

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of August 25, 1998

1. **CALL TO ORDER:**

Chair Fay Von Gemmingen convened the meeting at 5:10 p.m. in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. **ROLL CALL:**

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

3. **PLEDGE OF ALLEGIANCE:**

Ms. Taylor led the pledge.

4. **MINUTES OF PREVIOUS MEETING:**

- A. Special Meeting - May 19, 1998
- B. Regular Meeting - June 2, 1998
- C. Special Meeting - June 3, 1998

Mr. Wuerch moved, seconded by Mr. Wohlforth, and it passed without objection, to approve the minutes of May 19, June 1 and June 3, 1998.

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

6. **ADDENDUM TO AGENDA:**

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

Chair Von Gemmingen read the addendum items.

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

7. **CONSENT AGENDA:**

Mr. Wohlforth moved, seconded by Ms. Taylor, to approve all items on the Consent Agenda as amended.

A. **BID AWARDS:**

- 1. Assembly Memorandum No. AM 850-98, recommendation of award to Summit Paving & Construction for **Kluane Terrace Water Upgrade - Phase I** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (ITB 98-C66), Purchasing.

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

- 2. Assembly Memorandum No. AM 851-98, recommendation of award to Polar Supply, Inc. for furnishing **liquid magnesium chloride** to the Municipality of Anchorage, Public Works Department (ITB 98-3), Purchasing.

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

- 3. Assembly Memorandum No. AM 852-98, recommendation of award to Alaska Audio/Visual & Data Supply for an **annual supply contract for miscellaneous computer supplies** for the Municipality of Anchorage, Purchasing Department (ITB 9897).
- 4. Assembly Memorandum No. AM 853-98, recommendation of award for the **Anchorage Regional Landfill-Cell 6 Improvements** for the Municipality of Anchorage, Solid Waste Services (ITB 98C65), Purchasing.

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

- 1. Ordinance No. AO 98-151, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the borrowing of not to exceed \$1,785,000 from the State of Alaska Clean Water

Fund for the purpose of paying a portion of the **costs of wastewater capital improvements** in the Municipality, and providing for related matters, Water and Wastewater Utility. public hearing 9-15-98.

- a. Assembly Memorandum No. AM 854-98.
2. Resolution No. AR 98-268, a resolution of the Municipality of Anchorage appropriating \$170,355 from the Alaska Department of Health and Social Services to the State Categorical Grants Fund (0231) for the **Child Care Licensing Program** in the Department of Health and Human Services. public hearing 9-15-98.
 - a. Assembly Memorandum No. AM 835-98.

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

3. Resolution No. AR 98-269, a resolution of the Municipality of Anchorage appropriating \$998,887 to the State Categorical Grants Fund (0231) from the Alaska Department of Health and Social Services for the provision of **Women, Infants & Children Nutrition Services**, Health & Human Services. public hearing 9-15-98.
 - a. Assembly Memorandum No. AM 836-98.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 98-273, a resolution of the Anchorage Municipal Assembly **supporting and commending the University of Alaska Anchorage for achieving the significant development of residential facilities, and supporting the expanding capacity of the University to better serve the needs of Anchorage** - its citizens, businesses, and civic organizations, Assemblymembers Von Gemmingen, Wuerch, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Taylor, and Wohlforth.

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

2. Resolution No. AR 98-278, a resolution of the Anchorage Municipal Assembly **applauding and congratulating the Anchorage Fire Department Explorers and advisors for winning one first and two second place prizes at the National Explorer Leadership Conference** on July 13, 1998, Assemblymembers Murdy, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Taylor, Von Gemmingen, Wohlforth, and Wuerch.

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

3. Resolution No. AR 98-279, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Harry A. Linskens for his 18 years of service** with the Public Transportation Department, Assemblymembers Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Taylor, Von Gemmingen, Wohlforth, and Wuerch.

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

4. Resolution No. AR 98-280, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Emaline C. French for her 22 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.

5. Resolution No. AR 98-270, a resolution of the Municipality of Anchorage appropriating \$99,135 to the State Categorical Grants Fund (0231) from the Alaska Department of Health and Social Services for the provision of **AIDS Prevention Services**, Health and Human Services.
 - a. Assembly Memorandum No. AM 837-98.

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

6. Resolution No. AR 98-274, a resolution of the Municipality of Anchorage appropriating \$88,091 to the State Categorical Grants Fund (0231) from the Alaska Department of Health and Social Services for the provision of **prenatal care services**, Health and Human Services.
 - a. Assembly Memorandum No. AM 855-98.
7. Resolution No. AR 98-272, a resolution of the Municipality of Anchorage appropriating the sum of \$75,810 to the Areawide General Fund from the State Revenues to Municipalities for health facilities and hospitals for the **1998 distribution to Providence Hospital**, Office of Management and Budget.
 - a. Assembly Memorandum No. AM 839-98.
8. Resolution No. AR 98-271, a resolution authorizing the **granting of a tax refund to Rees P. Jackson and Elvira Gray-Jackson as a result of a manifest clerical error** on Real Property Account 003-181-71, Finance/Property Appraisal Division.
 - a. Assembly Memorandum No. AM 838-98.
9. Resolution No. AR 98-275, a resolution authorizing the **granting of a tax refund to Jean Smith, et al as a result of manifest clerical error** on Real Property Accounts 016-291-01, 016-291-02, 016-291-03, 016-291-08, and 016-291-09, Finance.
 - a. Assembly Memorandum No. AM 856-98.
10. Resolution No. AR 98-276, a resolution authorizing the Municipality to **grant an electrical easement across a portion of the S 1/2 of the NW 1/4 of the NW 1/4 of Section 33, T13N, R3W, Seward Meridian, Alaska** (a portion of Campbell Creek Park and the Municipal Parks

Maintenance Facility) for the Lake Otis Parkway and Tudor Road Project, Tax #008-041-01 and #008-041-20, Public Works.

- a. Assembly Memorandum No. AM 857-98.
11. Resolution No. AR 98-277, a resolution of the Anchorage Municipal Assembly appropriating \$55,300 from the Anchorage Metropolitan Police Service Area Fund (0151) Balance to the Anchorage Police Department for the purpose of **purchasing three Speed Monitoring Awareness Radar Trailers (SMART)**, Assemblymembers Carlson, Abney, Meyer, and Murdy.
 - a. Assembly Memorandum No. AM 858-98.
12. Resolution No. AR 98-281, a resolution of the Anchorage Municipal Assembly **supporting the Youth Risk Behavior Survey** as an important source of information on health-related behaviors, and requesting that the Anchorage School District conduct the survey in accordance with current State law and district policy, Assemblymember Carlson. (**addendum**)

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 859-98, **Transportation Commission appointment** (John Alexander), Mayor's Office.
2. Assembly Memorandum No. AM 849-98, Request for the Board of Adjustment for approval to accept a late brief (**Appeal S-10110, Eagle Crossing Subdivision**), Municipal Clerk.
3. Assembly Memorandum No. AM 840-98, change order No. 4 to construction contract with Byerly & Koch Construction, Inc. for **Town Square and Kincaid Park improvements**, Cultural and Recreational Services.
4. Assembly Memorandum No. AM 841-98, change order No. 1 to purchase order 74259 with Milliman and Robertson, Inc. for providing a **compensation study** for the Municipality of Anchorage, Employee Relations Department/Purchasing.
5. Assembly Memorandum No. AM 842-98, change order No. 1 to purchase order 82227 with William M. Mercer, Inc. for providing professional **employee benefits consulting services** for the Municipality of Anchorage, Employee Relations Department/Purchasing.
6. Assembly Memorandum No. AM 843-98, change order No. 1 to purchase order 82087 with Mila Inc. for providing **industry specific/customized training to eligible State and Employment Program (STEP) or Job Training Partnership Act (JTPA) individuals** for the Municipality of Anchorage, Department of Health and Human Services/Purchasing.
7. Assembly Memorandum No. AM 860-98, amendment No. 2 to CH2M Hill professional services agreement for **construction management services for Cell 6**, Solid Waste Services.
8. Assembly Memorandum No. AM 861-98, proprietary purchase of **computer software and licenses** from GeoNorth, Inc. and Environmental Systems Research Institute Inc. (ESRI) for the Municipality of Anchorage, Management Information Systems Department/Purchasing.
9. Assembly Memorandum No. AM 862-98, proprietary purchase to Northwest Circuit Breakers, Inc. for providing **retro-fitting of electrical switchgear** for the Municipality of Anchorage, Municipal Light and Power/Purchasing.
10. Assembly Memorandum No. AM 863-98, proprietary purchase from Yukon Equipment, Inc. for a **Vector catch basin cleaner** for the Municipality of Anchorage, Property and Facility Management Department/Purchasing.
11. Assembly Memorandum No. AM 864-98, change order No. 4 to purchase order 71949 with Anchorage Sand & Gravel for providing **asphalt crushing and stockpiling** for the Municipality of Anchorage, Public Works Department/Purchasing.
12. Assembly Memorandum No. AM 865-98, change order No. 5 to purchase order 32874 with CH2M Hill, Inc. for **permit administration and pending renewal of the Pt. Woronzof National Pollution Discharge Elimination System (NPDES) Permit and 301(h) Waiver** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility/Purchasing.

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 99-98, **contracts awarded between \$30,000 and \$100,000 through formal competitive processes** for the month of July 1998, Purchasing.
2. Information Memorandum No. AIM 100-98, **Sole Source Procurement Report** for the month of July 1998, Purchasing.
3. Information Memorandum No. AIM 101-98, **waiver of formal procedures for the Cherry Hill Storm Drain – Phase II Repair Project** for the Municipality of Anchorage, Public Works Department (ITB 98-C71), Purchasing.
4. Information Memorandum No. AIM 102-98, transmittal of **Federal and State Financial Assistance Reports and Required Federal Information for Fiscal Year 1997**, Finance.

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

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

NAYS: None

8. **REGULAR AGENDA:**

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

to change the orders
of the day and take up item 7.C.2, AR 98-278.

Resolution No. AR 98-278, a resolution of the Anchorage Municipal Assembly **applauding and congratulating the Anchorage Fire Department Explorers and advisors for winning one first and two second place prizes at the National Explorer Leadership Conference** on July 13, 1998, Assemblymembers Murdy, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Taylor, Von Gemmingen, Wohlforth, and Wuerch.

Mr. Kendall read the resolution while Mr. Carlson presented it to the Explorers.

Ms. Clementson moved, to approve AR 98-278.
seconded by Ms. Taylor,
and it passed without
objection,

A. TIME CRITICAL ITEMS: None.

B. BID AWARDS:

1. Assembly Memorandum No. AM 850-98, recommendation of award to Summit Paving & Construction for **Kluane Terrace Water Upgrade – Phase I** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (ITB 98-C66), Purchasing.

Ms. Clementson moved, to approve AM 850-98.
seconded by Ms. Taylor,

Ms. Clementson expressed concern that this project was starting late in the year. Mark Premo, Manager of AWWU, expected the pipe work and paving to be done in early October. If the job must be shut down for winter before it is substantially complete, six homes will be left without water. Currently, the homes are being served by an above-ground, temporary supply line.

In reply to Mr. Bell, Mr. Premo attributed the high cost to the time of year of the project and the short time given for completion.

Question was called on the motion to approve AM 850-98 and it passed without objection.

2. Assembly Memorandum No. AM 851-98, recommendation of award to Polar Supply, Inc. for furnishing **liquid magnesium chloride** to the Municipality of Anchorage, Public Works Department (ITB 98 93), Purchasing.

Mr. Wohlforth moved, to approve AM 851-98.
seconded by Ms. Taylor,

Mr. Wohlforth moved, to postpone action until
seconded by Ms. Clementson, September 15, 1998.
and it was withdrawn,

Mr. Wohlforth explained the postponement would allow time for representatives of the Environmental Protection Agency (EPA) and State Department of Environmental Conservation (DEC) to meet with Public Works staff and evaluate a report on a new additive of this product. DEC has been unable to obtain information on this corrosion inhibitor.

Public Works Director Jim Fero stated he discussed the purchase with DEC earlier and agreed to change some practices at the snow dumps. However, DEC expressly approved this year's purchase of magnesium chloride.

Mr. Wohlforth moved, to postpone action until
seconded by Ms. Abney, later in the meeting.
and it passed without
objection,

(Clerk's Note: See action following item 11.A, AO 98-139.)

C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Resolution No. AR 98-268, a resolution of the Municipality of Anchorage appropriating \$170,355 from the Alaska Department of Health and Social Services to the State Categorical Grants Fund (0231) for the **Child Care Licensing Program** in the Department of Health and Human Services.
public hearing 9-15-98.
 - b. Assembly Memorandum No. AM 835-98.

Ms. Taylor moved, to introduce AR 98-268
seconded by Ms. Clementson, for public hearing
and it passed without on September 15, 1998.
objection,

Ms. Taylor asked for additional information, prior to the public hearing, on the number of complaints about child care centers.

D. RESOLUTIONS FOR ACTION

1. Resolution No. AR 98-273, a resolution of the Anchorage Municipal Assembly **supporting and commending the University of Alaska Anchorage for achieving the significant development of residential facilities, and supporting the expanding capacity of the University to better serve the needs of Anchorage** - its citizens, businesses, and civic organizations, Assemblymembers Von Gemmingen, Wuerch, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Taylor, and Wohlforth.

Mr. Wuerch moved, to approve AR 98-273.
seconded by Ms. Clementson,

Mr. Meyer read the resolution while Mr. Wuerch presented it to Chancellor Gorsuch.

Mr. Gorsuch noted the new residence halls and dining facilities will contribute to a traditional college experience for Alaskan students and encourage more Alaskans to attend UAA. He described plans for future development of facilities and library services.

2. Resolution No. AR 98-279, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Harry A. Linskens for his 18 years of service** with the Public Transportation Department, Assemblymembers Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Taylor, Von Gemmingen, Wohlforth, and Wuerch.

Ms. Clementson moved, to approve AR 98-279.
seconded by Ms. Taylor,
and it passed without
objection,

Mr. Wuerch read the resolution while Ms. Clementson presented the resolution to Mr. Linskens.

Mr. Linskens thanked the Assembly for the resolution and its support of the People Mover System.

3. Resolution No. AR 98-280, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Emaline C. French for her 22 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 98-280.
seconded by Ms. Clementson,
and it passed without
objection,

Ms. Taylor read the resolution while Mr. Bell presented it to Ms. French.

Ms. French thanked the Assembly for the recognition and said she especially enjoyed her tenure at AWWU.

4. Resolution No. AR 98-270, a resolution of the Municipality of Anchorage appropriating \$99,135 to the State Categorical Grants Fund (0231) from the Alaska Department of Health and Social Services for the provision of **AIDS Prevention Services**, Health and Human Services.
 - a. Assembly Memorandum No. AM 837-98.

Ms. Taylor moved, to approve AR 98-270.
seconded by Mr. Wuerch,
and it passed without
objection,

In response to Ms. Taylor, Jan Wills, Acting Director of Health and Human Services, clarified that the personnel costs covered one full-time and two part-time outreach workers.

5. Resolution No. AR 98-281, a resolution of the Anchorage Municipal Assembly **supporting the Youth Risk Behavior Survey** as an important source of information on health-related behaviors, and requesting that the Anchorage School District conduct the survey in accordance with current state law and district policy, Assemblymember Carlson. (**addendum**)

Mr. Carlson moved, to introduce AR 98-281
seconded by Mr. Wuerch, and set the public hearing for September 29, 1998.

Ms. Clementson noted the School Board scheduled two public hearings on this subject. She felt that was the proper public forum to address the issue.

Mr. Wohlforth was concerned that the public hearing before the Assembly would occur after the School Board acted.

In response to Assembly questions, Jan Wills, Acting Director of Health and Human Services, advised that the department did not participate in the survey but used the information to develop programs and determine needs in the target-age group.

Question was called on the motion to introduce AR 98-281 for public hearing September 29, 1998, and it passed:

AYES: Bell, Carlson, Wuerch, Meyer, Abney, Kendall.

NAYS: Taylor, Wohlforth, Von Gemmingen, Clementson.

E. NEW BUSINESS: None.

F. INFORMATION AND REPORTS: None.

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

- A. Assembly Memorandum No. AM 813-98, 1998-1999 Liquor License Renewal: **C&D Liquor #3** (Package Store), Clerk's Office.
(POSTPONED FROM 8-18-98)

Ms. Clementson moved, to approve AM 813-98.
seconded by Mr. Wohlforth,
and it passed without
objection,

Ms. Clementson stated her questions had been answered.

- B. Information Memorandum No. AIM 94-98, **Bar Violations/ Quarterly Report** (2nd Quarter 1998),
Anchorage Police Department.
(POSTPONED FROM 8-18-98)

Ms. Clementson moved, to accept AIM 94-98.
seconded by Mr. Meyer,
and it passed without
objection,

10. **APPEARANCE REQUESTS:**

- A. **Nancy Wentlant & Anita Morris**, regarding the operation of "The Point After", an after-hours nightclub.

Ms. Wentlant and Ms. Morris appeared after Mr. Tesche.

- B. **Michelle Coburn**, regarding land use Board & Commission appointments.

Ms. Coburn, Anchorage Citizen's Coalition, expressed concern about the make-up of the Platting Board. Seven of the nine members could potentially benefit from Board decisions. Of the seven, half are in businesses dependent on land development and marketing. Only five Board members have declaration forms on file in the Clerk's Office. The decisions made by this Board have substantial long-term affects on the future growth and development of Anchorage.

Appointments to the Board should be given thorough, thoughtful consideration. The final appointment decision should be made for the benefit of the public and not special interests. Unless land-use boards have balanced points of view and representation for all citizens, they are a mockery of the public process.

Ms. Clementson noted a work session had been requested so that the Department of Law could explain to members of the Platting Board and Planning and Zoning Commission what constituted a conflict of interest.

- C. **Alan Tesche**, regarding Land Use Board & Commission appointments - legal solution.

Mr. Tesche, resident of South Addition, stated boards, which regulate land use, are the most important commissions of the municipality. The decisions on land subdivision and street construction determine how neighborhoods look. Those decisions will last for centuries. He proposed the code be amended to require a public hearing on appointments to land-use boards and that a criteria be set to equalize representation.

Mr. Carlson expressed concern that subjecting applicants to a public hearing prior to appointments would cause fewer people to apply and make recruitment more difficult.

There was discussion of the composition requirements for other boards and commissions, especially the Heritage Land Bank Commission and Anchorage Telephone Utility Board of Directors.

Nancy Wentlant & Anita Morris, regarding the operation of "The Point After", an after-hours nightclub.

Ms. Morris, Campbell Park Community Council, asked for help in resolving the problems the establishment at 2520 E. Tudor Road has created for the neighborhood. She has not slept through the night since the club reopened this spring. Neighbors have had to deal with gunshots, public urination, fights, and loud boom boxes since the establishment reopened.

Ms. Wentlant, Campbell Park Community Council, said the neighbors contacted the Anchorage Police Department and were offered helpful advice. The problems for the neighbors are what patrons do outside the club and activities that spill over into the surrounding residential area. The busiest hours for the club are from 2:00 a.m. to 4:30 a.m. Several condominium associations and apartment complexes in the vicinity have hired private security services to deal with trespass and, what seems to have become, a giant street party. Residents are also considering a private lawsuit against the club. Any ordinances the Assembly can pass to help deal with this type of problem will help.

In reply to Mr. Meyer, Ms. Wentlant stated the club had caused her apartment complex to lose tenants.

Mr. Meyer advised ordinances were in the works to help neighbors address problems like this.

Ms. Clementson moved, to change the public hearing date on AR 98-248
seconded by Mr. Bell, and AR 98-248(S) from September 15 to September 29, 1998.

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

NAYS: None.

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

The meeting recessed at 6:45 p.m. and reconvened at 7:10 p.m.

11. CONTINUED PUBLIC HEARINGS :

- A. 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.
 3. Assembly Memorandum No. AM 848-98.
 4. Ordinance No. AO 98-139(S-1), an ordinance amending safety regulations for slow moving roving vendors (ice cream trucks), Assemblymembers Abney, Carlson, Meyer, and Murdy. (**addendum**)
 5. Assembly Memorandum No. AM 867-98.
 6. Ordinance No. AO 98-139(S-2), an ordinance amending safety regulations for slow moving roving vendors (ice cream trucks), Assemblymembers Abney, Carlson, Meyer, and Murdy. (**addendum**)
 7. Assembly Memorandum No. AM 868-98.
- (CONTINUED FROM 8-18-98)

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

JOHN STONEROCK thanked the Assemblymen Meyer and Wuerch and staff member Greg Moyer for assistance on the ordinance. He supported passage of AO 98-139 (S-2) and recommended amendments be delayed until the one-year review.

JERILYN SIMONIS supported passage of AO 98-139(S-2) and thanked the members for honoring her daughter in the ordinance.

DANIELLE ROBERTS urged the passage of AO 98-139 (S-2).

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

Ms. Abney moved, to adopt AO 98-139(S-2).
seconded by Mr. Meyer,

Ms. Abney felt that the ordinance addressed a long-standing need in the community.

Mr. Carlson moved, to amend AO 98-139(S-2)
seconded by Ms. Clementson, on page 6, line 38 to read:
and it passed without "3. Not vend and operate
objection, sound equipment..."

Mr. Wohlforth moved, to amend AO 98-139(S-2) on
seconded by Ms. Clementson, page 7, line 22 to read: "10.
and it passed without Operate sound amplification
objection, equipment only as required ..."

Mr. Meyer thanked all persons involved in developing the ordinance. He especially thanked Ms. Simonis, whose courage and fortitude he admired.

Question was called on the motion to adopt AO 98-139(S-2) as amended and it passed:

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

NAYS: None.

Ms. Abney moved, immediate reconsideration
seconded by Ms. Clementson, of action on AR 98-281.

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

NAYS: Bell, Carlson, Wuerch, Kendall.

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

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

to change the orders
of the day to take up item 8.B.2, AM 851-98.

Assembly Memorandum No. AM 851-98, recommendation of award to Polar Supply, Inc. for furnishing **liquid magnesium chloride** to the Municipality of Anchorage, Public Works Department (ITB 98-93), Purchasing.

Mr. Wohlforth advised he had spoken with Mr. Vakalis during the recess. Given available information, it seems best to go forward with the purchase.

Question was called on the motion to approve AM 851-98 and it passed without objection.

B. 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.

(CONTINUED FROM 8-18-98)

Ms. Abney advised that the Girdwood Board of Supervisors formally voted to ask the Assembly to continue the hearing and hold it in Girdwood.

Ms. Clementson moved,
seconded by Ms. Abney,

that the public hearing be opened
and continued to a meeting in Girdwood on September 1.

AYES: Clementson, Abney.

NAYS: Bell, Carlson, Wuerch, Taylor, Von Gemmingen, Kendall.

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

Mr. Bell noted there had been several public hearings on this issue in Girdwood. The Assembly can opt to continue this hearing in Girdwood, after listening to testimony presented this evening.

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

LIZ KESTER supported construction of the golf course. Because she enjoyed golf and cross country skiing, she looked forward to this development. She noted people of all ages could participate in these activities.

GABRIEL BARNETT opposed the lease agreement because it 1) required an unacceptable level of public subsidy; 2) based the price of the land, regardless of how it is developed on golf revenue rather than fair-market value; 3) did not require a master development plan to be in place before the lease is signed; and 4) had not been approved by a vote of Girdwood residents.

ANDREW THOMPSON alleged the lease amounted to corporate welfare and a violation of public trust. Girdwood is the northernmost part of the temperate rain forest, an endangered ecosystem. It is a tremendous asset and precious resource, which should not be disturbed. He cautioned the Assembly to watch out for a backlash once the plan is more fully exposed to the community.

GARY McCARTHY was surprised the developer was still interested in the project. The lease is a well thought-out compromise. However, he recommended a price be identified for the land before the developer spends money to build the golf course. The basic question is whether development, consistent with the Girdwood Area Plan, will be allowed.

JOHN GALLOP opposed the lease because Girdwood is a unique, precious, temperate, rain-forest environment. If the developer abandons the project, there will be no way to replace trees in deforested areas. He contended a golf course was not an economically feasible development because Girdwood gets too much rain. He questioned whether any developer would be willing to take the necessary steps to build a golf course that could be kept dry and usable, given Girdwood's weather conditions.

KEVIN HARUN, Director, Alaska Center for the Environment, agreed some development in the area was appropriate. However, a golf course may not fit the community's needs. He suggested a park with a recreation complex and campground would be more appropriate. The periphery of the campground could be developed with residences. Lease fees, land costs, choice of lands to be developed, road construction subsidy and conservation are important aspects of the deal for the Assembly to consider. This is a 55-year lease, and the Assembly should ensure the municipality gets a fair return for the resource.

JULIE JONAS, Girdwood Board of Supervisors, read a statement from Mr. Starkey and herself opposing the lease approval. The public needs more time to review the amended lease before the Assembly.

DAVID BOWER, Remax of Girdwood, estimated 99% of people buying land in Girdwood want a golf course. Rain is not an impediment to the enjoyment of golf. He argued fair-market value is whatever a buyer agrees to pay a seller.

SUSAN KLINE opposed the lease to Glacier Valley Development Corporation. Golf courses frequently use large amounts of pesticides which are dangerous to people and wildlife. Golf courses are a major source of non-point pollution in the

United States. She urged the Assembly to consider keeping the area a natural wildlife sanctuary, with low impact eco-tourism and camping facilities.

MICHELE CZAJKOWSKI encouraged the Assembly to listen to people who attend meetings. Fertilizers used to maintain grass are also pollutants and the runoff from lawns goes into local streams. Large grassy areas provide excellent places for geese to feed, which will only add to a population problem we are trying to solve.

RANDY VIRGIN noted Heritage Land Bank property belongs to all the citizens. He felt that the property was being sold at a price well below fair-market value. The municipality will not receive any return on concession sales. There is no indication of where, within the proposed site, the golf course, residential or commercial development will be located. More information is needed before this deal is finalized.

LOWELL BOWMAN, Alaska Golf Association president, stated existing courses cannot meet the current demand, much less the growing demand, for golf facilities in Alaska. He felt that golf courses and the environment could co-exist. Courses provide another healthy place for young people to go. He supported the lease.

CHRIS VON IMHOFF, Alyeska Resort and Alyeska Prince Hotel, noted the company operated the Anchorage Golf Course. The proposed project has been in the works for more than 12 years and heavily debated. The golf course, Nordic ski trails, and real estate development are fitting developments for Girdwood. In fact, it is much better than just developing real estate and becoming a bedroom community in Anchorage. Whistler ski area has a similar climate and four golf courses. The architect for this project has won awards for his environmentally sensitive course designs. The project will create jobs and economic growth for Girdwood. He commended the Heritage Land Bank staff for their work on the proposed lease. Anchorage is lucky to have a development team of this caliber take on this project and invest \$10 million.

BILL ELANDER, Anchorage Convention and Visitors Bureau president, supported the golf course development. Golf courses just naturally go with ski areas, especially premier ski areas like Alyeska. He considered golf course gardens that could be built and operated in ecologically sound ways. The course will provide access for people of all ages to the surrounding wetlands and forests. It will attract more visitors to Anchorage and help support economic growth in Girdwood. He encouraged people to get out and walk the various courses in Anchorage.

JOAN PASCAL, read a statement from Betsy Connel in opposition to the lease. She was concerned about the use of chemicals on the grass. The lease should address the course development and include fines, if the most environmentally sensitive methods are not used. Additionally, it is unclear how residential and commercial development will proceed. Lease rates should reflect golf fees and revenues from support businesses such as restaurants and pro shops. She questioned the affect a sublease would have on the lease rate received by the municipality. She urged the related development to be well considered.

CECI PRESTON, supported the lease because it offered additional cross country skiing trails.

CLAIRE MARSDON, Anchorage Audubon Society, opposed the lease because it does not protect the ecological value of the area. An 18-hole course cannot fit on the site without destroying the habitat quality of the remaining land. Because the area has a highly diverse plant and shrub layer, it has a highly diverse number of bird species. Three area creeks contain all five species of migrating salmon. The Society is concerned about how water quality will be protected at the same time a lush, green golf course is maintained. Proper mitigation could make the project economically unfeasible. She urged the Assembly to consider alternative uses for the land, which would protect it for the use of citizens of Girdwood and Anchorage.

JASON PRESTON, supported the lease. The course will open up the valley for the enjoyment of Girdwood residents.

PHILLIP GRIFFIN, Girdwood Golf Association president, stated the golf course would make Alyeska a year-round resort. Golf courses can be a preferable alternative to residential development. Housing development does not need to be encouraged whereas resort development does.

JIM DEAL, contended it rained too often in Girdwood for it to become a good place to golf. It would be better to locate the course in Bird or Hope, which receives more sun and less rain. Allowing the developer to rent rather than buy the land is a loophole that should be closed. The high ground with trees will be the first to be selected by the developers for construction. The other areas are too wet for Nordic trails.

PATRICIA WARDLOW noted that riparian rain forests are very wet. This development will not be easy but it will be costly, decreasing the revenues to the municipality. A final development plan should be in place before the lease is approved. The property should be sold rather than leased.

HOWARD JOHNSON noted that the trees on the property were very valuable. He questioned whether the sale price of \$7,000 per acre was less than the value of the trees to be harvested. He recommended the value of the timber to be assessed before the lease is finalized.

DR. ROSEMARY ZIMMERMAN stated she had done a lot of research on the plan, which has been in the works for over 10 years. This development will provide employment, recreation and commerce opportunities for Girdwood residents. The new plan addresses concerns raised tonight.

MARTHA LEVENSALER, National Wildlife Federation, stated the group's main interest in Alaska was wetland preservation. Nationally, as part of a consortium, the Federation has worked to devise ways golf courses can be developed in more environmentally sound ways. This particular land should not be used as a golf course. She speculated the required development permits for construction in this wet area may be difficult to obtain. Development does not always add to the quality of life.

MARK ZIMMERMAN supported the lease. Girdwood offers very few recreation opportunities during the summer. The addition of a golf course would be a significant improvement to the recreation facilities in Girdwood. There are environmental concerns that can be addressed through low-impact development.

GEORGE McCOY urged the Assembly to look at the entire lease. The right to purchase 50 acres of land at a price of \$7,000 per acre is based on a \$10,000,000 investment in a recreation facility. At expiration of the lease, the land and improvements will be returned to the municipality. The purchase price is insignificant when compared to the taxes the development will generate 10 years after completion. The municipality must minimize the uncertainty of the land cost for the developer in order to keep investors committed. Appraising undeveloped land in Girdwood is nothing more than a good guess and could result in a net amount less than \$7,000 per acre. If the Assembly is concerned about the municipality losing revenue from subleased lands, that provision could be changed to require purchase before subleasing.

CLIFF EAMES, Alaska Center for the Environment, suggested the area could be used as a wildlife refuge, campground and eco-tourist lodge. These alternatives would provide economic benefits and protect the environmental value of the property. If the land is developed, the municipality should get a fair return for the private use of these public resources and not subsidize its destruction.

DARRELL KESTER supported the golf course. The Heritage Land Bank was created to benefit all citizens, including golfers. Golf courses are not environmental disaster zones. Contemporary courses make allowances for environmentally sensitive areas such as wetlands. These 100 acres are miniscule when compared to the number of acres of wilderness lands that surround Girdwood. The preferred future for Girdwood is a resort area not a bedroom community.

TOBY PRESTON questioned whether approval could be obtained today for some of the developments people now enjoy. He supported lease approval.

CATHY GLEASON felt that the Assembly should represent the best interest of the citizens, not advocate for a developer. She contended the golf course would not preserve the natural environment; a goal of a consensus building effort in Girdwood. The developer has shown his ability to turn a farm into a golf course. Turning a pristine wetland into a golf course will be much more difficult. She recommended each member walk the area before approving the lease.

LARRY DANIELS, Anchorage Golf Course general manager, noted this lease was much more detailed than the one for the Anchorage Golf Course. This lease protects the municipality by addressing the planning and permitting process, construction standards, fair-lease percentage, and project schedule. Environmental concerns can continue to be addressed during the development of the master plan.

STEPHANIE WARDLAW was concerned the developer would have to fill the swamp in order to build the course. There is no way to fill a swamp in an environmentally protective way. Construction on a swamp cannot be compared to construction on dry ground.

KEITH TRYCK, former Girdwood Board of Supervisors member, said he participated in the public process that created the Girdwood Area Plan. That plan recommends pursuing construction of a golf course in the lower valley. He encouraged the Assembly to include the price of \$7,000 per acre for the residential and related commercial property. There were two choices for Girdwood: become an Anchorage bedroom community or a destination, mountain resort. Resort development will bring visitors and new money to the Anchorage economy whereas other types of development will draw on an existing base. He outlined the economic benefits of resort development.

MAT BURMAN noted that the people of Girdwood have not been given a chance to approve or reject the project. Rather, the course has been forced on residents by the business elite, who, in collusion with city hall, have the power to ignore what people think. Many supporters stand to gain financially from the project. It was never a question of whether to have a golf course. Rather, it was a question of where it should be placed. He contended this development was inconsistent with the Girdwood Area Plan, because it allows a development far larger than the plan identified. This development will not reduce the tax burden, because the costs of infrastructure required to support this development will outstrip tax revenue.

The meeting recessed at 9:25 p.m. and reconvened at 9:45 p.m.

RITA HALL contended that the 1975 election to unify the government was illegal because it usurped the rights of Girdwood residents. Later, the Girdwood Board of Supervisors was told land-use matters were not within their jurisdiction. Government has furthered private interests in the construction of a resort in Girdwood. This development is not in keeping with the small-town atmosphere, which many citizens want to retain. The Girdwood Area Plan should be reopened and conflicts resolved, before this lease is approved.

ADAM YEAGER supported the golf course. Girdwood has changed a lot during his lifetime. This development offers an opportunity to preserve open space as well as construct new housing. If this project is rejected, the land could become completely covered by less-desirable residential construction.

BILL SCHWARTZ, Girdwood Board of Supervisors, felt that if people knew what the development was ultimately going to look like, there would be less opposition. He questioned the method used by the municipality to value the property and whether it was a true reflection of fair-market value.

DUANE ADAMS, a landscape architect, discussed advancements in golf course design as well as the handling of herbicides and pesticides, in recent years. The designer of this particular course is Dr. Herdzan, a world-renowned designer of environmentally sensitive golf courses. The Nordic ski course is an important element of this project.

CINDY NIELSEN questioned how the developer planned to control floodwaters. She supported continuation of the hearing in Girdwood later in the year so more people can express opinions. There is already a Nordic track in Girdwood. She urged the Assembly to vote against the lease.

LARRY CASH, Cash Barner Architects, felt that it was important to follow established plans for the community. In his professional life and as a member of this development team, he has tried to be responsive to community wishes.

ERIC FOLLEY, Anchorage Waterways Council president, opposed the project due to environmental concerns. The wetlands are worthy of protection. This development will cause the loss of fish and wildlife habitat. The master planning process has been distorted so that development impact cannot be fully evaluated. Girdwood citizens have strongly opposed this development through the years.

TOM YEAGER, Glacier Valley Development, felt that issues raised had received a fair amount of attention. Both sides want a future for Girdwood defined by and in celebration of its environment. It is the method of achieving that goal that separates the sides. Change is inevitable. The decision is which direction the community will take. He supported the direction leading to resort development because it offered the best opportunity to preserve the community values of Girdwood.

KAREN BUTTON said she moved from Girdwood because she did not want to live in a resort community. She asked whether the developers would ask for taxes to be forgiven, if the course proves unprofitable. There should be overwhelming support for a project of this magnitude, before public land is given up for private development. The biological and sociological impacts should also be evaluated before the lease is approved. Perhaps the developers should consider the 30 acres of private land, which are for sale.

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

Mr. Bell moved, to adopt AO 98-133.
seconded by Mr. Kendall,

Mr. Bell moved, to amend the lease attached to AO 98-133, to add a new
seconded by Mr. Wohlforth, section 4.02 and it passed without to read: "Except for the
lands objection, acquired under section 4.01, lessee may not
utilize the premises for commercial and residential
development as those terms are defined in the Girdwood Area
Plan." Also to insert as a seconded sentence in section 7.02:
"Except for the lands acquired under section 4.01, lessee may
not utilize the premises for commercial and residential
development as those terms are defined in the Girdwood Area
Plan."

Mr. Wohlforth explained the intent of the amendment was to require the lessee to purchase land, if they want to build non-golf facilities.

Mr. Bell moved, to amend the lease attached to AO 98-133 by changing
seconded by Mr. Kendall, section 4.01 C to read: "The purchase price shall be
\$7,000 per acre which is within the range of the municipal
assessor's determination of fair market value or assessed value
for the land as of the commencement date." Also to amend AO
98-133, line 31, page 1, by deleting "appraised fair market
value" and inserting "\$7,000 per acre ..."

Mr. Wohlforth moved, to suspend the rules and extend
seconded by Ms. Clementson, public hearings to 11:30 p.m.
and it passed without
objection,

Mr. Bell explained the purpose of his amendment was to give the developer some assurance on the land price. Before he can get that price on the land, the developer must make a \$10,000,000 investment. It is a huge risk, and the developer needs to know as many elements as possible before entering into the agreement.

Mr. Wohlforth was concerned the project may not be economically viable unless extraordinary concessions are made on the price for municipal land. He questioned whether having a golf course in Girdwood represented such a public good that it warranted such an investment of public resources. The land should be sold for fair-market value.

In response to Mr. Wuerch, Heritage Land Bank Director Larry Houle stated the lessee agreed with the proposed lease amendments.

Question was called on the motion to amend AO 98-133 and the attached lease and it passed:

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

Mr. Bell noted the development would take Girdwood another step toward becoming a full-service resort community and a year-round destination for visitors. It is a trade off both environmentally and economically but construction of the course is the best alternative for Girdwood.

Mr. Wohlforth stated people did not come to Alaska to play golf. It is Alaska's uniqueness which should be promoted because that is what attracts visitors. The land is more valuable in its natural state or developed in a way that plays to that natural state.

In response to Ms. Clementson, Mr. Houle confirmed that during the construction phase the rent will be offset by project expenditures for construction. However, the municipality will derive tax revenues from the lease area during the construction phase. During the first 10 years of the lease, he estimated the municipality would receive rent of \$39,000 per year, based on golf-related revenues. In the last 10 years of the lease, a capital fund will be created so that when the property reverts to the municipality the course and facilities will be in good condition.

In response to Ms. Clementson, Jim Barnett, of Glacier Valley Development, stated the developer plans to retain as many trees as possible. Trees that must be cut will probably be given away to residents for firewood. Timber was not contemplated as a revenue stream for the company.

Ms. Clementson opposed the lease because it expanded the amount of land identified in the Girdwood Area Plan to be used for a golf course. Additionally, the return to the municipality will not balance the investment of resources.

Questions were called on the motion to adopt AO 98-133 as amended and the attached lease as amended, and they passed:

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

NAYS: Wohlforth, Clementson.

Mr. Wuerch moved, change the orders of the day to take up AR 98-255, AR 98-256, AR 98-257, AR 98-263, AR 98-261, AO 98-122, AO 98-123, AO 98-125, and AR 98-266.
seconded by Ms. Taylor,
and it passed without
objection,

- C. Ordinance No. AO 98-48, an ordinance amending the zoning map and providing for the rezoning of approximately nine (9) acres from R-3 (Multi-Family Residential District) to B-3/SL (General Business District) with Special Limitations for **Tract B, Cook Subdivision**, generally located on the west side of Denali Street and south of 40th Avenue (Spenard Community Council) (Planning and Zoning Commission Case 97-164), Community Planning and Development.
1. Assembly Memorandum No. AM 166-98.
(CONTINUED FROM 3-31-98 AND 7-21-98)

Chair Von Gemmingen announced this hearing would be continued until December 8, 1998. No testimony was heard at this meeting.

- D. Ordinance No. AO 98-51, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Chapters 11.10 - 11.40 governing the authority of the Anchorage Transportation Commission; changing the regulation of taxicabs, limousines, and vehicles for hire; **changing the regulation of chauffeurs operating taxicabs, limousines, and vehicles for hire; and changing the regulation of dispatch services**, Legal Department.
1. Assembly Memorandum No. AM 505-98.
(CONTINUED FROM 6-2-98 AND 7-14-98)
- E. 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.
1. Assembly Memorandum No. AM 337-98.
 2. Assembly Memorandum No. AM 360-98, AO 98-58(S): forfeitures of assets and property involved in criminal activity, Legal Department.
 3. 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 ~~from persons convicted of crimes involving prostitution, gambling, controlled substances, and unlicensed premises dispensing alcohol in violation of state law~~ 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 4-7-98, 4-28-98, 5-5-98, 6-9-98, AND 8-18-98)
- F. Ordinance No. AO 98-, 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.
 2. Ordinance No. AO 98-143(S), an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Chapter 10.60, regarding sidewalk vendors, Assemblymember Wohlforth. (**addendum**)
 3. Assembly Memorandum No. AM 869-98.
(CONTINUED FROM 8-18-98)

Items 12.D through 12.F were continued until September 1, 1998.

- G. 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.
(CONTINUED FROM 8-18-98)
- H. 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 768-8.
 2. Assembly Memorandum No. AM 825-8.
 3. Assembly Memorandum No. AM 845-8, AO 8-136 - Summary of Economic Effects, Assemblymember Wohlforth.
 4. Ordinance No. AO 98-136(S), 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. **(addendum)**
(CONTINUED FROM 8-8-8)
- I. 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 766-8.
 2. Assembly Memorandum No. AM 846-8, AO 8-134 - Summary of Economic Effects, Assemblymember Wohlforth.
(CONTINUED FROM 8-8-8)

Items 12.G through 12.I were considered later in the meeting following item 12.J, AR 98-251.

12. NEW PUBLIC HEARINGS :

- A. 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.
1. Assembly Memorandum No. AM 798-8.

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

Mr. Wohlforth moved, to approve AR 98-255.
seconded by Mr. Carlson,

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

NAYS: None.

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

- B. 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 **Prenatal Case Management/Healthy Baby Services**, Health and Human Services.
1. Assembly Memorandum No. AM 799-98.

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 approve AR 98-256.
seconded by Mr. Kendall,

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

NAYS: None.

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

- C. 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.
1. Assembly Memorandum No. AM 800-98.

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

Mr. Meyer moved, to approve AR 98-257.
seconded by Ms. Clementson,

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

NAYS: None.

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

- D. 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.
1. Assembly Memorandum No. AM 826-98.

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

Mr. Meyer moved, to approve AR 98-263.
seconded by Mr. Carlson,

Ms. Clementson noted the Heritage Land Bank Advisory Commission suggested that this could be a loan to be repaid by bond funds.

Further action was delayed until later in the meeting.

- E. Resolution No. AR 98-261, a resolution of the Anchorage Municipal Assembly **approving an appointment to fill the remaining 2 1/2 years of Mike Burns' term on the Anchorage Telephone Utility (ATU) Board of Directors**, Assembly Chair Von Gemmingen.
1. Resolution No. AR 98-261(S), a resolution of the Anchorage Municipal Assembly approving an appointment to fill the remaining 2 1/2 years of Mike Burns' term on the Anchorage Telephone Utility (ATU) Board of Directors, Assembly Chair Von Gemmingen.

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 98-261(S).
seconded by Mr. Wuerch,

Ballots were distributed, and the tally was reported later in the meeting, after the following item.

- F. Ordinance No. AO 98-122, an ordinance **continuing or reestablishing the Anchorage Women's Commission** pursuant to Anchorage Municipal Code Section 4.05.150, Municipal Clerk.
1. Assembly Memorandum No. AM 719-98.
 2. Information Memorandum No. AIM 103-98, AO 98-122: an ordinance of the Anchorage Municipal Assembly continuing or reestablishing the Anchorage Women's Commission, Mayor's Office.

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

MARGE KAISER, Chairman of the Women's Commission, reported the Commission published and distributed a study on women's needs and a resource guide during the past three years. The issues identified in the study have become topics for further research. Completion of a report on public transit is expected this fall.

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

Ms. Taylor moved, to adopt AO 98-122.
seconded by Mr. Wohlforth,

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

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

The Assembly then returned to consideration of item 12.E, AR 98-261(S).

Chair Von Gemmingen reported Mr. Sullivan won the ballot.

Mr. Wohlforth moved, to amend AR 98-261(S)
seconded by Ms. Taylor, by inserting the name of
and it passed without George M. Sullivan.
objection,

Question was called on the motion to approve AR 98-261(S) as amended and it passed:

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

The Assembly then returned to AR 98-263.

Question was called on the motion to approve AR 98-263 and it passed:

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

NAYS: None.

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

- G. Ordinance No. AO 98-123, an ordinance **continuing or reestablishing the Anchorage Solid Waste Commission** pursuant to Anchorage Municipal Code Section 4.05.150, Municipal Clerk.
1. Assembly Memorandum No. AM 720-98.
 2. Information Memorandum No. AIM 104-98, AO 98-123: an ordinance of the Anchorage Municipal Assembly continuing or reestablishing the Solid Waste Commission, Mayor's Office.

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

Mr. Wuerch moved, to adopt AO 98-123.
seconded by Mr. Meyer,

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

NAYS: None.

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

- H. Ordinance No. AO 98-125, an ordinance providing for the **public purpose retention and the donation of Lot 24, Block 2, Nels Kleven Homestead, a vacant lot on Lane Street, Anchorage, Alaska, and Lot 106-3 of the Subdivision of Lot 106, Section 13, Township 13 North, Range 3 West, Seward Meridian (Plat P-372), a vacant lot on Oklahoma Street, Anchorage, Alaska (Exhibit A), to Habitat for Humanity, Inc., a nonprofit corporation** for their program to develop affordable housing for the private sector, Heritage Land Bank.
1. Assembly Memorandum No. AM 722-98.

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

JOHN GIVENS, Habitat for Humanity, said that the lots selected met the organization's mission to provide affordable homes to persons who otherwise would be unable to own a home.

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

Mr. Meyer moved, to adopt AO 98-125.
seconded by Mr. Wuerch,

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

NAYS: None.

- I. Resolution No. AR 98-266, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Restaurant/Eating Place Liquor License) located on Athenian Village, Tract F-2A-1, generally located on the north side of East Tudor Road and east of Dale Street (Han C. Yi and EulJa Yi d.b.a. Golden Gate Restaurant) (Case 98-150), Community Planning and Development.
1. Assembly Memorandum No. AM 833-98.

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

An interpreter and bookkeeper for the applicant came forward to answer questions.

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

Mr. Wuerch moved, to approve AR 98-266.
seconded by Mr. Wohlforth,

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

NAYS: None.

Mr. Wohlforth moved, to change the orders of the day to take up items
seconded by Ms. Taylor, 11.G through 11.I, AO 98-135, AO 98-136,
and it was withdrawn, and AO 98-134.

Mr. Wuerch moved, to change the orders of the day
seconded by Mr. Kendall to take up item 12.J, AR 98-251.
and it passed without objection,

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

1. Assembly Memorandum No. AM 866-98.
2. Resolution No. AR 98-251(S), a resolution enacting a new Chapter to the Anchorage Municipal Code of Regulations to establish pre-hearing, hearing and post-hearing procedures governing all aspects of the initiation and conduct of proceedings before the Assembly for the grant and revocation of conditional use permits for the retail sale of alcoholic beverages. **(LAID ON THE TABLE)**
3. Assembly Memorandum No. AM 870-98.

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

Mr. Wuerch moved, to approve AR 98-251(S).
seconded by Mr. Wohlforth,

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

Mr. Bell moved, immediate reconsideration
seconded by Mr. Wohlforth, of AO 98-133 as amended.

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

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

Mr. Wohlforth moved, to change the orders of the day to
seconded by Ms. Taylor, take up items 11.G through 11.I,
and it passed without AO 98-135, AO 98-136, and AO 98-134,
objection, and combine the public hearings.

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.
(CONTINUED FROM 8-18-98)

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.
4. Ordinance No. AO 98-136(S), 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. (addendum)

(CONTINUED FROM 8-18-98)

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.

(CONTINUED FROM 8-18-98)

Mr. Wohlforth moved, to suspend the rules and continue
seconded by Mr. Meyer, the public hearing portion of the
it passed without meeting until these hearings are
objection, completed or the Assembly runs out of time.

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

MARC MARLOW urged passage of the ordinances, which reflected recent changes to State law. These laws are tools to use for fighting urban blight. His goal in nurturing these laws was to provide a mechanism to resolve the problems with the McKay building. He felt the choices for the municipality were to remove the building using taxpayer dollars or renovate it using property tax subsidy. These ordinances provide an avenue to permit renovation. In his opinion, the State law allows for five years of tax exemption and an additional five years of tax deferral. However, opinions differ on that point.

DAN MORREN noted the ordinances required the developer to complete improvements within a specified time. If not, the building should be razed.

He hoped the renovation would be successful and bring residents into the uptown area to revitalize it.

ROYCE ROCK, Carpenters' Union, who works across the street from the McKay building supported the proposal. The proposed empowerment zone encompasses these two square blocks of downtown Anchorage. This redevelopment will deter crime in the area.

PAT WARDLAW noted the McKay building was a nice place to live years ago. This is an opportunity to repopulate the surrounding vacant lots and encourage current residents to remain.

DAVID McSHANE felt that the proposal offered an opportunity to renew a deteriorated area. If the incentives are sufficient, perhaps others will be inspired to revitalize other areas.

THOMAS FAULKENBERRY, project architect, listed the renovation projects in which he had been involved. This is a unique opportunity to retain a connection to the past. These ordinances provide the necessary economic incentives to go forward.

ROD PFLEIGER, Anchorage Downtown Partnership, encouraged support of AO 98-135 to assist downtown properties which are not within the boundaries of the empowerment zone.

DENNIS LEVI, who owned Days Inn and an office building nearby, stated he was the successful bidder when this property was offered for sale. However, those bids were thrown out. Now the municipality proposes a sole-source sale. His bid was greater than today's sale price. He and other interested developers should also have an opportunity to bring proposals forward. Rather than buy property downtown to expand the convention center, he suggested this property could be used. He doubted the building could be refurbished and made habitable.

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 98-135.
seconded by Ms. Taylor,

The Assembly moved to special orders and took no further action on these ordinances. See the minutes of September 1, 1998.

- K. Ordinance No. AO 98-118, an ordinance amending the zoning map and providing for the rezoning from R-2M (Multiple Residential District) to PLI (Public Lands and Institutions District) for **Lot 1A, Block 39A, South Addition Subdivision**, generally located on the east side of "E" Street and north of West 15th Avenue (South Addition Community Council) (Case 98-050), Community Planning and Development.
 1. Assembly Memorandum No. AM 698-98.
- L. Ordinance No. AO 98-119, an ordinance amending the zoning map and providing for the rezoning from T (Transition) District to AF (Antenna Farm) District for the **Tower Subdivision, Tract A**, generally located south of the curve where Minnesota Drive turns into O'Malley Road and north of Klatt Road and west of "C" Street (Bayshore-Klatt Community Council) (Planning and Zoning Commission Case 98-036), Community Planning and Development.
 1. Assembly Memorandum No. AM 699-98.
- M. Ordinance No. AO 98-128, an ordinance amending the zoning map and providing for the rezoning from B-1A (Local and Neighborhood Business District) to B-3 (General Business District) for **Tract A2, Bonnibrook Subdivision**, generally located at the southeast corner of East Northern Lights Boulevard and Boniface Parkway (University Area Community Council) (Planning and Zoning Commission Case 98-053), Community Planning and Development.
 1. Assembly Memorandum No. AM 725-98.
- N. Ordinance No. AO 98-129, an ordinance repealing AO 83-224 and amending the zoning map and providing for the rezoning from I-2/SL (Heavy Industrial with Special Limitations) to I-2/SL (Heavy Industrial with Special Limitations) for a **6.70 acre portion of Tract D-1, Turnagain Industrial Park Subdivision**, generally located on the east side of Johns Road and north of East Klatt Road (Bayshore-Klatt Community Council) (Planning and Zoning Commission Case 98-051), Community Planning and Development.
 1. Assembly Memorandum No. AM 726-98.

Items 12.K through 12.N were continued to September 1, 1998.

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

14. **SPECIAL ORDERS:**

- A. Resolution No. AR 98-282, a resolution of the Anchorage Municipal Assembly appropriating \$5,000,000 to the Office of the Executive Manager from the Areawide General Fund (0101) for the purpose of providing a **loan to the Anchorage Telephone Utility (ATU)**, Assemblymembers Wohlforth, Meyer, and Murdy.
(LAID ON THE TABLE)

Mr. Wohlforth, Ms. Clementson and Mr. Wuerch introduced AR 98-282 for public hearing on September 1, 1998.

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

to reinstate the regular meeting of September 1
at 6:00, to consider
remaining items on the August 25 agenda and
to hear AR 98-282.

- 15. **ASSEMBLY COMMENTS:** None.
- 16. **UNFINISHED AGENDA:** None.
- 17. **AUDIENCE PARTICIPATION:** None.
- 18. **EXECUTIVE SESSIONS:** None.
- 19. **ADJOURNMENT:**

The meeting adjourned at midnight.

Chair

ATTEST:

Municipal Clerk

Date Minutes Approved: December 15, 1998

LF/roy

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