

# MUNICIPALITY OF ANCHORAGE

## ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of September 15, 1998

1. CALL TO ORDER:

The meeting was convened at 5:50 p.m. by Chair Fay Von Gemmingen in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. ROLL CALL:

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

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Ms. Abney.

4. MINUTES OF PREVIOUS MEETING:

- A. Regular Meeting - June 9, 1998
- B. Special Meeting - June 30, 1998

Mr. Murdy moved, to approve the minutes of the Regular Meeting of June 9, 1998, and the Special Meeting of June 30, 1998, seconded by Ms. Taylor, and it passed without objection,

5. MAYOR'S REPORT: None

6. ADDENDUM TO AGENDA:

Mr. Murdy moved, to incorporate addendum items into the agenda, seconded by Ms. Clementson,

Chair Von Gemmingen read the titles of ordinances AO 98-158 and AR 98-311 from the addendum.

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

7. CONSENT AGENDA:

Mr. Murdy moved, to approve all items on the Consent Agenda as amended, seconded by Mr. Kendall,

A. BID AWARDS: None

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 98-152, an ordinance of the Municipality of Anchorage, Alaska authorizing and providing for the **issuance of not to exceed \$55,900,000 in aggregate principal amount of General Obligation School Bonds** of the Municipality for the purpose of raising funds to pay the costs of educational capital improvement projects in the Municipality; fixing certain details of said bonds; 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 9-29-98.
  - a. Assembly Memorandum No. AM 895-98.
2. Ordinance No. AO 98-157, an ordinance of the Municipality of Anchorage amending Title 21 of the Anchorage Municipal Code of Ordinances by **amending Definitions, "Dwelling, One-Family or Single-Family" and "Dwelling, Multiple-Family", "Mobile Home", adding definitions for "Dwelling, Manufactured", "Dwelling, Mobile Home", and "Dwelling, Site-Built", amending Chapter 21.45 by enacting a new subsection "Dwellings, Manufactured Standards"**, Community Planning and Development.

The Administration asked this item to be considered on the Regular Agenda. See 8.C.

3. Resolution No. AR 98-289, a resolution of the Anchorage Municipal Assembly **appropriating the sum of \$108,240 from seized and forfeited monies awarded criminal narcotics cases** by the U.S. Drug Enforcement Agency, to the Police Investigation Fund (0257) for use by the Anchorage Police Department, Anchorage Police Department. public hearing 9-22-98.

- a. Assembly Memorandum No. AM 873-98.
4. Resolution No. AR 98-290, a resolution of the Municipality of Anchorage appropriating \$1,031,800 to the State Categorical Grants Fund (0231) from the Alaska Department of Health and Social Services to **fund Community Health Nursing Services**, Health and Human Services. public hearing 9-22-98.
  - a. Assembly Memorandum No. AM 874-98.
5. Resolution No. AR 98-291, a resolution of the Municipality of Anchorage appropriating \$1,324,337 to the State Categorical Grants Fund (0231) from the State Department of Health and Social Services, and appropriating \$270,000 to the State Categorical Grants Fund (0231) from the General Government Operating Budget Areawide General Fund (0101), Health and Human Services Department, to **fund Health and Human Services** in the Municipality of Anchorage, Health and Human Services. public hearing 9-22-98.
  - a. Assembly Memorandum No. AM 875-98.
6. Resolution No. AR 98-292, a resolution **confirming and levying assessments for the water special improvements within Levy Upon Connection (LUC) Roll 98-W-1**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility. public hearing 10-6-98.
  - a. Assembly Memorandum No. AM 876-98.
7. Resolution No. AR 98-293, a resolution **confirming and levying assessments for the sewer special improvements within Levy Upon Connection (LUC) Roll 98-S-1**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility. public hearing 10-6-98.
  - a. Assembly Memorandum No. AM 877-98.
8. Resolution No. AR 98-303, a resolution of the Anchorage Municipal Assembly appropriating the sum of \$91,467 from the State of Alaska, Department of Public Safety, Division of Alaska State Troopers, \$30,489 as match and \$2,545 as a contribution from the 1998 Anchorage Metropolitan Police Service Area Operating Budget, for the **Methamphetamine - A Growing Problem Grant**, Anchorage Police Department public hearing 9-22-98.
  - a. Assembly Memorandum No. AM 893-98.
9. Resolution No. AR 98-305, a resolution of the Municipality of Anchorage appropriating \$25,000 from Providence Alaska Medical Center, \$25,000 from the State of Alaska Mental Health Trust Land Office, and \$25,000 from the University of Alaska Anchorage as a private contribution, and appropriating \$100,000 to the Miscellaneous Operating Grants Fund (0261) from General Government Operating Budget (0101) to **fund development of a master plan for the Universities/ Medical Campus District**, Community Planning and Development. public hearing 9-22-98.
  - a. Assembly Memorandum No. AM 896-98.
10. Resolution No. AR 98-309, a resolution of the Anchorage Assembly **increasing the appropriation for the procurement and implementation of the new Financial, Payroll, and Human Resources Information Systems (PFISHR Project)** for the Municipality by \$945,000 with a revised not to exceed amount of \$9,345,000 as a loan from the Self Insurance Fund (0602) to the Management Information Systems Capital Fund (0608) and revising the Capital Improvement Budget for Management Information Systems, Finance. public hearing 9-29-98.
  - a. Assembly Memorandum No. AM 905-98.

The Administration asked this item to be considered on the Regular Agenda. See 8.C.

11. Ordinance No. AO 98-158, an ordinance amending Anchorage Municipal Code Subsection 21.40.080 B.4. (R-6 Suburban Residential District, Large Lot) to **permit a greenhouse to be used in conjunction with the raising of vegetables, produce, fruit crops, nursery plants**, Assemblymembers Bell and Abney. no public hearing. See AO 99-27.
  - a. Assembly Memorandum No. AM 906-98.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 98-294, a resolution of the Municipality of Anchorage appropriating \$100,000 from the Areawide General (0101) Fund Balance to the Office of the Municipal Attorney to **secure additional contract legal services for the sale of the Anchorage Telephone Utility**, Legal Department.
  - a. Assembly Memorandum No. AM 879-98.
2. Resolution No. AR 98-295, a resolution of the Municipality of Anchorage appropriating \$50,000 from the Areawide General (0101) Fund Balance to the Office of the Municipal Attorney to **secure additional professional services for the sale of the Anchorage Telephone Utility**, Legal Department.
  - a. Assembly Memorandum No. AM 880-98.

The Administration asked this item to be considered on the Regular Agenda. See 8.D.

3. Resolution No. AR 98-296, a resolution of the Municipality of Anchorage appropriating \$23,750 from the Alaska Department of Health and Social Services to the State Categorical Grants Fund (0231) for **Anchorage Youth Court**, Health and Human Services.
  - a. Assembly Memorandum No. AM 881-98.

4. Resolution No. AR 98-297, a resolution authorizing the granting of a **tax refund to Robert J. and Brenda R. Gorton as a result of a manifest clerical error** on Real Property Account 067-072-44, Finance.
  - a. Assembly Memorandum No. AM 882-98.
5. Resolution No. AR 98-298, a resolution authorizing the Municipality to **grant an electrical easement to provide underground electrical service across a portion of Government Lot 23, NE 1/4 of the NW 1/4 of Section 9, T12N, R3W, Seward Meridian, Tax #014-171-07**, located near E. 80th Avenue, Public Works.
  - a. Assembly Memorandum No. AM 883-98.
6. Resolution No. AR 98-299, a resolution authorizing the Municipality to **grant an electrical easement across a portion of Tract A-5, Dowling Subdivision No. 3 for the Northern Lights Replacement School site** located at Lake Otis Parkway and East Dowling Road, Public Works.
  - a. Assembly Memorandum No. AM 884-98.
7. Resolution No. AR 98-300, a resolution authorizing the Municipality to **grant an electrical easement across a portion of Tract A-1, Chinook and Dimond-Mears School site** located near West 88th Avenue, Public Works.
  - a. Assembly Memorandum No. AM 885-98.
8. Resolution No. AR 98-301, a resolution authorizing the Municipality to **grant an electrical easement across a portion of Taku Elementary School site** located within the S 1/4 of Section 6, T12N, R3W, Seward Meridian, Alaska near Michelin Place and East 72nd Avenue, Public Works.
  - a. Assembly Memorandum No. AM 886-98.
9. Resolution No. AR 98-302, a resolution authorizing the Municipality to **grant an electrical easement across a portion of Tract B2, Bayshore West, Unit No. 4A for Mears Junior High School site** located near Eshamy Bay Drive and West 100th Avenue, Public Works.
  - a. Assembly Memorandum No. AM 887-98.
10. Resolution No. AR 98-304, a resolution of the Anchorage Municipal Assembly **calling upon President Clinton to resign from office**, Assemblymembers Bell, Kendall, and Wuerch.

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

11. Resolution No. AR 98-306, a resolution of the Municipality of Anchorage **authorizing the application for matching capital grant funds through the Municipal Capital Project Matching Grant Program - AS 37.06 - for State Fiscal Year 2000**, Office of Management and Budget.
  - a. Assembly Memorandum No. AM 897-98.

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

12. Resolution No. AR 98-307, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Lieutenant James P. Meehan for his 20 years of service** with the Anchorage Police Department, Assemblymembers Murdy, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Taylor, Von Gemmingen, Wohlforth, and Wuerch.

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

13. Resolution No. AR 98-308, a resolution of the Anchorage Municipal Assembly supporting the matching grant request from the Alaska Center for the Performing Arts to Kriehlsheimer Foundation **completion of the Elvera Voth Rehearsal Hall**, Assemblymembers Abney, Taylor, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch.
14. Resolution No. AR 98-311, a resolution of the Anchorage Municipal Assembly **recognizing Solid Waste Services for being awarded the 1998 SWANA Landfill Excellence Gold Award**, Assemblymembers Clementson, Abney, Bell, Carlson, Kendall, Meyer, Murdy, Taylor, Von Gemmingen, Wohlforth, and Wuerch. (**addendum**)

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

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 894-98, **Urban Design Commission appointments** (John Crittenden, Kerry Pritchett, Robin Smith), Mayor's Office.
2. Assembly Memorandum No. AM 898-98, **South Golden View Limited Road Service Area Board of Supervisors appointment** (James Sizemore), Mayor's Office.

Chair Von Gemmingen recognized Mr. Sizemore from South Golden View Limited Road Service area.

3. Assembly Memorandum No. AM 888-98, 1998-1999 Liquor License Renewal: **Crow Creek Mercantile** (Package Store), Clerk's Office.
4. Assembly Memorandum No. AM 889-98, **Golden Gate**- New Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Campbell Park/University Area Community Councils), Clerk's Office.
5. Assembly Memorandum No. AM 890-98, change order No. 1 to purchase order 72569 with A T Publishing for **printing of the People Mover Timetable Booklets** for the Municipality of Anchorage, Public Transportation Department/Purchasing.

6. Assembly Memorandum No. AM 891-98, change order No. 9 to purchase order 51724 with Aurora Towing for providing **towing and removal services of miscellaneous junk vehicles** for the Municipality of Anchorage, Public Works Department/ Purchasing.
7. Assembly Memorandum No. AM 892-98, change order No. 1 to purchase order 73699 with GCR Truck Tire Center for providing **miscellaneous sized tires, repair, and services** to the Municipality of Anchorage, Purchasing Department.
8. Assembly Memorandum No. AM 899-98, grant to City View Little League Inc. for materials not to exceed \$54,000 for the **lay out of Davenport Fields at Tikishla Park**, Cultural and Recreational Services.

Chair Von Gemmingen recognized the City View Little League for their hard work on the Davenport Fields at Tikishla Park.

9. Assembly Memorandum No. AM 900-98, amendment No. 1 to professional services contract with CRW Engineering Group for the **1998 term contract for professional engineering services**, Cultural and Recreational Services.
10. Assembly Memorandum No. AM 901-98, change order No. 1 to purchased order 74246 with JD Consulting & Programming for providing **professional programming consultant services** for the Municipality of Anchorage, Management Information Systems Department/Purchasing.
11. Assembly Memorandum No. AM 902-98, recommendation of award to GDM, Inc. for providing architectural/engineering services for the **design of an Emergency Operations Center** for the Municipality of Anchorage, Department of Property and Facility Management (RFP 14-98), Purchasing.
12. Assembly Memorandum No. AM 903-98, change order No. 3 to purchase order 74349 with CEF, Inc. dba Sonshine Enterprises for **year round road maintenance services** for the Municipality of Anchorage, Public Works Department/ Purchasing.
13. Assembly Memorandum No. AM 904-98, proprietary purchase of a **Fluid Conservation Systems (FCS) leak locator upgrade** or the Municipality of Anchorage, Water and Wastewater Utility/ Purchasing.

E. INFORMATION AND REPORTS:

1. Appeal S-10110, Eagle Crossing Subdivision, has been scheduled for hearing before the Board of Adjustment on a date to be determined by the Chair, Clerk's Office.

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

2. Information Memorandum No. AIM 107-98, Monthly Financial Report - July 1998, Finance.
3. Information Memorandum No. AIM 108-98, waiver of formal procedures for Lake Otis Parkway and Tudor Road capacity improvements for the Municipality of Anchorage, Public Works Department (ITB 98-C73), Purchasing.

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

4. Information Memorandum No. AIM 109-98, Anchorage Regional Landfill - Solid Waste Association of North America (SWANA) Landfill Excellence Gold Award, Solid Waste Services.
5. Information Memorandum No. AIM 110-98, AO 98-73(S); Civil Actions by Alcoholic Beverage Licensees Against Minors, Legal Department.
6. Information Memorandum No. AIM 111-98, 1998 Regular Election Cost - \$281,818, Municipal Clerk.

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

7. Information Memorandum No. AIM 112-98, Anchorage Water and Wastewater Utility construction contract change orders for Anchorage Loop Water Transmission Main - Phase III, Alaska Industrial Sewer Upgrade, Crestbrook WID No. 431, and Eagle River Wastewater Treatment Facility Roof Repair, Water and Wastewater Utility.
8. Information Memorandum No. AIM 113-98, impending change order to Egan-ACPA Skybridge contract C-70365 for "F" Street improvements, Property and Facility Management.

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

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

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

8. REGULAR AGENDA:

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

1. Ordinance No. AO 98-157, an ordinance of the Municipality of Anchorage amending Title 21 of the Anchorage Municipal Code of Ordinances by **amending Definitions, "Dwelling, One-Family or Single-Family" and "Dwelling, Multiple-Family", "Mobile Home", adding definitions for "Dwelling, Manufactured", "Dwelling, Mobile Home", and "Dwelling, Site-Built", amending Chapter 21.45 by enacting a new subsection "Dwellings, Manufactured Standards"**, Community Planning and Development.

Municipal Attorney Mary Hughes requested that this item be pulled completely and not introduced.

Mr. Murdy moved, not to introduce AO 98-157.  
seconded by Ms. Clementson, and  
it passed without objection,

2. Resolution No. AR 98-309, a resolution of the Anchorage Assembly **increasing the appropriation for the procurement and implementation of the new Financial, Payroll, and Human Resources Information Systems (PFISHR Project)** for the Municipality by \$945,000 with a revised not to exceed amount of \$9,345,000 as a loan from the Self Insurance Fund (0602) to the Management Information Systems Capital Fund (0608) and revising the Capital Improvement Budget for Management Information Systems, Finance. public hearing 9-29-98.
  - a. Assembly Memorandum No. AM 905-98.

Mr. Kendall, Mr. Murdy, and Ms. Abney joined in introducing AO 98-309 for public hearing on September 29, 1998.

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 98-295, a resolution of the Municipality of Anchorage appropriating \$50,000 from the Areawide General (0101) Fund Balance to the Office of the Municipal Attorney to **secure additional professional services for the sale of the Anchorage Telephone Utility**, Legal Department.
  - a. Assembly Memorandum No. AM 880-98.

Municipal Attorney Hughes said that the firm named in the memorandum had been inappropriately identified as a legal firm. She requested a correction be made.

Mr. Murdy moved, to approve AR 98-295 and correct memorandum AM 880-98 by deleting the word "legal" before the word "firm" in the subject on line 13.  
seconded by Mr. Wohlforth,

Question was called on the motion to approve AR 98-295 and correct memorandum AM 880-98 and it passed without objection.

2. Resolution No. AR 98-304, a resolution of the Anchorage Municipal Assembly **calling upon President Clinton to resign from office**, Assemblymembers Bell, Kendall, and Wuerch.

Ms. Abney moved, to approve AR 98-304.  
seconded by Ms. Taylor,

Ms. Abney, Mr. Bell, Mr. Kendall, Mr. Murdy, Mr. Wohlforth, Mr. Wuerch and Ms. Clementson spoke to the matter.

Ms. Clementson moved, to table AR 98-304.  
seconded by Mr. Wohlforth,

Question was called on the motion to table AR 98-304 and it passed.

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

3. Resolution No. AR 98-306, a resolution of the Municipality of Anchorage **authorizing the application for matching capital grant funds through the Municipal Capital Project Matching Grant Program - AS 37.06 - for State Fiscal Year 2000**, Office of Management and Budget.
  - a. Assembly Memorandum No. AM 897-98.

Mr. Bell announced that he intends to postpone this resolution since Mr. Carlson is absent.

Mr. Wohlforth moved, to approve AR 98-306.  
seconded by Ms. Taylor,

Mr. Wohlforth moved, to postpone AR 98-306 to September 22.  
seconded by Ms. Taylor, and  
it passed without objection,

4. Resolution No. AR 98-307, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Lieutenant James P. Meehan for his 20 years of service** with the Anchorage Police

Department, Assemblymembers Murdy, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Taylor, Von Gemmingen, Wohlforth, and Wuerch.

Mr. Murdy moved, to approve AR 98-307.  
seconded by Mr. Wuerch,  
and it passed without objection,

Mr. Wuerch read the resolution while Mr. Murdy presented it to Mr. Meehan who gave a few remarks.

5. Resolution No. AR 98-311, a resolution of the Anchorage Municipal Assembly **recognizing Solid Waste Services for being awarded the 1998 SWANA Landfill Excellence Gold Award**, Assemblymembers Clementson, Abney, Bell, Carlson, Kendall, Meyer, Murdy, Taylor, Von Gemmingen, Wohlforth, and Wuerch.

Ms. Abney moved, to approve AR 98-311.  
seconded by Ms. Clementson,  
and it passed without objection,

Ms. Abney read the resolution and Ms. Clementson presented it to Mr. Grunwaldt, Director, Solid Waste Services.

E. NEW BUSINESS: None

F. INFORMATION and REPORTS:

1. Appeal S-10110, Eagle Crossing Subdivision, has been scheduled for hearing before the Board of Adjustment on ~~September 29, 1998~~ a date to be determined by the Chair, Clerk's Office.

Ms. Clementson moved, to postpone to the end of the agenda.  
seconded by Ms. Taylor, and  
it passed without objection,

Ms. Clementson reminded the Chair that this is a 700-page appeal.

(Clerk's Note: This item was discussed later in the meeting. See Item. 16.)

2. Information Memorandum No. AIM 108-98, waiver of formal procedures for Lake Otis Parkway and Tudor Road capacity improvements for the Municipality of Anchorage, Public Works Department (ITB 98-C73), Purchasing.

Mr. Meyer moved, to accept AIM 108-98.  
seconded by Mr. Murdy,  
and it passed without objection,

In response to Mr. Meyer, Public Works Director Jim Fero said that the project should be finished in 60 days, as per the contract, depending on the weather.

3. Information Memorandum No. AIM 111-98, 1998 Regular Election Cost - \$281,818, Municipal Clerk.

Mr. Wuerch moved, to accept AIM 111-98.  
seconded by Mr. Murdy, and  
it passed without objection,

Mr. Wuerch explained that this is a cost of the spring election and wanted to recognize the success of the Municipal Clerk and her staff.

Mr. Wohlforth commented that he likes the automated voting system that the State implemented. He recommended that the Municipality invest in bringing forward the same system for the next election.

Ms. Cantrell, Deputy Clerk, commented that the new election system was added to the 1999 Assembly budget as an unfunded item.

4. Information Memorandum No. AIM 113-98, impending change order to Egan-ACPA Skybridge contract C-70365 for **"F" Street improvements**, Property and Facility Management.

Mr. Wohlforth moved, to accept AIM 113-98.  
seconded by Mr. Murdy, and  
it passed without objection,

In response to Mr. Wohlforth, Joe Beauchamp, Director of Property and Facility Management, explained why the change order was necessary.

In response to Mr. Wohlforth, Tim Potter, Dowl Engineers, gave a history and status of the project and the effect on surrounding businesses and traffic on 'F' Street. He explained how the street would function as a pedestrian mall or a street depending on the time of day.

In response to Mr. Wohlforth, Municipal Manager George Vakalis clarified that 'F' Street will be one-way all the way, both the north and south sides.

In response to Ms. Clementson, Manager Vakalis explained that part of this plan was the result of the traffic study. The said that the traffic engineer has the authority to make street changes.

In response to Ms. Clementson, Mr. Potter explained that over the last two years, they had about a year's worth of work on the skybridge. The 'F' Street Plaza portion of the project was basically put on hold, pending the outcome of the Downtown Circulation Study.

Mr. Wohlforth commented that the Downtown Circulation Study had the most extensive public process of any study, of that kind, he has ever seen. He continued to explain the public process. Mr. Wohlforth suggested that a work session be scheduled on the Downtown Circulation Study when it is complete.

(Clerk's Note: The Assembly then changed the orders of the day to consider Appearance Requests, Item 10.)

- A. Leonard Freitas, regarding lack of due process within the AMC.

Mr. Freitas did not appear.

- B. Natasha Von Imhof, regarding allowing snowmobiling in Girdwood.

NATASHA VON IMHOF, representing Alaska Snow Safaris, explained the business.

Ms. Von Imhof indicated that she met with the Girdwood Trail Committee and will meet with Girdwood Board of Supervisors on Monday. Ms. Von Imhof indicated that the service is for guided trail rides along the west side of the valley, starting near the Double Musky and going up along the Old Iditarod Trail to the Crow Creek Mine.

Chair Von Gemmingen directed the members to Old Business. See 9.A.

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

- A. NOTICE OF RECONSIDERATION: 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.

Chair Von Gemmingen announced that this ordinance was approved on September 1 and Ms. Taylor gave a notice of reconsideration the following day. The question before the Assembly is "Shall we reconsider AO 98-119?"

Ms. Taylor announced that she would like to withdraw her request for reconsideration. She explained that she had a chance to talk to the interested parties and was satisfied with their responses.

Mr. Wohlforth explained the procedure to be taken when a notice of reconsideration is withdrawn.

(Clerk's Note: The item was not reconsidered and the action taken on September 1<sup>st</sup> stands.)

Mr. Wohlforth moved, to continue the Regular Meeting until the conclusion of  
 seconded by Mr. Murdy, the Special Meeting.  
 and it passed without objection,

The meeting recessed at 7:00 p.m. and reconvened at 7:05 p.m.

Municipal Attorney Hughes announced the appointment of Bill Greene to the Deputy Municipal Attorney position vacated by Ann Resch.

10. APPEARANCE REQUESTS:

- A. Leonard Freitas, regarding lack of due process within the AMC.

Mr. Freitas did not appear.

- B. Natasha Von Imhof, regarding allowing snowmobiling in Girdwood.

Ms. Von Imhof appeared earlier in the meeting. See after item 8.

11. CONTINUED PUBLIC HEARINGS: None.

## 12. NEW PUBLIC HEARINGS:

- A. 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.
1. Assembly Memorandum No. AM 794-98.

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 98-144.  
seconded by Ms. Abney,

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

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

- B. 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.
1. Assembly Memorandum No. AM 854-98.

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 98-151.  
seconded by Ms. Taylor,

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

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

- C. 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.
1. Assembly Memorandum No. AM 835-98.

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 98-268.  
seconded by Mr. Meyer,

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

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

- D. 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 and Human Services.
1. Assembly Memorandum No. AM 836-98.

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 98-269.  
seconded by Ms. Clementson,

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

- E. Resolution No. AR 98-216, a resolution repealing and re-enacting Chapter 3.85 of the Anchorage Municipal Code of Regulations to establish the **administrative procedures of the Police and Fire Retirement Board** including the administrative procedures governing the filing, processing and decisions on applications for death or disability benefits, Police and Fire Retirement Board.

1. Assembly Memorandum No. AM 678-98.

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 98-216.  
seconded by Mr. Meyer,

In response to Mr. Wuerch, Tom Tierney, Employee Relations Director, reported that all of the issues which were raised a year ago have now been resolved; explaining that the Board passed this resolution, information on the changes were distributed to both groups, and there is consensus that this is a fair way to approach these administrative procedures.

Question was called on the motion to approve AR 98-216 and it passed.

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

- F. 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.
  1. Assembly Memorandum No. AM 795-98.

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 98-145.  
seconded by Ms. Taylor,

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

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

- G. 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.
  1. Assembly Memorandum No. AM 796-98.

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 98-146.  
seconded by Ms. Clementson,

AYES: Bell, Wuerch, 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.)

- H. 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.
  1. Assembly Memorandum No. AM 797-98.

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 98-147.  
seconded by Ms. Clementson,

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

- I. Resolution No. AR 98-283, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Brewpub License) located at Hillstrand Subdivision, Tract A, Lots 6, 7, 8, 9, 10, 11, and 12, generally located on the east side of Spenard Road and north of West 26th Avenue (Jadon, Inc. d.b.a. **Chilkoot Charlie's**) (Case 98-127-2), Community Planning and Development.
  1. Assembly Memorandum No. AM 872-98.

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 98-283.  
seconded by Ms. Clementson,

Ms. Clementson referred to Page 4 of the licensee's application to the Alcoholic Beverage Control Board, in which, she assumed, an error was made indicating that the establishment had happy hours. She suggested that the record reflect that the licensee had made a mistake, but had corrected it in the past. The Chair asked the Clerk to inform the applicant of the mistake.

Question was called on the motion to approve AR 98-283 and it passed.

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

- J. 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.
1. Assembly Memorandum No. AM 816-98.

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 98-148.  
seconded by Ms. Clementson,

Mr. Wohlforth reported that this is another step in line with the new Mt. View Community Center. Since the Boys and Girls Club will be developing and operating the center, they thought it would be important to also have a citizen committee to interface with the contractor and make sure all of the community needs are met. The community council and Mayor supports this idea, and the Boys and Girls Club endorses it. The Boys and Girls club wish to have a non-voting, eighth member of the commission representing the Boys and Girls Club.

Mr. Wohlforth moved, to amend AO 98-148 at page 1, line 21, by inserting after the words "...for three years." the words "In addition, a designee of a contractor operating the center may serve as a non-voting member of the commission."  
seconded by Ms. Clementson,

In response to Ms. Clementson, Mr. Wohlforth said what makes this a special situation is that the Boys and Girls Club is a separate organization from outside the community that is coming in to the community to operate the center.

Question was called on the motion to amend AO 98-148 and it passed without objection.

Mr. Wohlforth moved, to amend at page 1, line 18, by inserting after the word "...seven," the word "voting."  
seconded by Ms. Clementson,

Question was called on the motion to amend AO 98-148 and it passed without objection.

Question was called on the motion to adopt AO 98-148 as amended and it passed.

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

Mr. Wohlforth moved, to combine public hearings on AO 98-140, item 12.K. and AO 98-141, item 12.L.  
seconded by Ms. Clementson,  
and it passed without objection,

- K. 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.
1. Assembly Memorandum No. AM 769-98.
- L. 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.
1. Assembly Memorandum No. AM 770-98.

Chair Von Gemmingen opened the public hearing on AO 98-140 and AO 98-141.

DEANNA ESSERT, resident of Anchorage for a number of years, objected to the ordinance because she felt it puts another layer of bureaucracy between the voters and the Assembly, which she believes is unwise.

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 98-140.  
seconded by Ms. Clementson,

Mr. Murdy spoke against the ordinance. He felt that it was wrong because it takes the power away from the Assembly. Mr. Murdy explained that the people expect the Assembly to take on these responsibilities.

Mr. Kendall commented that he participated in a similar debate right after he was elected to the Assembly a few years ago. At that time, the community councils in his area were particularly against the ordinance. They felt that having another layer of bureaucracy for another board appointed by the Mayor removes the accountability further away from the people. They felt that it was important that Assemblymembers be accountable for this type of action.

Mr. Wohlforth explained the two versions. He indicated that AO 98-140 is identical to the one that was introduced a few years ago and voted down by the Assembly. This ordinance puts the whole board of adjustment process in an independent board. Ordinance 98-141 is new and its goal is to have the legal issues go to a separate legal board having legal training to examine the issues. Then if there are desires by community or an appellant to have the Assembly substitute its own judgment, they can go to the Assembly, sitting as a separate board of adjustment. The legal issues would have already been settled by the board with legal training; the Assembly would solely consider the question of should it substitute its own judgment.

Mr. Wohlforth further commented that it is a problem when highly technical appeals come to the Assembly. He voiced his concern that he does not have the land use or the legal training to understand what is being asked. He said it has been shown that the Assembly becomes extremely confused and cannot figure out exactly what the arguments are and how the appeal should be decided.

Ms. Abney said that she will not support the ordinance. She explained that her community councils have consistently been opposed to it.

Ms. Clementson announced that she will be supporting this ordinance. She believes that appeals are not supposed to be political issues. The Assembly sets forth codes that the lower body uses to make the decisions.

Ms. Clementson moved, to amend AO 98-140 at page 2, section 2, line 12, and line  
seconded by Mr. Wohlforth, 18, by striking the words "real estate sales, or  
development" and inserting "members of the general  
public." for seats 7, 8, and 9.

Ms. Clementson said she wants those seats for members of the general public. She explained her amendment further. She agreed that Line 18 will read Seats 1-4 are attorneys; Seats 5 and 6 are for people with technical and land use planning and regulation degrees; and Seats 7, 8, and 9 are for members of the general public not engaged in or associated with real estate industry.

Mr. Meyer felt with four attorneys on the board, the appeal would never happen. He agreed that the process of appeals does not always end up being a good job, but appeals are not black and white. Sometimes other factors need to be considered.

Mr. Bell commented that it was hard to follow the debate. He agreed that there should be real estate people on the board. It might be better to set up a board with expertise and then let the Assembly make the political decisions. He recommended that AO 98-141 be postponed to a later meeting for time for the community to digest it better.

Question was called on the motion to amend AO 98-140 and it failed.

AYES: Wohlforth, Von Gemmingen, Clementson, Abney.

NAYS: Bell, Wuerch, Taylor, Meyer, Kendall, Murdy.

Mr. Wuerch moved, to amend AO 98-140 at page 2, line 25 by inserting after the  
seconded by Mr. Wohlforth, words "...Clerk" the words "or the Clerk's designee."

Deputy Municipal Attorney Greene requested an amendment at Page 1, Line 18 of AO 98-140 and at Line 21 of AO 98-141 in terms of a technical correction. The citation should read 21.10.015 B.

Mr. Wohlforth moved, to correct AO 98-140, at page 1, line 18, the citation to  
seconded by Ms. Clementson, read "21.10.015 B."

Question was called on the motions to amend AO 98-140 and they passed without objection.

Question was called on the main motion to adopt AO 98-140 as amended and it failed.

AYES: Wohlforth, Von Gemmingen, Clementson.

NAYS: Bell, Wuerch, Taylor, Meyer, Abney, Kendall, Murdy.

Mr. Wohlforth moved, to adopt AO 98-141.  
seconded by Mr. Murdy,

Mr. Wohlforth announced he would move amendments, but take Mr. Bell's advice to postpone the ordinance.

Mr. Wohlforth moved, to amend AO 98-141 at page 2, line 25 by inserting after  
seconded by Mr. Wuerch, the words "...Clerk" the words "or the Clerk's designee."

Mr. Wohlforth moved, to correct AO 98-141, at page 1, line 21, the citation to  
seconded by Mr. Murdy, read "21.10.015 B."

Question was called on the motions to amend AO 98-141 and they passed without objection.

Mr. Wohlforth moved, to postpone AO 98-141 as amended and reopen the  
seconded by Mr. Murdy, and public hearing on October 27.  
it passed without objection.

13. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS: None.

14. SPECIAL ORDERS:

- A. 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 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.

Mr. Abney moved, to table indefinitely AO 98-58(S) and (S-4).  
seconded by Ms. Clementson,

Ms. Abney hoped to have another ordinance drafted by October 1.

Question was called on the motion to table AO 98-58(S) and AO 98-58(S-4) and it passed without objection.

- B. 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.

Ms. Taylor moved, to postpone indefinitely the public hearing on the Youth  
seconded by Mr. Wohlforth, Risk-Behavior Survey, AR 98-281.

Mr. Meyer felt that out of courtesy to the sponsor, Mr. Carlson, the resolution should be postponed until he is present.

There was a lengthy debate on the merits of the motion, when Mr. Carlson would return and the best way to proceed in his absence.

Ms. Clementson moved, to set public hearing for October 20 on the Youth Risk-  
seconded by Mr. Wohlforth, Behavior Survey, AR 98-281.

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

NAYS: Bell, Wuerch, Kendall.

15. ASSEMBLY COMMENTS:

Mr. Wohlforth reminded the members that the bid date for ATU was postponed to October 14. He felt that it is a good sign that the interest may result in high bids. He reported on the bidding process plans.

Ms Taylor pointed out that November 3 meeting date is on the day of a State election. She asked for consideration to change the meeting date to November 10. Chair Von Gemmingen indicated that some members will be in Fairbanks on November 10. She expressed the intention to keep the agenda light on the 3<sup>rd</sup>.

16. UNFINISHED AGENDA:

- A. Appeal S-10110, Eagle Crossing Subdivision, has been scheduled for hearing before the Board of Adjustment on ~~September 29, 1998~~, a date determined by the Chair. Clerk's Office.

Ms. Clementson suggested that the Assembly retain an attorney. She felt that a Summary of Economic Effects was needed because every appeal has been getting larger and larger, and more voluminous.

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

to retain an attorney to advise the Assembly on and  
review the appeal  
S-10110.

Mr. Wohlforth moved,  
seconded by Ms. Abney,

to amend by striking "September 29" and inserting "a  
date determined by the Chair."

Question was called on the motion to amend the date of the appeal and it passed without objection.

17. AUDIENCE PARTICIPATION:

ANDREE MCLEOD presented comments on the school survey, resolution 281. She felt the issue involved private family affairs for children under age 18. She urged the Assembly to go on record to remove any potential liability for the survey.

Ms. Taylor said that her intent was not to take away parental rights but rather to have the school district answer and deal with parents because it is the direct agency responsible.

In response to Mr. Meyer, Ms. McLeod explained what the school district did at their last meeting. She said that the school district changed the school board policy by separating State law and Federal law.

JOHN GAMES. Mr. Games said he came forward to remind the Assembly to not forget their relationship with the school board. Mr. Games felt that the school district and the assembly should be getting along better.

MICHELLE CZAJKOWSKI, a resident of the Abbott Loop area, wanted to thank the Assembly for their view points on the resolution regarding President Clinton. After further comments, she summed up by saying that, even though the Assembly may not be able to speak to all the wrongs in the world, they can deal with community issues.

DEANNA ESSERT, who has been attending AMATS meetings for the last year, wanted the Assembly to know that she objects to the amendment to the TIP made on August 20 regarding the proposed Coastal Trail for South Anchorage.

18. EXECUTIVE SESSIONS: None

19. ADJOURNMENT:

The meeting adjourned at 8:15 p.m.

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Chair

ATTEST:

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Municipal Clerk

Date Minutes Approved: January 12, 1999

VMC/ry

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