melinda Taylor, Charles Wohlforth, Fay Von Gemmingen, Cheryl Clementson, Kevin Meyer, Pat Abney, Dan Kendall, Joe Murdy.
Absent: George Wuerch (excused).

3. **PLEDGE OF ALLEGIANCE**

The pledge was led by Ms. Clementson.

4. **MINUTES OF PREVIOUS MEETING:**

- A. Special Meeting - May 4, 1998
- B. Regular Meeting - May 5, 1998
- C. Regular Meeting - May 19, 1998

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| Ms. Clementson moved, seconded by Mr. Meyer, and it passed without objection, | to approve the minutes of the special meeting of May 4, 1998, and the regular meetings of May 5, 1998 and May 19, 1998. |
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5. **MAYOR’S REPORT:**

Mayor Mystrom handed out an overview of "Anchorage 2000" The Millennium And Beyond, An Overview." Mayor Mystrom explained that this is the committee to coordinate millennium celebration The committee began about four or five months ago. Mayor Mystrom explained the concept is to form an Anchorage 2000 organization that would be an umbrella organization for the millennium to act as a clearing house for every group that wanted to put on an event for the millennium. This overview organization would encourage participation, set guidelines, and promote ideas. The current idea is that the event would be a year-long celebration, with the starting date to be June 21, 1999, and the ending date to be June 21, 2000.

Mayor Mystrom explained that the funding for this group will come from a \$25,000 grant for the balance of this year. The Anchorage Convention and Visitors Bureau will match the \$25,000 grant with board approval. The rest of the funding will come from private sector. Mayor Mystrom also explained he plans to include this organization in the 1999 budget.

Mayor Mystrom commented on another celebration that was brought to his attention in 1996 called "Summer Arts Festival." After planning had begun and the "Anchorage 2000" celebration was born, it was decided that the "Summer Arts Festival" will come under the "Anchorage 2000" umbrella, even though it really wasn’t part of the initial millennium celebration. The funding for the "Summer Arts Festival" has already been budgeted; however, because the budget has reached above \$30,000, it now requires Assembly approval. Mayor Mystrom explained there was some confusion a few weeks ago since the arts group is now calling their celebration the "Millennium Arts Festival."

Cheryl Clementson pointed out that the reason why this seemed confusing was because the arts celebration wasn’t included in the items during their budget work session. Mayor Mystrom responded that because this was a new item in 1997, it should have been clear.

6. **ADDENDUM TO AGENDA:**

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| Ms. Clementson moved, seconded by Mr. Meyer, | to incorporate the addendum items into the agenda. |
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Chair Von Gemmingen read the addendum items.

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

Mayor Mystrom recognized the new commission members who were present.

7. **CONSENT AGENDA:**

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| Mr. Murdy moved, seconded by Ms. Clementson, | to approve all items on the Consent Agenda as amended. |
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A. BID AWARDS: None

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 98-140, an ordinance of the Municipality of Anchorage **terminating the designation of the Assembly as the Board of Adjustment**, creating a separate Board of Adjustment, and transferring all functions of the Board of Adjustment from the Assembly to the newly constituted Board, Assemblymembers Von Gemmingen and Wohlforth. public hearing 9-15-98.
a. Assembly Memorandum No. AM 769-98.
2. Ordinance No. AO 98-141, an ordinance of the Municipality of Anchorage **creating a Board of Adjustment panel separate from the Assembly, retaining the Assembly as a Board of Adjustment panel with limited jurisdiction** and delineating the respective duties, responsibilities, powers and jurisdiction with respect to appeals to the Board of Adjustment, Assemblymember Wohlforth. public hearing 9-15-98.
a. Assembly Memorandum No. AM 770-98.
3. Ordinance No. AO 98-144, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the **issuance of General Obligation Refunding School Bonds** of the Municipality in the aggregate principal amount of not to exceed \$22,000,000 to provide funds required to refund certain outstanding general obligation school bonds of the Municipality; providing for the form and manner of sale of said bonds; pledging the full faith and credit of the Municipality to the payment thereof; authorizing the Chief Fiscal Officer to negotiate and execute a contract for the purchase and sale of said bonds and related matters, Finance. public hearing 9-15-98.
a. Assembly Memorandum No. AM 794-98.
4. Ordinance No. AO 98-145, an ordinance of the Municipality of Anchorage **creating Alley Reconstruction Special Assessment District 7SR98 - West 4th/5th Avenue Alley from 'E' Street to 'D' Street** and determining to proceed with proposed improvements therein, Public Works. public hearing 9-15-98.
a. Assembly Memorandum No. AM 795-98.
5. Ordinance No. AO 98-146, an ordinance of the Municipality of Anchorage **creating Alley Reconstruction Special Assessment District 4SR98 - West 4th/5th Avenue Alley from 'F' Street to 'G' Street** and determining to proceed with proposed improvements therein, Public Works. public hearing 9-15-98.
a. Assembly Memorandum No. AM 796-98.
6. Ordinance No. AO 98-147, an ordinance of the Municipality of Anchorage **creating Alley Reconstruction Special Assessment District 5SR98 - West 5th/6th Avenue Alley from 'G' Street to 'H' Street** and determining to proceed with proposed improvements therein, Public Works. public hearing 9-15-98.
a. Assembly Memorandum No. AM 797-98.
7. Ordinance No. AO 98-148, an ordinance amending Anchorage Municipal Code Chapter 4.60 by enacting a new section to **create the Mt. View Community Recreation Center Advisory Commission** and specifying the membership, duties and responsibilities thereof, Assemblymember Wohlforth. public hearing 9-15-98.
a. Assembly Memorandum No. AM 816-98.
8. Resolution No. AR 98-255, a resolution of the Municipality of Anchorage appropriating \$379,526 to the Federal Categorical Grants Fund (0241) from the U.S. Department of Health and Human Services to **fund Family Planning Services**, Health and Human Services. public hearing 8-25-98.
a. Assembly Memorandum No. AM 798-98.
9. Resolution No. AR 98-256, a resolution of the Municipality of Anchorage appropriating \$150,000 to the State Categorical Grants Fund (0231) from the Alaska Department of Health and Social Services for the provision of **Parental Case Management/Healthy Baby Services**, Health and Human Services. public hearing 8-25-98.
a. Assembly Memorandum No. AM 799-98.
10. Resolution No. AR 98-257, a resolution authorizing the Municipality of Anchorage, Department of Public Works to enter into a Transfer of Responsibilities Agreement (TORA) in the amount of \$134,000 with the State of Alaska, Department of Transportation and Public Facilities for the **design, purchase and installation of signal equipment, including loop detection, at the intersection of Abbott Road and Abbott Loop Road**, Public Works. public hearing 8-25-98.
a. Assembly Memorandum No. AM 800-98.
11. Resolution No. AR 98-258, a resolution of the Anchorage Municipal Assembly **ratifying Executive Order 98-003, an executive order changing Stewart Drive in Grid SW254 and SW255 to Hiland Road**, Municipal Clerk. public hearing 9-15-98.
a. Assembly Memorandum No. AM 801-98.

Mr. Carlson asked this item to be considered on the Regular Agenda. See 8.C.

12. Resolution No. AR 98-248(S), a resolution of the Municipal Assembly providing for a **revision to the Anchorage School District Budget for FY 1998-99**, Assemblymember Bell. public hearing 9-15-98.
a. Assembly Memorandum No. AM 823-98.
13. Resolution No. AR 98-261, a resolution of the Anchorage Municipal Assembly **approving an appointment to fill the remaining 2 ½ years of Mike Burns' term on the Anchorage Telephone Utility (ATU) Board of Directors**, Assembly Chair Von Gemmingen. public hearing 8-25-98.

14. Resolution No. AR 98-263, a resolution of the Municipality of Anchorage appropriating \$480,000 from the Heritage Land Bank Operating Fund (0221) to the Heritage Land Bank Capital Improvement Program Fund (0421) for the purpose of purchasing two parcels of land in Eagle River from Enstar Natural Gas Company for use as a **replacement station for Anchorage Fire Department Fire Station #11, Eagle River**, Heritage Land Bank. public hearing 8-25-98.
 - a. Assembly Memorandum No. AM 826-98.

Ms. Clementson asked this item to be considered on the Regular Agenda. See 8.C.

15. Ordinance No. AO 98-149, an ordinance amending AMC 21.40.190 B-4 (Rural Business District) by **addition of 21.40.190.B.2.ddd, Commercial Recreation** as a permitted principal use (All Community Councils), Assemblymembers Wuerch and Bell. public hearing 11-17-98. **(addendum)**

Mr. Bell asked this item to be considered on the Regular Agenda. See 8.C.

16. Ordinance No. AO 98-150, an ordinance amending Anchorage Municipal Code Chapter 2.50 by **enacting a new Section 2.50.055 to require the Office of Management and Budget** to prepare a Summary of Economic Effects for all ballot initiatives and referenda as soon as reasonably possible after passage by the Assembly or certification for an election ballot by the Municipal Clerk, Assemblymember Clementson. public hearing 9-22-98. (addendum)
 - a. Assembly Memorandum No. AM 847-98.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 98-259, a resolution of the Municipality of Anchorage providing for the appropriation of \$3,709 donated from numerous citizens and \$1,000 from a volunteer award to the Miscellaneous Operational Grants Fund (0261) for the **purchase of library books and materials and operating supplies**, Cultural and Recreational Services/ Library.
 - a. Assembly Memorandum No. AM 802-98.
2. Resolution No. AR 98-252, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Harriet Beaulieu for her 34 years of service** with the Municipality of Anchorage, Assemblymembers Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Taylor, Von Gemmingen, Wohlforth, and Wuerch.

Ms. Taylor asked this item to be considered on the Regular Agenda. See 8.D.

3. Resolution No. AR 98-260, a resolution of the Anchorage Municipal Assembly **expressing appreciation to Mike Burns for his seven years of service on the Anchorage Telephone Utility Board of Directors**, Assemblymembers Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Taylor, Von Gemmingen, Wohlforth, and Wuerch.

Mr. Meyer asked this item to be considered on the Regular Agenda. See 8.D.

4. Resolution No. AR 98-262, a resolution of the Anchorage Municipal Assembly **providing that the Anchorage Telephone Utility (ATU) bid fee of \$25,000 is refundable to all bidders but the successful bidder** and amending Section 3, Paragraph K., AR No. 98-83, Assemblymembers Wohlforth, Meyer, and Murdy.
5. Resolution No. AR 98-264, a resolution of the Municipality of Anchorage **appropriating earned revenues (\$49,490) to the Purchasing Department**.
 - a. Assembly Memorandum No. AM 827-98.
6. Resolution No. AR 98-265, a resolution of the Anchorage Municipal Assembly **requesting the Health and Human Services Commission provide an update to the 1989 estimate of the cost for the impacts of alcohol**, Assemblymembers Clementson, Meyer, and Von Gemmingen.
7. Resolution No. AR 98-267, a resolution of the Anchorage Municipal Assembly **recognizing the week of August 17-21, 1998 as "National Homeless Animals Week"**, Assembly Chair Von Gemmingen. (addendum)

Ms. Abney asked this item to be considered on the Regular Agenda. See 8.D.

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 827-98, **Bear Valley Limited Road Service Area Board of Supervisors appointment** (Richard Gable), Mayor's Office.
2. Assembly Memorandum No. AM 828-98, **Building Board appointments** (Arne Nelson, David Gardner), Mayor's Office.
3. Assembly Memorandum No. AM 829-98, **Historic Preservation Board reappointments** (Carol Gore, Mark Ivy), Mayor's Office.
4. Assembly Memorandum No. AM 830-98, **Platting Board appointments** (Tamas Deak, Sharon Elliott), Mayor's Office.

Ms. Abney asked this item to be considered on the Regular Agenda. See 8.E.

5. Assembly Memorandum No. AM 831-98, **Ravenwoods/Bubbling Brook Limited Road Service Area Board of Supervisors appointment** (William Veelman), Mayor's Office.
6. Assembly Memorandum No. AM 832-98, **School Budget Advisory Commission appointments** (Michael Callahan, Ken Jones), Mayor's Office.

Mr. Wohlforth asked this item to be considered on the Regular Agenda. See 8.E.

7. Assembly Memorandum No. AM 812-98, 1998-1999 Liquor License Renewals: **A-K Korral and A-K Korral (Duplicate)** (Beverage Dispensary), Clerk's Office.
8. Assembly Memorandum No. AM 813-98, 1998-1999 Liquor License Renewal: **C&D Liquor #3** (Package Store), Clerk's Office.

Ms. Clementson asked this item to be considered on the Regular Agenda. See 8.E.

9. Assembly Memorandum No. AM 814-98, **Backstage Cafe** - Transfer of Ownership of a Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Downtown Community Council), Clerk's Office.
10. Assembly Memorandum No. AM 815-98, **1998-1999 Liquor License Renewals**: Alyeska-Aurora Lounge (Tour), Alyeska-Glacier Lounge (Tour-Dup.), Alyeska-Sitzmark Lounge (Tour-Dup.), Arctic Zebra, Billik Inn, Casa Grande, The Coach House (Tour), Eddie's Sports Bar, Great Wall Restaurant, How How Chinese Restaurant, La Cabana Restaurant, Max's Mountain Bar & Grill, Mesa Grill & Manor House, Northern Lights Hotel (Tour), The Ozone, Sourdough Mining Co., West Coast International Inn (Tour) (Beverage Dispensary); The Borealis Brewery (Brewery); BPO Elks Lodge #1351, The Theatrical Lounge (Club); Billik Inn, Brown Jug/Merrill Field, Dimond Liquor, MAPCO Express (Northern Lights), O'Shea's House of Spirits, Trader Jim's (Package Store); China Garden, Chris' Mixed Grill, Daruma Restaurant, Glacier Grill & Pizza, Guido's Pizza, Harley's Old Thyme Cafe, Hooter's Restaurant, Imperial Palace, Jen's Restaurant Bodega & Gallery, Korea House, Manor House, New Cauldron #2, Sawaddi Thai Restaurant, Yen King (Restaurant/Eating Place), Clerk's Office.
 - a. Assembly Memorandum No. AM 815-98(A), 1998-1999 Liquor License Renewals: Alyeska-Aurora Lounge (Tour), Alyeska-Glacier Lounge (Tour-Dup.), Alyeska-Sitzmark Lounge (Tour-Dup.), Arctic Zebra, Billik Inn, Casa Grande, The Coach House (Tour), Eddie's Sports Bar, Great Wall Restaurant, How How Chinese Restaurant, La Cabana Restaurant, Max's Mountain Bar & Grill, Mesa Grill & Manor House, Northern Lights Hotel (Tour), The Ozone (NO PREMISE), Sourdough Mining Co., West Coast International Inn (Tour) (Beverage Dispensary); The Borealis Brewery (Brewery); BPO Elks Lodge #1351, The Theatrical Lounge (Club); Billik Inn, Brown Jug/Merrill Field, Dimond Liquor, MAPCO Express (Northern Lights), O'Shea's House of Spirits, Trader Jim's (Package Store); China Garden, Chris' Mixed Grill, Daruma Restaurant, Glacier Grill & Pizza, Guido's Pizza, Harley's Old Thyme Cafe, Hooter's Restaurant, Imperial Palace, Jen's Restaurant Bodega & Gallery, Korea House, Manor House, New Cauldron #2, Sawaddi Thai Restaurant, Yen King (Restaurant/Eating Place), Clerk's Office. (addendum)

Ms. Clementson asked this item to be considered on the Regular Agenda. See 8.E.

11. Assembly Memorandum No. AM 803-98, **independent audit contract extension with KPMG Peat Marwick**, Assemblymember Wuerch.
12. Assembly Memorandum No. AM 804-98, amendment No. 1 to professional services contract with DOWL Engineers for **Chester Creek Trail Connection Project**, Cultural and Recreational Services.
13. Assembly Memorandum No. AM 805-98, change order No. 1 to construction contract with Pruhs Corporation for **South Anchorage Sports Field road and parking improvements**, Cultural and Recreational Services.

Ms. Clementson asked this item to be considered on the Regular Agenda. See 8.E.

14. Assembly Memorandum No. AM 806-98, amendment No. 1 to professional services agreement with Resource Data Inc. for providing **software, equipment, and professional services for a maintenance management system pilot project**, Water and Wastewater Utility.
15. Assembly Memorandum No. AM 807-98, amendment No. 3 to professional legal services contract with Stoel Rives, LLP regarding the **litigation of Bruns & Saathoff v. MOA**, Legal Department.
16. Assembly Memorandum No. AM 808-98, amendment No. 2 to professional services contract with CRW Engineering Group for the **East 68th Avenue Street Improvements Project (Lake Otis Parkway to Abbott Loop Road)**, File No. 93-14, Public Works.
17. Assembly Memorandum No. AM 809-98, change orders to purchase orders with CEF, Inc. dba Sonshine Enterprises for **year-round road maintenance services** for the Municipality of Anchorage, Public Works Department/Purchasing.
18. Assembly Memorandum No. AM 810-98, **revision to the Anchorage Water Utility's Tariff**, Water and Wastewater Utility.
19. Assembly Memorandum No. AM 819-98, change order No. 1 to purchase order 72499 to **exercise the option period with the Anchorage Daily News for furnishing newspaper advertising** for the Municipality of Anchorage, Mayor's Office/ Purchasing.

- 20. Assembly Memorandum No. AM 820-98, sole source contract with H&R Management for performing **miscellaneous building repairs, upgrades and special custodial services to City Hall** for the Municipality of Anchorage, Property and Facility Management Department/Purchasing.
- 21. Assembly Memorandum No. AM 821-98, change order No. 2 to purchase orders 73174 and 73177 with Alaska Pollution Control for **year-round road maintenance services** for the Municipality of Anchorage, Public Works Department/ Purchasing.
- 22. Assembly Memorandum No. AM 822-98, change order No. 4 to purchase order 63079 with Glen Alps Road Service for **year-round road maintenance** for the Municipality of Anchorage, Public Works Department/Purchasing.

E. INFORMATION AND REPORTS:

- 1. Information Memorandum No. AIM 92-98, **Financial Report - June 1998**, Finance.
- 2. Information Memorandum No. AIM 93-98, **report of Public Works’ construction contract amendments**, Public Works.
- 3. Information Memorandum No. AIM 94-98, **Bar Violations/ Quarterly Report (2nd Quarter 1998)**, Anchorage Police Department.

Ms. Clementson asked this item to be considered on the Regular Agenda. See 8.F.

- 4. Information Memorandum No. AIM 95-98, **maintenance of walkway - Meadow Brook and Eagle River Heights North Subdivisions**, Community Planning and Development.

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

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

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

- A. Bud C. Knox, regarding school funding, did not appear.
- B. Andree McLeod, regarding probable future costs to the Municipality of ignoring state law referencing school surveys.

Andree McLeod, reminded the members that she spoke last month regarding Municipality’s involvement with the Youth-Risk Behavior Survey, which may be conducted in Anchorage’s public schools during the spring of 1999. Ms. McLeod paraphrased the State law which addresses the administration of surveys in schools. She questioned the liability of having officials conduct the survey in violation of State law. Ms. McLeod invited the members to take the initiative and go on record concerning this survey.

- C. David Maxwell, regarding code enforcement.

David Maxwell introduced himself by explaining he is employed by Alaska Towing and Wrecking. Mr. Maxwell requested an appearance because the Code Enforcement claims he is storing a commercial vehicle at his residence. He is being threaten to be fined for having his truck parked at his home since he is on call 24 hours a day, seven days a week. He explained that he is in an R-2 Residential District, which is less than a quarter of a mile from an I-1, a place where he is allowed to have the truck.

He compared having his vehicle at home similar to police officers having their vehicles at home for off-duty purposes. He explained that he has paperwork from the Code Enforcement staff, which stipulates that he can not store or park a commercial vehicle there, but he does not see where parking it is against Municipal laws. He also has multiple statements from his neighbors indicating that the truck does not bother them. Mr. Maxwell explained he is trying to get a conditional use permit.

8. **REGULAR AGENDA:**

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

- 1. Resolution No. AR 98-258, a resolution of the Anchorage Municipal Assembly **ratifying Executive Order 98-003, an executive order changing Stewart Drive in Grid SW254 and SW255 to Hiland Road**, Municipal Clerk. ~~public hearing 9-15-98.~~
 - a. Assembly Memorandum No. AM 801-98.

Mr. Carlson moved, to postpone this item indefinitely.
seconded by Mr. Meyer,
and it passed without objection.

- 2. Resolution No. AR 98-263, a resolution of the Municipality of Anchorage appropriating \$480,000 from the Heritage Land Bank Operating Fund (0221) to the Heritage Land Bank Capital Improvement Program Fund (0421) for the purpose of purchasing two parcels of land in Eagle River

from Enstar Natural Gas Company for use as a **replacement station for Anchorage Fire Department Fire Station #11, Eagle River**, Heritage Land Bank. public hearing 8-25-98.
a. Assembly Memorandum No. AM 826-98.

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

Ms. Clementson moved, to schedule the public hearing for
seconded by Ms. Taylor, AR 98-263 on August 25, 1998.
and it passed without objection,

3. Ordinance No. AO 98-149, an ordinance amending AMC 21.40.190 B-4(Rural Business District) by **addition of 21.40.190.B.2.ddd, Commercial Recreation** as a permitted principal use (All Community Councils), Assemblymembers Wuerch and Bell. public hearing 11-17-98. (addendum)

Mr. Bell, Ms. Clementson and Mr. Meyer joined in introducing this ordinance.

Mr. Bell moved, to refer AO 98-149 to Planning and Zoning Commission
seconded by Ms. Clementson, and schedule the public hearing for the ordinance on
and it passed without objection, November 17, 1998.

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 98-252, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Harriet Beaulieu for her 34 years of service** with the Municipality of Anchorage, Assemblymembers Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Taylor, Von Gemmingen, Wohlforth, and Wuerch.

Ms. Taylor moved, to approve AR 98-252.
seconded by Ms. Clementson,
and it passed without objection,

Ms. Taylor read the resolution while Mr. Carlson presented it to Ms. Beaulieu.

2. Resolution No. AR 98-260, a resolution of the Anchorage Municipal Assembly **expressing appreciation to Mike Burns for his seven years of service** on the Anchorage Telephone Utility Board of Directors, Assemblymembers Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Taylor, Von Gemmingen, Wohlforth, and Wuerch.

Mr. Meyer moved, to approve AR 98-260.
seconded by Mr. Wohlforth,
and it passed without objection,

Mr. Meyer read the resolution while Mr. Wohlforth presented it to Mr. Burns.

3. Resolution No. AR 98-267, a resolution of the Anchorage Municipal Assembly **recognizing the week of August 17-21, 1998 as "National Homeless Animals Week"**, Assembly Chair Von Gemmingen. (addendum)

Ms. Abney moved, to approve AR 98-267.
seconded by Mr. Murdy,
and it passed without objection,

Ms. Abney read the resolution while Mr. Murdy presented it to representatives of an animal protection association.

Ms. Abney moved, to change the orders of the day to take up AR 98-231
seconded by Ms. Clementson, (9D).
and it passed without objection,

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.

Mr. Meyer moved, to approve AR 98-231.
seconded by Ms. Abney,
and it passed without objection,

Mr. Meyer read the resolution while Ms. Abney presented it to the Assembly Office staff: Greg Moyer, Elvi Gray-Jackson and Joy Pantaleon. The staff thanked the Assembly.

Mr. Murdy announced that the Assembly nominated the Assembly Office staff for an award with the National League of Cities, to be given at its national convention in December.

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 830-98, **Platting Board appointments** (Tamas Deak, Sharon Elliott), Mayor’s Office.

Ms. Abney moved, to postpone action on AM 830-98 for one week.
seconded by Ms. Clementson,

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

Mr. Kendall moved, to approve AM 830-98.
seconded by Mr. Meyer,

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

2. Assembly Memorandum No. AM 832-98, **School Budget Advisory Commission appointments** (Michael Callahan, Ken Jones), Mayor’s Office.

Mr. Wohlforth moved, to approve AM 832-98.
seconded by Mr. Murdy,

In response to Mr. Wohlforth, Mayor Mystrom said the appointment of two people from the same company was considered in detail. The appointments were made based on the fact that the School Budget Advisory Commission is an advisory board and the two appointees were highly recommended by board members and staff.

Chair Von Gemmingen pointed out that Mr. Jones’ term will expire in October 1998, and Mr. Callahan’s term will expire in October 1999.

Question was called on the motion to approve AM 832-98, and it passed with one objection by Ms. Abney.

3. Assembly Memorandum No. AM 813-98, 1998-1999 Liquor License Renewal: **C&D Liquor #3** (Package Store), Clerk’s Office.

Ms. Clementson moved, to postpone AM 813-98 until
seconded by Mr. Murdy, August 25, 1998.
and it passed without objection,

4. Assembly Memorandum No. AM 815-98, **1998-1999 Liquor License Renewals**: Alyeska-Aurora Lounge (Tour), Alyeska-Glacier Lounge (Tour-Dup.), Alyeska-Sitzmark Lounge (Tour-Dup.), Arctic Zebra, Billik Inn, Casa Grande, The Coach House (Tour), Eddie’s Sports Bar, Great Wall Restaurant, How How Chinese Restaurant, La Cabana Restaurant, Max’s Mountain Bar & Grill, Mesa Grill & Manor House, Northern Lights Hotel (Tour), The Ozone, Sourdough Mining Co., West Coast International Inn (Tour) (Beverage Dispensary); The Borealis Brewery (Brewery); BPO Elks Lodge #1351, The Theatrical Lounge (Club); Billik Inn, Brown Jug/Merrill Field, Dimond Liquor, MAPCO Express (Northern Lights), O’Shea’s House of Spirits, Trader Jim’s (Package Store); China Garden, Chris’ Mixed Grill, Daruma Restaurant, Glacier Grill & Pizza, Guido’s Pizza, Harley’s Old Thyme Cafe, Hooter’s Restaurant, Imperial Palace, Jen’s Restaurant Bodega & Gallery, Korea House, Manor House, New Cauldron #2, Sawaddi Thai Restaurant, Yen King (Restaurant/Eating Place), Clerk’s Office.
- a. Assembly Memorandum No. AM 815-98(A), 1998-1999 Liquor License Renewals: Alyeska-Aurora Lounge (Tour), Alyeska-Glacier Lounge (Tour-Dup.), Alyeska-Sitzmark Lounge (Tour-Dup.), Arctic Zebra, Billik Inn, Casa Grande, The Coach House (Tour), Eddie’s Sports Bar, Great Wall Restaurant, How How Chinese Restaurant, La Cabana Restaurant, Max’s Mountain Bar & Grill, Mesa Grill & Manor House, Northern Lights Hotel (Tour), The Ozone (NO PREMISE), Sourdough Mining Co., West Coast International Inn (Tour) (Beverage Dispensary); The Borealis Brewery (Brewery); BPO Elks Lodge #1351, The Theatrical Lounge (Club); Billik Inn, Brown Jug/Merrill Field, Dimond Liquor, MAPCO Express (Northern Lights), O’Shea’s House of Spirits, Trader Jim’s (Package Store); China Garden, Chris’ Mixed Grill, Daruma Restaurant, Glacier Grill & Pizza, Guido’s Pizza, Harley’s Old Thyme Cafe, Hooter’s Restaurant, Imperial Palace, Jen’s Restaurant Bodega & Gallery, Korea House, Manor House, New Cauldron #2, Sawaddi Thai Restaurant, Yen King (Restaurant/Eating Place), Clerk’s Office. (addendum)

Ms. Clementson moved, to approve AM 815-98(A).
seconded by Mr. Murdy,
and it passed without objection,

5. Assembly Memorandum No. AM 805-98, change order No. 1 to construction contract with Pruhs Corporation for **South Anchorage Sports Field road and parking improvements**, Cultural and Recreational Services.

Ms. Clementson moved, to approve AM 805-98.
seconded by Ms. Taylor,

In response to Ms. Clementson, Mr. Dusek, Director of the Office of Management and Budget, said that money was appropriated at the last Assembly meeting, in AR 98-224. He explained that the money is the interest from the State Capital Grants accumulated from previous years.

In response to Mr. Wohlforth, Ms. Kingston said that the additional money is for parking. Ms. Kingston explained this area was designed to ensure there will be funding in the first phase for adequate parking for the little league fields.

Question was called on the motion to approve AM 805-98, and it passed without objection.

F. INFORMATION AND REPORTS:

- 1. Information Memorandum No. AIM 94-98, Bar Violations/ Quarterly Report (2nd Quarter 1998), Anchorage Police Department.

Ms. Clementson moved, to postpone AIM 94-98 for
seconded by Ms. Taylor, one week.

Ms. Clementson stated that there were several ABC violations in the Quarterly Report. She asked postponement to acquire copies of responses by licensees to Notice of Violations not attached to the Bar Report.

Question was called on the motion to postpone AIM 94-98 until August 25, and it passed without objection.

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

- A. **NOTICE OF RECONSIDERATION:** Assembly Memorandum No. AM 741-98, amendment No. 1 to grant contract with the Anchorage Cultural Council for **Millennium Arts Festival planning**, Cultural and Recreational Services.
 - 1. Assembly Memorandum No. AM 818-98, amendment No. 1 to grant contract with the Anchorage Cultural Council for Millennium Arts Festival planning, Cultural and Recreational Services. (AM 741-98 WAS APPROVED 7-21-98;
(NOTICE OF RECONSIDERATION WAS GIVEN BY MR. BELL 7-22-98.)

Chair Von Gemmingen reported that the Assembly approved AM 741-98 on July 21. Mr. Bell gave notice of reconsideration on the following day. Chair Von Gemmingen announced that the question before the Assembly is "Shall we reconsider?"

Mr. Bell explained that since there was not much time given to this matter before, he thought time should be allowed for more information about the festival. However, he now recommended a "no vote" on reconsideration.

Question was called on the Motion to Reconsider and it failed:

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

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

- B. **NOTICE OF RECONSIDERATION:** 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.
(AMENDED AND APPROVED 7-21-98; NOTICE OF RECONSIDERATION WAS GIVEN BY MR. BELL 7-22-98.)

Chair Von Gemmingen reported that on July 21, the ordinance was unanimously adopted as amended. Ms. Clementson gave notice of reconsideration on July 22. The question before the Assembly is, "Shall we reconsider?"

Ms. Clementson recommended the Assembly reconsider due to lack of time to adequately consider what was proposed. She advised the Assembly to take the Administration’s memo under advisement.

Question was called on the Motion to Reconsider and it passed:

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

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

Mr. Wohlforth reported that he was the maker of the amendment to which the Administration objects. He reminded the members that in past years the Port paid a revenue distribution to the City, which was confirmed by a resolution during budget time. Without the July 21 amendment, the payment of such a dividend was automatic. Mr. Wohlforth pointed out four

main points in the attached memorandum and discussed each one. He summarized by saying that he does not see why the Assembly confirming the payment would be a problem.

Mr. Bell commented that a mistake may have been made when the ordinance was adopted as amended and recommended that the original version, without the amendment, be adopted.

Mr. Bell moved,
seconded by Mr. Kendall,

to amend AO 98-107 by striking the words, "upon
approval of an authorizing resolution by the Assembly"
at line 12, inserted on July 21, after the words on line 13,
"The Port of Anchorage shall... "

Chair Von Gemmingen explained that line 12 was the amendment that was adopted at the last meeting.

Question was called on the motion to amend AO 98-107 and it passed:

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

NAYS: Wohlforth.

Ms. Clementson moved,
seconded by Mr. Kendall,

to adopt AO 98-107, as amended.

In response to Ms. Abney, Mr. Wohlforth confirmed that, without the amendment, the ordinance mandated the dividend would be automatically paid. He wanted the Assembly to confirm the payment each year by document.

Question was called on the Motion to Adopt AO 98-107 as amended and it passed:

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

NAYS: Wohlforth.

- C.
- Assembly Memorandum No. AM 760-98, change order No. 2 to purchase order 72642 with Yukon Equipment, Inc. for furnishing a **self-contained mobile power screening plant** to the Municipality of Anchorage, Public Works Department/Purchasing.

Chair Von Gemmingen reported a motion to approve was on the floor from July 21. The memorandum was postponed for more information on the intended use of the equipment.

Question was called on the Motion to Approve AM 760-98 and it passed:

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

NAYS: None.

The meeting recessed at 6:41 p.m. and reconvened at 7:10 p.m.

- D.
- 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.

This resolution was considered earlier in the meeting. See after item 8.D.3.

10. **APPEARANCE REQUESTS:**

- A.
- Bud C. Knox**, regarding school funding,

Mr. Knox did not appear.

- B.
- Andree McLeod**, regarding probable future costs to the Municipality of ignoring state law referencing school surveys.
- C.
- David Maxwell**, regarding code enforcement.

Ms. McLeod and Mr. Maxwell appeared earlier in the meeting. See after Item 7.

11. **CONTINUED PUBLIC HEARINGS:**

Chairman Von Gemmingen announced that AO 98-139 (12K), regarding ice cream trucks, and AO 98-133 (12S), regarding the Girdwood Golf Course, will be continued to August 25.

Mr. Wohlforth said he intended to continue AO 98-95 (11H), regarding zoning for private, parochial schools to October 20. He also announced that the McKay Building documents AO 98-135, AO 98-136 and AO 98-134 (12N, O, and P) would be continued to next week.

Mr. Carlson said he would continue hearings on AO 98-120 (12V) until September 22.

- A. 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.
1. Assembly Memorandum No. AM 564-98.
 2. Ordinance No. AO 98-101(S), 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.
 3. Assembly Memorandum No. AM 824-98.
- (CONTINUED FROM 6-9-98 and 7-21-98)

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 98-101(S).
seconded by Ms. Clementson,

In response to Mr. Kendall, George Vakalis explained the ordinance applies to developments, both commercial and residential. It allows the Municipality to assume a State function because of time delays experienced at the State level. Mr. Vakalis said the building industry concurred with the methodology incorporated in the ordinance.

Mr. Jim Fero, Director of Public Works, explained when the regulation would be applied. He said it would only be enforced on triplexes and above. An NPDES permit has not been issued yet. When it is issued, the regulation will affect individual homes. Mr. Fero confirmed that it was not written into the ordinance, but was a policy of the State Department of Environmental Conservation (DEC).

In response to Mr. Kendall, who voiced his concern regarding the effect on individual homeowners, Mr. Fero stated that affected properties would be at least 10,000 square feet of cleared land. He assured it should not affect a single-family builder at this time. Municipal Manager Vakalis explained only lots that are completely cleared would be affected. When the Federal government issues the permit to the Municipality, perhaps a year away, changes will occur. The industry approached the Municipality to ask for help in reducing the time needed to accomplish the permitting process. The Municipality will only do what the State does now. The ordinance codifies the authority to do the permitting.

Mr. Kendall pointed out that the language in the ordinance does not include the unwritten policy described by the administration.

In response to Mr. Kendall, Mr. Vakalis stated that the written Municipal policy could be specific about the implication for lots less than 10,000 square feet. The request before the Assembly is to approve the ordinance, which allows implementation of this particular procedure.

In response to Mr. Kendall, Mr. Vakalis explained that, under Federal law once a permit is issued, the permit defines certain requirements, which have to be obtained, dealing with stormwater and runoff. The reason for the amendment is to make it simpler and more timely for folks who have to go through the process now.

In response to Ms. Abney, Municipal Manager George Vakalis, explained since the City is taking this over from the State, it is considered revenue, and the MOA will get the same fees that the State gets. One additional staff salary will be paid by the fees collected.

In response to Mr. Carlson, Mr. Fero stated that a workbook on procedures needed for people applying for a permit was developed by the Municipality. The workbook will be used for the remainder of the year and is subject to change. He said the workbook was approved by the Environmental Protection Agency (EPA) and DEC. Mr. Fero pointed out that the workbook is the only thing in writing at this time.

In response to Mr. Murdy, Mr. Vakalis assured the Municipal program will be the same fee that the State is charging. It will be a viable program with one staff person.

In response to Mr. Kendall, Mr. Fero agreed that it was an unfunded Federal mandate.

Question was called on the motion to adopt AO 98-101(S) and it passed:

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

- B. Ordinance No. AO 98-58, an ordinance amending Anchorage Municipal Code Title 8, The Penal Code, by enacting a new Chapter 8.55 to **authorize and establish conditions and procedures for the seizure, forfeiture, recovery and disposition by the Municipality of specified proceeds of a crime**, substituted proceeds of a crime, instrumentalities of a crime, contraband and other property the manufacture, possession, sale, distribution or use of which is illegal or which is used in illegal activities, Assemblymember Abney.
1. Assembly Memorandum No. AM 269-98.
 2. Ordinance No. AO 98-58(S), an ordinance amending Anchorage Municipal Code Title 8, The Penal Code, by enacting a new Chapter 8.55 to authorize and establish conditions and procedures for the seizure, forfeiture, recovery and disposition by the Municipality of specified proceeds of a crime, substituted proceeds of a crime, instrumentalities of a crime, contraband and other property the

- manufacture, possession, sale, distribution or use of which is illegal or which is used in illegal activities, Legal Department.
3. Assembly Memorandum No. AM 337-98.
 4. Assembly Memorandum No. AM 360-98, AO 98-58(S): forfeitures of assets and property involved in criminal activity, Legal Department.
 5. Ordinance No. AO 98-58(S-1), an ordinance amending Anchorage Municipal Code Title 8, The Penal Code, by enacting a new Chapter 8.55 to authorize and establish conditions and procedures for the seizure, forfeiture, recovery and disposition by the Municipality of specified proceeds of a crime, substituted proceeds of a crime, instrumentalities of a crime, contraband and other property the manufacture, possession, sale, distribution or use of which is illegal or which is used in illegal activities, Assemblymembers Abney and Murdy.
 6. Assembly Memorandum No. AM 460-98.
 7. Ordinance No. AO 98-58(S-2), an ordinance amending Anchorage Municipal Code Title 8, The Penal Code, by enacting a new Chapter 8.55 to authorize and establish conditions and procedures for the seizure, forfeiture, recovery and disposition by the Municipality of specified proceeds of a crime, substituted proceeds of a crime, instrumentalities of a crime, contraband and other property the manufacture, possession, sale, distribution or use of which is illegal or which is used in illegal activities, Assemblymembers Abney and Murdy.
 8. Assembly Memorandum No. AM 461-98.
 9. Ordinance No. AO 98-58(S-3), an ordinance amending Anchorage Municipal Code Title 8, The Penal Code, by enacting a new Chapter 8.55 to authorize and establish conditions and procedures for the seizure, forfeiture, recovery and disposition by the Municipality of specified proceeds of a crime, substituted proceeds of a crime, instrumentalities of a crime, contraband and other property the manufacture, possession, sale, distribution or use of which is illegal or which is used in illegal activities.
 10. Ordinance No. AO 98-58(S-4), an ordinance amending Anchorage Municipal Code Title 8, The Penal Code, by enacting a new Chapter 8.55 to authorize and establish conditions and procedures for the seizure, forfeiture, recovery and disposition by the Municipality of specified proceeds of a crime, substituted proceeds of a crime, instrumentalities of a crime, contraband and other property the manufacture, possession, sale, distribution or use of which is illegal or which is used in illegal activities.

(CONTINUED FROM 3-24-98, 4-7-98, 4-28-98, 5-5-98, AND 6-9-98)

Ms. Abney requested that the public hearing be opened and continued to next week. She explained that she hopes to provide the opportunity for the public to see the new version "S-4" and possibly "S-5".

Chair Von Gemmingen opened the public hearing on AO 98-58 and accompanying versions, and asked if anyone wished to speak. There was no one, and she closed the public hearing.

In response to Ms. Clementson, Ms. Abney confirmed that the original and S-1, S-2 and S-3 versions were no longer viable and could be postponed indefinitely.

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| Ms. Clementson moved, seconded by Mr. Carlson, and it passed without objection, | to postpone AO 98-58, AO 98-58(S-1), (S-2) and (S-3) indefinitely. |
|---|---|

Chair Von Gemmingen announced that the public hearing on the remaining versions of AO 98-58 will be continued on August 25.

- C. 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.
- (CARRIED OVER FROM 7-14-98 AND 7-21-98)

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

JOE STIMSON, of Stimson Consulting Service, spoke on behalf of the owner of the property. He reported a letter was delivered to Ms. Clementson, which agreed to some additional limitations. Mr. Stimson summarized the limitations and discussed the signage implications.

In response to Mr. Wohlforth's comment that the Planning Commission voted this rezoning down, the property owner, Judd Walker, replied he has no current plans for this property. He explained the reason for the rezone to commercial is to have some options to open it up. He briefly described his intent for the property.

In response to Ms. Clementson, Mr. Stimson reported that even though the preliminary plat was approved, it has not been filed in final. This means there is still one large track at this time. The original purpose for doing the preliminary plat was to address the first rezoning. This time Mr. Walker has come back with the larger rezoning. If later it is determined to go with smaller development, then the plat could be filed or could expire and the property would remain in one large track.

In response to Ms. Clementson, Mr. Stimson explained the Traffic Impact Analysis (TIA) is the real key to what development takes place.

In response to Ms. Taylor, Mr. Stimson explained the major concern with the Russian Jack Community Council was with the traffic interfacing on DeBarr. No presentation was given at the Muldoon Community Council.

In response to Ms. Clementson, Mr. Walker expressed no opposition to a restricted condition against pole-mounted signs, but said he wanted some type of signage allowed.

SAM HEWITT, president of the Northeast Community Council, commented the Council would like to add more special limitations. He said council members were concerned about what kind of businesses would be opened and whether they would be stripped zoned, what kind of traffic problems will be developed, and what kind of landscaping to expect. Mr. Hewitt listed the limitations requested by the community council. He recommended the Assembly not rush into this since the Municipality is going through the Comprehensive Plan process now. He suggested the Northeast Community Council have more input as to what that corner will look like.

Mr. Wohlforth pointed out it's important for the community councils to realize it's the petitioner who has to prove the case.

In response to Mr. Wohlforth, Mr. Hewitt said there were some people right across the street from the track, who oppose the rezone.

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 98-88.
seconded by Mr. Bell,

MS. SELKREG, Director of Community Planning and Development, gave an overview on the background and decisions from the Planning Commission's perspective. She said the Planning Commission saw the petition as a speculative rezone. She emphasized the need for residential land in the community and said it does not seem to be in the best interest of the community to speculatively rezone large-block property.

Ms. Clementson commented that the Planning and Zoning Commission's assessment was that it is not in the best interest of the community to expand commercial zoning from this corner to increase the potential for stripped development. She felt there is already enough commercial opportunity existing in the area.

In response to Mr. Wohlforth, Ms. Clementson reviewed the history of a prior rezone petition on this property.

Mr. Wohlforth felt the Assembly should follow the advice of the Planning and Zoning Commission against the rezone petition.

Question was called on the motion to adopt AO 98-88 and it failed:

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

- D. 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 Tracts 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.
(CARRIED OVER FROM 7-14-98 AND 7-21-98)

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

JERRY STIMSON, a consultant for Dowl Engineers, reminded the Assembly that this area had been rezoned to a lesser density and the request was a housekeeping matter. He gave a brief history of the rezoning.

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 98-90.
seconded by Mr. Wohlforth,

In response to Ms. Abney, Barbara Weinig, vice president of Rabbit Creek Community Council, reported that, although the council members did discuss this ordinance, they did not vote on it. However, she said they had no problems with down zoning from three to one units.

Question was called on the motion to adopt AO 98-90 and it passed:

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

- E. 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.
(CARRIED OVER FROM 7-14-98 AND 7-21-98)

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

TOM MEEHAN, from Dowl Engineers, representing the petitioners in the rezoning, gave a brief background of the rezoning request. He concluded by saying that the rezoning has been endorsed by the Department of Community Planning Development and approved unanimously by the Planning and Zoning Commission. The petitioners have no objections to the special limitations or the effective clauses that are offered within this ordinance.

In response to Mr. Wohlforth, Mr. Meehan confirmed that the petitioners do not plan to put a liquor store or bar in that location.

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

Mr. Wohlforth moved, to adopt AO 98-102.
seconded by Ms. Taylor,

In response to Ms. Clementson, Dr. Shelia Selkreg, CPD Director, described the location and explained it made sense as a commercial property.

In response to Ms. Clementson, Mr. Alspach, Deputy Director of CPD, clarified that the special 35-foot limitation was applicable to a building, not a sign. A sign would be subject to the sign ordinance limitation of a maximum of 45 feet.

Mr. Wohlforth commented, from his experience, that the property was historically commercial property; no one will ever build residential there.

Question was called on the motion to adopt AO 98-102 and it passed:

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

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

- F. 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 ½ of the E ½ of the SE ¼ 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.
(CARRIED OVER FROM 7-14-98 AND 7-21-98)

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

TOM MEEHAN, from Dowl Engineers, representing the Heritage Land Bank and the Municipality, explained this rezone is the final public hearing and approval needed to complete a land trade, which was approved by the Assembly previously. The rezone allows for expansion of a park in the Peters Creek area.

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

Mr. Kendall moved, to adopt AO 98-108.
seconded by Mr. Carlson,

Question was called on the motion to adopt AO 98-108 and it passed:

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

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

- G. Ordinance No. AO 98-111, an ordinance amending the Anchorage Municipal Code Section 21.50.220 concerning **conditional use standards for drive-in banks**, Community Planning and Development.
1. Assembly Memorandum No. AM 649-98.

(CARRIED OVER FROM 7-21-98)

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

JERRY STIMSON, representing himself and Dowl Engineers, said he supported this amendment and gave a brief background of the amendment.

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

In response to Mr. Wohlforth, Don Alspach said that the Planning and Zoning Commission approved this rezone, and he gave a brief history before the lower body.

Mr. Kendall moved, to adopt AO 98-111.
seconded by Ms. Clementson,

Question was called on the motion to adopt AO 98-111 and it passed:

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

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

- H. Ordinance No. AO 98-95, an ordinance of the Municipality of Anchorage amending Title 21 of the Anchorage Municipal Code of Ordinances by **amending 21.40.150 B-2A Central Business District Core, 21.40.160 B-2B Central Business District, Intermediate, and 21.40.170 B-2C Central Business District, Periphery to add public, private and parochial academic schools, business colleges and universities as permitted principal uses**, Assemblymember Wohlforth.
1. Information Memorandum No. AIM 86-98, AO 98-95; amendment to zoning ordinance concerning schools in Central Business District, Community Planning and Development.

In response to Mr. Wohlforth, Mr. Alspach, Deputy Director of CPD, explained the Planning and Zoning Commission requested additional information as the reason this ordinance took several months to come to the Assembly. The ordinance had to be re-advertised because two additional zones were added.

In response to Ms. Abney, Mr. Wohlforth said that he thought the deadline for charter schools was in November.

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

ROBERT YAHARA, testified that he supported amending zoning B-2B to allow public, private, and parochial academic schools. He stated his reasons and gave a brief background of his closeness to the situation. Mr. Yahara felt that it is very important the Assembly look at the areas in respect to buildings which may exist and could be used for educational purposes.

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

Mr. Wohlforth moved, to continue the public hearing for
seconded by Ms. Clementson, AO 98-95 to October 20, 1998.
and it passed without objection,

Mr. Kendall moved, to change the order of the day to take up items 12
seconded by Ms. Von Gemmingen, A,B,C,D,H,M and Q. Then the remainder of the agenda
with one objection by Ms. Clementson as time permits.

Chair Von Gemmingen ruled to take items 12.A-D first and then request to change the order of the day, if needed.

12. NEW PUBLIC HEARINGS:

- A. Resolution No. AR 98-235, a resolution of the Municipality of Anchorage appropriating \$418,604 to the State Categorical Grants Fund (0231) from Alaska Commission on Aging to assist in the funding of coordinated transportation services for senior citizens and for people with disabilities within the Municipality of Anchorage, Public Transportation Department.
1. Assembly Memorandum No. AM 727-98.

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. Taylor moved, to approve AR 98-235.
seconded by Mr. Murdy,

Question was called on the motion to approve AR 98-235 and it passed:

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

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

- B. Resolution No. AR 98-237, a resolution of the Municipality of Anchorage providing for the appropriating of \$350,000 from Areawide General Fund Balance (0101) to the Department of Community Planning and Development (\$132,000), the Department of Health and Human Services (\$8,000), Property and Facility Management (\$150,000), and the Department of Public Works (\$60,000) for **implementation of the Phillips Group study recommendations**, Office of Management and Budget.
1. Assembly Memorandum No. AM 729-98.

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 98-237.
seconded by Ms. Taylor,

In response to Ms. Abney, Municipal Manager George Vakalis, said that Health and Human Services(HHS) do on-site septic and well-water inspections, as related to construction. He further explained that HHS issues permits for swimming pools and food service. He clarified the permitting process for food service from commercial construction to actually preparing and serving food. He explained this resolution appropriated funds for construction permits; other permitting functions may be included in the future.

Question was called on the motion to approve AR 98-237 and it passed:

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

- C. Resolution No. AR 98-241, a resolution of the Municipality of Anchorage appropriating \$45,000 of unappropriated interest from the Areawide Capital Improvement Fund (0401) to the Anchorage Parks and Recreation Service Area Capital Improvement Fund (0461) for **West High School Pool Water Slide**, Office of Management and Budget.
1. Assembly Memorandum No. AM 733-98.

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 98-241.
seconded by Mr. Kendall,

In response to Chair Von Gemmingen, Municipal Manager Vakalis reported the slide was in conjunction with a pool in which there will be water going through the slide so people could climb to the top and slide into the big pool.

Question was called on the motion to approve AR 98-241 and it passed:

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

- D. Resolution No. AR 98-246, a resolution for **review and approval of the collective bargaining agreement between the Municipality of Anchorage and the Anchorage Joint Crafts Council (AJCC)** for the years January 1, 1998 thru 2001, Employee Relations Department.
1. Assembly Memorandum No. AM 761-98.
 2. Information Memorandum No. AIM 96-98, cost associated with the collective bargaining agreement between the Municipality of Anchorage and the Anchorage Joint Crafts Council (AJCC) for the years January, 1, 1998 thru 2001, Employee Relations.

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 98-246.
seconded by Mr. Kendall

In response to Mr. Meyer, Tom Tierney, Employee Relations Director, said the contract provides that the new agreement is effective upon ratification by the members and approval by the Assembly. The effective date of the salary increases would be yesterday, the first day of a new pay period, as a convenience to payroll input.

Question was called on the motion to approve AR 98-246 and it passed.

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

Mr. Wohlforth moved, to reconsider AR 98-146.
seconded by Ms. Kendall.

Question was called on the motion to reconsider AR 98-146 and it failed:

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

(Clerk’s Note: Mr. Meyer and Mr. Murdy were out of the room at the time of the reconsideration vote.)

Mr. Kendall moved, to change the orders of the day
with two objections, to take up AO 98-124 (12H).
and it failed for a lack of nine affirmative votes,

(Clerk’s Note: The ruling that the motion failed was in error, since it takes eight affirmative votes to change the orders of the day before 11:00 p.m.)

- E. Ordinance No. AO 98-130, an ordinance amending Anchorage Municipal Code Section 3.30.125 to **authorize the Director of Employee Relations to approve higher step placement or additional wage compensation of employees in essential job classifications** to meet competitive market conditions or recruitment difficulties, Employee Relations.
 - 1. Assembly Memorandum No. AM 753-98.

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

BETTY EVANS, questioned if this was to benefit specific people within the Municipality, who are already on board. Ms. Evans felt that, if so, it was like sneaking things in the back door.

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 98-130.
seconded by Mr. Meyer,

In response to Chair Von Gemmingen, Mr. Tierney said the ordinance was for flexibility in hiring data processing staff.

Chair Von Gemmingen commented that the year 2000 has created a real shortage of those type of workers.

In response to Mr. Bell, Mr. Tierney said it could technically apply to executives but that was not the purpose of the ordinance since there is a broader range of salaries for executives.

Question was called on the motion to adopt AO 98-130 and it passed:

AYES: Bell, Carlson, 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.)

- F. Ordinance No. AO 98-138, an ordinance **establishing a temporary, six-month municipal re-employment period after closing the sale of the Anchorage Telephone Utility ("ATU") for ATU non-represented and executive employees**, prescribing for such employees’ re-employment eligibility status and length of service dates and providing for the designation and continued municipal employment of critical ATU non-represented employees, Assemblymembers Wohlforth, Meyer, and Murdy.
 - 1. Assembly Memorandum No. AM 811-98, AO 98-138: establishing a temporary, six-month municipal re-employment period after the closing of the sale of the Anchorage Telephone Utility ("ATU") for non-represented employees, prescribing for such employees’ re-employment eligibility status and providing for the designation and continued municipal employment of critical ATU non-represented employees, Assemblymember Wohlforth.

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 98-138.
seconded by Ms. Taylor,

Mr. Wohlforth thanked Mr. Tierney for his work putting this ordinance together. He explained the intent is to provide some incentive for critical ATU employees to stay with the company through the sale. Also, to reward other ATU employees who have been loyal employees for years. If they choose to come to the Municipality for employment, they would not lose their seniority. It is supported by ATU, the Administration and ATU Committee.

In response to Mr. Bell, Mr. Tierney agreed it could be assumed that any buyer of ATU would have an employee retirement program, but ATU employees could not roll their Public Employee Retirement System (PERS) funds into another pension plan. The ordinance enhances the rights of ATU employees and, hopefully, provides incentives for employees to either seek employment with the Municipality or another telephone company.

Mr. Wohlforth clarified that the ordinance did not give anybody bumping rights. Preferential treatment only applies to those employees applying for an open position, which is a critical distinction.

Ms. Taylor complemented the Administration on this ordinance. She also recognized that it deals with people who have mortgages, people who contribute to the economy. It is a very progressive and humane way to treat people who have been loyal to ATU.

Question was called on the motion to adopt AO 98-138 and it passed:

AYES: Bell, Carlson, 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.)

- G. 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.
 - 1. Assembly Memorandum No. AM 673-98.

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 98-116.
seconded by Mr. Meyer,

Question was called on the motion to adopt AO 98-116 and it passed:

AYES: Bell, Carlson, 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.)

- H. Ordinance No. AO 98-124, an ordinance amending and renumbering Anchorage Municipal Code Section 15.05.160 to Section 15.05.055, amending Section 15.65.010 and enacting a new Section 15.65.033 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 transfer between spouses, Health and Human Services.
 - 1. Assembly Memorandum No. AM 721-98.

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

NAT SMITH, resident of Peters Creek, explained the residents have a big concern about the quantity and quality of the on-site systems. She supports the involvement of the Municipality in requiring a certificate before transfers of property, both for wells and septic systems.

JIM CROSS, program manager of the on-site water and wastewater system of the Department of Heath and Human Services, explained the minimum requirement for water quantity is 150 gallons per day, per bedroom of the house on the property being sold. There is a minimum quality standard which includes three parameters: nitrate level, fecal coliform level, and other bacteria levels. Mr. Cross specified the standards on each.

SHARON MINSCH, president of the Chugiak Community Council and vice chair of the On-Site Technical Review Board, speaking for herself. Ms. Lynch urged the members to support this ordinance quickly, particularly in north and south Anchorage, because there are elevated nitrate in these areas. She felt that the community is reaching the end of the effective life of a lot of the septic systems statewide. She believes it is a matter of public health, environmental health as well as financial health.

BARBARA WEINIG, speaking for herself, believed that the Municipality needs to require inspections, since the State is no longer going to require them and the lending institutions will not have to require them. It is the one thing that we have which will keep the existing on-site wastewater and water systems viable; maybe this is the only way that there will be any oversight.

In response to Ms. Abney, Ms. Weinig suggested that it would not be unreasonable to have people re-certify their systems every five years without a sale.

JOHN ANGEL, resident of Chugiak, said a major concern in that area is the infiltration nitrates and other substances into the water systems, since the 1980s. He has been before the Platting Board on a number of instances where developers were tempting to develop new plats. In almost every case, this issue came up and almost every time the developers won. Mr. Angel believed the developers win because there is no ready evidence concerning the quality of water and the possible impact of the development on water systems. He explained this amendment will provide at least some important information, which can be used by the Platting Board to make decisions concerning the current existence of problems and the potential for problems related to water in the future.

LARRY SMITH, vice president of the Chugiak Community Council, speaking as an individual and member of the Community Council for the past six years, believed this is a good step in the right direction. He suggested the Assembly needs to look at issues regarding planning, development and future growth of the community.

SUE PACE, resident of Simitar Subdivision, is a concerned citizen who has lived with a low-producing well for the past seven years. Ms. Pace believed that everyone needs to be aware of increasing problems and the community needs ordinances in place to help ensure that it does not continue for other homeowners.

SHIRLEY NOWOTNY, resident of North Peters Creek, spoke in support of the ordinance since the lending institutions are no longer going to require sellers to have inspections. It seems like everyone wants to move to Chugiak, build big homes, and use larger lots for dogs and horses. She asked for help with the increasing nitrates. Ms. Nowotny asked how much the certificate will cost the seller and will the Municipality accept the results of the engineers, who do the tests, without questions. She questioned how long it would take to get a certificate issued.

To answer Ms. Nowotny’s questions, Jim Cross responded that the cost of the Health Authority Certificate will remain as it has been for years, which is \$300.00. The average turn-around time is less than a week.

In response to Ms. Abney, Mr. Cross said the cost included both water and septic. Mr. Cross explained what the code allows and how the certificate works for areas in Eagle River, which have just water and holding tanks.

JIM VOGEL, Chair of On-Site Water and Wastewater Technical Review Board for the past five years and a 20-year resident of Anchorage, reported this ordinance has unanimous support of the Board. He further explained they strongly feel that this should be supported and implemented because the State is virtually dropping out of the picture.

ROBERT YAHARA, resident of South Anchorage, described his experience of buying a house with the original septic system failing and the seller putting in a new septic system when the house went up for sale. He felt that the Municipality’s inspection requirement, issued with the house, would be assurance to a home buyer that standards were met. He felt that it could be real scary for some people who will have difficulty meeting the minimum requirements, but it protects the buyer from possibly buying a home without an understanding of the systems involved.

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

Ms. Clementson moved,
seconded by Mr. Kendall,

to adopt AO 98-124.

In response to Mr. Kendall, Mr. Cross said that the State did provide Health Authority approval for multi-family and commercial properties within the Municipality and single-family properties in the remainder of the state. The State stopped this procedure this past November.

In response to Mr. Kendall, Mr. Cross said there was no regulation which required permits in the State just as there is no regulation in the Municipality that required them. It was done voluntarily at the request of lending institutions or anyone involved in a sale. To address funding, Mr. Cross said there was no money from the State to the Municipality to cover costs. Any costs involved would be covered by the fees for the certificates.

In response to Mr. Kendall, Mr. Vakalis said the Municipality put this ordinance forward to restore the level of inspections and information on on-site systems. He confirmed the State was not regulating triplexes and above. He said the Municipality is looking into the health safety implications and may be coming forward with another ordinance to regulate other properties.

In response to Ms. Abney, Mr. Cross said the ordinance may require one more staff person whose salary would be paid by the fees from the Health Approval issued.

In response to Chair Von Gemmingen, Mr. Cross said that the Hillside area was probably the most dense area with on-site systems within the Municipality. On-site systems exist from the Sand Lake area to Eklutna. However, more than half are located in the Hillside area. He explained the Municipality issues Health Authority approvals on properties with single-family, wastewater disposal systems, which are also on community wells. However, community wells are regulated by DEC in the State of Alaska.

Chair Von Gemmingen commented that she has a concern regarding divorced spouses and transfers between spouses.

Question was called on the motion to adopt AO 98-124 and it passed:

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

NAYS: None.

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

- I. Ordinance No. AO 98-131, an ordinance amending Anchorage Municipal Code Titles 10 and 14 by enacting a new Chapter 10.65, **Business Licenses And Regulations**, to require all those holding a business license endorsement to sell tobacco or any product containing tobacco to display a warning sign stating that the sale of tobacco to persons under age 19 is illegal, and providing for fines for non-compliance, Assemblymember Meyer.
1. Assembly Memorandum No. AM 762-98.

2. Ordinance No. AO 98-131(S), an ordinance amending Anchorage Municipal Code Titles 10 and 14 by enacting a new Chapter 10.65, Business Licenses and Regulations, to require all those holding a business license endorsement to sell tobacco or any product containing tobacco to display a warning sign stating that the sale of tobacco to persons under age 19 is illegal, and providing for fines for non-compliance, Assemblymember Meyer.
3. Assembly Memorandum No. AM 817-98.

Mr. Meyer moved, to postpone AO 98-131 indefinitely.
 seconded by Mr. Murdy,
 and it passed without objection,

Mr. Meyer explained the State law prevails and Municipal law cannot be less strict than the State; it can only be more strict. He said that he hopes Representative Cowdery can get the State law changed.

- J. Ordinance No. AO 98-143, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Chapter 10.60, regarding **sidewalk vendors**, Assemblymember Wohlforth.
 1. Assembly Memorandum No. AM 793-98.

Mr. Wohlforth explained this item was never intended to be on this agenda because it was intended to be scheduled on the 25th.

(Clerk's Note: This item was continued one week to August 25, 1998, later in the meeting. See item 16, Unfinished Agenda.)

- K. Ordinance No. AO 98-139, an ordinance **amending safety regulations for slow-moving roving vendors (ice cream trucks)**, Assemblymembers Carlson, Abney, Meyer, and Murdy.
 1. Assembly Memorandum No. AM 834-98.
 2. Ordinance No. AO 98-139(S), an ordinance amending safety regulations for slow-moving roving vendors (ice cream trucks), Assemblymembers Carlson, Abney, Meyer, and Murdy. (addendum)
 3. Assembly Memorandum No. AM 848-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one, and she announced this ordinance would be continued next week.

Mr. Meyer handed out copies of the "S" version to the members for review and left copies for anyone in the audience.

Mr. Wohlforth moved, to change the orders of the day
 seconded by Mr. Murdy, to take up AO 98-135 (12N).
 and it passed with one objection by Ms. Clementson,

Mr. Wohlforth requested the change of order since Representative Ryan had waited a long time to testify on the McKay Building ordinances, AO 98-135 (12N).

Chair Von Gemmingen announced there were eight votes to change the order of the day.

- N. Ordinance No. AO 98-135, an ordinance of the Anchorage Municipal Assembly amending AMC Sections 12.35.005, 12.35.010, and 12.35.025 and providing **for tax exemptions and tax deferral for deteriorated property**, Assemblymember Wohlforth.
 1. Assembly Memorandum No. AM 767-98.
 2. Assembly Memorandum No. AM 825-98, AO 98-135 and AO 98-136 "Property Tax Exemption/Deferral Deteriorated Property", Finance.
 3. Assembly Memorandum No. AM 844-98, AO 98-135 - Summary of Economic Effects, Assemblymember Wohlforth. (addendum)
- O. Ordinance No. AO 98-136, an ordinance of the Anchorage Municipal Assembly **designating certain real property as deteriorated property** (all property located between Cordova and Eagle Streets and 3rd and 4th Avenues), Assemblymember Wohlforth.
 1. Assembly Memorandum No. AM 768-98.
 2. Assembly Memorandum No. AM 825-98.
 3. Assembly Memorandum No. AM 845-98, AO 98-136 - Summary of Economic Effects, Assemblymember Wohlforth. (addendum)
- P. Ordinance No. AO 98-134, an ordinance of the Anchorage Municipal Assembly **withdrawing certain real property from the Heritage Land Bank for public purposes and authorizing the sale of said real property at the current appraised fair market value** (Parcel No. 1 - Lots 7, 8 and 9A, Block 23, East Addition to Original Townsite; Parcel No. 2 - Lot 2, Block 23, East Addition to Original Townsite; Parcel No. 3 - Lots 4, 5 and 6, Block 24, East Addition to Original Townsite), Assemblymember Wohlforth.
 1. Assembly Memorandum No. AM 766-98.
 2. Assembly Memorandum No. AM 846-98, AO 98-134 - Summary of Economic Effects, Assemblymember Wohlforth. (addendum)

Chair Von Gemmingen opened the public hearing for AO 98-135, AO 98-136 and AO 98-134 and asked if anyone wished to speak.

REPRESENTATIVE JOE RYAN, explained his intention and perspective of the bill he sponsored in the legislature. He provided a background history of tax incentives to avoid a building from being torn down. The bill was based on legislation

from other jurisdictions. It allows a tax deferral and a tax exemption, each for one five-year period; the bill gives the governing body authority to use this tool in a local community. He described the action taken by the legislative body on the bill and said there were no amendments. He reported that when drafting the bill, it was not his intention to have any restrictions.

In response to Mr. Wohlforth, Representative Ryan explained the process of how the revisor of statutes would review the original legislation and verify if there was an unintended omission in the bill. An omission could be re-instated later by a housekeeping bill. He spoke about how similar legislation in other jurisdictions was used to avoid urban blight. He said it was not his intention to have the five-year tax exemption and deferral periods run concurrently. The bill limited the deferral and exemptions to 10 years, not 15 years.

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

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

to continue the public hearing on AO 98-135 (12N), AO 98-136 (12O), and
AO 98-134 (12P) to August 25 1998.

Mr. Kendall asked several questions about the McKay Building, specifically what was the owner’s response to the court and Zoning Board of Examiners’ actions. He suggested an overview presentation to the Assembly before the Assembly acts on the proposed ordinances.

Mr. Wohlforth agreed an overview was needed; however, he explained Rep. Ryan’s testimony was in reference to the legality of the concept. He hoped the issue would be ready for the meeting of August 25, 1998.

(Clerk’s Note: The Assembly then returned to item 12.L, AO 98-121.)

- L. 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.
1. Assembly Memorandum No. AM 715-98.
- M. Ordinance No. AO 98-132, an ordinance by the Municipality of Anchorage authorizing a sale by the Heritage Land Bank (HLB) of the combined lessor’s leasehold interest and fee-simple interest in the 19.83 acre Tract A1 described as the Northwest ¼ of Section 16, Township 12 North, Range 3 West, Seward Meridian, Anchorage, Alaska (Heritage Land Bank Parcel #2-115 Plat #86-15) on a sole-source basis to the Abbott Loop Community Church for appraised fair market value, Heritage Land Bank.
1. Assembly Memorandum No. AM 764-98.

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

to combine public hearing on
AO 98-132 and AO 98-121.

Ms. Clementson stated that she has a conflict of interest on these two issues. She explained that because her children attend school at the subject church and her personal finances could be influenced, she did not feel comfortable voting to sole source Municipal property to the church.

Mr. Meyer moved,
seconded by Mr. Murdy,

that Ms. Clementson has a substantial financial interest
in the matter before the Assembly.

In response to Mr. Bell and Mr. Kendall, Ms. Clementson answered specific questions as to the potential conflict of interest.

Mr. Murdy and Mr. Wohlforth felt that the wish of the affected Assemblymember should be honored when questions of a conflict are voiced.

After a lengthy debate, the question was called on the motion of whether Ms. Clemenston had a substantial conflict of interest in AO 98-121 and AO 98-132, and it passed:

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

Chair Von Gemmingen opened the public hearing for AO 98-132 and AO 98-121 and asked if anyone wished to speak.

RICK BENJAMIN, Pastor of Abbott Loop Church, thanked the Municipality for the ordinance providing for the purchase of HLB property on a sole-source basis to Abbott Loop Church. He provided a brief history of the church. He explained that the property was vital to the church for parking and future development for all 20 acres, including a South Anchorage youth center. He emphasized the church was ready to pay full-market value for the property; the church was not asking for a discount. He appreciated the public process of this transaction in a totally ethical and legal way. He also thanked Mayor Mystrom, HLB Director Houle, and the Assembly.

Mr. Meyer acknowledged the use of the church for Abbot Loop Community Council meetings and youth activities.

In response to Mr. Wohlforth, Pastor Benjamin said the number on the Heritage Land Bank (HLB) version is the appraised value of the property, which includes the effect of the long-term leases, which encumber the property. Pastor Benjamin said the price was the minimum acceptable bid to the land bank. He explained the terms of the different leases.

BETTY EVANS, was opposed to both ordinances. She did not believe this was the highest and best use for Heritage Land Bank land. Ms. Evans felt that the church had been given a real break on leasing this land. She gave two reasons for her opposition: One, if you allow the sole-source purchase, you remove any possibility of tax structure to the City. Two, the current structure is in violation of the sign ordinance.

ROBERT YAHARA, supported the sale. He corrected the prior speaker's assertion regarding the sign. He explained the church is in Zone PLI so the sign is in accordance with Title 21. He urged the Assembly to approve the sole-source exemption on behalf of Abbott Loop Community Church, and continue the investment and purpose of the comprehensive plan for the city.

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 98-121.
seconded by Mr. Bell,

Chair Von Gemmingen opened discussion on the difference between AO 98-121 and AO 98-132.

Mr. Bell explained that Ordinance AO 98-121 says "assessed value or less" and Ordinance AO 98-132 says "assessed value." He also further explained the reason for putting in "or less", as an option of recognizing the Abbott Loop Church's service to the community by showing it in a material way. Mr. Bell encouraged a yes vote.

In response to Mr. Kendall, Municipal Manager George Vakalis stated that AO 98-132 gives the correct legal description and the administration recommends AO 98-132, because the text is for appraised value as opposed to less than appraised value.

Mayor Mystrom commented that it sounded like the Assembly and the Administration wants to accomplish the same thing. The question is whether or not the Municipality can legally sell the property for less. He felt that either wording will work, but the more appropriate ordinance is AO 98-132, because it follows the code and sets the price at a fair-market value.

Mr. Bell moved, to substitute AO 98-132 for the motion to adopt AO 98-121.
seconded by Ms. Abney,

In response to Mr. Kendall, Mr. Bell said he wanted to recognize the public service that Abbott Loop provides. He said that he supports the substitution with an amendment to line 41.

Ms. Abney supports a sole-source purchase and said she would speak against an amendment.

Mr. Wohlforth also agreed with the sole-source approach. However, he would vote against it if the words "or less" were included. He supported the substitution of 98-132 and recommended it pass as written.

Question was called on the motion to substitute AO 98-132 and it passed:

AYES: Bell, Carlson, 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.)

Mr. Bell moved, to amend AO 98-132 at line 41 to insert the words "or less".
seconded by Mr. Kendall,

Mr. Kendall and Chair Von Gemmingen spoke against the amendment.

Question was called on the motion to amend AO 98-132 at line 41 and it failed:

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

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

Question was called on the motion to adopt AO 98-132 and it passed:

AYES: Bell, Carlson, 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.)

(Clerk's Note: The Assembly then took up AO 98-142 (12Q).)

Public hearings on Items 12.N, O and P were opened earlier in the meeting and continued to August 25, 1998. See after 12.K.

Q. Ordinance No. AO 98-142, an ordinance **authorizing the sale of the Municipality's fee-simple interest in Lots 11 and 12, Block 6 of the Homestead Acres Subdivision, Anchorage Recording District, generally located west of Lake Otis Parkway, adjacent to St. Mary's Episcopal Church**, on a sole source basis for appraised fair market value to St. Mary's Episcopal Church, Legal Department/Property and Facility Management.

1. Assembly Memorandum No. AM 792-98.

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

BETTY EVANS, testified that she opposed sole-source sale.

ROBERT NELSON, priest at St. Mary's Episcopal Church, spoke in favor of this ordinance. He gave a brief history of when Lake Otis was rebuilt several years ago. Ms. Nelson contended that, with the median in place, church members only have access to proceed south on Lake Otis. This purchase will allow legal access going both directions on Lake Otis.

In response to Chair Von Gemmingen, Father Nelson said there was already visibility at the driveway, but the sale will allow the church to move the driveway down so there will be legal turns both ways onto Lake Otis.

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

Mr. Kendall moved, to adopt AO 98-142.
seconded by Ms. Taylor,

Mr. Wohlforth disclosed he is a member of St. Mary's Episcopal Church, even though he did not believe he has a conflict of interest or a financial interest.

In response to Chair Von Gemmingen, Mayor Mystrom gave the appraised value of each of the lots.

In response to Mr. Wohlforth, Mr. Fero said the buildable lots were purchased when Lake Otis was widened. He explained the sale was a good move from an engineering point of view, and the advantages of moving the church exit south. He elaborated on the Lake Otis access abilities from the church. He also confirmed the appraisal was done by an external appraiser.

In response to Mr. Wohlforth, Mayor Mystrom said the two decisions are independent in that there is no exchange one for another.

In response to Ms. Clementson, Mr. Fero said Property and Facility Management is the manager of the land; however, it will be sold through the Heritage Land Bank as required.

In response to Ms. Clementson, Larry Houle, HLB Director, explained how the Heritage Land Bank functions more like a broker on some parcels that are managed by other agencies, as in this case. This is not part of HLB's inventory, but HLB will broker and act as the real estate agent on behalf of that agency.

In response to Ms. Clementson, Municipal Manager Vakalis, said a list of raw land managed by Property and Facility Management can be submitted to her.

Mr. Meyer commented that he supports the sale of the property to the church. He also mentioned that he appreciates their cooperation with helping in dealing with the traffic problems at Lake Otis and Tudor.

In response to Mr. Meyer, Mr. Fero gave the present status of the work being done off of Lake Otis and how construction impacted traffic circumstances. He also explained the fate of trees in the affected area.

Mayor Mystrom explained circumstances of easement impacts on the church. He felt that the vegetation on the restored property would look as good or better than it does now.

In response to Ms. Abney, Municipal Manager Vakalis said the property would be sold at fair-market value.

In response to Ms. Abney, HLB Director Houle, explained the division within the Heritage Land Bank, called the Real Estate Services section, which is operated under a separate part of the code, Title 25.

In response to Ms. Clementson, Mayor Mystrom said that the completion date for this construction was late October. Public Works Director Fero elaborated on the construction completion impacts.

Question was called on the motion to adopt AO 98-142 and it passed:

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

Mr. Kendall moved, seconded by Ms. Clementson, and it passed without objections. 10 members present.

Chair Von Gemmingen encouraged the members to proceed with the agenda, since the Assembly had some weeks off.

- R. Ordinance No. AO 98-126, an ordinance providing for the **sale by sealed bid of surplus properties held by Anchorage Water and Wastewater Utility (AWWU)**, attached as Exhibit A (Parcel No. 1 - Lot 13, Block 3, Shady Lane; Parcel No. 2 - Lot 10, Block D2, North Star; Parcel No. 3 - Lot 11, Block D2, North Star; Parcel No. 4, Tract B, Eagle Glen; Parcel No. 5 - Tract P2, Regional Park #2; Parcel No. 6 - Lot C, Block 3, Palos Verdes; Parcel No. 7 - Lots 7, 8, 9 and Tract B, Hollowbrook), Heritage Land Bank.
1. Assembly Memorandum No. AM 723-98.

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

Ms. Clementson moved, to adopt AO 98-126.
seconded by Mr. Kendall,

Mr. Kendall moved, to postpone AO 98-126 for one week.
seconded by Mr. Murdy,

In response to Mr. Kendall, Anchorage Water and Wastewater (AWWU) Director Mark Premo, said the list of properties were circulated among Municipal agencies, as well as Assembly, with instructions to advise AWWU if other uses were desired. He received no requests.

Question was called on the motion to postpone AO 98-126 one week and it failed:

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

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

Mr. Wohlforth requested a re-vote for a full house.

Chair Von Gemmingen directed the members to vote again on the motion to postpone until August 25, and it failed:

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

Question was called on the motion to adopt AO 98-126 and it passed:

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

- S. Ordinance No. AO 98-133, an ordinance authorizing the Municipality of Anchorage to **enter into a long-term lease with an option to purchase a portion of land (known as the "Project Study Area" pursuant to RFP No. 97-01, Appendix B) in Girdwood**, and in connection therewith to contract for the design, construction and operation of a golf course and Nordic ski course, Heritage Land Bank.
1. Assembly Memorandum No. AM 765-98.

Chair Von Gemmingen opened the public hearing and announced the ordinance will be continued to August 25, 1998.

CYNTHIA TOOHEY, spoke in favor of this ordinance. She explained the issue has been discussed for at least 30 years, and she applauded the Heritage Land Bank for giving back some of the land to Girdwood. Ms. Toohey commented that the golf course will enhance Girdwood as a recreational site for the City of Anchorage.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one, and she continued the public hearing to August 25.

- T. Resolution No. AR 98-236, a resolution of the Anchorage Municipal Assembly approving **amendments to the Platting Board Rules of Procedure** concerning the length of time allotted to persons testifying as a representative of a group, Community Planning and Development.
1. Assembly Memorandum No. AM 728-98.

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

BARBARA WEINIG. Ms. Weinig testified that the community councils need to be allotted five minutes for testimony, but agreed the three minutes allotted to other groups is alright.

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 98-236.
seconded by Ms. Clementson,

Ms. Clementson commented that this ordinance does not bring it into compliance with what the Assembly does because the Assembly does not give petitioners 10 minutes to testify. She explained when the petitioners go before the lower boards, they can speak five minutes now and five minutes after everyone else has spoken.

Ms. Clementson moved,
seconded by Ms. Taylor,

to amend AR 98-236 at line 16, after the words "10 council representatives, 5 minutes" and after the words "representatives of", add the word "other" groups 3 minutes... "

Ms. Clementson further explained this amendment would help streamline the process.

Ms. Abney spoke in favor of the amendment.

Question was called on the motion to amend AR 98-236 and it passed:

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

Question was called on the motion to approve AR 98-236 as amended, and it passed:

AYES: Bell, Carlson, 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.)

- U. Ordinance No. AO 98-137, an ordinance **amending AO 97-150 B-3 SL (General Business District) to allow remodeling or enlarging of existing residential structure**, Assemblymember Bell.
1. Information Memorandum No. AIM 97-98, AO 98-137: amendment to AO 97-150 rezoning from transition to B-3 SL at southwest corner of O’Malley and C Street, Community Planning and Development.

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

MARC MARLOW, spoke on behalf of Mr. and Mrs. Klatt. For the record, Mr. Marlow wanted to remind the Assembly that this ordinance had to do with the recent land exchange with the Klatts, where a portion of their homestead was rezoned to B-3 SL. Mr. Marlow provided a brief history. He explained that the Klatts would like to add a room on their existing home. In the past, this ordinance would not allow this to occur. Mr. Marlow mentioned the Klatts’ ages and stated they intend to live there for the rest of their lives.

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. Bell,

to adopt AO 98-137.

Mr. Bell commented that this additional room is not going to impact the Municipality, and the Klatts have been accommodating in getting a land trade done. Mr. Bell recommended a yes vote.

In response to Ms. Clementson, Deputy Municipal Attorney Greene said the Municipality has been told by the Supreme Court that these cases are decided on a case-by-case basis, and that the Department of Law concurred with the memorandum submitted by the planning department.

In response to Mr. Wohlforth, Mr. Greene felt a special limitation would not be legal because it does not increase what is permitted in the B-3 zone. You would either have to go to the B-3 zone and change it or rezone this particular portion of the property to an R zone.

Mr. Bell commented that this amendment was not to accommodate a spot zone; the zoning is not being changed. He recommended that the Assembly pass the ordinance.

Question was called on the motion to adopt AO 98-137 and it passed:

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

- V. 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.
1. Assembly Memorandum No. AM 713-98.
2. Information Memorandum No. AIM 98-98, AO 98-120: Planning and Zoning Commission recommendation on an ordinance amending Title 21 concerning the definition of dwelling, factory-built, 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. Carlson moved,
seconded by Ms. Clementson,
and it passed without objection,

to continue the public hearing on AO 98-126 until
September 22.

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.
(CARRIED OVER FROM 7-14-98 AND 7-21-98)

Chair Von Gemmingen announced that Mr. Gallo again did not attend the meeting and questioned the necessity of continuing this information memorandum on the agenda.

Ms. Clementson agreed there is no reason for the licensee's appearance.

After further discussion, Chair Von Gemmingen asked to delete this item from the agenda.

15. **ASSEMBLY COMMENTS:**

Ms. Abney announced a walking of the Bragaw area, on August 26, at 7:00 p.m.

Ms. Clementson asked for more information on the Girdwood Golf Course in the form of a concise Staff Report since the verbatim minutes before the Planning and Zoning Commission were 72 pages long.

In response to Ms. Taylor, Chair Von Gemmingen clarified that the August 25 Assembly meeting will be at the Assembly Chambers with a tour of the University of Alaska Anchorage prior to the meeting.

Chair Von Gemmingen announced a breakfast was planned with the Mayor on August 25. She also announced the Assembly has a lunch meeting with the Alaska Center For the Performing Arts.

Mr. Meyer made a point about a reporter's concern of a 7:30 meeting on Election Day was intended to not be attended by journalists. This may not be the Mayor's intent, but he may want to think about the schedule of that meeting in terms of the ability of the reporters to be there.

Mr. Murdy announced that he would not be present at the next meeting.

16. **UNFINISHED AGENDA:**

- A. Ordinance No. AO 98-143, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Chapter 10.60, regarding **sidewalk vendors**, Assemblymember Wohlforth.
1. Assembly Memorandum No. AM 793-98.

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

to continue public hearing on item 12.J,
AO 98-143 until August 25, 1998.

17. **AUDIENCE PARTICIPATION:**

- A. RAY FINDORF. Mr. Findorf wanted to thank the Assembly for the help regarding the trees on 68th Avenue. Mr. Findorf gave the Assembly an update on the status of the retaining wall near his property.
- B. ROBERT YAHARA. Mr. Yahara invited the Assembly to a Communitywide Prayer and Worship Service, on August 28, at 7:00 p.m., located in the Downtown Square.

18. **EXECUTIVE SESSIONS:** None

19. ADJOURNMENT:

The meeting adjourned at 11:20 p.m.

ATTEST:

Chair

Municipal Clerk

Date Minutes Approved: December 8, 1998

vmc/roy

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