

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of February 9, 1999

1. CALL TO ORDER:

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

2. ROLL CALL:

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

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Ms. Taylor.

4. MINUTES OF PREVIOUS MEETING: None.

5. MAYOR'S REPORT:

Mayor Mystrom noted in the past ten years, the Municipality has borrowed \$133,625,000 in bond funds. In that same time period, \$137,095,000 in bonds has been retired. The result is that over the past ten years, \$3.4 million more has been paid than was borrowed. He felt this was important to discuss, especially with more bonds coming before the Assembly. He added over the past five years, \$2.4 million more bonds have been retired than were borrowed. He said a detailed summary would be presented to the Assembly soon.

6. ADDENDUM TO AGENDA:

Mr. Murdy moved, to amend the agenda to include the addendum items.  
seconded by Ms. Taylor,

Chair Von Gemmingen read the addendum items.

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

7. CONSENT AGENDA:

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

A. BID AWARDS:

1. Assembly Memorandum No. AM 161-99, recommendation of award to Pruhs Corporation for the **Anchorage Loop Phase II water transmission main** repair for the Municipality of Anchorage (ITB 99-C004), Water and Wastewater Utility/Purchasing.

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

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

1. Ordinance No. AO 99-27, an ordinance amending Anchorage Municipal Code subsection 21.40.080.D (R-6 Suburban Residential, Large Lot) to **permit a commercial greenhouse as a conditional use** (Planning and Zoning Commission Case 98-200), Community Planning and Development. public hearing 2-23-99.
  - a. Assembly Memorandum No. AM 118-99.
2. Ordinance No. AO 99-29, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$1,940,000 of General Obligation Bonds of the Municipality of Anchorage to pay the **costs of parks and recreation and related capital improvements in the Eagle River-Chugiak Parks and Recreation Service Area** at an election in and for the Municipality of Anchorage on April 20, 1999, Chair Von Gemmingen. public hearing 2-23-99.
  - a. Assembly Memorandum No. AM 120-99.
  - b. Information Memorandum No. AIM 13-99, April 1999 Eagle River-Chugiak Parks & Recreation Service Area Bond Proposition Fact Sheet.
3. Ordinance No. AO 99-30, an ordinance authorizing the second renewal option of the **lease of Lot 7B, Port of Anchorage Subdivision**, totaling 380,559 square feet, to Equilon Enterprises LLC, Port of Anchorage. public hearing 2-23-99.
  - a. Assembly Memorandum No. AM 122-99.

4. Ordinance No. AO 99-26(S), an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$325,000 of General Obligation Bonds of the Municipality of Anchorage to pay the **costs of administrative offices, a community meeting room and related capital improvements in the Girdwood Valley Service Area** at an election in and for the Municipality of Anchorage on April 20, 1999, Office of Management and Budget. public hearing 2-23-99.
  - a. Assembly Memorandum No. AM 148-99.
5. Ordinance No. AO 99-33, an ordinance submitting to the qualified voters residing in the **Birch Tree/Elmore Limited Road Service Area** at the Regular Municipal Election April 20, 1999 a ballot proposition approving the continuation of said limited road service area for an additional period of three years. Anchorage Municipal Code Sections 27.20.200 and 27.30.290, Assemblymembers Abney and Bell. public hearing 3-2-99.
  - a. Assembly Memorandum No. AM 146-99.
6. Ordinance No. AO 99-34, an ordinance submitting to the qualified voters residing in the **South Goldenview Limited Road Service Area** at the Regular Municipal Election April 20, 1999 a ballot proposition approving the continuation of said limited road service area for an additional period of three years. Anchorage Municipal Code Sections 27.20.190 and 27.30.280, Assemblymembers Abney and Bell. public hearing 3-2-99.
  - a. Assembly Memorandum No. AM 146-99.
7. Ordinance No. AO 99-35, an ordinance of the Municipality of Anchorage submitting to the qualified voters residing in the Talus West Limited Road Service Area at the Regular Municipal Election to be held April 20, 1999 a ballot proposition to **increase the Talus West Limited Road Service Area mill levy**, Public Works. public hearing 2-23-99.
  - a. Assembly Memorandum No. AM 147-99.
8. Ordinance No. AO 99-36, an ordinance authorizing **conveyance by quitclaim deed of any interest in Tract C1 of Plat 87-99** and authorizing acceptance by quitclaim deed of any interest in Carr-Gottstein properties in Tract A1 of Plat 87-99, Legal Department. public hearing 2-23-99.
  - a. Assembly Memorandum No. AM 150-99.
9. Ordinance No. AO 99-37, an ordinance amending the zoning map and providing for the rezoning from R-3 (Multiple-Family Residential) to R-4/SL (Multiple-Family Residential District) with Special Limitations for **Tract 2, Toyon Subdivision**, generally located on the east side of the New Seward Highway and North Abbott Road (Abbott Loop Community Council) (Planning and Zoning Commission Case 98-196), Community Planning and Development. public hearing 3-16-99.
  - a. Assembly Memorandum No. AM 151-99.
10. Resolution No. AR 99-33, a resolution of the Municipality of Anchorage accepting when tendered \$293,646 from the Federal Aviation Administration Airport Improvement Program grant, and \$9,788 from the Alaska State Department of Transportation and Public Facilities grant; and appropriating said grants and \$9,788 from Airport Retained Earnings to Merrill Field's capital improvement fund for the **Construct Runway-Phase 1 Environmental Assessment**, Merrill Field Airport. public hearing 2-23-99.
  - a. Assembly Memorandum No. AM 152-99.

Mr. Wohlforth requested this item be considered on the Regular Agenda. See item 8.C.

11. Resolution No. AR 99-34, a resolution of the Municipality of Anchorage accepting when tendered \$1,100,000 from the Federal Aviation Administration Airport Improvement Program grant, and \$36,667 from the Alaska State Department of Transportation and Public Facilities grant; and appropriating said grants and \$36,666 from Airport Retained Earnings to Merrill Field's capital improvement fund for the **rehabilitation of Taxiway November, construction of perimeter fencing and security equipment**, Merrill Field Airport. public hearing 2-23-99.
  - a. Assembly Memorandum No. AM 153-99.

Mr. Wohlforth requested this item be considered on the Regular Agenda. See item 8.C.

12. Resolution No. AR 99-35, a resolution of the Anchorage Assembly appropriating an amount not to exceed \$2,500,000 as a loan from the self insurance fund (602) to the Management Information Systems capital fund (608) for the **installation of additional modules and implementation of an upgrade of the PeopleSoft Software System** for the Municipality, Finance. public hearing 2-23-99.
  - a. Assembly Memorandum No. AM 154-99.
13. Ordinance No. AO 99-38, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$15,000,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Assemblymember Bell. public hearing 2-23-99. **(addendum)**

Ms. Abney requested this item be considered on the Regular Agenda. See item 8.C.

14. Ordinance No. AO 99-39, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$443,740,000 of General Obligation Bonds of the Municipality of Anchorage to pay **the costs of educational capital improvements** in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Assemblymember Bell. public hearing 2-23-99. **(addendum)**

Ms. Abney requested this item be considered on the Regular Agenda. See item 8.C.

15. Ordinance No. AO 99-40, an ordinance of the Municipality of Anchorage submitting to the qualified voters residing in the Raven Woods/Bubbling Brook Limited Road Service Area at the Regular Municipal Election to be held April 20, 1999 a ballot proposition **to increase the Raven Woods/Bubbling Brook Limited Road Service Area mill levy**, Assemblymember Bell. public hearing 2-23-99. **(addendum)**
  - a. Assembly Memorandum No. AM 167-99.

Ms. Abney requested this item be considered on the Regular Agenda. See item 8.C.

16. Ordinance No. AO 99-41, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$173,150,000 of General Obligation Bonds of the Municipality of Anchorage to pay the **costs of educational capital improvements** in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Assemblymember Wohlforth. public hearing 2-23-99. **(addendum)**
  - a. Assembly Memorandum No. AM 168-99.
17. Ordinance No. AO 99-42, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$431,540,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Assemblymember Wohlforth. public hearing 2-23-99. **(addendum)**
  - a. Assembly Memorandum No. AM 169-99.

#### C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 99-32, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Elmer Rasmuson on the occasion of his 90th birthday**, Assemblymembers Von Gemmingen, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Taylor, Wohlforth and Wuerch.

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

2. Resolution No. AR 99-30, a resolution of the Municipality of Anchorage appropriating \$75,000 from the Alaska Department of Transportation and Public Facilities and \$25,000 from the Alaska Railroad Corporation for the **development of the Girdwood Transportation and Commercial Area Master Plans**, Community Planning and Development.
  - a. Assembly Memorandum No. AM 124-99.
3. Resolution No. AR 99-31, a resolution appropriating \$10,000 from the fund balance of the Girdwood Road Service Area Fund (Fund 106) for **1998 winter snow removal and road maintenance expenditures** (1998 operating budget), Public Works Department.
  - a. Assembly Memorandum No. AM 125-99.
4. Resolution No. AR 99-36, a resolution of the Municipality of Anchorage accepting and appropriating \$10,395 to the Miscellaneous Operational Grants Fund (261) from the International Association of Mayors of Northern Cities for **Winter Cities activities**, Mayor's Office.
  - a. Assembly Memorandum No. AM 155-99.

#### D. NEW BUSINESS:

1. Assembly Memorandum No. AM 129-99, **Airport Aviation Advisory Commission reappointments** (Mathea Doyle, Dr. Jerry Prevo), Mayor's Office.
2. Assembly Memorandum No. AM 130-99, **Animal Control Appeals Board reappointment** (Robert Meyer), Mayor's Office.
3. Assembly Memorandum No. AM 131-99, **Arts Advisory Commission appointments** (Carolyn Ellingwood, Joseph Zimmerman, Martha Quimby), Mayor's Office.
4. Assembly Memorandum No. AM 132-99, **Equal Rights Commission appointments** (Terry Bryan, Julie Eaton, Geraldine Simon, Julie Alfred Troiano, Valorie Moore), Mayor's Office.
5. Assembly Memorandum No. AM 133-99, **Geotechnical Advisory Commission appointments** (Peter Haeussler, Robert Scher, David A. Cole), Mayor's Office.
6. Assembly Memorandum No. AM 134-99, **Health and Human Services Commission appointments** (Judith Muller, Barbara Symmes, Richard Mandsager, David Thundereagle, Rick Albright, Corrine Eilo, Chad Morse), Mayor's Office.
7. Assembly Memorandum No. AM 135-99, **Light and Power Commission reappointments** (William Mehner, Russell Nogg, Marvin Swink), Mayor's Office.
8. Assembly Memorandum No. AM 136-99, **Memorial Park Cemetery Advisory Commission reappointments** (Scott Janssen, Marlene Rapp), Mayor's Office.
9. Assembly Memorandum No. AM 137-99, **Parking Authority Board of Directors reappointments** (Diane Louise, David Shoup, Jim Yarmon), Mayor's Office.
10. Assembly Memorandum No. AM 138-99, **Platting Board reappointments** (Tamas Deak, Sharon Elliot, Henry Penney), Mayor's Office.

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

11. Assembly Memorandum No. AM 139-99, **Port Commission appointments** (Gene Sarrels, Bob Pawlowski), Mayor's Office.
12. Assembly Memorandum No. AM 140-99, **Public Facilities Advisory Commission appointments** (Robert Bezek, Mike Blewett, Paul Bauer, George Demetelin), Mayor's Office.

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

13. Assembly Memorandum No. AM 141-99, **Public Safety Advisory Commission appointments** (Susan Von Willer, Chris Toomer, Curtis Thayer), Mayor's Office.
14. Assembly Memorandum No. AM 142-99, **Senior Citizens Advisory Commission appointments** (Donald Follows, Eva Kopacz, Milo Mujagic, Jack Doyle, William Lester), Mayor's Office.
15. Assembly Memorandum No. AM 143-99, **Sister City Commission appointments** (Suzanne Davis, Peter Ginder, Margaret Richmond, Larry Wiget, Laurie Cunningham), Mayor's Office.

Municipal Manager George Vakalis requested this item be considered on the Regular Agenda. See item 8.E.

16. Assembly Memorandum No. AM 144-99, **Transportation Commission appointments** (Tracey Knutson, T.J. Sardy, Michael White), Mayor's Office.
17. Assembly Memorandum No. AM 145-99, **Women's Commission reappointments** (Deborah Gomez, Laura Sarcone, Ruddy Taylor), Mayor's Office.
18. Assembly Memorandum No. AM 162-99, **Housing and Neighborhood Development Commission appointments** (Martha Bradley, Cheryl Frasca, Elise Huggins, Kip Knudson), Mayor's Office.

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

19. Assembly Memorandum No. AM 163-99, **Budget Advisory Commission appointments** (C. Eric Britten, Paul Paslay, James Foster, Glen Glenzer, Roger Shaw, Lynn Wallis), Mayor's Office.
20. Assembly Memorandum No. AM 126-99, **Findings and Conclusions – Appeal S-10284 Nixa Subdivision**, Community Planning and Development.
21. Assembly Memorandum No. AM 127-99, approval of **1999 grants to non-profit parks and recreation service providers**, Cultural and Recreational Services.

Mr. Meyer requested this item be considered on the Regular Agenda. See item 8.E.

22. Assembly Memorandum No. AM 128-99, change order No. 4 to purchase order 64527 with Beetle Kill Paperworks for providing **secretarial services** for the Municipality of Anchorage, Department of Public Works/Purchasing.
23. Assembly Memorandum No. AM 156-99, recommendation of award to Westin Engineering Inc. for providing professional consulting services to **update the Information Technology Master Plan for 1999-2004** for the Municipality of Anchorage, Water and Wastewater Utility (RFP 34-98), Purchasing.
24. Assembly Memorandum No. AM 157-99, recommendation of award to Design Workshop, Inc. for providing professional consulting services for the **Girdwood Commercial Area and Transportation Master Plans** for the Municipality of Anchorage, Department of Community Planning and Development (RFP 67-98), Purchasing.
25. Assembly Memorandum No. AM 158-99, proprietary purchase to Woodward Governor for furnishing **Woodward Micronet Controllers and associated equipment** to the Municipality of Anchorage, Municipal Light and Power.
26. Assembly Memorandum No. AM 159-99, **1999 grant to Alaskans for Litter Prevention and Recycling** (ALPAR), Municipal Manager's Office.
27. Assembly Memorandum No. AM 160-99, grant agreement with Anchorage 2000, Inc. to **support Anchorage 2000 in a historic celebration**, Mayor's Office.

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

28. Assembly Memorandum No. AM 164-99, **Lucero's** - Transfer of Ownership of a Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Downtown Community Council), Clerk's Office. **(addendum)**

#### E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 14-99, Internal Audit Report 99-01 - **Fire Prevention, Anchorage Fire Department**, Internal Audit.
2. Information Memorandum No. AIM 16-99, C&L Enterprises, Inc. d/b/a **Alaska Liquor Store #1** located at 2607 "A" Street, Municipal Clerk. **(addendum)**

Mr. Wuerch requested this item be considered on the Regular Agenda. See item 8.F.

3. Information Memorandum No. AIM 17-99, **1999 Audit Plan**, Assemblymember Wuerch. **(addendum)**

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

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

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

8. REGULAR AGENDA:

A. TIME CRITICAL ITEMS: None.

B. BID AWARDS:

1. Assembly Memorandum No. AM 161-99, recommendation of award to Pruhs Corporation for the **Anchorage Loop Phase II water transmission mainrepair** for the Municipality of Anchorage (ITB 99-C004), Water and Wastewater Utility/Purchasing.

Ms. Clementson moved, to approve AM 161-99.  
seconded by Ms. Taylor,

In response to Ms. Clementson, Anchorage Water and Wastewater Utility General Manager Mark Premo explained this item was regarding a portion of the Anchorage Loop project on the east side of town. On November 24, 1998, an AIM was submitted to the Assembly detailing a failure in this portion of the water main, as a result of a sink hole and melting of permafrost. This contract award provides for repair of this portion of the main.

Question was called on the motion to approve AM 161-99 and it passed without objection.

C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Resolution No. AR 99-33, a resolution of the Municipality of Anchorage accepting when tendered \$293,646 from the Federal Aviation Administration Airport Improvement Program grant, and \$9,788 from the Alaska State Department of Transportation and Public Facilities grant; and appropriating said grants and \$9,788 from Airport Retained Earnings to Merrill Field's capital improvement fund for the **Construct Runway-Phase 1 Environmental Assessment**, Merrill Field Airport. public hearing 2-23-99.
  - a. Assembly Memorandum No. AM 152-99.

Mr. Wohlforth, Mr. Murdy and Ms. Clementson joined in introducing this resolution. The public hearing was scheduled for February 23, 1999.

Mr. Wohlforth requested information be submitted, prior to the public hearing, regarding noise levels from the runway, and plans to address noise mitigation for the hospital and surrounding community.

2. Resolution No. AR 99-34, a resolution of the Municipality of Anchorage accepting when tendered \$1,100,000 from the Federal Aviation Administration Airport Improvement Program grant, and \$36,667 from the Alaska State Department of Transportation and Public Facilities grant; and appropriating said grants and \$36,666 from Airport Retained Earnings to Merrill Field's capital improvement fund for the rehabilitation of **Taxiway November, construction of perimeter fencing and security equipment**, Merrill Field Airport. public hearing 2-23-99.
  - a. Assembly Memorandum No. AM 153-99.

Mr. Wohlforth, Mr. Murdy and Mr. Wuerch joined in introducing this resolution. The public hearing was scheduled for February 23, 1999.

Mr. Wohlforth requested information be submitted, prior to the public hearing, regarding the appearance and location of proposed perimeter fencing.

3. Ordinance No. AO 99-38, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$15,000,000 of General Obligation Bonds of the Municipality of Anchorage to pay the **costs of educational capital improvements** in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Assemblymember Bell. public hearing 2-23-99. **(addendum)**
4. Ordinance No. AO 99-39, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$443,740,000 of General Obligation Bonds of the Municipality of Anchorage to pay the **costs of educational capital improvements** in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Assemblymember Bell. public hearing 2-23-99. **(addendum)**
5. Ordinance No. AO 99-40, an ordinance of the Municipality of Anchorage submitting to the qualified voters residing in the Raven Woods/Bubbling Brook Limited Road Service Area at the Regular Municipal Election to be held April 20, 1999 a ballot proposition **to increase the Raven Woods/Bubbling Brook Limited Road Service Area mill levy**, Assemblymember Bell. public

- hearing 2-23-99. (**addendum**)  
a. Assembly Memorandum No. AM 167-99.

Ms. Abney, Mr. Murdy and Mr. Kendall joined in introducing this ordinance. The public hearing was scheduled for February 23, 1999.

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 99-32, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Elmer Rasmuson on the occasion of his 90th birthday**, Assemblymembers Von Gemmingen, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Taylor, Wohlforth and Wuerch.

Ms. Clementson moved, to approve AR 99-32.  
seconded by Mr. Murdy,  
and it passed without  
objection,

Mr. Wuerch read the resolution.

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 138-99, **Platting Board reappointments** (Tamas Deak, Sharon Elliot, Henry Penney), Mayor's Office.

Mr. Wohlforth moved, to a approve AM 138-99.  
seconded by Mr. Murdy,

Mr. Wohlforth moved, to postpone action on AM 138-99 until after action on items  
seconded by Ms. Clementson, 11.A, 11B and 12.C, AO 98-181, AO 98-182 and AO 99-20.

Mr. Wohlforth explained approval of the public hearing items appearing later on the agenda would affect the appointment process. He would prefer to consider the proposed appointments within the new process, if it is approved.

In response to Mr. Meyer, Mayor Mystrom confirmed that February is the month when most appointments to boards and commissions are normally presented for confirmation. He encouraged the Assembly to confirm the proposed appointments.

Mr. Meyer said he saw no reason to delay the reappointments until after the ordinances as proposed in Mr. Wohlforth's motion.

Mr. Wohlforth added that one of the ordinances would allow for a written comment period on appointments. Another ordinance referred to appointee qualifications. He felt it would be counter-productive to appoint members the same night as potential adoption of the ordinance, without examining the qualifications of the appointees.

Ms. Abney spoke in support of Mr. Wohlforth's position.

Question was called on the motion to postpone action on AM 138-99 until later in the meeting and it failed:

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

Question was called on the motion to approve AM 138-99 and it passed:

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

2. Assembly Memorandum No. AM 140-99, **Public Facilities Advisory Commission appointments** (Robert Bezek, Mike Blewett, Paul Bauer, George Demetelin), Mayor's Office.

Ms. Clementson moved, to approve AM 140-99.  
seconded by Mr. Wuerch,

Ms. Clementson moved, to amend AM 140-99 on line 22 to reflect Mr. Bauer's  
seconded by Mr. Meyer, correct first name, Paul.  
and it passed without  
objection,

Question was called on the motion to approve AM 140-99 as amended and it passed without objection.

3. Assembly Memorandum No. AM 143-99, **Sister City Commission appointments** (Suzanne Davis, Peter Ginder, Margaret Richmond, Larry Wiget, Laurie Cunningham), Mayor's Office.

Mr. Wohlforth moved, to approve AM 143-99.  
seconded by Mr. Wuerch,

Municipal Manager George Vakalis requested Laurie Cunningham’s name be removed from the document, as she is unable to serve on the Commission.

Mr. Wohlforth moved, to amend AM 143-99 to delete Laurie Cunningham’s name.  
seconded by Ms. Clementson,  
and it passed without  
objection,

Question was called on the motion to approve AM 143-99 as amended and it passed without objection.

4. Assembly Memorandum No. AM 162-99, Housing and Neighborhood Development Commission appointments (Martha Bradley, Cheryl Frasca, Elise Huggins, Kip Knudson), Mayor’s Office.

Mr. Wohlforth moved, to approve AM 162-99.  
seconded by Mr. Murdy,

In response to Mr. Wohlforth, Community Planning and Development Director Caren Mathis confirmed the subject Commission was created by combining the Housing Commission and the CDBG Task Force in 1997.

Mr. Wohlforth asked whether the qualifications of various members on the Housing and Neighborhood Development Commission was the same as on the old CDBG Task Force.

Executive Manager Elaine Christian added the requirements for this Commission call for four members of the fifteen-member Commission to represent lower-income neighborhoods. Historically, those neighborhoods have been identified as those in the Renaissance Zone, and members may either reside or be employed in the Zone. She said the Commission was scheduled to meet later this week. There are currently four members on the Commission that meet this criteria. She added any other meetings beyond the one scheduled for later in the week could be canceled if the Assembly chooses to postpone action on these appointments.

Mr. Wohlforth moved, to postpone action on AM 162-99 until February 23, 1999  
seconded by Ms. Abney, pending receipt of a list of all members with their  
qualifications with regard to the member requirements.

In response to Mayor Mystrom, Ms. Christian said there were other requirements for member qualifications besides the one for lower-income neighborhoods. They include disabled persons, those employed in the banking and finance industry, the real estate industry, the homebuilders industry and developers.

Mr. Wohlforth continued that in the past, the Assembly has received a list such as the one described in his motion when there were appointees to the CDBG task force for confirmation. He felt if the Assembly was to take its confirmation responsibilities seriously, that information should be reviewed.

Ms. Clementson noted one of the proposed appointees, Ms. Huggins, has worked extensively with the Muldoon community and was the author of the Muldoon Road beautification plan. Ms. Huggins has donated over two years of time meeting with the beautification sub-committee of the Northeast Community Council. This project was included in the Consolidated Plan, which sets out guidelines for funding of Community Development Block Grant (CDBG) projects. Ms. Clementson felt Ms. Huggins was well aware of Renaissance Zone issues.

Mayor Mystrom addressed the qualifications of the other appointees. He said one goal for this Commission was to have some members with a financial background, to achieve better balance between members associated with CDBG recipients and those associated with the finance industry. Ms. Frasca has been a member of the Budget Advisory Commission, and Mr. Knudsen, with Era Aviation, also has a financial background.

Mr. Wohlforth echoed Ms. Clementson’s and the Mayor’s comments, and acknowledged these appointees are excellent and highly qualified. However, he felt it was important to view the composition and representative status of the entire Commission.

Question was called on the motion to postpone and it failed:

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

Question was called on the motion to approve AM 162-99 and it passed:

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

5. Assembly Memorandum No. AM 127-99, approval of 1999 grants to non-profit parks and recreation service providers, Cultural and Recreational Services.

Mr. Meyer moved, to approve AM 127-99.  
seconded by Mr. Murdy,

Mr. Meyer said he would like additional information on the activities and programs of the various provider groups.

Mr. Meyer moved,  
and it died for lack of a second,

to postpone action on AM 127-99, pending an information  
meeting to review the activities and programs.

Ms. Clementson suggested requesting a memorandum from the department detailing this information, rather than postponing this item.

In response to Chair Von Gemmingen, Municipal Manager George Vakalis agreed to provide a memorandum with a short description of each of the programs.

Question was called on the motion to approve AM 127-99 and it passed without objection.

6. Assembly Memorandum No. AM 160-99, grant agreement with Anchorage 2000, Inc. to **support Anchorage 2000 in a historic celebration**, Mayor's Office.

Ms. Clementson moved,  
seconded by Ms. Taylor,

to approve AM 160-99.

In response to Ms. Clementson, Mayor Mystrom explained there are two different groups working on millennium activities. About three years ago, the Administration began working with the Anchorage Cultural Council; the group received a grant for about \$25,000 annually for their programs. In March 1998, a Millennium Committee was formed to work on the entire Anchorage celebration. This group will be the clearing house for all millennium activities, in addition to promoting three major millennium activities. There will be a New Year's eve family non-alcoholic celebration, and activities from June 21, 1999 through July 4, 2000. The group is also raising funds from the private sector for these activities. He pointed out only one generation out of every thirty has the opportunity to celebrate a millennium.

In response to Ms. Taylor, Mayor Mystrom said the beginning of all celebrations would be June 21, 1999. The concept is to have celebrations in all four seasons. Every group participating in the celebrations, estimated to be between 200 and 300 community organizations, will be asked to leave something beneficial for the community. This something can be a facility, or a feeling or some contribution to the community at large. He added Anchorage 2000 would be marketing their organization, logo and various products.

Question was called on the motion to approve AM 160-99 and it passed without objection.

#### F. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 16-99, C&L Enterprises, Inc. d/b/a **Alaska Liquor Store #1** located at 2607 "A" Street, Municipal Clerk. **(addendum)**

Mr. Wuerch moved,  
seconded by Mr. Meyer,

to accept AIM 16-99.

Mr. Wuerch said this item, a request for the Assembly to reconsider it's protest of the liquor license, included information about a potential transfer of ownership for the license. He said the information on the transfer was not sufficient to make a decision on lifting the protest. He recommended a postponement.

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

to postpone action on AIM 16-99 until February 23, 1999  
pending further information on details of the license transfer.

Chair Von Gemmingen congratulated and thanked the newly-appointed board and commission members.

The Assembly then considered a Special Order.

Ordinance No. AO 99-43, an ordinance submitting to the qualified voters of the Municipality at its Regular Election April 20, 1999 a ballot proposition to amend Charter Section 11.02(b) to **increase the number of votes required to elect the Mayor** to more than fifty percent of the votes cast in an election, Assemblymember Kendall. **(LAID ON THE TABLE)**

1. Assembly Memorandum No. AM 171-99.

Mr. Kendall, Mr. Wuerch and Mayor Mystrom joined in introducing this ordinance. The public hearing was scheduled for March 2, 1999.

(Clerk's Note: Mr. Kendall made further comments about this item later in the meeting. See after item 9.C.)

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

- A. Information Memorandum No. AIM 10-99, **Spenard Paradise Inn Liquor License**, Municipal Clerk. **(POSTPONED FROM 1-26-99)**

Chair Von Gemmingen gave the history of the memorandum and noted no motions were pending. She explained this item was postponed to allow the licensee to attend the Spenard Community Council meeting. However, that meeting was canceled.

Kenneth Kirk addressed the Assembly representing Mr. Song, the license holder. Mr. Kirk recalled the Assembly had instructed the licensee to appear before them to discuss 1998 4<sup>th</sup> quarter police reports regarding the establishment. He said



there were no police reports in the 4<sup>th</sup> quarter of 1998. There was one from February of 1998, when Mr. Song’s ex-wife was still operating the business. Another incident was in August, 1998, shortly after Mr. Song re-opened the establishment under his management. The incident is listed as “found drugs” but according to the Police Department no drugs were found. The management notified APD when they found what appeared to be a crack pipe in the hall outside one of the hotel room doors. APD confiscated and destroyed the pipe; officers did not feel there was probable cause to proceed further. Mr. Kirk added that Mr. Song attended the Spenard Community Council meetings, but he misunderstood the process. He was waiting to be called to present his report, and the request did not come. Mr. Kirk said he instructed Mr. Song to attend the next meeting, and present his report regardless of whether an invitation to speak is made. Mr. Kirk reported the establishment is operating successfully, and is no longer a magnet for crime. In response to concerns that Ms. Song might return and resume management, Mr. Kirk stated she was still in hiding after having fled with the couple’s child. Mr. Song recently received a favorable decision from the Alaska Supreme Court, and is now waiting for a hearing to redefine the couple’s property settlement. Mr. Kirk felt this would almost certainly result in Mr. Song obtaining permanent control of the premises.

In response to Mr. Carlson, Mr. Kirk confirmed Ms. Song’s name still appears on the liquor license. Her name cannot be removed until the divorce property division is finalized. There was an order issued from Superior Court that, pending the appeal decision, Mr. Song is to operate the establishment and Ms. Song is to have no contact with the business. Mr. Kirk said Ms. Song’s attorney withdrew from representing her when she abandoned the business and fled with the child. He expected the trial hearing and other issues to be finalized within the next few months.

In response to Mr. Wuerch, Mr. Song indicated the hotel portion of the business was open 24-hours per day. At the moment, there is one customer who rents a room by the week, and another customer who rents a room by the month. Mr. Song added he has implemented the conditions placed on the liquor license.

Mr. Wohlforth moved, to accept AIM 10-99.  
seconded by Ms. Clementson,

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

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

- B. Assembly Memorandum No. AM 103-99, amendment No. 2 to the professional services contract with Unwin Scheben Korynta Huettle, Inc. (USKH) for the **Ship Creek Trail Project (Coastal Trail North Extension)**, Cultural and Recreational Services.  
(POSTPONED FROM 2-2-99)

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

In response to Mr. Wohlforth, Lance Wilber of Community Planning and Development explained the funding for this project. He said original funding was \$700,000 for design and right-of-way issues. There is \$2.5 million in 1999 and \$ 2.8 million in 2001 programmed for those years. As in all projects, as the design progresses, unexpected issues arise. The existing program is amended when these issues surface. This project is currently going through review, and amendments will be made to the amounts programmed for 1999 and 2000. Those amendments should be ready for review by the technical committee at the end of this month. Since the Ship Creek trail project is a high priority, it will receive funding sooner than projects lower on the priority list. Mr. Wilber explained that a construction delay from 1999 to 2000 was mainly due to the project schedule. He clarified that construction would begin in 2000, regardless of whether funds can be committed in 1999 or 2000. That commitment depends on whether all right-of-way and utility issues are completed through the Federal process by August of this year. He added that estimates for the construction of Phase II would be increased, with or without a Government Hill connection.

Mr. Wohlforth said he has tried several times to ensure funding for a bridge for the trail. He hoped this amendment would effect that result.

Question was called on the motion to approve AM 103-99 and it passed without objection.

- C. Ordinance No. AO 99-1, an ordinance of the Municipality of Anchorage creating **Alley Paving Special Assessment District 2P98 - East 15th Avenue/East 15th Terrace Alley from East 15th Terrace to its west end** and determining to proceed with proposed improvements therein, Public Works.  
1. Assembly Memorandum No. AM 43-99.  
(POSTPONED FROM 2-2-99)

Chair Von Gemmingen gave the history of the ordinance and noted a motion to adopt was on the floor. She added that this item was postponed in order to receive information on how many times the district was balloted, and what information was contained with each ballot. She said the accompanying memorandum addressed those questions.

Question was called on the motion to adopt AO 99-1 and it passed:

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

- D. Ordinance No. AO 98-141(S), 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 Clementson.  
1. Ordinance No. AO 98-141(S-1), 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.
2. Assembly Memorandum No. AM 64-99.  
(AO 98-141(S) FAILED 12-8-98; MR. WOHLFORTH GAVE NOTICE OF RECONSIDERATION ON 12-9-98; POSTPONED FROM 12-15-98; AO 98-141(S) WAS RECONSIDERED 1-12-99; CARRIED OVER FROM 1-12-99 AND 1-26-99; POSTPONED FROM 2-2-99)

This item was continued until February 23, 1999.

The meeting recessed at 6:35 p.m. and reconvened at 7:10 p.m.

**10. APPEARANCE REQUESTS:** None.

**11. CONTINUED PUBLIC HEARINGS:**

Ms. Clementson moved, to combine the public hearings for items 11.A, 11.B and 12.C,  
seconded by Mr. Wohlforth, AO 98-181, AO 98-182, and AO 99-20.  
and it passed without  
objection,

- A. Ordinance No. AO 98-181, an ordinance enacting a new Section 4.05.037 to the Anchorage Municipal Code relating to **qualifications of persons appointed to the Planning and Zoning Commission, the Platting Board, the Urban Design Commission, and the Zoning Board of Examiners and Appeals**, Assemblymembers Wohlforth and Abney.
    1. Assembly Memorandum No. AM 1047-98.
    2. Ordinance No. AO 98-181(S), an ordinance enacting a new Section 4.05.037 to the Anchorage Municipal Code relating to qualifications of persons appointed to the Planning and Zoning Commission, the Platting Board, the Urban Design Commission, and the Zoning Board of Examiners and Appeals, Assemblymembers Wohlforth and Abney.
    3. Assembly Memorandum No. AM 61-99.  
(CARRIED OVER FROM 1-12-99; CONTINUED FROM 1-26-99)
  - B. Ordinance No. AO 98-182, an ordinance enacting a new Section 4.05.033 to the Anchorage Municipal Code **requiring a public hearing on appointments to the Planning and Zoning Commission, the Platting Board, the Urban Design Commission, and the Zoning Board of Examiners and Appeals**, Assemblymembers Wohlforth and Abney.
    1. Assembly Memorandum No. AM 1048-98.
    2. Ordinance No. AO 98-182(S), an ordinance enacting a new Section 4.05.033 to the Anchorage Municipal Code requiring a public hearing on appointments to the Planning and Zoning Commission, the Platting Board, the Urban Design Commission, and the Zoning Board of Examiners and Appeals, Assemblymembers Wohlforth and Abney.
    3. Assembly Memorandum No. AM 60-99.  
(CARRIED OVER FROM 1-12-99; CONTINUED FROM 1-26-99)
- Ordinance No. AO 99-20, an ordinance amending Anchorage Municipal Code Chapter 21.10 to provide a public comment period on appointees to the Planning and Zoning Commission, Urban Design Commission, Platting Board and Zoning Board of Examiners and Appeals prior to Assembly confirmation; reiterating and establishing requirements and prohibitions regarding the performance of duties by such boards and commissions and their members; and the basis of removal from office for such board and commission members' conflicts of interest, Assemblymember Clementson.

Chair Von Gemmingen opened the public hearing for AO 98-181, AO 98-182 and AO 99-20 and asked if anyone wished to speak.

PATRICIA McCLURE, representing the Rogers Park Community Council, read a statement from the Council. Its position was that the majority of members of land-use boards and commissions have development-oriented backgrounds and interests, which results in a lack of balance, diversity of perspective and sometimes bias in favor of a developer. Its position also stated a belief that there are many examples of poor land-use decisions that do not seem to consider the long-term effects and best interests of Anchorage as a whole. The proposed ordinances AO 98-181 and AO 98-182 are supported by the Council, because they will ensure the majority of members on these commissions do not have professional interests in the acquisition, financing or development of real property in Anchorage, and they provide the opportunity for public comment on future appointments to these boards and commissions. In response to Mr. Meyer, Ms. McClure clarified the Council approved a resolution containing this position in January, 1999.

ART WEINER, a board member of the Anchorage Citizens Coalition, spoke as an individual. He spoke in support of the proposed ordinances, which he hoped would result in a more balanced membership of the subject boards and commissions. He felt the public had a right to know who will be making the decisions that affect Anchorage neighborhoods, and the right to comment on the nominations to these boards and commissions. Also, he felt balanced representation on these boards was important to ensure a broad spectrum of community interests is represented on the boards. He pointed out that on one of these boards, seven out of nine members are actively engaged in the development or building industries. Mr. Weiner felt someone who by profession earns the majority of their income in the building trades should be scrutinized carefully before being appointed to these boards. He felt persons in this category should definitely be members on the boards, but the boards' membership should not be dominated by these persons. Ordinary citizens can and should serve on these boards; staff can provide technical support to these members. He quoted from the board and commission application: "...the most important qualifications are interest and a willingness to serve." He argued that there is a large pool of persons that can serve on these boards, who are retired from certain industries, and have expertise from the time when they were actively employed in those industries. He felt people who have the time, are willing to be fair, and are not actively engaged in industries where there might be bias were the best people to balance the membership on these boards. In response to Mr. Kendall, Mr. Weiner said

he has not applied for membership on a board or commission, because the atmosphere is not conducive. He said there is a perception in the community that the Mayor tends not to appoint people who did not work on his election campaign or do not support him.

Mayor Mystrom responded that nominees are chosen by his staff. He does not know about half of nominees. Of those nominees that he does know, some have supported him, and some have not. He stressed that support of his politics is not a qualification for membership on boards.

Ms. Clementson commented that one of the subject boards does seem to have a problem with balance on the membership. However, her experience has been that some of the best members of this board have been those involved in the real estate industry, or attorneys who provide service to that industry. She felt it would be a shame to preclude them or limit them from membership on this board. From complaints she has heard, and from her own investigations, it seems the problem is conflict of interest. She pointed out AO 99-20 includes provisions to strengthen the conflict of interest rules. At this time, there is no mechanism to remove board or commission members if a conflict of interest issue arises. This ordinance would clarify that issue and provide for penalties.

In response, Mr. Weiner felt the definition of conflict of interest in the ordinance was inadequate.

RUTH MOULTON, a member of the Fairview Community Council, said she spent about ten years as Zoning Chair for the Council and was aware of many land use decisions in that time frame. She felt variances are extremely common, and are almost assured if the applicant has spent funds on the project before going before the board. The applicant then appears before the board and uses the argument that many funds have already been spent on the project. The fact that the variance is not good for the neighborhood seems to be a secondary consideration. She addressed the point that ordinary citizens might not have the expertise to deal with technical issues as members of these boards. She pointed out the Assembly is a good example of ordinary citizens who continually deal with very technical issues on a regular basis as Assembly members. She felt anyone with good intentions and willingness to pursue knowledge can make a good member. She pointed out the public has a strong perception, whether correct or not, that the community is being compromised by rezonings, variances and the like. She proposed an amendment to AO 99-20, to provide for a public hearing *if requested by petition signed by not less than ten persons*. This would only require a public hearing in some cases, while still giving the public a sense of greater involvement.

ART ISHAM, president of the Eagle River Valley Community Council, said the Council debated AO 98-181 and AO 98-182 at its last meeting, and supports them unanimously. The Eagle River Valley community feels that there is not a level playing field with regard to land-use boards. An indicator of this perception is the number of appeals of board and commission decisions (three) submitted by the Council in the last few years. He said the proposed make up of five “public” members to four “industry” members might slant the boards too much toward the “public.” He suggested three or four “public” members would suffice to improve the current situation. He suggested if membership was more balanced, more ordinary citizens would be encouraged to apply for membership. He urged the Assembly to change the system to level the field, and bring more people into the process. In response to Ms. Clementson, Mr. Isham said the Council prevailed in two out of the three aforementioned appeals. In response to Mr. Meyer, Mr. Isham said he would support an amendment to ensure geographic balance as well as balance of qualifications. However, he felt the geographic balance was currently adequate.

CHRIS HODEL, representing the Planning and Zoning Commission, said he has been favorable impressed that the Commission is an apolitical body. He felt it was important the process not be politicized and the impartial nature of the Commission be maintained. Mr. Hodel felt some members of the public may not fully understand the operation of the Commission. In the disposition of cases, Commission members take into consideration the Comprehensive Plan, relevant sections of the Municipal Code Title 21, and comments from staff and the public. Then it acts as a quasi-judicial body, and members cannot vote based on their own opinions, but based on the above considerations. He encouraged the Assembly to avoid politicizing the process. He felt there was an adequate pool of people to serve on the Commission. He also discouraged the Assembly from trying to manage a certain balance of qualifications among members. He felt often attempts to force a certain balance can backfire. In response to Mr. Kendall, Mr. Hodel said he was an financial investment manager. He added he has no direct financial interest in the real estate or development industries.

ROD McCOY, past president of the Northeast Community Council, spoke as an individual because the Council has not taken a position on this issue. He felt the two most recent appointments to the Commission would create better qualification balance among the members. He added that the northeast Anchorage area has not been well-represented on boards and commissions in the past. He felt it would be a benefit to help any segment of the community to feel they are well-represented. The proposed ordinances would help in this goal. Even the perception that certain groups or areas are not represented was damaging to community spirit. It is very important to the health of our society to help citizens feel that they are involved in the workings of government.

TOM McGRATH supported a change in how all board and commission members are appointed, including the ones that are the subject of the proposed ordinances. He felt duties and qualifications of members should be defined by the Municipal Code. He did not support mandatory public hearings on appointments, as this might make attracting candidates more difficult. Mr. McGrath reiterated his opinion that young people, perhaps ages 22 and younger, should be members of all boards. He felt the youth of this community are outstanding, and there are many of them who want to serve. He referred to a book he submitted to Assembly members, Helping Kids Succeed Alaska Style, which is based on scientific research. The book concluded that youth need to be valued; they are a resource, and involvement leads to empowerment, self esteem, and a positive view of their future.

PAT REDMOND, president of the Turnagain Community Council, read a statement from the Council, approved at its meeting of January 7, 1999. The Council supported AO 98-181 as presented. Although the Council did not have time to review AO 98-181(S), Ms. Redmond reviewed it herself and felt the Council would support that version. She added there also was not sufficient time for the Council to review AO99-20. She reviewed it herself, however, and as an individual she felt the concept was good. She said the public has had a perception that membership on these boards and commissions has not been balanced for the past twenty-five years, so it has nothing to do with the current administration or Assembly. She

pointed out it is the responsibility of the Assembly to review the balance of qualifications on boards and commissions when appointments come forward for confirmation.

ROBERT DUNN, a hillside resident, spoke representing owners of 900 acres of vacant land in the Rabbit Creek and Potter Valley areas. He is active in the hillside issues group and a member of the Rabbit Creek Community Council. He pointed out the Council discussed this issued, but failed to establish a position. Mr. Dunn's main concern was preservation of property owner rights, which have already been quite eroded by regulations and special limitations. For this reason, he opposed the proposed ordinances that he felt were not in the best interest of the community. He expected to appear before these boards, and would prefer members be knowledgeable; the proposal to select candidates from the general public with no background in land-use issues is unwise. He felt concerns of the public can be satisfied by the public hearings requirement. He added that implementation of another ordinance, AO 98-141 regarding an appeals board, might satisfy concerns about problems on the Planning and Zoning Commission. In response to Ms. Abney, Mr. Dunn said he was not a member of any organized development groups.

BILL LAMOREAUX, president of the area G Home and Land Owners Association (HALO,) said the organization represents approximately 1,000 members in the southeast Anchorage area. The group has been very active in land use issues for about 30 years. He acknowledged that this involvement has resulted in considerable frustration, and felt AO 98-181 and AO 98-182 could help create more balanced representation on the boards and better public involvement in the process of selecting board members. The HALO board of directors voted unanimously at its last meeting to support both ordinances. He agreed with many of the comments from previous speakers in support of the ordinances. Mr. Lamoreaux felt public participation would increase if people believed that their efforts would be worthwhile. Implementation of these ordinances would help create that impression. He questioned why, since the Planning and Zoning Commission is bound by Title 21, so many variances are granted by the Commission.

MICHELLE COBURN, president of the Anchorage Citizens' Coalition, spoke in support of AO 98-181(S) and AO 98-182(S). She felt these ordinances were important to the future of Anchorage. In preparation for this hearing, she spoke to many people about this issue, and repeatedly people say they feel they are not qualified, not welcome or they do not know the right people. She used that opportunity to encourage and gather applications for board membership from these people. She pointed out other boards and commissions currently have qualification criteria, and there seems to be no deterrents to serving on those boards. She pointed out that there is widespread support for the proposed ordinances from community groups and individuals. Ms. Coburn pointed out that appeals to the Board of Adjustment from the lower bodies have increased; there are currently four appeals pending on Platting Board decisions. These appeals are very expensive for community councils, individuals or community organizations, so the fact that they are increasing should be considered. She added AO 99-20 has some good points, although the Coalition felt the definition of conflict of interest should be clarified and expanded.

RAY METCALF distributed a handout to members, which included examples of inequities in Planning and Zoning Commission decisions. He felt there is a definite problem within the land use process in Anchorage. He supported all the ordinances, especially if more enforcement for the criteria is included.

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

Mr. Wohlforth moved,	to adopt AO 98-181(S).
seconded by Ms. Abney,	

Mr. Wohlforth pointed out that most persons do not perceive themselves to be biased. Bias occurs when people perceive themselves to be doing the right thing, but their perception is skewed. He questioned why, if the system is currently unbiased, people from building and development industries are opposed to the ordinances. He pointed out qualifications of members of the Heritage Land Bank was changed to ensure balance, so not too many members were in the business of purchasing Municipal land, to avoid the perception of bias. Even though the Assembly currently has the right to hold a public hearing on board appointments, in the six years he has been an Assembly member, that has not occurred. He felt it would almost never occur because to single out one appointee would be embarrassing and uncomfortable for both Assembly members and the appointee. The proposed ordinance would ensure balanced qualifications before any appointees are named, and would restore confidence in the process.

Ms. Abney pointed out a recent town meeting was attended by many citizens, and concerns over land-use issues was a common thread. She commended the Mayor for his appointments to all the boards and commissions. However, there may not always be a Mayor who appoints good people. Also, on the land-use boards and commissions, there are a majority of members who are affiliated with professional development. She felt in any group, where the majority of members have a certain point of view, that viewpoint will often be reflected in its decision. Although members with expertise in a particular field was essential, she felt balance of qualifications was just as important. She noted that thirteen of the fifteen community councils in Assembly Section 6 passed resolutions in support of this ordinance. She urged adoption.

Ms. Clementson felt there is a specific, serious problem on one board. In thinking about the best way to address this problem, she felt conflict of interest issues were the key. A former member of this board was one of the best, in her opinion, although this member's background was in land development and real estate. This person would be limited from returning to the board under the proposed ordinance. The proposed ordinance, and AO 98-182, do not address conflict of interest or removal of members for conflict of interest violations. She said if issues of conflict of interest were not adequately addressed, qualifications of various members would not make much of a difference. Also, the average person might not research the Municipal Code to find out if average citizens were welcome on various boards, so even if the proposed ordinance was adopted it would be useless without some sort of public advertising campaign. Ms. Clementson added that all the comments she has heard were about one particular board. The proposed ordinance would change the composition of four boards, three of which are working well.

Mr. Wohlforth felt the perceived and actual problem was not based on conflict of interest, but the slant of board members. Balance of qualifications among members should help with this problem.

Ms. Abney felt a good balance of qualifications among members would reduce the perception of conflict of interest.

Mr. Kendall noted he was a member of the Platting Board from 1983 to 1989. He felt if he had been subject to a public hearing on his appointment, he would likely have been too frightened to apply. Also, if the proposed ordinance was in force then, he would probably not qualify, because he worked for a company related to development. He felt the current system of appointment was adequate; however, he felt the concept proposed by Ms. Clementson was worth investigating.

Chair Von Gemmingen expressed concern that the term “professional” in Section 1 of the ordinance was not defined. Since it is not defined, it might be mis-used or misinterpreted. She reminded her colleagues that Assembly members should do their part in encouraging citizens to participate in the board and commission system.

Question was called on the motion to adopt AO 98-181(S) and it failed:

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

Mr. Wohlforth moved, to adopt AO 98-182(S).  
seconded by Ms. Abney,

Mr. Wohlforth said the original proposal was to have a public hearing process on appointments. He heard concerns that might intimidate applicants. Although he felt that concern was a bit exaggerated, he proposed the substitute version which merely requires a written comment period. He acknowledged written comments on every Assembly action is in the current system, but the information does not get to the public in time for comment. He felt a ten-day comment period would be to the public’s and Assembly’s benefit, and he knew of no reasons why it would be inadvisable.

Ms. Clementson supported this concept; however, she supported it as contained in AO 99-20. That ordinance also has conflict of interest provisions.

Question was called on the motion to adopt AO 98-182(S) and it failed:

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

Ms. Clementson moved, to postpone action on AO 99-20 until March 23, 1999  
seconded by Mr. Wuerch, pending a meeting with interested parties and Deputy  
and it passed without Municipal Attorney Bill Greene to discuss improvements to  
objection, the conflict of interest provisions.

Ms. Clementson asked any board or commission members to also attend this meeting.

Mr. Kendall moved, to change the orders of the day to consider items 12.I, 12.J and  
seconded by Mr. Wuerch, 12.K, AO 99-2, AO 99-3 and AO 99-4.  
and it passed without  
objection,

Ordinance No. AO 99-2, an ordinance amending Anchorage Zoning Ordinance 94-235(S-1), an ordinance that rezoned to PC, Planned Community District approximately 530 acres described as **Tract A of the Powder Reserve**, to add Matanuska Electric Association (MEA) utility substations as a permitted use to Development Area J and delete Matanuska Electric Association (MEA) utility substations as a permitted use from Development Area L, generally located immediately northwest and southwest of the North Eagle River Interchange of the New Glenn Highway in Eagle River and within portions of Sections 25, 26, 35 and 36 Township 15 North, Range 2 West, Seward Meridian, Alaska (Birchwood Community Council) (Planning and Zoning Commission Case 93-022-3), Community Planning and Development.  
1. Assembly Memorandum No. AM 52-99.

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

BOB YLVISAKER, of Matanuska Electric Association, said he was involved in bringing this issue to the attention of the Community Planning and Development Department. It was correcting what seemed to be a simple error; it was always intended that the substation site should be in area J. This was confirmed with the landowner, Eklutna, Incorporated.

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

Mr. Kendall moved, to adopt AO 99-2  
seconded by Mr. Murdy,

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

(Clerk’s Note: Mr. Wuerch, Mr. Wohlforth and Ms. Abney were out of the room at the time of the vote.)

Ordinance No. AO 99-3, an ordinance amending the zoning map and providing for the rezoning from "T" Transition District to R-O SL (Residential-Office) District with Special Limitations, for a portion of the **NW4 of the NE4 of the NE4 of the NE4, T14N, R2W, Seward Meridian Alaska**; generally located on the west side of the New Glenn Highway and south of the North Eagle River Interchange (Eagle River

Community Council) (Planning and Zoning Commission Case 98-151), Community Planning and Development.

1. Assembly Memorandum No. AM 53-99.

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

TOM MEEHAN, of Dowl Engineers, spoke representing the petitioner. He noted the proposed rezoning was in compliance with the Eagle River Comprehensive Plan, and was forwarded to the Planning and Zoning Commission with a favorable recommendation from staff. The Planning and Zoning Commission approved the rezoning unanimously. The petitioner has no objections to the special limitations attached to the rezoning. In response to Mr. Kendall, Mr. Meehan explained access to the property was through the Powder Reserve. The collector road which would access the property is being platted as Powder Ridge Boulevard. He said within the R-O district, there is a wide spectrum of uses, from residential to offices. The area immediately to the north is scheduled for commercial development, and the area to the east is identified as residential single family or duplex. There will be a collector road access along the western boundary of this property, separating the residential portion of Powder Ridge from the subject development. He felt the requirement for a non-public hearing site plan review before the Planning and Zoning Commission, which specifically requires addressing access to the property, would allow a more detailed view of this issue in the future.

In response to Mr. Wohlforth, Mr. Meehan said the subject property is not owned by Eklutna, Inc., and was never included in the Powder Ridge Master Plan. There is no development allowed in the T district, which this land is currently zoned. The allowed uses on the adjoining parcels were commercial and residential in nature; zoning this property R-O provided the most flexible development options for the property owners.

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

Mr. Kendall moved, to adopt AO 99-3.  
seconded by Mr. Carlson,

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

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

Ordinance No. AO 99-4, an ordinance amending the zoning map and providing for the rezoning from PC (Planned Community) to B-3 (General Business District) Zone with Special Limitations for **Tract 1, Powder Reserve Subdivision**, generally located immediately northwest and southwest of the North Eagle River Interchange and the New Glenn Highway (Birchwood Community Council) (Planning and Zoning Commission Case 99-001), Assemblymember Kendall.

1. Assembly Memorandum No. AM 66-99.
2. Information Memorandum No. AIM 15-99, AO 99-4; Planning and Zoning Commission recommendation on rezoning Powder Reserve PC, Development Area O, Community Planning and Development. (**addendum**)

In response to Mr. Kendall, Don Alspach of Community Planning and Development (CPD) reviewed the history of this item. He said the original Powder Reserve PC zone included some commercial area. Area O was designated in that plan as being commercial area. There was a small amount of commercial and institutional space. It was thought that Eklutna, Inc. would probably install their corporate offices here, and perhaps a hotel and other office space. The proposed development was a substantial change from the original plan, which would have about 300,000 square feet of retail space. The CPD Department took the position that since this area no longer had a direct relationship with the PC zone, and was serving a much larger area of the region, they made a recommendation to Planning and Zoning Commission (P&Z) that it be removed from the PC zone and that the property be rezoned B-3. This was instead of amending the PC zone. P&Z rejected that recommendation; that decision was reconsidered a week later and the issue was approved with special limitations. The petitioner committed at that meeting that they would support those special limitations. The proposed ordinance reflects the P&Z recommendation.

In response to Mr. Wohlforth, Mr. Alspach said the reconsideration was in part due to the fact that the entire body was not present at the original hearing. He said the vote was three in favor, four opposed at the first meeting. At the second meeting, it was seven in favor, two opposed.

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

JOE STIMSON, of Stimson Consulting Service, spoke representing Mr. Burke, the petitioner. He said Mr. Burke and Mr. Easley, Chief Executive Office of Eklutna, Inc. were present in the audience if there were any questions of them. Mr. Stimson thanked the Eagle River Chamber of Commerce, which did a lot of work and compiled a great amount of information that helped P&Z make its decision. The Chamber and the Eagle River community has been supporting this rezoning and this particular use for over three years. He explained there are special limitations and effective clauses on the zoning. When the zoning does take place, this property will be, by ordinance, removed from the Powder Reserve Master Plan. It will be an independent piece of B-3SL land. The petitioner and Mr. Easley have reviewed and agreed to the special limitations. They are in agreement and will provide a letter to the CPD Director as required by ordinance.

Mr. Wohlforth recalled the idea behind the recent Powder Reserve rezoning was to have a planned community, without big "box" structures. Eklutna Inc. seemed in agreement with that concept, and he wondered why they now support this development.

Mr. Stimson clarified this project was not new. The concept began about ten years ago, and went to P&Z about one year ago. There has been a lot of change in the direction of the community, as well as the infrastructure of the area. He felt the proposed development would not be a "box" structure; there will be many individual shops in a side-by-side configuration.

He explained the proposed use was smaller than some other uses which would be allowed under the Master Plan, such as institutional had no square foot limitations.

Mr. Wohlforth questioned this statement and quoted from the CPD staff analysis: “the department does not support amending the PC zoning for the Master Plan for the Powder Reserve to allow intensive change in use, and a ten-fold increase in the maximum allowable gross floor area. Such a change in use and intensity is not consistent with the overall intent of the adopted Master Plan for the Powder Reserve, and tears the heart out of the Master Plan concept as a self-contained new traditional planned residential community.”

Mr. Stimson agreed the commercial use was an increase. However, other uses already permitted had no square-foot limitation. So the difference, from a volume size, was not that different. When Mr. Burke first met with CPD staff, it was determined the easy, quick way was to amend the Master Plan. Later, it was decided to change directions and remove the area from the Master Plan and rezone it to B-3SL.

In response to Mr. Kendall, Mr. Stimson said there were a number of permitted uses in the Master Plan, including commercial, office, institutional and hotel. The only one which had a limitation on size was commercial. He explained the history of selecting a site for the outlet mall. Originally, two parcels, one on either side of the intersection to the south was selected. One of the sites, on a wetland, would have required substantial fill, and the other significant grading. They would have also posed traffic problems. Then the current site was selected.

The meeting recessed at 9:40 p.m. and reconvened at 9:50 p.m.

ART ISHAM spoke as an individual. He had philosophical objections to the proposed outlet mall. He pointed out the ordinance establishing the planned community was adopted in 1994; he questioned why plans for the mall were not included if those plans were ten years old. He reiterated Mr. Wohlforth’s earlier quote from the CPD staff. He pointed out the community and the Assembly developed the planned community after a lot of hard work. To allow the proposed use would destroy that concept. Three-hundred square feet of buildings, with miles of parking lot, and the associated impact from removing the hill and 17,100 vehicles accessing the site might change the character of the site. He doubted many people would want to reside adjacent to this development. He pointed out in 1994 and 1995 the Assembly virtually promised the Eagle River and Chugiak residents that the area would be developed a certain way.

SABRA REED, curator of the Alaska Museum of Natural History in Eagle River, spoke on behalf of the Museum’s board of directors. She supported the proposed outlet mall, because it would probably be a great contribution to economic development and cultural tourism of the Eagle River area. The Museum board is going to be talking to Mr. Burke about moving the Museum to the mall temporarily, until a permanent facility is built in about five years. In response to Mr. Kendall, Ms. Reed said there were thirteen members on the Museum’s board. They are university professors, realtors and business people. Some of their names are: Eva Loken, Louise Smith, Dr. David Yesner, Dr. Chris Crosun, Ann Pash, Barbara Jordan and Joe Vicente.

ROD AKSAMIT, president of the South Fork Community Council, said the Council passed a resolution in support of the proposed rezoning. Council members feel this is a good project which will provide great benefit to the Eagle River community. It will also provide services that are not presently available in the community. There is very little, if any, conflict with existing businesses in the area.

MARK EIDEM, president of the Chugiak/Eagle River Chamber of Commerce, stated the Chamber strongly supports this proposal. He addressed one concern raised before P&Z regarding existing businesses. He said the business overlap with those existing businesses in the Central Business District is very small. He added there are 454 business listings in the telephone directory. Of those, 34 might possibly overlap; 29 are restaurants. Mr. Eidem pointed out the outlet mall will be built in advance of residential construction in the area.

SHARON MINSCH spoke as an individual. She participated in development of the Powder Ridge Master Plan. It was a difficult struggle, but they came up with a plan to last for 20 years. However, Eagle River has changed a great deal. There is a much larger population of senior citizens, and teen-agers. There are no opportunities in Eagle River for these teens to seek employment. She added that Eklutna, Inc. owns over 400 parcels of land in the area, and the majority of that land is in Eagle River. However, they pay no property taxes unless they are developed. She supported the mall, with the hope that the developer would design it in an attractive manner to fit in with the surrounding community. She noted her teen-ager would soon receive a drivers’ license, and she would prefer her child be able to shop and recreate without having to travel across the bridge and into the Anchorage bowl. She felt it was important to have certain amenities closer to Eagle River; she pointed out one cannot purchase underclothes in Eagle River.

JIM GALE submitted the current traffic flow data available from the State of Alaska. At the subject intersection, the out-of-town-bound ramp supports 1,400 vehicles; the inbound ramp supports 1,300 vehicles. At the intersection for vehicles traveling north, the on-ramp supports 3,400 vehicles and the off-ramp supports 3,600 vehicles. He felt the proposed development would increase the traffic on these interchanges, probably to about 17,000 vehicles, according to State estimates. He suggested another type of tax could be created to make up for the lack of taxes Eklutna provides because their land is undeveloped.

MIO JOHNSON, a resident within walking distance of the mall site, noted after the highway was built a lot of additional traffic impacted her neighborhood. The proposed mall would bring a greater impact, and traffic lights will have to be added. More important, the traffic will go through her neighborhood. She said if the mall was built on the east side of the highway, as originally proposed, traffic would not impact the neighborhood. She pointed out that area is mostly commercial use. She suggested this location be reexamined.

JOHN RODDA, a Municipal employee, spoke as an individual. He spoke in support of the mall proposal. He has been fairly involved with the project for about 3-½ years. He said the public has had ample opportunities throughout the process to discuss concerns with the developer. He encouraged the Assembly to carefully consider the P&Z decision and

reconsideration, as well as the traffic impact analysis which shows less of an impact than was originally projected. He pointed out in 1980, there were about 13,000 residents in Eagle River; there are currently 30,000. He felt there were inadequate local services to support the population. Currently, the businesses consist mostly of restaurants and gas stations. This is an opportunity to keep local dollars in the local economy, and to reduce the amount of vehicular traffic across the Briggs Bridge. Also, he felt it would be highly advantageous from an economic standpoint.

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

Mr. Kendall moved, to adopt AO 99-4.  
seconded by Mr. Murdy,

Mr. Kendall moved, to amend AO 99-4 on page 2, line 17 to read: "...Land Use  
seconded by Mr. Carlson, Permit for a building(s) of a minimum of 130,000 gross  
floor..."

In response to Mr. Wohlforth, Mr. Alspach explained although there would be multiple buildings in the complex, it would depend on the permit application. He felt if they applied for an aggregate amount of space for the buildings, it would be covered under one permit.

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

Mr. Kendall noted the developer researched several sites in the Eagle River area, and finally selected the proposed site. There were issues of traffic impact and wetlands with other sites. He felt the community supported and needed this development because of the growth of Eagle River. He felt the Glenn Highway interchange has the capacity to handle the increased traffic flow, if traffic lights are added. He felt the development would enhance the entire Municipality's economy, not just that of Eagle River. He encouraged support.

Mr. Carlson raised a concern about the possibility that if the first phase is built, and is less than 130,000 square feet, and for some reason phase II is not built, what would happen to the first building.

Mr. Alspach said in this scenario, one of the effective clauses of the ordinance would not be met, and the zoning map would not be changed. According to the developer, the phase I building will be 130,000.

Mr. Wohlforth said he did not like the way Anchorage was developing, especially with the profusion of "box" structures. He felt the argument that the only businesses in Eagle River are Mom-and-Pop types therefore huge retailers are needed was flawed. Mom-and-Pop businesses give people the opportunity to build a good community and advance economically. Huge corporate retailers pay low wages and contribute little to the community. In regard to this rezoning, he recalled the PC zoning a few years ago. He specifically asked questions about the suspicion that an outlet mall would be developed, and was assured that was not the case and the businesses would be very small, about 30,000 square feet. There were assurances that the area would be a planned community, and the presence of a big mall would negate the project. He felt the original plan was a waste of time if the plan is not followed. He opposed this rezoning.

Ms. Abney recalled passage of the Eagle River Comprehensive Plan. She has kept a record of the zoning changes in the community since then. She quoted from page 137 of the ER Comprehensive Plan: "Reevaluation of the major trends and policies of the Chugiak/Eagle River Comprehensive Plan, including the recommended land use plan and recommended residential density map, should be undertaken five years following its initial adoption. Therefore, if there are no significant deviations from major trends or policies anticipated in the initial Plan, a complete revision of the Plan is not required. However, if major changes are noted in this reevaluation, a major revision of the Plan is warranted." Ms. Abney felt it was time to review the Eagle River Comprehensive Plan. The current actions, she felt were piecemeal changes.

Question was called on the motion to adopt AO 99-4 as amended and it passed:

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

(Clerk's Note: Ms. Clementson had left the meeting at the time of the vote.)

The Assembly then returned to item 11.

- C. Ordinance No. AO 98-193, an ordinance of the Anchorage Municipal Assembly **establishing a separate trust fund for certain monies generated by the sale of Anchorage Telephone Utility other than the sale proceeds** (The Trust Fund Earnings Reserve) and a spending plan therefore, Assemblymember Wohlforth.
1. Assembly Memorandum No. AM 65-99, AO 98-193; establishing a separate trust fund for certain monies generated by the sale of ATU, Assemblymember Wohlforth.
  2. Assembly Memorandum No. AM 166-99, Summary of Economic Effects for AO 98-193 regarding establishment of a separate trust fund for certain monies generated by the sale of Anchorage Telephone Utility other than the sale proceeds, Assemblymember Wohlforth. (**addendum**)  
(CARRIED OVER FROM 1-12-99; CONTINUED FROM 1-26-99)

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

In response to Mr. Wohlforth, Municipal Manager George Vakalis asked this item be continued until March 23, 1999.



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

to continue the public hearing for AO 98-193 until  
March 23, 1999, and schedule a worksession on that date  
with the investment advisor.

D. Ordinance No. AO 98-192, an ordinance amending AMC 9.42.020 by adding a new Subsection pertaining to the **designation of areas, trails and other specifically designated rights of way for the lawful use and operation of snowmachines**, Assemblymember Carlson.

1. Assembly Memorandum No. AM 1195-98.
2. Ordinance No. AO 98-192(S), an ordinance amending AMC 9.42.020 by adding a new Subsection pertaining to the designation of areas, trails and other specifically designated rights of way for the lawful use and operation of snowmachines, Assemblymember Carlson.
3. Assembly Memorandum No. AM 81-99.

(CONTINUED FROM 1-5-99)

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

to postpone action on AO 98-192 indefinitely.

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

to extend the public hearing portion of the meeting to  
allow completion of this item.

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

to extend the public hearing portion of the meeting to  
complete all public hearing items.

Chair Von Gemmingen opened the public hearing on AO 98-192(S) and asked if anyone wished to speak.

STEVE TOWER, an orthopedic surgeon with a practice in Anchorage, said he had eleven years of experience re-connecting injured people. He said proceeding with this ordinance would enhance his practice considerably. He has yet to find incident or activity that injures people with greater frequency or severity than snowmachines. He referred to the medical literature he provided, which explains the reasons snowmachine use results in the unusually high death and injury rate, especially among children. People do not perceive these machines as being dangerous, so they are operated at highway speeds, on narrow trails, and there is almost no regulation on who should operate them or how they should be operated. He was especially concerned the machines are often operated in the presence of pedestrians or other non-motorized traffic. Alaska leads the nation in snowmachine death and injury rate. The risk per mile of use or presence near the use of these machines is about 50 percent greater than automobiles. He added there is no consideration for the type of terrain of use, operators have no formal training, and the machines are not insured for liability. He said it was madness to unleash these machines on the public in a setting where they will be in the presence of pedestrians.

JIM BURKHOLDER submitted some literature he obtained from the U.S. Environmental Protection Agency. He explained carbon monoxide emissions from snowmachines are 40 times more polluting than the average automobile. For example, 200 snowmachines at the staging area at Centennial Camper Park would produce the equivalent exhaust as 8,000 automobiles. He pointed out that less than a ¼ mile from the Camper Park are two, long-term care facilities, Cook Inlet Housing Complex and the Mary Conrad Center. Many ill, older people inhabit these facilities, and air quality is an important factor for senior citizens. Also, less than a ½ mile from the Park is one of the largest hospitals in Anchorage, the Air Force hospital, which is a concern. Mr. Burkholder added modern snowmachines are equipped with from 100 to 160+ horsepower, weigh 600 pounds, and travel at 65 to 70 miles per hour. He pointed out Anchorage has a carbon monoxide problem; it regularly exceeds Federal emission limits. He felt the impact of allowing snowmachine use in the Anchorage bowl should be carefully considered.

SUSAN OLSON, a member of the Alaska Quiet Right Coalition, spoke as an individual. She urged the Assembly to reject this ordinance. She pointed out Anchorage is an established city, and it was too late to introduce the kind of pollution, noise and nuisance that snowmachines would create. She felt the proposed ordinance was unnecessary, because the Municipal Code, chapter 9.42.060b already allows the operation of snowmachines in parks or Municipal land when such an area has been designated for this use by the agency in authority. She recalled that the Areawide Trails Plan, which was recently reviewed during a three-year public process, has no indication that opening the Municipality to snowmachine trails was necessary. It was not even raised as a consideration.

ELIZABETH PATTON spoke against the ordinance. She reiterated problems associated with the snowmachine sport include safety, pollution and noise. She pointed out there are currently plenty of areas for snowmachine recreation, without including Anchorage neighborhoods, and Anchorage residents do not want snowmachines to operate in the Municipality. There are no restrictions on snowmachine use on 95% of State lands in southcentral Alaska. For the twelve percent of Anchorage households who own snowmachines, half the accessible land in Chugach State Park is available to snowmachine use. She urged the Assembly not to contribute to the degradation of quality of life in Anchorage.

KEVIN DAVIS spoke as general manager for Arctic Recreational Distributors, the Arctic Cat snowmobile wholesaler for Alaska. He said the business is located in Mountain View, and has been in operation for twenty-five years. All Arctic Cat retailers purchase their machines, parts and accessories through his company. Mr. Davis said he has been very involved with the proposed snowmobile trail for about four years. He said much misinformation has been circulated about the proposal. He clarified the snowmobile industry has never proposed a trail network within the city; they have discussed a corridor leading from Anchorage to Eagle River and the Matanuska-Susitna Valley. He agreed trails within the city would be

inadvisable. The issue has always been creating a corridor from Anchorage north. He noted the plan has received endorsements from many politicians, and the military is finally beginning to consider negotiations on the issue. Mr. Davis said the industry's statistics are quite different from those quoted earlier in the testimony. He said there is a very high per-capita ownership of snowmobiles in Anchorage; however, the State of Alaska has never had snowmobile registration, so actual numbers are difficult to obtain.

ALLY ILUFF, a longtime resident of downtown Anchorage, said she was a snowshoer, a cross country skier, a member of the Sierra Club and a member of the Anchorage Snowmobile Club and the Alaska State Snowmobile Association. She encouraged the Assembly to consider the snowmobile programs of other states such as Montana, Maine, Minnesota, Wyoming and Utah. She supported a corridor from Anchorage leading to snowmobile recreation areas. She felt it could be done well, and be a world-class model. She pointed out the Municipality has the tools to regulate noise, emissions and speed. As a relatively new member of the snowmobile clubs, she was impressed with their emphasis on safety, being good neighbors, and attempting to be part of the solutions rather than the problems.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one.

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

to continue the public hearing for AO 98-192(S) until  
April 6, 1999.

Mr. Kendall announced a town meeting to discuss this issue, on March 11, 1999 at the Chugiak High School auditorium. He invited his colleagues and other interested parties to attend.

12. NEW PUBLIC HEARINGS:

- A. Assembly Memorandum No. AM 97-99, Employee Relations Board reappointment (Wilbur O'Brien), Mayor's Office.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one. She announced the public hearing would be continued on February 23, 1999.

- B. Resolution No. AR 99-28, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Restaurant and Eating Place License) located on Highland Subdivision, Block 1, Lot 6, generally located on the west side of Old Seward Highway and south of East Klatt Road (Joseph White d.b.a. **Uncle Joe's Pizzeria**) (Case 99-030), Community Planning and Development.
1. Assembly Memorandum No. AM 123-99.

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

Mr. Murdy moved,  
seconded by Mr. Meyer,

to approve AR 99-28.

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

(Clerk's Note: Ms. Clementson had left the meeting at the time of the vote.)

- C. Ordinance No. AO 99-20, an ordinance amending Anchorage Municipal Code Chapter 21.10 **to provide a public comment period on appointees to the Planning and Zoning Commission, Urban Design Commission, Platting Board and Zoning Board of Examiners and Appeals prior to Assembly confirmation**; reiterating and establishing requirements and prohibitions regarding the performance of duties by such boards and commissions and their members; and the basis of removal from office for such board and commission members' conflicts of interest, Assemblymember Clementson.

Action on this item was postponed until March 23, 1999 by a motion passed earlier in the meeting.

- D. Ordinance No. AO 99-15, an ordinance amending various sections of the Anchorage Municipal Code to **increase the fine and the Municipal bail schedule for failure to obey a red traffic signal**, including the failure to stop for steady red signal or steady red arrow under Section 9.14.040 and failure to stop for a flashing red light under Section 9.14.060, Mayor Mystrom and Assembly Member Murdy.
1. Assembly Memorandum No. AM 170-99.

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

Mr. Murdy moved,  
seconded by Mr. Wuerch,

to adopt AO 99-15.

Mr. Murdy explained the serious problem with drivers who run red lights. He and the Mayor had intended to address this, so they decided to produce an ordinance together. He urged support.

Ms. Abney agreed with the intent of the ordinance. However, she felt it would not help to address the problem. She felt until the Police Chief committed resources to enforcement, the amount of the fine was unimportant.

Mr. Kendall felt enforcement on this issue was improving. He pointed out the fine increase was from \$100 to \$200. He supported the ordinance.

Question was called on the motion to adopt AO 99-15 and it passed:

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

(Clerk's Note: Ms. Clementson had left the meeting at the time of the vote.)

Mr. Murdy moved, to combine the public hearings for items 12.E and 12.F,  
seconded by Mr. Meyer, AO 99-10 and AR 99-15.  
and it passed without  
objection,

- E. Ordinance No. AO 99-10, an ordinance amending Anchorage Municipal Code Chapter 7.60 revising the local ordinance to restrict the **Disadvantaged and Woman-Owned Business Enterprise Program** to federal requirements under federally assisted contracts, Employee Relations Department.
  - 1. Assembly Memorandum No. AM 69-99.
- F. Resolution No. AR 99-15, a resolution amending Anchorage Municipal Code of Regulations 7.60 revising the local regulation to restrict the **Disadvantaged and Woman-Owned Business Enterprise Program** to federal requirements under federally assisted contracts, Employee Relations Department.
  - 1. Assembly Memorandum No. AM 69-99.

Chair Von Gemmingen opened the public hearing for AO 99-10 and AR 99-15 and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Mr. Murdy moved, to adopt AO 99-10.  
seconded by Mr. Meyer,

In response to Ms. Abney, Municipal Manager George Vakalis confirmed the effect of this ordinance was any Municipal contracts in which Federal funds were not involved would no longer be subject to the Disadvantaged and Woman-Owned Business (DWOB) Enterprise Program regulations.

Ms. Abney spoke against the ordinance. She felt it would lead in the wrong direction.

In response to Mr. Wohlforth, Deputy Municipal Attorney Bill Greene confirmed this ordinance is mandatory. He explained the 9<sup>th</sup> U.S. Circuit Court of Appeals has ruled the Municipality may only apply the DWOB program to contracts funded with Federal monies.

In response to Ms. Taylor, Mr. Greene said the program is still in existence, but it now only applies to Federally-funded contracts.

Ms. Taylor requested a list of the minority and women-owned businesses that the Municipality contracts with.

Municipal Manager George Vakalis said he would attempt to provide such a list.

Ms. Abney moved, to postpone action on AO 99-10 until February 23, 1999.  
seconded by Ms. Taylor,

Mr. Meyer questioned the reason for this motion. He pointed out the ordinance was virtually mandated as a result of a court decision.

Question was called on the motion to postpone action on AO 99-10 until February 23, 1999 and it failed:

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

(Clerk's Note: Ms. Clementson had left the meeting at the time of the vote.)

Question was called on the motion to adopt AO 99-10 and it passed:

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

(Clerk's Note: Ms. Clementson had left the meeting at the time of the vote.)

Mr. Murdy moved, to approve AR 99-15.  
seconded by Mr. Kendall,

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

(Clerk's Note: Ms. Clementson had left the meeting at the time of the vote.)

- G. Ordinance No. AO 99-11, an ordinance amending Anchorage Municipal Code Chapter 16.15, **Public Bathing Facilities**, to include provisions from Alaska Administrative Code as the law of the Municipality regulating swimming pools and spas, Health and Human Services.
1. Assembly Memorandum No. AM 70-99.
  2. Information Memorandum No. AIM 4-99.

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 99-11.  
seconded by Mr. Wuerch,

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

(Clerk’s Note: Ms. Clementson had left the meeting at the time of the vote.)

- H. Ordinance No. AO 99-13, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code to provide for **municipal reimbursement of utility relocation costs** necessitated by municipal capital projects; to adjust the fee and fine schedules for utility permits; streamline permit monitoring; provide for annual blanket permits, Legal Department.
1. Assembly Memorandum No. AM 88-99.
  2. Ordinance No. AO 99-13(S), an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code to provide for municipal reimbursement of utility relocation costs necessitated by municipal capital projects; to adjust the fee and fine schedules for utility permits; streamline permit monitoring; provide for annual blanket permits, Legal Department.
  3. Assembly Memorandum No. AM 149-99.

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

BOB YLVISAKER, representing the Greater Anchorage Area Utility Association, read a letter prepared by the Association president, Clint Housely. The letter expressed the Association’s thanks for cooperation between the Public Works Department and the Association regarding introduction of Municipal Code Title 24 changes. Mr. Ylvisaker continued speaking on behalf of Matanuska Electric Association, which supports the ordinance. He felt the ordinance would make it easier for MEA and other utilities to work with the Municipality.

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 99-13.  
seconded by Mr. Wuerch,

Mr. Kendall disclosed a potential conflict of interest, as he is employed by a local utility.

Mr. Meyer moved, the question “does Assemblymember Kendall have a  
seconded by Mr. Wohlforth, substantial financial interest in the matter before the  
Assembly?”

Question was called on whether Mr. Kendall has a substantial financial interest and it passed:

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

(Clerk’s Note: Ms. Clementson had left the meeting at the time of the vote.)

In response to Mr. Wohlforth, Deputy Municipal Attorney Bill Greene clarified a vote on the question of substantial financial interest was different from other votes. The Municipal Code provides that in this instance, the motion passed with five affirmative votes to three negative votes.

Mr. Carlson moved, to substitute AO 99-13(S).  
seconded by Mr. Murdy,  
and it passed without  
objection,

Mr. Murdy moved, to amend AO 99-13(S) on page 5, line 23 to read:  
seconded by Ms. Abney, “The fee for an encroachment permit shall be...”

Municipal Manager George Vakalis commented the proposed amendment would create an inconsistency with the encroachment policy. There is currently an annual fee for all encroachment permits.

Mr. Wohlforth felt since the ordinance was so technical, and so much work has gone into it, it might be unwise to amend it. Although he could not understand all the points of the ordinance, the accompanying memorandum seems to explain it well.

Ms. Abney moved, to postpone action on AO 99-13(S) until March 16, 1999,  
seconded by Mr. Murdy, pending a worksession on the topic.

Mr. Wuerch felt if this issue was not controversial among the professionals in this trade, the Assembly could feel safe in adopting it tonight. He pointed out every utility company that he knows of in the general area have expressed support. He added a postponement would clutter the Assembly's already full schedule in March.

In response to Mr. Wuerch, Mr. Vakalis acknowledged this ordinance was very significant, and was supported by utility companies in the Municipality. They, and the Public Works Department, feel the legislation is in everyone's best interest.

Mr. Murdy interjected he felt it might not be in the consumers' best interest.

Mr. Vakalis continued the legislation was also important for utility work that will have to be done for the Bragaw project. The sooner this ordinance is adopted, the sooner that project can proceed. This legislation has been considered carefully for a long time, and there is no known opposition. It will help create consistency in the utility arena.

Question was called on the motion to postpone action until March 16, 1999 and it failed:

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

(Clerk's Note: Ms. Clementson had left the meeting at the time of the vote.)

Mr. Murdy acknowledged the industry and the administration were happy with the ordinance. However, he pointed out Assemblymembers have the responsibility to protect the interests of Anchorage citizens. He felt a one-time encroachment fee was sufficient.

Question was called on the motion to amend AO 99-13(S) and it failed:

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

(Clerk's Note: Ms. Clementson had left the meeting at the time of the vote.)

Question was called on the motion to adopt AO 99-13(S) and it passed:

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

(Clerk's Note: Ms. Clementson had left the meeting at the time of the vote.)

- I. Ordinance No. AO 99-2, an ordinance amending Anchorage Zoning Ordinance 94-235(S-1), an ordinance that rezoned to PC, Planned Community District approximately 530 acres described as **Tract A of the Powder Reserve**, to add Matanuska Electric Association (MEA) utility substations as a permitted use to Development Area J and delete Matanuska Electric Association (MEA) utility substations as a permitted use from Development Area L, generally located immediately northwest and southwest of the North Eagle River Interchange of the New Glenn Highway in Eagle River and within portions of Sections 25, 26, 35 and 36 Township 15 North, Range 2 West, Seward Meridian, Alaska (Birchwood Community Council) (Planning and Zoning Commission Case 93-022-3), Community Planning and Development.
  - 1. Assembly Memorandum No. AM 52-99.
- J. Ordinance No. AO 99-3, an ordinance amending the zoning map and providing for the rezoning from "T" Transition District to R-O SL (Residential-Office) District with Special Limitations, for a portion of the **NW4 of the NE4 of the NE4 of the NE4, T14N, R2W, Seward Meridian Alaska**; generally located on the west side of the New Glenn Highway and south of the North Eagle River Interchange (Eagle River Community Council) (Planning and Zoning Commission Case 98-151), Community Planning and Development.
  - 1. Assembly Memorandum No. AM 53-99.
- K. Ordinance No. AO 99-4, an ordinance amending the zoning map and providing for the rezoning from PC (Planned Community) to B-3 (General Business District) Zone with Special Limitations for **Tract 1, Powder Reserve Subdivision**, generally located immediately northwest and southwest of the North Eagle River Interchange and the New Glenn Highway (Birchwood Community Council) (Planning and Zoning Commission Case 99-001), Assemblymember Kendall.
  - 1. Assembly Memorandum No. AM 66-99.
  - 2. Information Memorandum No. AIM 15-99, AO 99-4; Planning and Zoning Commission recommendation on rezoning Powder Reserve PC, Development Area O, Community Planning and Development. (**addendum**)

Items 12.I, J and K were considered earlier in the meeting. See after item 11.B.

**13. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:**

**14. SPECIAL ORDERS:**

- A. See after item 8 for introduction of a special order item.

- B. A Special Assembly Meeting was called for February 23, 1999 at 4:00 p.m. - Assembly Chambers, Loussac Library, to consider the following item:
  - 1. Resolution No. AR 98-164, a resolution revoking the conditional use permit allowing the retail sale and dispensing of alcoholic beverages at 6119 Old Seward Highway, formerly known as the Sawmill Club and currently known as **Klondike Kate's Bare Trap Saloon**, Community Planning and Development/Public Works.

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

The meeting adjourned at 11:15 p.m.

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Municipal Clerk

Date Minutes Approved: September 14, 1999

VC/db

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