

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of October 27, 1998

1. **CALL TO ORDER:**

Chair Fay Von Gemmingen convened the meeting at 5:05 p.m. in the Assembly Chambers, 3600 Denali Street, Anchorage, Alaska.

2. **ROLL CALL:**

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

Absent: None.

3. **PLEDGE OF ALLEGIANCE:** Mr. Wuerch led the pledge.

4. **MINUTES OF PREVIOUS MEETING:** None.

5. **MAYOR'S REPORT:**

Mayor Mystrom reported on the administration's process regarding the ATU sale investment policy. The administration is working on a timetable for presentations to the Assembly on various developments. A Request For Proposal for an investment consultant has been issued; a decision will be made on December 4. The consultant's plan will be ready for the Assembly by February 2, 1999. Work sessions will begin soon after the plan is presented and action is expected on February 16 or 23. Once the sale closes the target date is February 28 for funds being transferred to the investment manager.

6. **ADDENDUM TO AGENDA:**

Mr. Murdy moved, to amend the agenda to incorporate
seconded by Ms. Abney, the addendum items.

Chair Von Gemmingen read the addendum items.

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

7. **CONSENT AGENDA:**

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

A. **BID AWARDS:** None.

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

1. Resolution No. AR 98-344, a resolution of the Municipality of Anchorage appropriating \$423,653 from the State of Alaska, Department of Health and Social Services, Division of Alcoholism and Drug Abuse, and \$47,073 from the General Government Operating Budget for the State Categorical Funds (0231) for detoxification services, by the Salvation Army Clitheroe Center, and related emergency alcohol services, to be administered by the Municipal Department of Health and Human Services, Health and Human Services. public hearing 11-3-98.
 - a. Assembly Memorandum No. AM 1003-98.
2. Resolution No. AR 98-345, a resolution of the Municipality of Anchorage authorizing the acceptance of a Federal Transit Administration Section 5307 grant and appropriating \$1,412,000 from the Federal Transit Administration to the Public Transportation Capital Improvement Fund (0485) for the purchase of capital items, Public Transportation Dept. public hearing 11-3-98.
 - a. Assembly Memorandum No. AM 1004-98.

C. **RESOLUTIONS FOR ACTION:**

1. Resolution No. AR 98-347, a resolution of the Anchorage Municipal Assembly recognizing and honoring Senior Patrol Officer Richard L. Jensen for his 16 years of service with the Anchorage Police Department, Assemblymembers Murdy, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Taylor, Von Gemmingen, Wohlforth, and Wuerch.
2. Resolution No. AR 98-348, a resolution repealing Assembly Resolution No. AR 98-346 which directed the Anchorage School Board to submit its selection of school building design

professionals and its selection of preliminary and subsequent school building designs to the Assembly for the Assembly's approval, Assemblymember Wohlforth. **(addendum)**

- a. Resolution No. AR 98-348(S), a resolution repealing Assembly Resolution No. AR 98-346 which directed the Anchorage School Board to submit its selection of school building design professionals and its selection of preliminary and subsequent school building designs to the Assembly for the Assembly's approval, Assemblymember Wohlforth. **(addendum)**

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

D. **NEW BUSINESS:**

- 1. Assembly Memorandum No. AM 1005-98, appointment of Executive Director, Anchorage Parking Authority (Kevin J. Kinney), Mayor's Office.
- 2. Assembly Memorandum No. AM 1010-98, Chugiak-Eagle River Parks and Recreation Board of Supervisors appointments (Rich Monroe, Dominica VanKoten), Mayor's Office.
- 3. Assembly Memorandum No. AM 1006-98, contract extension of Salvation Army Clitheroe Center Detoxification Unit, Health and Human Services.
- 4. Assembly Memorandum No. AM 1007-98, change order No. 2 to purchase order 80319 with Concor Construction, Inc. for the Merrill Field Hangar Relocation Project for the Municipality of Anchorage, Merrill Field Airport.
- 5. Assembly Memorandum No. AM 1008-98, change order No. 1 to purchase order 82205 with Smith Tractor for furnishing rental of two vibratory rollers without operators to the Municipality of Anchorage, Department of Public Works/Purchasing.
- 6. Assembly Memorandum No. AM 1009-98, change order No. 1 to purchase order 81702 with Trawver Land Services for providing right-of-way land acquisition services to the Municipality of Anchorage, Department of Public Works/Purchasing.
- 7. Assembly Memorandum No. AM 1017-98, appointment to Executive Staff (Caren Mathis - Director, Community Planning and Development), Mayor Mystrom. **(addendum)**
- 8. Assembly Memorandum No. AM 1018-98, endorsing the process for the interim management of ATU prior to closing of the sale, Assemblymember Wohlforth. **(addendum)**

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

E. **INFORMATION AND REPORTS:**

- 1. Information Memorandum No. AIM 128-98, report of Public Works' construction contract amendments, Public Works.
- 2. Information Memorandum No. AIM 129-98, contracts awarded between \$30,000 and \$100,000 through formal competitive processes for the month of September 1998, Purchasing.
- 3. Information Memorandum No. AIM 130-98, Sole Source Procurement Report for the month of September 1998, Purchasing.

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

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

Mayor Mystrom announced the appointments for the Executive Director of the Anchorage Parking Authority, Kevin Kinney; Chugiak/Eagle River Parks and Recreation Board of Supervisors Rich Monroe and Dominica VanKoten. The Mayor introduced Caren Mathis, the Community Planning and Development Director.

8. **REGULAR AGENDA:**

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

D. **RESOLUTIONS FOR ACTION:**

- 1. Resolution No. AR 98-348, a resolution repealing Assembly Resolution No. AR 98-346 which directed the Anchorage School Board to submit its selection of school building design professionals and its selection of preliminary and subsequent school building designs to the Assembly for the Assembly's approval, Assemblymember Wohlforth. **(addendum)**
 - a. Resolution No. AR 98-348(S), a resolution repealing Assembly Resolution No. AR 98-346 which directed the Anchorage School Board to submit its selection of school building design professionals and its selection of preliminary and subsequent school building designs to the Assembly for the Assembly's approval, Assemblymember Wohlforth. **(addendum)**

Mr. Wohlforth moved, to approve AR 98-348(S).
seconded by Ms. Taylor,

In response to Mr. Wohlforth, Debbie Ossiander, Anchorage School District (ASD) Board Member, commented that the Board has been working to improve and better meet the needs of the community regarding school construction. She gave a brief history of Board activities on school construction. Ms. Ossiander referred to a report provided by URS, an independent consultant hired by a joint committee. She explained that the 1982 Memorandum of Understanding gave insight as to the responsibility for school planning and inherent values in having the on-site school principals thoroughly involved in school planning.

Ms. Ossiander referred to a 1987 report done by Dave Norton, which looks at school construction and explains the merit of allowing ASD control and implementation of design of buildings. She reported that in 1995 the Assembly passed a resolution that indicated the Memorandum of Understanding would continue to be in effect until a new Memorandum of Understanding was made jointly by the School District and the Assembly. Since 1995, there has been no move to re-examine responsibilities for school construction.

Ms. Ossiander felt that this action was not the Assembly's majority position. She wanted to hear more of the specific concerns on construction issues from the Assembly, as a whole. She explained that the Board sent her to this meeting to ask the Assembly to repeal previous action taken (AR 98-346 approved October 20, 1998) because it did not have an opportunity to delve into what the Assembly's particular concerns are with the present system of school construction. She reported 17 schools have been built since 1982. These school constructions were done as openly as possible from input of the independent professionals in the field and with suggestions from the Assembly and State Legislature. She urged the Assembly to meet with the Board to figure out what happens next and to deal with the Assembly's issues.

ASD Superintendent Bob Christal reviewed projects that would be impacted by the Assembly's action in the next construction year. He listed the Muldoon Elementary replacement school, the new South Anchorage School near Service High School, major renovations to Scenic Park, Baxter, Creekside Park and Oceanview. Additionally the District will be proceeding with the final addition to Mt. Spur on Elmendorf. He reported three major projects, under initial review, which have the most significant impact across the community in the next three to five years: 1) Service High School renovation, 2) Chugiak High School renovation, and 3) Dimond High School renovation or replacement as well as discussion about a new South Anchorage high school and potentially a new high school in Chugiak-Eagle River. The District hopes to begin construction on some of these projects.

Mr. Christal said it was a surprise that the Assembly brought a resolution forward without the District's knowledge. It was never the District's intent to cut the community out of or restrict community involvement in these issues. The District is dealing with the State Legislature on being more efficient and effective by using more prototypical designs whenever possible.

In response to Mr. Wohlforth, Mr. Christal explained what the impacts would be, if the resolution stands as passed last week (AR 98-346). He said that there is a need to talk about the process of how to move designs of the projects to the Assembly fairly quickly for projects beginning next year.

Mr. Bell explained to Mr. Christal that the Assembly is not taking the planning and designing function away from the ASD Board. The Assembly is only asking the Board to submit the designs for approval, per State law.

In response to Mr. Bell, Mr. Christal read a portion of the resolution and clarified that if the Assembly did not approve the design professionals chosen by the Board, the District has to start the process again.

Ms. Ossiander explained that even though the Board does have the function of planning and designing, the Assembly has final approval. Further discussion with Mr. Bell continued.

In response to Ms. Abney, Ms. Ossiander explained how the 1982 Memorandum of Agreement set out the delineation of where the responsibility for school construction and designs lay. She referred to a resolution that was passed in 1995 where the Assembly was interested in looking at school construction again and wanted the old memorandum rewritten and that any new effort would be voted on by both bodies before the old one was thrown away.

In response to Ms. Abney, Ms. Ossiander related a letter from Mr. Bell to the District regarding this issue, to which the Board responded. The letter stated that the resolution was the correct interpretation of statute and the Memorandum of Understanding. The District's response said that the memorandum contained ambiguities in specifying exactly what responsibilities were conveyed to each body. However, the ASD Board believed that it was behaving correctly because the design of schools and approval of design professionals was done for 16 years with full knowledge of the public and that many analysis, jointly done by both bodies of how to improve school construction, acknowledged that the responsibilities were being undertaken by the school district. The Board did not pursue a second letter from Mr. Bell because it believed it was not the majority position of the Assembly.

Ms. Clementson said that, because of the Assembly's role, any question should be answered even if only one Assembly person is asking. Ms. Clementson said she asked the Board to answer Mr. Bell's second letter, because a lot of research has gone into the subject and the points are valid. She read from the Memorandum of Understanding the specific responsibilities and authority given to the ASD. She pointed out that when constituents ask her if the Assembly has the ultimate authority and gives the ASD authorization to spend money, why does the Assembly's authority stop there, she responds that it does not. She said that she has reviewed the Memorandum of Understanding with the Municipal Attorney. This was the reason to ask the Board to answer Mr. Bell's letter, especially, since his second letter went into more detail. Ms. Clementson continued to explain why she was frustrated and voiced further concerns.

In response to Ms. Clementson, Ms. Ossiander agreed that the ASD needs to answer the Assembly's questions; however, the Board has to wait for a majority of the Assembly before it can change its policies and direction. She referred to the

Memorandum of Understanding and read from the Mayor's Memorandum that went with the portion that was approved by the Assembly.

Ms. Ossiander said that Ms. Clementson was correct; the District, according to the Memorandum of Understanding, does not have approval for design professionals. She also acknowledged that it was ambiguous and explained that it was never the Board's intent to not answer Mr. Bell. She recalled a joint work session on school construction issues is scheduled for the first week of November.

In response to Ms. Clementson, Mr. Christal agreed that the District will meet with Muldoon Elementary School parents on November 4 or 5. He pointed out that the entire Memorandum of Agreement needs to be read to get the whole picture.

Mr. Christal explained that although he has had many conversations with Mr. Bell since 1982, generating a lot of paper responses has not been productive in this process. He further pointed out that no one, other than Mr. Bell, has told the District that it is not processing school construction designs correctly. He felt that the parties need to get beyond this now for the community's sake. He felt the District has not done it all wrong as some folks have said in the last week.

Mr. Wuerch brought up the question of precedents statewide and further discussion continued with Superintendent Christal.

In response to Mr. Wuerch, Kathy Christy explained when a performance bond is effective. When bids are open, the District starts working with the apparent low bidder to secure a bond. The risk if the Board does not award the contract is it may cause the Board to owe a contractor for a day or two of bonds. However, this rare instance is worth the risk because the procedure speeds up the process considerably.

In response to Mr. Wuerch's question about the need for a new agreement, Mr. Christal expressed the need for more recent clarification.

Mr. Meyer felt that it was not fair to the Board to not be present at the Assembly meeting last Tuesday to answer questions. He commented that he felt encouraged about the whole process now that the Board has agreed to meet in November and get public input. Mr. Meyer, in reference to Mr. Christal's remarks of how the resolution will delay projects, discussed specific projects.

In response to Mr. Meyer, Mr. Christal commented about the public input. He related meetings about the Muldoon school site. He said that the local school site group had some impact on where the school would be placed on the site. Mr. Christal stressed that the Board has not told the community that any school gets to select whatever design they want. He explained why the prototype design was not used at the Fairview school site. Mr. Christal wanted to make it clear that Fairview was a single-site school not a prototype school.

In response to Ms. Taylor, Ms. Ossiander explained where the District is in the process regarding the Muldoon replacement school. She summed up that over the past year, the community communicated strongly that this is a life-safety issue and they wanted a school as soon as possible.

Ms. Gillespie, an ASD Board member, explained that she has been working with the legislature and the Assembly in trying to build a good, cooperative working relationship. She reminded the Assembly that the ability of the Board to obtain debt reimbursement from the State is built on a sense of trust and a good working relationship with the State.

Mr. Royce Rock, representing the Carpenters Union, explained he spoke with the contractors who bid the Muldoon school site. He learned of some incorrect impressions of the construction as far as the old school being knocked down to put in a new school. The gym and the playground will be useable during the construction. The Carpenters Union has shown that its members have built quality schools for the school district. Mr. Rock urged the Assembly to carefully consider its actions.

In response to Mr. Kendall, Ms. Ossiander clarified that the next joint meeting will deal specifically with high schools and not school construction in general.

In response to Ms. Clementson, Mr. Wohlforth explained item 4, section 4 of the resolution. Mr. Wohlforth said his first preference was the original version calling for a repeal. He was trying to reach a compromise that would be acceptable to more members.

Ms. Clementson commented that she cannot and will not defend the way this came about last week. Regarding Muldoon, she explained that when she and Ms. Taylor met with representatives from Muldoon Elementary, they were adamant about going with the Fairview model. The Assembly's goal was to make sure that the Muldoon community had the ability to ask questions and to have a good presentation from the school district because that school will be there for decades. Ms. Clementson said, referring to the Southeast Anchorage School, that minutes from the Parks and Recreation Commission, which is involved because the school is in a park, strongly recommended to add a full-size gymnasium to that school and all the other schools. Ms. Clementson explained the reason for smaller gyms at most of the Anchorage schools is because that is all the Department of Education will reimburse. She felt that Anchorage should reach beyond that funding limitation for other community uses.

In response to Mr. Bell, Mr. Wohlforth explained what he wants to negotiate with the Anchorage School District. First, there needs to be some sort of process about how this is going to be accomplished. Because of the many projects, there are a lot of questions that need to be answered about the impact on those projects, i.e. timelines, consequences of something being turned down.

Mr. Bell explained the procedure that is outlined in the statute. He did not see why the Assembly would want to do anything differently than what is written in the State statute.

In response to Mr. Bell, Mr. Wohlforth rebutted that Anchorage has been doing it differently for 17 years and it would be best to talk about changes and their effect beforehand to see if they will work or consider other ways.

Ms. Abney commented that she has a problem with either rubber stamping or saying no to the designs without some basis. She voiced her concerns and questioned the method of determining the designs.

Mr. Wohlforth said it felt the District would be willing to enter into discussions on improving the process even if the resolution is repealed; therefore, he wanted to substitute the original version of the ordinance.

Mr. Wohlforth moved,
seconded by Ms. Taylor,

to substitute the original version
AR 98-348.

In response to Mr. Carlson, Mr. Christal stated that if the resolution had not passed last Tuesday, the Muldoon school contract would have been on the November 9 ASD Board Agenda.

In response to Mr. Meyer, Mr. Christal explained a traffic study was recommended for the Southeast Elementary School area. Ms. Christy explained that even though the building design is refined, site issues still need to go through public hearing and approval processes, which is critical in order to be ready for construction by next spring.

Mr. Wuerch spoke to the substitute motion. He would be reluctant to support the substitution because it sends a signal that the Assembly does not have a majority interest in refining and improving the process, and the Assembly approval of school construction, as provided by the State law. He supported a vote on resolution AR 98-348(S).

In response to Mr. Meyer, Mr. Wohlforth said the main difference in the two versions is that the “S” version assumes that the Assembly will take the authority for approval with time to work out the implementation of it. The original says the Assembly will not take away the authority, but the Assembly agrees to work out some communication problems.

In response to Mr. Meyer, Mr. Wohlforth agreed that if the original resolution is repealed and the communication with the District does not occur, the Assembly could come back with the “S” version.

Question was called on the motion to substitute AR 98-348 (original version) and it passed:

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

NAYS: Bell, Carlson, Wuerch, Clementson, Kendall.

Mr. Bell spoke to State Statue AS 14.14.06.(O)(H) which says “school boards within the borough may determine their own policy separate from the borough for the purpose of supplies and equipment,” Mr. Bell felt this statute prohibited school districts from purchasing capital projects. That authority has never been given to the School District. He read a disclaimer by the school district regarding property ownership and debt. Mr. Bell strongly recommended against repeal.

Ms. Abney gave her interpretation of the State statute. She said that such authority was delegated in the Memorandum of Agreement and the 1982 Mayor's Memorandum.

Mr. Wuerch commented as to whether or not Anchorage is adequately dealing with the State statute. He encouraged the members to think hard before they take a position that might cause a continuance of violating State law. Mr. Wuerch encouraged the Assembly not to repeal.

Mr. Wohlforth disagreed with Mr. Wuerch's opinion about violating State law. He suggested that lawyers could work out the legal issues.

Mr. Bell pointed out that the Municipal Attorney did review the issue and agreed that the District is not in compliance with State law. He reminded the members the reason for the State statue is that the Assembly is ultimately responsible for all construction.

In response to Mr. Meyer, Deputy Municipal Attorney Bill Greene explained that he was unsure of what the Assembly's exposure was referring to the designs and the design professionals' provisions.

In response to Mr. Bell, Mr. Greene explained that Department of Law’s opinion has been that the Assembly has the authority and obligation under Title 14.14.060(E). His response to Mr. Meyer was to existing contracts.

In response to Mr. Wohlforth, Chair Von Gemmingen agreed that it is absolutely necessary to appoint a subcommittee to work with the Board, if the resolution is repealed.

Question was called on the motion to approve AR 98-348 and it passed:

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

NAYS: Bell, Carlson, Wuerch, Clementson, Kendall.

E. NEW BUSINESS:

1.
- Assembly Memorandum No. AM 1018-98, endorsing the process for the interim management of ATU prior to closing of the sale, Assemblymember Wohlforth. (addendum)

Mr. Wohlforth moved,
seconded by Mr. Meyer,

to approve AM 1018-98.

Mr. Wohlforth gave a brief history on how this memorandum came about. He commented that he believed it was important to bring it to the Assembly's attention for review and approval.

In response to Mr. Kendall, Mr. Wohlforth reported that at the last ATU Board meeting, the ACS Management Team presented how the transition will occur. Mr. Wohlforth suggested approval and subsequently have a work session to meet concerns.

Ms. Hughes gave an update of the purchase agreement. She said under the purchase agreement, it is up to ACS as to what it wants to do because anything outside of the ordinary scope of business of ATU requires a consent by ACS. Even though there is no problem with a work session with the Assembly, she said to keep in mind that ATU is under an asset purchase agreement until closing. She said it is commendable that there is a cooperative board and management functioning now.

In response to Chair Von Gemmingen, Ms. Hughes said that the Assembly could be advised of when the ATU Board meetings are held. She said that the meetings are on a monthly basis, and ACS attends Board and committee meetings.

In response to Mr. Wuerch, Ms. Hughes explained the Assembly has the ability to replace ATU board of directors. In the interim, transition concerns could be brought to the Assembly, the ATU committee, for assistance.

In response to Mr. Wuerch, Ms. Hughes said “the buck stops” at the ATU Board where the ATU Board has the authority. The Assembly ATU Committee functions as a semi-board to assist the ATU Board. She explained the Charter is very clear; ATU's operations and management is in the hands of the ATU Board Directors.

In response to Mr. Wuerch, Ms. Hughes agreed that if the purchaser loses the cooperative relationship with the ATU Board and has strong exception to what ATU management does with Board approval, the Assembly then becomes like a court of appeals for the purchaser. However, the only authority the Assembly would have is to remove members from the Board. She emphasized the cooperative nature of the Board and ACS thus far.

Mr. Wohlforth referred to Mr. Houston's memorandum regarding the Assembly's role and said the chain of command on how problems would be handled is through the Board Chairman to the Assembly.

In response to Mr. Kendall, Ms. Hughes reminded the Assembly that reports are not always written; sometimes they are verbal. The Board and management are still in charge of the utility until regulatory approval is obtained to close the sale.

Mr. Kendall expressed his concern that the charter amendment establishing the ATU Board states that the Assembly has sole authority over ATU.

Mr. Kendall and Chair Von Gemmingen discussed how information should be given to the Assembly regarding the transition.

Mr. Wuerch agreed with Mr. Kendall, and suggested a meeting with the ATU Board in late November. He said he was uneasy about the course of the Assembly's responsibility and wished to have an information exchange with the Chair of the Board as soon as possible.

Question was called on the motion to approve AM 1018-98 and it passed without objection.

F. **INFORMATION AND REPORTS:** None.

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

- A. Ordinance No. AO 98-150, an ordinance amending Anchorage Municipal Code Chapter 2.50 by enacting a new Section 2.50.055 to require the Office of Management and Budget to prepare a Summary of Economic Effects for all ballot initiatives and referenda as soon as reasonably possible after passage by the Assembly or certification for an election ballot by the Municipal Clerk, Assemblymember Clementson.
 - 1. Assembly Memorandum No. AM 847-98.
(FAILED 9-22-98; NOTICE OF RECONSIDERATION ENTERED ON THE MINUTES BY MR. WUERCH 9-22-98; RECONSIDERED 9-29-98; POSTPONED FROM 9-29-98 & 10-6-98)

This item was considered later in the meeting. See after item 12.I.

10. **APPEARANCE REQUESTS:** None.

The Assembly recessed at 6:50 p.m. and reconvened at 7:25 p.m.

11. **CONTINUED PUBLIC HEARINGS:**

- A. 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.

(AMENDED & POSTPONED FROM 9-15-98; PUBLIC HEARING WAS REOPENED 9-15-98)

Chair Von Gemmingen opened the public hearing.

Mr. Wohlforth moved,
seconded by Ms. Taylor,

to continue public hearing on
AO 98-141 to December 8.

Mr. Wohlforth explained the reason for continuing the public hearing was to allow time to send the ordinance to the community councils and receive feedback.

Question was called on the motion to continue public hearing to December 8, and it passed without objection.

12. **NEW PUBLIC HEARINGS:**

- A. Resolution No. AR 98-325, a resolution of the Municipality of Anchorage appropriating the sum of \$55,000 from the U.S. Environmental Protection Agency and \$175,500 as a cash match from the 1998 Department of Health and Human Services Operating Budget to the Federal Categorical Grants Fund (0241) for the operation of the Anchorage Air Pollution Control Agency, Health and Human Services.
1. Assembly Memorandum No. AM 971-98.

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,
seconded by Ms. Abney,

to approve AR 98-325.

Question was called on the motion to approve AR 98-325 and it passed:

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

- B. Resolution No. AR 98-326, a resolution of the Municipality of Anchorage appropriating \$1,408,308 to the State Categorical Grants Fund (0231) from the Department of Community and Regional Affairs for the Job Training Partnership Act Program Title III Dislocated Worker Program, Health and Human Services.
1. Assembly Memorandum No. AM 972-98.

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,
seconded by Ms. Taylor,

to approve AR 98-326.

Ms. Clementson requested a breakdown of all the JTPA Programs, showing the amount, from whom and what the different programs are.

Question was called on the motion to approve AR 98-326 and it passed:

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

- C. Resolution No. AR 98-327, a resolution of the Municipality of Anchorage appropriating \$1,076,688 to the State Categorical Grants Fund (0231) from the Department of Community and Regional Affairs for the Job Training Partnership Act Program Title IIA Adult Program, Health and Human Services.
1. Assembly Memorandum No. AM 973-98.

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,
seconded by Ms. Taylor.

to approve AR 98-327.

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

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

- D. Resolution No. AR 98-328, a resolution of the Municipality of Anchorage appropriating \$153,592 to the State Categorical Grants Fund (0231) from the Department of Community and Regional Affairs for the Job Training Partnership Act Program Title IIC Youth Program, Health and Human Services.
1. Assembly Memorandum No. AM 974-98.

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 98-328.
seconded by Ms. Clementson,

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

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

- E. Resolution No. AR 98-340, a resolution of the Municipality of Anchorage appropriating \$200,000 from Police Service Area Fund (0151) balance and \$156,000 from Anchorage Fire Service Area Fund (0131) balance and \$44,000 for Areawide Fund (0101) balance for legal services for labor relations activities for the Anchorage Police Department and Anchorage Fire Department/Employee Relations.
1. Assembly Memorandum No. AM 997-98.

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 98-340.
seconded by Ms. Taylor,

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

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

- F. Ordinance No. AO 98-163, an ordinance creating Colonial Lateral Sanitary Sewer Special Assessment District 50-18, and determining to proceed with the proposed improvements therein, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 951-98.

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 98-163.
seconded by Ms. Clementson,

In response to Mr. Kendall, Anchorage Water and Wastewater Director Mark Premo reminded the Assembly of the process and referred to Ms. Kaylene Johnson's letter dated October 20, 1998, and a response letter dated October 21, 1998.

Mr. Kendall moved, to postpone AO 98-163 until
seconded by Mr. Carlson, December 8.

Mr. Carlson explained the reason for postponing until December 8. Since the hearing on the whole water system will be held then and this project coincides with the whole system, it made sense to postpone until that time.

Mr. Premo explained, by State law, the utility has to bring a large water main project that includes a large reservoir in the Eagle River area, to the Assembly for approval. It is scheduled for December 8.

Mr. Wuerch and Mr. Premo discussed the delay of the homeowners' vote going beyond the 90 days from the date the vote was taken.

Question was called on the motion to postpone AO 98-163 until December 8, and it passed without objection.

- G. SECOND PUBLIC HEARING: Ordinance No. AO 98-153, an ordinance adopting the 1999 General Government Capital Improvement Budget, Office of Management & Budget.
1. Assembly Memorandum No. AM 948-98.
 2. Ordinance No. AO 98-153(S), an ordinance adopting the 1999 General Government Capital Improvement Budget, Office of Management and Budget.
 3. Assembly Memorandum No. AM 1011-98.
- H. SECOND PUBLIC HEARING: Resolution No. AR 98-284, a resolution of the Municipality of Anchorage adopting the 1999-2004 General Government Capital Improvement Program, Office of Management and Budget.
1. Assembly Memorandum No. AM 948-98.
 2. Resolution No. AR 98-284(S), a resolution of the Municipality of Anchorage adopting the 1999-2004 General Government Capital Improvement Program, Office of Management and Budget.
 3. Assembly Memorandum No. AM 1011-98.

Mr. Murdy moved, to combine the public hearings on
seconded by Mr. Wohlforth AO 98-153 and AR 98-284.
and it passed without
objection,

Chair Von Gemmingen opened the public hearing for AO 98-53 and AR 98-284 and asked if anyone wished to speak.

TOM HUFFER, an Eagle River resident, spoke on the poor condition of the high school football field.

GARY MATTHEWS, Executive Director of Alaska School Activities Association, supported replacement of the Anchorage Football field turf.

BLYTHE CAMPBELL, Chair of the Municipal Library Advisory Board, supported the Girdwood Library funding.

In response to Mr. Wohlforth, Ms. Campbell explained the policy followed to update books and electronic materials. More books mean more staff which makes it more expensive. She described some private donors who are contributing to offset expenses.

Mr. Wohlforth commented that funding is covering book inflation but not the increases in population. He requested the Advisory Board examine what level of increase would be appropriate.

DUNCAN SHACKELFORD, head football coach at Dimond High School, is in support of replacing the football field.

In response to Mr. Bell, Mr. Shackelford explained that the field is used normally for practices, but because the condition is so bad there, they are now practicing at the Dimond facility. The Dimond facility is much better now than the Anchorage football stadium.

SUZANNE DIPIETRO, president of the Government Hill Community Council, urged the Assembly to provide funds to reopen the Government Hill Fire Station. Her and the council's main concern is the response time required from the Downtown Fire Station.

LISA MURKOWSKI, a Government Hill homeowner, supported reopening the Government Hill Fire Station. She explained Government Hill's layout.

BRANCH HAYMANS, president of the Government Hill PTA, provided handouts. He focused on the Downtown fire station's response time to the Government Hill area and gave some examples of how Government Hill could possibly become an island without fire protection.

STUART HALL, vice president of the Government Hill Community Council, referred to a letter dated October 23 that he addressed to the Assembly. He explained what precipitated the council's proposal to reopen the Government Hill Fire Station.

MARY SCHANKER, a resident of Government Hill since 1943, referred to a letter that she sent to the Assembly. She reminded the Assembly of how Anchorage is prone to close earthquake epicenters.

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

Chair Von Gemmingen announced the Assembly will take action on Item 12.G, AO 98-153 and H, AR 98-284, on November 3.

- I. Resolution No. AR 98-287, a resolution of the Anchorage Municipal Assembly adopting the capital grants section of the 1999 Legislative Program for the Municipality of Anchorage, Office of Management and Budget.
 - 1. Assembly Memorandum No. AM 994-98.

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 98-287.
seconded by Mr. Wohlforth,

Mr. Wohlforth moved, to reopen and continue the public hearing
seconded by Ms. Abney, on AR 98-287 until November 3, 1998.
and it passed without
objection,

Mr. Wuerch reported that the first meeting of the Legislative Committee of the Assembly would be held on November 24. He hoped to bring the Assembly the legislative priorities of the Alaska Municipal League after its November 8 conference.

The Assembly then returned to item 9.A, AO 98-150.

Ordinance No. AO 98-150, an ordinance amending Anchorage Municipal Code Chapter 2.50 by enacting a new Section 2.50.055 to require the Office of Management and Budget to prepare a Summary of Economic Effects for all ballot initiatives and referenda as soon as reasonably possible after passage by the Assembly or certification for an election ballot by the Municipal Clerk, Assemblymember Clementson.
1. Assembly Memorandum No. AM 847-98.
(FAILED 9-22-98; NOTICE OF RECONSIDERATION WAS ENTERED ON THE MINUTES BY MR. WUERCH 9-22-98; RECONSIDERED 9-29-98; POSTPONED FROM 9-29-98 AND 10-6-98)

Chair Von Gemmingen gave the history of the ordinance and noted a motion was on floor to adopt, from September 29, 1998.

Ms. Clementson handed out a sample Summary of Economic Effects (SEE) prepared by the Office of Management and Budget as an example SEE.

Mr. Wuerch said he was initially against AO 98-150, but now he supports it.

Mr. Bell reminded the members that recent initiatives are not necessarily dead; certification is being negotiated at this time and the question could still be on the April ballot.

Mr. Meyer agreed with Mr. Bell. He also pointed out that there could be other initiatives circulating that the are unknown to the Assembly. He supported a May 1, 1999 effective date because the regular municipal election and current initiatives will be over.

In response to Mr. Wuerch, Deputy Clerk Vickie Cantrell said that she was unaware of any on-going negotiations with existing initiative petitions. Even though the petition has been denied, the petitioner could bring another one in time for the April election.

In response to Mr. Meyer, the Clerk said that the petitioner has 90 days to circulate a petition and the Clerk has 10 days to review it. To be noticed for the regular April election, the initiative would have to be certified 45 days before the regular election.

In response to Chair Von Gemmingen, Deputy Municipal Attorney Greene said 145 days prior to election is the maximum time allowed, but it could be less time. The petitioner controls the 90-day period. The ordinance and the charter control the 10 days and the 45 days.

In response to Mr. Meyer, Mr. Greene agreed that the petitioner could re-circulate or restart the process, as long as the petition is in the Clerk's Office 55 days prior to election.

Mr. Kendall moved,
seconded by Mr. Carls on,

to amend the effective date of
AO 98-150 to April 30, 1999.

Mr. Kendall supported the amendment to change the effective date.

Ms. Clementson urged the members not to postpone the effective date.

Ms. Taylor spoke in favor of the ordinance.

Mr. Carlson pointed out that costs should not be a factor because it could be a totally different amount next time.

Ms. Abney announced that she was in support of this ordinance.

Chair Von Gemmingen commented that she would like to see it become effective immediately. She urged not to wait; she felt it was good fiscal responsibility.

Question was called on the motion to amend AO 98-150 and it failed:

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

NAYS: Taylor, Wohlforth, Von Gemmingen, Clementson, Abney, Murdy.

Question was called on the motion to adopt AO 98-150 and it passed:

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

NAYS: Bell, Carlson, Meyer, Kendall

13. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:

In response to Mr. Kendall, the Deputy Clerk gave the status on two appeals, referring to a memorandum from the Clerk's office which described the status of current appeals. Five new appeals have been received in the Clerk's Office.

In response to Chair Von Gemmingen, Deputy Municipal Attorney Greene said the Department of Law may have some difficulty in finding attorneys who are sufficiently experienced in the Board of Adjustment process.

Mr. Kendall commented that for decades the Assembly worked well without attorneys' advice. He suggested an assessment be made whether the Assembly needs an attorney for each case.

Ms. Clementson noted that the Assembly was not accustomed to receiving 800-page appeals prepared by attorneys.

14. SPECIAL ORDERS: None.

15. ASSEMBLY COMMENTS: None.

16. UNFINISHED AGENDA: None.

17. AUDIENCE PARTICIPATION:

ROBERT HAYES spoke about Anchorage schools that do not have smoke detectors, and he voiced some of his concerns.

In response to Mr. Carlson, Mr. Hayes said he filed this same complaint with the school board, the fire department, the State Fire Marshall, and other agencies.

Ms. Clementson said she talked to the fire department and the Ombudsman's Office. She was informed that the existing smoke detectors are in accordance with the code requirements.

Mr. Wuerch asked the Administration to respond to his question whether there are smoke detectors at the College Gate Elementary School.

In response to Mr. Wuerch, Mr. Hayes explained the type of system at College Gate and voiced his concerns about that system.

CHARLES MCKEE spoke about his Freedom of Information request to the Anchorage Police Department, regarding records referring to himself, dated September 28. He has not received any response on the matter. He also explained a medical situation that he is currently dealing with.

18. EXECUTIVE SESSIONS: None.

19. ADJOURNMENT:

The meeting adjourned at 8:35 p.m.

Chair

ATTEST:

Municipal Clerk

Date Minutes Approved: February 23, 1999

vmc/ry

INDEX

<i>Subject</i>	<i>Page</i>
Anchorage Air Pollution Control Agency	7
Anchorage Parking Authority	2
ATU Sale	1, 2, 6
Ballot Initiatives And Referenda Summary Of Economic Effects	6, 10
Board Of Adjustment.....	7
Chugiak-Eagle River Parks And Recreation Board Of Supervisors	2
Clitheroe Center.....	1, 2
Construction Contract Amendments	2
Contracts Awarded Between \$30,000 And \$100,000.....	2
Emergency Alcohol Services	1
Executive Appointments	2
Fire Department	8
General Government Capital Improvement Budget.....	8
General Government Capital Improvement Program.....	9
General Government Operating Budget.....	1
Job Training Partnership Act	7, 8
Legal Services	8
Legislative Program.....	9
Library Advisory Board	9
Merrill Field Hangar Relocation Project.....	2
Parks And Recreation Commission	4
Police Department	1, 8, 11
Public Transportation Capital Improvements	1
Recognizing	
Richard Jensen	1
Right-Of-Way Land Acquisition Services	2
School Building Design Professionals	2
School Smoke Detectors	11
Sewer Special Assessment District	8
Sole Source Procurement Report	2
Vibratory Rollers Without Operators	2