

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of May 11, 1999

1. **CALL TO ORDER:**

The meeting was convened at 5:00 p.m. by Assembly Chairman George Wuerch in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. **ROLL CALL:**

Present: Dan Sullivan, Cheryl Clementson, Allan Tesche, Melinda Taylor, George Wuerch, Kevin Meyer, Anna Fairclough, Dick Tremaine, Fay Von Gemmingen, Pat Abney.

Absent: Dan Kendall (excused.)

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Ms. Abney.

Ms. Von Gemmingen moved, to change the orders of the day to consider item 7.C.1,
seconded by Ms. Taylor, AR 99-97.
and it passed without
objection,

Resolution No. AR 99-97, a resolution of the Anchorage Municipal Assembly **recognizing the West High School Band** for the awards received at the Six Flags Over Georgia National Band Invitational, Assemblymembers Von Gemmingen, Sullivan, Abney, Clementson, Fairclough, Kendall, Meyer, Taylor, Tesche, Tremaine, and Wuerch.

Ms. Von Gemmingen moved, to approve AR 99-97.
seconded by Ms. Taylor,
and it passed without
objection,

Chairman Wuerch introduced West High jazz band director David Williamson. The band performed.

Mr. Sullivan read the resolution, while Ms. Von Gemmingen presented it to Mr. Williamson.

Mr. Williamson thanked the Assembly.

While band members exited the Chambers, Chairman Wuerch announced the Assembly had an organizational meeting last week to decide on officers for various committees and liaison positions. He noted Mr. Sullivan was chair of the Budget Committee; Ms. Von Gemmingen was chair of the Audit Committee; Ms. Clementson was the chair of the School Site Selection Committee; Mr. Meyer was the chair of the Legislative Committee; Mr. Tesche was the Chair of the Public Safety Committee. Ms. Von Gemmingen was the liaison to the Anchorage Chamber of Commerce; Mr. Meyer and Ms. Abney were liaisons to the Anchorage Convention and Visitors Bureau; Mr. Kendall and Mr. Tremaine were members of the AMATS Committee; Ms. Abney will serve on the Coastal Zone Committee. Chairman Wuerch said he would chair the Military Committee and serve as liaison with the University of Alaska, Anchorage. Ms. Taylor was liaison to the 2001 Special Olympics Committee; Mr. Kendall was liaison to the Chugiak/Eagle River Chamber of Commerce. Mr. Tremaine and Ms. Von Gemmingen will liaison with the Alaska Economic Development Corporation and Ms. Abney will serve on the Board for the Alaska Municipal League and the Cook Inlet Aquaculture Commission.

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

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

6. ADDENDUM TO AGENDA:

Ms. Clementson moved, to amend the agenda to include the addendum items.
seconded by Ms. Von Gemmingen.

Chairman Wuerch read the addendum items.

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

7. CONSENT AGENDA:

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

A. BID AWARDS:

1. Assembly Memorandum No. AM 441-99, recommendation of award to BlackRock Financial Management, Inc. for providing **professional investment services of the "MOA Trust Fund"** for the Municipality of Anchorage, Finance Department (ITB 99-P011), Purchasing.

(Clerk's Note: Notice of reconsideration was filed on this item. See minutes of May 18, 1999 for further action.)

2. Assembly Memorandum No. AM 442-99, recommendation of award to Guardian Security Systems, Inc. for providing **security guard services** to the Municipality of Anchorage, Port of Anchorage (ITB 99-B030), Purchasing.
3. Assembly Memorandum No. AM 443-99, recommendation of award to Seacoast Company, Inc. for **Fish Creek Channel Improvements Phase III - Northwood Drive to Minnesota Blvd.** for the Municipality of Anchorage, Public Works Department (ITB 99-C011), Purchasing.

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

4. Assembly Memorandum No. AM 444-99, recommendation of award to Kane, Inc. for the **10 million gallon Tudor #4-Reservoir Painting** for the Municipality of Anchorage, Water and Wastewater Utility (ITB 99-C010), Purchasing.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 99-74, an ordinance **authorizing the lease of an area in the southern portion of the Transit Shed Warehouse** at the Port of Anchorage, totaling approximately 6,909 square feet, to Totem Ocean Trailer Express, Inc., Port of Anchorage. public hearing 5-25-99.
 - a. Assembly Memorandum No. AM 416-99.
2. Ordinance No. AO 99-75, an ordinance **creating Willene Lateral Sanitary Sewer Special Assessment District 218** and determining to proceed with the proposed improvements therein, Water and Wastewater Utility. public hearing 6-8-99.
 - a. Assembly Memorandum No. AM 417-99.
3. Ordinance No. AO 99-76, an ordinance **creating Willene Public Water Special Assessment District 443** and determining to proceed with the proposed improvements therein, Water and Wastewater Utility. public hearing 6-8-99.
 - a. Assembly Memorandum No. AM 418-99.
4. Ordinance No. AO 99-77, an ordinance **creating Freeman Lateral Sanitary Sewer Special Assessment District 205**, and determining to proceed with the proposed improvements therein, Water and Wastewater Utility. public hearing 6-8-99.
 - a. Assembly Memorandum No. AM 446-99.
5. Resolution No. AR 99-110, a resolution **approving the Winchester Water Main Extension (Intertie) at East 88th Avenue and Abbott Loop Road** and providing for assessment of benefited properties at time of service connection, Water and Wastewater Utility. public hearing 5-25-99.
 - a. Assembly Memorandum No. AM 419-99.
6. Resolution No. AR 99-111, a resolution **approving the Kluane Terrace Phase II Water Main Extension** and providing for assessment of benefited properties at time of service connection, Water and Wastewater Utility. public hearing 5-25-99.
 - a. Assembly Memorandum No. AM 420-99.
7. Resolution No. AR 99-112, a resolution **confirming and levying assessments for the water special improvements within Carroll Water Improvement District 425**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility. public hearing 6-8-99.
 - a. Assembly Memorandum No. AM 421-99.
8. Resolution No. AR 99-113, a resolution **confirming and levying assessments for the water special improvements within Levy Upon Connection (LUC) Roll 99-W-1**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility. public hearing 6-8-99.
 - a. Assembly Memorandum No. AM 422-99.
9. Resolution No. AR 99-114, a resolution of the Municipality of Anchorage accepting when tendered \$250,000 from the Federal Aviation Administration Airport Improvement Program grant, and \$8,334 from the Alaska State Department of Transportation and Public Facilities grant; and appropriating said grants and \$8,334 from Airport Retained Earnings to Merrill Field's Capital Improvement Fund for **acquisition of snow removal equipment**, Merrill Field Airport. public hearing 5-25-99.
 - a. Assembly Memorandum No. AM 423-99.
10. Resolution No. AR 99-115, a resolution of the Municipality of Anchorage appropriating \$1,423,900 of 1999 tax revenues from the CBERRSA Fund (0119) to the Chugiak, Birchwood, Eagle River Rural Road Service Area (CBERRSA) Capital Improvement Program Mill Levy Fund (0419) for **road and drainage capital improvement projects**, Public Works. public hearing 5-25-99.
 - a. Assembly Memorandum No. AM 424-99.
11. Ordinance No. AO 99-78, an ordinance of the Municipality of Anchorage **authorizing a sole source sale by the Heritage Land Bank (HLB) to the Alaska Railroad Corporation of up to 8.65 acres of land from HLB Parcels 1-026, 1-027, 1-042 and 1-043**, and granting a right of way easement to the Alaska Railroad Corporation across an approximate .59 acre portion of HLB Parcel 1-009 for the appraised fair market value, Heritage Land Bank. public hearing 5-25-99.
 - a. Assembly Memorandum No. AM 447-99.

12. Ordinance No. AO 99-79, an ordinance by the Municipality of Anchorage **authorizing a sale by Anchorage Water and Wastewater Utility (AWWU) of Tract 4, International East Subdivision, Plat No. 87-28**, generally located east of Minnesota Bypass and south of 56th Avenue in the Anchorage Recording District and the acquisition of 2.04+/- acres of land generally located on the west side of Arctic Boulevard at West 32nd Avenue in the Anchorage Recording District, owned by the Horrell Family Trust, Heritage Land Bank. public hearing 5-25-99.
 - a. Assembly Memorandum No. AM 448-99.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 99-97, a resolution of the Anchorage Municipal Assembly **recognizing the West High School Band** for the awards received at the Six Flags Over Georgia National Band Invitational, Assemblymembers Von Gemmingen, Sullivan, Abney, Clementson, Fairclough, Kendall, Meyer, Taylor, Tesche, Tremaine, and Wuerch.

This item was considered earlier in the meeting. See after the Pledge of Allegiance.

2. Resolution No. AR 99-116, a resolution of the Municipality of Anchorage providing for the appropriation of \$750 to the State Categorical Grants Fund (231) from the State of Alaska for the **Municipal Youth at Risk Bike Rodeo and Safety Program**, Cultural and Recreational Services.
 - a. Assembly Memorandum No. AM 425-99.
3. Resolution No. AR 99-117, a resolution of the Municipality of Anchorage appropriating \$10,000 to the Miscellaneous Operational Grants Fund (261) from AT&T Alascom for the **"Good News, Great Kids" Program**, Mayor's Office.
 - a. Assembly Memorandum No. AM 426-99.
4. Resolution No. AR 99-119, a resolution of the Municipality of Anchorage Assembly appropriating \$50,000 of the Heritage Land Bank General Fund (221) Balance to the Heritage Land Bank Capital Fund (421) for **survey requirements included in the approved General Government 1999 Capital Improvement Program**, Heritage Land Bank.
 - a. Assembly Memorandum No. AM 445-99.
5. Resolution No. AR 99-120, a resolution of the Municipality of Anchorage appropriation \$5,000 from the Alaska Department of Health and Social Services to the State Categorical Grants Fund (0231) for **Anchorage Youth Court**, Health and Human Services. (**addendum**)
 - a. Assembly Memorandum No. AM 451-99.

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 427-99, **Historical & Fine Arts Commission appointment** (Brian Davies), Mayor's Office.
2. Assembly Memorandum No. AM 395-99, **Brown Bear Saloon & Motel** - Transfer of Ownership of a Tourism Beverage Dispensary Liquor License (Turnagain Community Council), Clerk's Office.

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

3. Assembly Memorandum No. AM 396-99, **1999-2000 Liquor License Renewals**: Blues Central/Chef's Inn, Brown Bear Saloon/Motel-Tour, Don Jose's Mexican Restaurant, Double Musky Inn, Quarterdeck-Duplicate, Whale's Tail (Beverage Dispensary); Midnight Sun Brewing (Brewery); Alyeska Prince Hotel, Diamond Jim's, In & Out Bush Liquor #1, In & Out Bush Liquor #2, Mike's Liquor & Grocery, O'Malleys on the Green-Tourism (Package Store); Wings & Things (Restaurant/Eating Place), Clerk's Office.

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

4. Assembly Memorandum No. AM 428-99, **Hawthorne Hotel-Benihana Restaurant** - New Beverage Dispensary Tourism Liquor License and Restaurant Designation Permit (Downtown/South Addition/ Fairview/Government Hill Community Councils), Clerk's Office.

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

5. Assembly Memorandum No. AM 429-99, amendment No. 3 to professional services contract with Land Design North for **Town Square & Kincaid Parks Improvements Package**, Cultural and Recreational Services.
6. Assembly Memorandum No. AM 430-99, contract amendment No. 2 to Rabbit Creek View Subdivision and Rabbit Creek Heights Subdivision Survey Assessment District 1V96, **professional surveying services** with Kean and Associates, Public Works.

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

7. Assembly Memorandum No. AM 431-99, change order No. 1 to purchase order 80960 to exercise the first option period with Capital Glass, Inc. for furnishing **miscellaneous window glass and supplies** for the Municipality of Anchorage, Department of Health and Human Services/Purchasing.
8. Assembly Memorandum No. AM 432-99, cooperative purchase of **medical supplies** from Bindley Western Drug Company for the Municipality of Anchorage, Department of Health and Human Services/Purchasing.

- 9. Assembly Memorandum No. AM 433-99, recommendation of award to Dowl Engineers and LCMF, Inc. for providing **professional surveying services** to the Municipality of Anchorage, Public Works Department (RFP 99-P001), Purchasing.
- 10. Assembly Memorandum No. AM 434-99, proprietary purchase of **computer software maintenance/support** from Data Research Associates, Inc. (DRA) for the Municipality of Anchorage, Department of Cultural and Recreational Services/Purchasing.

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

- 11. Assembly Memorandum No. AM 435-99, proprietary purchase of **biomedical equipment** from Physio Control Corporation for the Municipality of Anchorage, Fire Department/Purchasing.
- 12. Assembly Memorandum No. AM 436-99, change order No. 9 to purchase order 20728 with Wurts & Associates, Inc. for providing **investment analyst services** for the Municipality of Anchorage, Police & Fire Retirement System (P&FRS), Purchasing.

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

- 13. Assembly Memorandum No. AM 437-99, sole source awards for purchase of **bus stop benches and trash receptacles** from Division 10 and Recreation Resources for the Municipality of Anchorage, Public Transportation Department/Purchasing.

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

- 14. Assembly Memorandum No. AM 438-99, proprietary purchase of a **belt press roll assembly and rollers** from U.S. Filter/Envirex for the Municipality of Anchorage, Anchorage Water and Wastewater Utility/Purchasing.
- 15. Assembly Memorandum No. AM 439-99, recommendation of award to Cash Barner Architects for providing **professional architectural/engineering services for miscellaneous fire station renovations** for the Municipality of Anchorage, Department of Property and Facility Management (RFP 59-98), Purchasing.
- 16. Assembly Memorandum No. AM 440-99, authorization to enter into a Memorandum of Agreement with the State of Alaska to provide **fire mitigation services throughout the Hillside and Eagle River Areas** under the 1999-2000 FEMA "Project Impact" grant program, Fire Department.

E. INFORMATION AND REPORTS: None.

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

AYES: Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Tremaine, Von Gemmingen, Abney.
NAYS: None.

8. **REGULAR AGENDA:**

- A. TIME CRITICAL ITEMS: None.
- B. BID AWARDS: None.

- 1. Assembly Memorandum No. AM 443-99, recommendation of award to Seacoast Company, Inc. for **Fish Creek Channel Improvements Phase III - Northwood Drive to Minnesota Blvd.** for the Municipality of Anchorage, Public Works Department (ITB 99-C011), Purchasing.

Ms. Abney moved, to approve AM 443-99.
seconded by Ms. Taylor,

Ms. Abney asked that this memorandum be corrected to change a typographical error from “1995 GO Bonds” to “1996 GO Bonds.”

Question was called on the motion to approve AM 443-99 and it passed without objection.

(Clerk’s Note: It was later determined that the 1995 GO Bonds reference was correct.)

- C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION: None.
- D. RESOLUTIONS FOR ACTION: None.
- E. NEW BUSINESS:

- 1. Assembly Memorandum No. AM 395-99, **Brown Bear Saloon & Motel** - Transfer of Ownership of a Tourism Beverage Dispensary Liquor License (Turnagain Community Council), Clerk's Office.

Ms. Von Gemmingen moved, to approve AM 395-99.
seconded by Ms. Taylor,

Ms. Von Gemmingen felt the correct community council for this establishment was the Turnagain Arm Community Council. She wanted to ensure the correct Council was notified.

Deputy Municipal Clerk Vickie Cantrell verified that the correct Council was notified.

Question was called on the motion to approve AM 395-99 and it passed without objection.

2. Assembly Memorandum No. AM 396-99, 1999-2000 Liquor License Renewals: Blues Central/Chef's Inn, Brown Bear Saloon/Motel-Tour, Don Jose's Mexican Restaurant, Double Musky Inn, Quarterdeck-Duplicate, Whale's Tail (Beverage Dispensary); Midnight Sun Brewing (Brewery); Alyeska Prince Hotel, Diamond Jim's, In & Out Bush Liquor #1, In & Out Bush Liquor #2, Mike's Liquor & Grocery, O'Malleys on the Green-Tourism (Package Store); Wings & Things (Restaurant/Eating Place), Clerk's Office.

Mr. Tesche moved, to approve AM 396-99.
seconded by Ms. Taylor,

In response to Mr. Tesche, Deputy Municipal Attorney Bill Greene said he was unaware of any legal prohibition against a license being operated on a seasonal basis. He said he would have to research whether the O'Malleys on the Green license was in conflict with Municipal law prohibiting the presence of alcoholic beverages in Municipal parks.

Chairman Wuerch pointed out there is a long-term lease with a private company to operate the golf course.

Municipal Manager George Vakalis confirmed the course is owned by the Municipality, but operated by a private company.

Mr. Tesche moved, to amend AM 396-99 to divide out the O'Malleys on the
seconded by Mr. Meyer, Green license.
and it passed without
objection,

Question was called on the motion to approve all items in AM 396-99 except O'Malleys on the Green and it passed without objection.

Mr. Tesche moved, to postpone action on O'Malleys on the Green until May 25,
seconded by Ms. Abney, 1999, pending information on whether the liquor license
violates Municipal laws regarding alcohol in Municipal parks.

Ms. Abney noted the Huffman/O'Malley Community Council requested the Assembly not renew the O'Malleys license. Council members felt the restaurant had changed sufficiently and no longer met Municipal standards.

Ms. Clementson felt if the license is not a threat to public health, welfare or safety, there are no grounds for a protest of renewal. The mere fact that Council members dislike a license on this premises is not sufficient grounds.

Ms. Von Gemmingen pointed out the golf season will begin soon. She felt the liquor license would be important for operation of the course. She objected to the postponement.

Mr. Tremaine pointed out the license would still be active until the end of May, so a postponement would not affect operation of the golf course.

Further action on the motion to postpone was taken later in the meeting. See after item 9.

3. Assembly Memorandum No. AM 428-99, Hawthorne Hotel-Benihana Restaurant - New Beverage Dispensary Tourism Liquor License and Restaurant Designation Permit (Downtown/South Addition/ Fairview/Government Hill Community Councils), Clerk's Office.

Ms. Clementson moved, to approve AM 428-99.
seconded by Ms. Taylor,

Ms. Clementson said she opposed the license, because it was of the Tourism type. She said there were already more beverage dispensary licenses in Anchorage than are allowed by State law. The Tourism license is a loophole in that formula, and new hotels routinely apply for Tourism licenses, to circumvent the law. Although Tourism licenses may not be sold or transferred, they still raise the total number of establishments that serve alcohol. She also questioned whether the restaurant is located within the hotel.

In response to Ms. Von Gemmingen, Joe Murdy addressed the Assembly representing the applicant. He said the restaurant is part of the hotel, although it is physically separated. It is connected to the hotel by a covered walkway. This arrangement is allowable under State alcohol laws. He pointed out the Assembly recently issued a tourism license to the Marriott Hotel. Mr. Murdy added he made a presentation on the license to the Downtown and South Addition Community Councils. There were no objections from the Downtown Community Council.

Question was called on the motion to approve AM 428-99 and it passed:

AYES: Sullivan, Tesche, Taylor, Wuerch, Meyer, Fairclough, Tremaine, Von Gemmingen, Abney.
NAYS: Clementson.

Mr. Meyer shared Ms. Clementson's concern about the recent increase in liquor licenses that exceed the number Anchorage is allowed. He asked the administration to provide a list of the actual licenses in Anchorage compared to the amount allowed.

Chairman Wuerch said the Municipal Clerk would gather that information from the State Alcoholic Beverage Control Board, and forward that to the Assembly.

4. Assembly Memorandum No. AM 430-99, contract amendment No. 2 to Rabbit Creek View Subdivision and Rabbit Creek Heights Subdivision Survey Assessment District 1V96, **professional surveying services** with Kean and Associates, Public Works.

Ms. Clementson moved, to postpone action on AM 430-99 until after action on item
seconded by Mr. Tremaine, 12.E, AR 99-100.
and it passed without
objection,

5. Assembly Memorandum No. AM 434-99, proprietary purchase of **computer software maintenance/support** from Data Research Associates, Inc. (DRA) for the Municipality of Anchorage, Department of Cultural and Recreational Services/Purchasing.

Ms. Taylor moved, to approve AM 434-99.
seconded by Mr. Meyer,

In response to Ms. Taylor, Purchasing Officer Ted Chenier said Data Research Associates, Inc. was not an Alaskan company.

Ms. Taylor requested information on the amount of funds spent on computer hardware and software for 1998, with a comparison between local companies and companies from outside the State. Mr. Chenier agreed.

Question was called on the motion to approve AM 434-99 and it passed without objection.

6. Assembly Memorandum No. AM 436-99, change order No. 9 to purchase order 20728 with Wurts & Associates, Inc. for providing **investment analyst services** for the Municipality of Anchorage, Police & Fire Retirement System (P&FRS), Purchasing.

Mr. Tesche moved, to approve AM 436-99.
seconded by Ms. Taylor,

In response to Mr. Tesche, Tim Rogers of the Police and Fire Retirement Board said Board members have not had any conversations regarding the possibility of putting this contract out for competitive bid.

In response to Mr. Tesche, Purchasing Officer Ted Chenier said the contract was open-ended, and since the company has provided outstanding service, there has been no need to pursue a competitive bidding process.

Mr. Tesche agreed there was no question Wurts & Associates has done very well. However, he was concerned about an apparent lack of consistent policy for the Police & Fire Retirement System on competitive bidding. He suggested the Board consider reviewing their policy.

Question was called on the motion to approve AM 436-99 and it passed without objection.

7. Assembly Memorandum No. AM 437-99, sole source awards for purchase of **bus stop benches and trash receptacles** from Division 10 and Recreation Resources for the Municipality of Anchorage, Public Transportation Department/Purchasing.

Ms. Clementson moved, to approve AM 437-99.
seconded by Mr. Tremaine,

Purchasing Officer Ted Chenier requested the Assembly postpone this item indefinitely. He explained this item was a sole source contract, but since it was prepared, a local provider was identified who will be able to bid on the work. The job will be put out for competitive bid.

Ms. Clementson moved, to postpone action on AM 437-99 indefinitely.
seconded by Mr. Meyer,
and it passed without
objection,

F. INFORMATION AND REPORTS: None.

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

- A. **NOTICE OF RECONSIDERATION:** Ordinance No. AO 99-62, an ordinance of the Municipality of Anchorage amending Title 21 of the Anchorage Municipal Code of Ordinances by **enacting a new Section 21.15.065 Administrative Permit, New Definitions, Antenna and Antenna Array , Antenna Preexisting and Preexisting Towers , Collocation , Tower Amateur Radio , Tower, Community Interest , "Tower, Local Interest , Tower Structures and Tower Site** ; deleting the definition of "transmission tower ; amending 21.40.020 PLI Public Lands and Institutions District, 21.40.030 R-1 and R-1A Single-Family Residential Districts, 21.40.040 R-2A Two-Family Residential District (Large Lot); R-2D Two-Family Residential District, 21.40.045 R-2M Multiple-Family Residential District, 21.40.050 R-3 Multiple-Family Residential District, 21.40.060 R-4 Multiple-Family Residential District, 21.40.070 R-5 Rural Residential District; R-5A, Rural Residential District (Large Lot), 21.40.080 R-6 Suburban

Residential District (Large Lot), 21.40.090 R-7 Intermediate Rural Residential District, 21.40.100 R-8 Rural Residential District (Large Lot), 21.40.110 R-9 Rural Residential District, 21.40.115 R-10 Residential Alpine/ Slope District, 21.40.117 R-11 Turnagain Arm District, 21.40.130 R-O Residential-Office District, 21.40.140 B-1A Local and Neighborhood Business District, 21.40.145 B-1B Community Business District, 21.40.150 B-2A Central Business District Core, 21.40.160 B-2B Central Business District, Intermediate, 21.40.170 B-2C Central Business District, Periphery, 21.40.180 B-3 General Business District, 21.40.190 B-4 Rural Business District, 21.40.200 I-1 Light Industrial District, 21.40.210 I-2 Heavy Industrial District, 21.40.220 I-3 Rural Industrial District, 21.40.230 W Watershed District, 21.40.240 T Transition District 21.40.260 AF Antenna Farm District, 21.40.270 MC Marine Commercial District, and 21.40.280 MI Marine Industrial District regarding permitted use antennas, community interest and local interest towers, accessory use antennas, community interest tower and local interest towers, and conditional use community interest and local interest towers; roof mounted satellite dishes and enacting a new Section 21.45.263 Amateur Radio Stations and Receive Only Antennas; amending 21.45.265 Supplementary District Regulation concerning antennas, community interest tower and local interest towers; 21.50.280 Conditional Use Standards for community interest tower and local interest towers and roof mounted satellite dishes in residential districts, 21.55.040 Nonconforming Structures and 21.55.060 Repairs and Maintenance, Community Planning and Development.

1. Assembly Memorandum No. AM 327-99.
(AMENDED AND APPROVED 4-27-99; NOTICE OF RECONSIDERATION WAS GIVEN BY MR. WOHLFORTH 4-28-99)

Chairman Wuerch gave the history of the ordinance and noted the question of whether to reconsider was on the floor.

In response to Ms. Clementson, Don Alspach of Community Planning and Development explained depending on the zoning district, an applicant can receive a bonus addition of height, up to 60 feet, for each antennae that is added to the tower.

Ms. Clementson explained Mr. Wohlforth’s intent in reconsidering was because of one amendment that was passed. She said the amendment regarding co-location of additional antennae would allow people to receive a waiver for an additional 60 feet of height up front, by only providing the promise of adding the extra antennas at a later date.

Ms. Abney spoke in support of reconsideration. She felt the amendment explained by Ms. Clementson could easily be abused, and a requirement for the antennae to be in place before the additional height is granted is appropriate.

In response to Mr. Meyer, Mr. Alspach recalled the subject amendment was proposed by GCI, Inc. He said it was difficult to predict whether economic factors would affect potential abuse of the amendment. He said the Planning and Zoning Commission recommended the height bonus not be granted unless and until there were bona fide additional applicants to share the tower.

Chairman Wuerch pointed out this is a difficult issue. If towers are built shorter, because owners do not have time to recruit other users, the tower will always be incompatible for additional users. Therefore, there would be a lot of shorter towers using up valuable tower areas, rather than fewer taller towers. Some users wanted to spend extra funds up front to build larger towers, and recruit other users after the tower is built. He recommended against reconsideration. If there is a desire to address this issue at a later date, it can be revisited.

Question was called on whether to reconsider action on AO 99-62 and it passed:

AYES: Clementson, Tesche, Taylor, Fairclough, Tremaine, Von Gemmingen, Abney.
NAYS: Sullivan, Wuerch, Meyer.

Ms. Clementson moved, seconded by Mr. Tesche,	to amend AO 99-62 on page 26, line 14, to delete the added language in paragraph 4.b, and reinstate the original language to read: “Applicants for collocation shall provide proof in a form found acceptable to the Municipal Attorney that more than one service provider is using the collocation facility.”
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Ms. Clementson felt towers can be constructed to allow for additions at a later date when other users are recruited. She questioned how the law would be enforced if the height increase is granted, and the promised additional users never materialize.

Mr. Tesche spoke in support of the amendment.

Question was called on the motion to amend and it passed:

AYES: Clementson, Tesche, Taylor, Fairclough, Tremaine, Von Gemmingen, Abney.
NAYS: Sullivan, Wuerch, Meyer.

Ms. Abney moved, seconded by Mr. Tesche,	to adopt AO 99-62 as amended.
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AYES: Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Tremaine, Von Gemmingen, Abney.
NAYS: None.

B. **NOTICE OF RECONSIDERATION:** Resolution No. AR 99-85, a resolution of the Anchorage Municipal Assembly **rescinding the previous protest of the renewal of the beverage dispensary liquor license for**

the 515 Club pursuant to AR 98-19, and continuing the previous conditions on this license pursuant to AR 95-374 AS AMENDED, Assemblymember Murdy.
(APPROVED 4-27-99; RECONSIDERATION WAS SPREAD ON THE MINUTES 4-27-99)

Chairman Wuerch gave the history of the resolution and noted the question of whether to reconsider was on the floor.

Ms. Clementson explained she gave notice of reconsideration because the Assembly did not have sufficient information at the time it acted on this resolution. At that time, there were no police reports available, and the Assembly relied on the word of one person that there were no new incidents at the establishment. She said she has since received the police reports, and there are several incidents and arrests in 1998 at the establishment regarding drunken persons. She encouraged the Assembly to reconsider action so this information can be reviewed.

Mr. Meyer added the Assembly recently received correspondence from Mary Grisco, chair of the Downtown Community Council, which should be considered also. He was surprised that the Council felt the 515 Club has made some improvements.

Mr. Tesche supported reconsideration, so the additional information can be considered.

Question was called on whether to reconsideration on AR 99-85 and it failed:

AYES: Clementson, Tesche, Taylor, Fairclough, Tremaine.
NAYS: Sullivan, Wuerch, Meyer, Von Gemmingen, Abney.

- C. Assembly Memorandum No. AM 357-99, 1999-2000 Liquor License Renewal: **Denali Winery** (Winery), Clerk's Office.
(QUESTION OF RENEWAL WAS DIVIDED OUT AND ACTION WAS POSTPONED FROM 4-27-99)

Chairman Wuerch gave the history of the memorandum.

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| Ms. Clementson moved,
seconded by Ms. Fairclough,
and it passed without
objection, | to postpone action on the Denali Winery portion of
AM 357-99 until May 25, 1999 and request the owners of the
license to attend that meeting to address the Assembly. |
| D. Motion to obtain legal counsel regarding the animal control contract award by the Mayor.
(POSTPONED FROM 3-23-99 AND 4-6-99; CARRIED OVER FROM 4-27-99) | |

Chairman Wuerch gave the history of the motion and noted action was pending. He asked the administration to comment on any new developments.

Municipal Attorney Mary Hughes noted the Assembly's motion was made prior to the decision by Judge Sanders in the case of Allvest versus the Municipality of Anchorage and Doyon Universal Services. Judge Sanders' order dated March 31, 1999 denied Allvest's request for preliminary injunction. Ms. Hughes noted Judge Sanders indicated in his denial order that Allvest did not make the requisite showing of probable success on the merits. She said the underlying case of Allvest's request for a temporary restraining order continues.

In response to Mr. Tesche, Ms. Hughes said she did not believe Allvest's complaint included a reward of damages.

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| Mr. Tesche moved,
seconded by Ms. Taylor, | to postpone action on the motion to obtain legal counsel
regarding the animal control contract until May 25, 1999. |
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Ms. Abney pointed out the purpose of the Assembly's motion was to determine whether the Mayor had the authority to make the decision on the animal control contract.

Ms. Hughes added Judge Sanders indicated within his ruling he believed the Mayor did have the authority to take that action.

Question was called on the motion to postpone action on the motion to obtain legal counsel and it passed without objection.

- E. Resolution No. AR 99-53, a resolution **authorizing the Municipality of Anchorage to purchase the East 220 Feet of Block 34A, East Addition to Anchorage Townsite, Anchorage, Alaska**, to enable Municipal Light and Power to expand their site and provide an alternate pole yard, Municipal Light and Power.
1. Assembly Memorandum No. AM 257-99.
(POSTPONED FROM 3-23-99 AND 4-6-99; CARRIED OVER FROM 4-27-99)

Chairman Wuerch gave the history of the resolution and noted the administration has requested it be postponed until May 25, 1999.

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| Ms. Fairclough moved,
seconded by Mr. Sullivan, | to postpone action on AR 99-53 until May 25, 1999. |
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Municipal Manager George Vakalis explained since there are four new Assembly members, it was felt another worksession was appropriate to refresh all parties' memories and explained the issue to the new Assembly members.

Question was called on the motion to postpone action on AR 99-53 and it passed with Ms. Von Gemmingen objecting.

- F. Resolution No. AR 99-59, a resolution of the Anchorage Assembly approving the **1999 Heritage Land Bank Work Program**, Heritage Land Bank.
1. Assembly Memorandum No. AM 289-99.
(POSTPONED FROM 3-23-99; CARRIED OVER FROM 4-27-99)

Chairman Wuerch gave the history of the resolution and noted a motion to approve was on the floor.

Executive Manager Elaine Christian reported all community councils were notified of this item. One community council, Chugiak, indicated they did not receive the document. The document was provided to Council representatives that night, and they have had it over 30 days. There has been no other feedback from the Council.

Ms. Fairclough pointed out Chugiak Community Council meets on the third Thursday of the month, so they may not have had the opportunity to meet and review the document.

Heritage Land Bank Director Larry Houle clarified that all community councils were provided with the HLB Work Program initially on October 29, 1998. A representative from the Chugiak Community Council said they did not receive it. However, the new chairperson for that Council said in a subsequent telephone conversation that the Council did receive the document. There has been no feedback from any councils. In response to Ms. Fairclough, Mr. Houle confirmed the issue of a land exchange with the Alaska Railroad Corporation was included in this Work Program.

Ms. Fairclough said at the community council meetings she attended, there was more than one person concerned about the Railroad land exchange issue. They had some legitimate concerns about the proposed crossing.

Ms. Fairclough moved, to postpone action on AR 99-59 until May 25, 1999.
seconded by Ms. Abney,

AYES: Clementson, Tesche, Taylor, Fairclough, Tremaine.
NAYS: Sullivan, Wuerch, Meyer, Von Gemmingen, Abney.

Ms. Christian added that if the Railroad issue was a concern, ordinance AO 99-78 was introduced earlier in the meeting, for public hearing on May 25, 1999. That ordinance dealt specifically with the land sale.

Question was called on the motion to approve AR 99-59 and it passed:

AYES: Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Tremaine, Von Gemmingen, Abney.
NAYS: Fairclough.

- G. Resolution No. AR 99-83, a resolution of the Anchorage Municipal Assembly **requesting that the State Legislature amend state law to allow municipalities to establish a limit on annual increases in assessed valuation of real property** unless improvements are made which increase the property's value by an amount greater than the limit, Assemblymember Kendall.
(POSTPONED FROM 4-6-99; CARRIED OVER FROM 4-27-99)

Chairman Wuerch gave the history of the resolution. He recommended a postponement to allow Mr. Kendall to be present during consideration of this item.

Ms. Clementson moved, to postpone action on AR 99-83 until May 25, 1999.
seconded by Mr. Tesche,
and it passed with
Ms. Von Gemmingen objecting,

- H. Ordinance No. AO 99-61, an ordinance repealing and reenacting Chapter 23.30 of the Anchorage Municipal Code, **adopting the 1999 edition of the National Electrical Code** and enacting local amendments thereto, Public Works.
1. Assembly Memorandum No. AM 318-99.
 2. Ordinance No. AO 99-61(S), an ordinance repealing and reenacting Chapter 23.30 of the Anchorage Municipal Code, adopting the 1999 edition of the National Electrical Code and enacting local amendments thereto, Public Works.
 3. Assembly Memorandum No. AM 399-99.
(CARRIED OVER FROM 4-27-99)

Chairman Wuerch gave the history of the ordinance and noted a motion to adopt AO 99-61(S) was on the floor. He had moved on April 27 to divide the question, and time ran out before further action could be considered.

Chairman Wuerch withdrew his motion and requested his second, Ms. Taylor to agree.

Ms. Taylor agreed.

Chairman Wuerch expressed concern about the continuing practice to adopt preferences to the national code as exceptions or amendments when there is no specific, scientific rationale. However, he supported the ordinance as presented in the substitute version.

In response to Mr. Meyer, Public Works Director Jim Fero explained the Building Board reviewed the proposed change. The Electrical Code Committee of that Board is comprised of electrical contractors, engineers and inspectors and is chaired by one of the two electrical representatives on the Board.

Question was called on the motion to adopt AO 99-61(S) and it passed:

AYES: Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Tremaine, Von Gemmingen, Abney.
NAYS: None.

The meeting recessed at 6:10 p.m. and reconvened at 6:30 p.m.

The Assembly then returned to item 8.E.2, AM 369-99.

Mr. Tesche said he consulted with Deputy Municipal Attorney Bill Greene during the recess. Mr. Greene said he reviewed the Municipal Code, and felt the liquor license at the O'Malleys facility was legal.

Mr. Tesche moved, to approve the O'Malleys license portion of AM 396-99.
seconded by Ms. Taylor,
and it passed without
objection,

(Clerk's Note: No further action was taken on the earlier motion to postpone action on the O'Malleys license.)

10. **APPEARANCE REQUESTS:** None.

11. **CONTINUED PUBLIC HEARINGS :**

- A. Resolution No. AR 99-71, a resolution of the Municipality of Anchorage appropriating \$3,968,697 to the Equipment Maintenance Internal Service Capital Fund (606) from various sources for the purpose of **purchasing vehicles and equipment**, Property and Facility Management.
1. Assembly Memorandum No. AM 319-99.
 2. Resolution No. AR 99-71(S), a resolution of the Municipality of Anchorage appropriating \$3,230,370 to the Equipment Maintenance Internal Service Capital Fund (606) from various sources for the purpose of purchasing vehicles and equipment, Property and Facility Management.
 3. Assembly Memorandum No. AM 449-99.
- (CONTINUED FROM 4-27-99)

In response to Chairman Wuerch, Municipal Manager George Vakalis requested approval of the substitute version. He pointed out the total amount in the substitute version was less than that in the original version.

Chairman Wuerch opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Ms. Taylor moved, to approve AR 99-71(S).
seconded by Mr. Sullivan,

AYES: Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Tremaine, Von Gemmingen, Abney.
NAYS: None.

- B. Resolution No. AR 99-87, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Beverage Dispensary License) located on Yukon Industrial Park Subdivision, Lot 1C1 & 1C2, generally located on the north side of West Tudor Road and between "C" Street and Credit Union Drive (Apple Alaska LLC d.b.a. **Applebees Neighborhood Grill and Bar**) (Case 99-081), Community Planning and Development.
1. Assembly Memorandum No. AM 361-99.
- (CARRIED OVER FROM 4-27-99)

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

DAN COFFEY appeared with Bill Pargeter, general manager of Applebees. Mr. Coffey explained all the standards for the conditional use permit have been met, which was confirmed in the staff analysis. The restaurant is located in a business district at the intersection of Tudor Road and C Street. He submitted a photo depiction of how the structure would appear when constructed. Mr. Coffey said the restaurant was the upscale family type, and would be full-service. He noted the license anticipated to be used at the facility would come from the same community council area. In response to Mr. Meyer, Mr. Coffey clarified the license was for the old Midnight Express club.

Chairman Wuerch asked if anyone else wished to speak. There was no one, and he closed the public hearing.

Ms. Clementson moved, to approve AR 99-87.
seconded by Mr. Meyer,

Mayor Mystrom felt Mr. Pargeter would be a great operator for the future license. He said Mr. Pargeter has a good history of operating other good restaurants in Anchorage.

Question was called on the motion to approve AR 99-87 and it passed:

AYES: Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Tremaine, Von Gemmingen, Abney.
NAYS: None.

- C. Resolution No. AR 99-86, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Package Store) located on N 1/2 of the S 1/2 of the SE 1/4 of the SE 1/4 of Section 18, T12N, R3W, S.M., AK, generally located on the west side of Seward Highway and north of O'Malley Road (**Williams Express**) (Case 99-080), Community Planning and Development.
1. Assembly Memorandum No. AM 360-99.
(CARRIED OVER FROM 4-27-99)

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

DAN COFFEY spoke on behalf of the applicant, Mike Saxer. He explained all the conditional use standards have been met in the application. He added the issue was presented to the Bayshore/Klatt Community Council, and Council representatives have written a letter of support for the permit. The proposed location is a business and industrial area on the Old Seward Highway near O'Malley Road. The license would be used in a small portion of the gas station/store for sales of alcohol. In response to Mr. Tremaine, Mr. Coffey said the potential license was from an establishment near Bird, perhaps the old Bird House.

Chairman Wuerch asked if anyone else wished to speak. There was no one.

Ms. Abney moved, seconded by Mr. Tremaine,	to continue the public hearing for AR 99-86 until June 8, 1999 to allow time for the Bayshore/Klatt Community Council to meet and review the proposal.
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Ms. Abney explained Council members have received many calls since their first decision on the proposal, and would like to revisit that decision.

Question was called on the motion to continue the public hearing and it passed:

AYES: Clementson, Tesche, Taylor, Meyer, Fairclough, Tremaine, Abney.
NAYS: Sullivan, Wuerch, Von Gemmingen.

- D. Assembly Memorandum No. AM 317-99, 1999-2000 Liquor License Renewal: **The Woodshed** (Beverage Dispensary), Clerk's Office.
(CARRIED OVER FROM 4-27-99)
1. Resolution No. AR 99-121, a resolution of the Anchorage Municipal Assembly waiving protest of the renewal of The Woodshed's beverage dispensary liquor license subject to certain license conditions, Assemblymember Tesche. (**LAI D ON THE TABLE**)

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

DAN COFFEY spoke representing the license owners, Ms. Chen and Mr. King. He explained there was a question of a noise problem at the establishment. He noted there was one residential building in the immediate vicinity of the club, the Turnagain Arms Apartments on 3rd Avenue. He submitted twelve statements from various residents of the Apartments that they do not feel there is a noise problem. About a year ago, there was a complaint about noise, and the operators agreed to close the windows at night so sound does not escape the club. Mr. Coffey said since then, he has discussed the issue with Ms. Grisco from the Downtown Community Council. She suggested the telephone phone number of the establishment be posted in the Apartments, so residents can make reports if necessary. He said the operators were happy to post the telephone number as requested.

In response to Mr. Meyer, manager of the Woodshed George King said the Council had recommended in addition to keeping windows closed, that he should acquire air conditioners that will maintain healthy interior air circulation. Mr. King pointed out there are currently three smoke-eaters, two ionizers and various fans used to keep interior air circulating. He said occasionally, customers open a window in the pool room, despite the presence of signs posted requesting windows remain closed after 10:00 p.m. He said he keeps checking on the windows, and closes them whenever possible. He guessed customers might open the window because it is too warm; he felt the air was not too smoky. He tried to provide a comfortable atmosphere for customers.

In response to Ms. Von Gemmingen, Mr. Coffey addressed comments in a community council bulletin suggesting a complaint be forwarded to the Assembly about noise and wiring. He felt the comment about wiring was a mistake, because Ms. Chen and Mr. King were told so at a meeting on Thursday evening.

MARY GRISCO, president of the Downtown Community Council, said Council members discussed the proposed renewal. She confirmed the wiring turned out to be a non-issue. There were concerns about light pollution in the area. Council members would like to make sure windows remain closed. The air conditioning comments were brought up because if customers are opening windows because of excessive heat, air conditioning might be a good idea. Ms. Grisco said she would appreciate the telephone number of the establishment being posted in the Turnagain Arms Apartments so residents can complain if and when necessary. In response to Mr. Tesche, Ms. Grisco said three persons complained about noise at the Council meeting. In the past, there have been discussions with the Hilton Hotel management about some guests expressing concerns about noise. Those comments were not identified specifically as originating from noise at the Woodshed. In response to Ms. Fairclough, Ms. Grisco could not identify the exact number of members present at the meeting where three persons complained about noise. However, she pointed out Council meetings normally have at least 20 people in attendance.

Chairman Wuerch asked if anyone else wished to speak. There was no one, and he closed the public hearing.

Ms. Abney moved, seconded by Ms. Taylor,	to approve AM 317-99.
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Mr. Tesche moved, to substitute AR 99-121, as amended later by Ms. Clementson.
seconded by Ms. Fairclough,

Mr. Tesche explained the conditions in the resolution would require the management to close windows in the establishment at night and acquire and utilize air conditioners to maintain healthy interior air circulation.

Mr. Coffey said the requirement about the windows was agreeable. He said they felt the air conditioning situation was not in need of adjustment. He felt a requirement regarding interior air conditioning would be micromanagement. He asked the provision for posting the establishment’s telephone number at the Turnagain Arms Apartments be added to the list of conditions.

Ms. Clementson proposed an amendment to delete the conditions on lines 34 through 37, and replace that language with text to read: “...fully complying with all provisions of Anchorage Municipal Code Titles 15 and 16 relating to noise and public nuisances.”

Ms. Clementson pointed out the original conditions in the resolution would be difficult to enforce.

Mr. Sullivan felt the amendment was unnecessary, because there is already a requirement for all citizens to comply with the law. He expressed concern about the Whereas clause in the resolution which stated “the Assembly has found this evidence to reflect concerns that this noise is excessive and disruptive...” Mr. Sullivan pointed out Mr. Coffey submitted letters from many residents stating there is not a noise problem.

Ms. Von Gemmingen agreed with Mr. Sullivan. She felt it was a waste of the Assembly’s time to include conditions that were already a matter of law.

Mr. Tesche felt the purpose of the conditions was to send a signal to the licensee that the Assembly is concerned. Also, the conditions would give citizens’ a method of resolving any complaints or problems with the Administrative Hearing Officer.

Ms. Clementson agreed it was important to document specific concerns about the establishment.

Question was called on the motion to substitute AR 99-121 as amended and it passed:

AYES: Clementson, Tesche, Taylor, Meyer, Fairclough, Tremaine, Von Gemmingen, Abney.
NAYS: Sullivan, Wuerch.

Ms. Fairclough moved, to amend AR 99-121 on line 20 to read: “...concerns that
seconded by Ms. Clementson, this noise is disruptive to surrounding businesses...”
and it passed without
objection,

Question was called on the motion to approve AR 99-121 as amended and it passed:

AYES: Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Tremaine, Abney.
NAYS: Von Gemmingen.

Ms. Clementson moved, to combine the public hearings for items 11.E and F,
seconded by Ms. Fairclough, AR 99-75 and AO 99-63.
and it passed without
objection,

- E. Resolution No. AR 99-75, a resolution of the Municipality of Anchorage providing for a **revision of the 1999 General Government Operating Budget**, Office of Management and Budget.
 - 1. Assembly Memorandum No. AM 332-99.
(CARRIED OVER FROM 4-27-99)
- F. Ordinance No. AO 99-63, an ordinance **setting the rate of tax levy and levying taxes** for the Municipality of Anchorage Areawide General Purposes including municipal schools and all services of the Municipality for the Municipal Tax Year 1999, Office of Management and Budget.
 - 1. Assembly Memorandum No. AM 331-99.
(CARRIED OVER FROM 4-27-99)

Chairman Wuerch noted there was intent to continue these items to a special Assembly meeting to be held after the State Legislative session recesses. He pointed out the amount of Municipal revenue sharing, which will be decided during that session, would affect the amount of tax levy set by the Assembly. He opened the public hearing for AR 99-75 and AO 99-63 and asked if anyone wished to speak. There was no one.

In response to Chairman Wuerch, Mayor Mystrom confirmed he intended to call a special Assembly meeting to resolve this issue, after the State Legislative session recesses. He suggested continuing the public hearing until that special meeting.

Ms. Von Gemmingen moved, to continue the public hearing for AR 99-75 and AO 99-63
seconded by Ms. Fairclough, until a special Assembly meeting on May 20, 1999.
and it passed without
objection,

Chairman Wuerch noted if anyone appeared later in this meeting that could not attend the May 20 meeting and wished to testify on these items, he would allow them to do so.

- G. Ordinance No. AO 99-60, an ordinance amending Anchorage Municipal Code Title 2 to enact a **Demerit Point System** to identify potential and actual problem alcoholic beverage licensees and establish standards and procedures for the assignment of points, notices, hearings and Assembly action on warnings to potential problem licensees and Assembly protests of the issuance, renewal, transfer and continued operation of an alcohol beverage license and Assembly issuance, revocation or modification of or imposition of conditions on conditional land use permits for the retail sale of alcoholic beverages, Assemblymember Wohlforth.
1. Assembly Memorandum No. AM 314-99.
 2. Ordinance No. AO 99-60(S), an ordinance amending Anchorage Municipal Code Title 2 to enact a Demerit Point System to identify potential and actual problem alcoholic beverage licensees and establish standards and procedures for the assignment of points, notices, hearings and Assembly action on warnings to potential problem licensees and Assembly protests of the issuance, renewal, transfer and continued operation of an alcohol beverage license and Assembly issuance, revocation or modification of or imposition of conditions on conditional land use permits for the retail sale of alcoholic beverages, Assemblymember Wohlforth.
 3. Assembly Memorandum No. AM 388-99.
- (CARRIED OVER FROM 4-27-99)

Chairman Wuerch noted there was intent to hold meetings with an Assembly ad hoc committee and industry representatives, to recommend options on this topic. He opened the public hearing and asked if anyone wished to speak. There was no one.

Mr. Tesche moved, to continue the public hearing for AO 99-60 until August 17, 1999.
seconded by Ms. Clementson,
and it passed without objection,

- H. Ordinance No. AO 99-8, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 4.60, Program Advisory Boards, to **establish an Anchorage Trails Commission**, Assemblymembers Abney and Taylor.
1. Assembly Memorandum No. AM 115-99, Anchorage Trails Commission, Community Planning and Development.
- (CONTINUED FROM 2-2-99 AND 3-2-99)

Chairman Wuerch opened the public hearing and asked if anyone wished to speak. There was no one.

Ms. Abney moved, to continue the public hearing for AO 99-8 until May 25, 1999.
seconded by Ms. Taylor,
and it passed without objection,

- I. Ordinance No. AO 99-65, an ordinance amending Anchorage Municipal Code by enacting a new Section 2.20.100 to **prohibit the expenditure of public funds appropriated by the Assembly to lobby the Assembly or School Board**, Assemblymember Bell.
- (CARRIED OVER FROM 4-27-99)

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

ANDREE MCLEOD felt a definition of lobbying should be created and inserted in the Municipal Code. She pointed out there has been an increase in special interest activities and funding directed toward elected officials. She said the proposed ordinance would be a step in the right direction to analyze the impact of these activities. She objected to using Municipal funds, which are in short supply, to pay people who will lobby the Assembly to receive funds for various other interests. Ms. McLeod pointed out direct communications between the Assembly members and between the Assembly and School Board serve the public interest. She felt another issue which should be addressed is disclosure of lobbyist funding sources.

Chairman Wuerch asked if anyone else wished to speak. There was no one, and he closed the public hearing.

Ms. Clementson moved, to approve AO 99-65.
seconded by Ms. Fairclough,

Ms. Clementson agreed with the principal of the ordinance. She felt Municipal funds should be spent on direct services rather than lobbying services.

Mr. Meyer agreed. However, he pointed out taxpayer funds are used to hire lobbyists to represent the Municipality before the State Legislature. He questioned which organizations would be affected by the ordinance. He questioned whether the Municipal attorney had reviewed the legal opinion of the School District's attorney on this ordinance.

Chairman Wuerch pointed out the Anchorage School District (ASD) sent a letter saying its attorney feels the proposed ordinance has no bearing on ASD operations.

Deputy Municipal Attorney Bill Greene said he reviewed the ASD attorney's opinion. He felt the question was somewhat open, as he was not aware of any court decisions or opinions on the topic. ASD operation is guided by Alaska Statutes Title 14.

In response to Mr. Meyer, Municipal Manager George Vakalis said the administration did not have a position on the ordinance.

Ms. Abney said the issue was difficult, because the Municipality receives funding from the State and Federal governments, and pays lobbyists from both entities. She felt the Municipality does not have the right to determine how ASD uses its funding.

Ms. Von Gemmingen felt the provisions in the ordinance were directed at one person, who resigned as the lobbyist for the School District. She said she was offended at remarks said she was offended at remarks in an Anchorage Times editorial about the Assembly's approval of the ASD budget. She pointed out the Assembly attempted to amend the budget, but those attempts failed. She said the only contact she had with the ASD lobbyist was when he asked if she had any questions on the budget. He offered to have the Superintendent or a School Board member call her to answer any questions. She added the lobbyist has never held a fund-raising event for her, as alleged in the editorial. She stressed Assembly members take a lot of time to research issues and vote based on input from many sources, not monetary contributions.

Mr. Tesche felt the ASD attorney's opinion was well-reasoned. Combined with the Municipal Attorney's opinion, there seemed to be a substantial question of whether the Assembly has the authority to adopt this ordinance as presented. He was not convinced there was a compelling public policy reason to support the ordinance. Also, he felt the ordinance would not be the best way to repair relations between the Municipality and the ASD. Therefore, he opposed the ordinance.

Ms. Taylor concurred with Ms. Abney and Ms. Von Gemmingen. She was concerned that adoption of the ordinance would set a bad precedence. Also, the ordinance was drafted in response to the actions of one person, who no longer is employed by the ASD. She felt the Assembly should take action for the good of the entire community.

Mr. Sullivan did not support the ordinance. He was concerned adoption would result in legal entanglements that would not be productive. He intended to introduce an ordinance in the future to address the topic of disclosure by lobbyists who lobby the Assembly.

Ms. Clementson said she also was pursuing such an ordinance. She felt lobbyists were necessary to protect the Municipality's interests in the State and national capitals because those seats of government are so distant from Anchorage. Even if the proposed ordinance appeared to be aimed at one person, she felt the concept of the legislation was important.

Mr. Tremaine looked forward to viewing and considering Mr. Sullivan's proposal. He felt there is confusion among citizens about lobbyists and their activities with Assembly members. He pointed out at the State level, Alaska Public Offices Commission laws make lobbying disclosures clear. It might be worth considering clarifying local lobbying with some type of regulation.

Question was called on the motion to adopt AO 99-65 and it failed:

AYES: Clementson, Meyer.

NAYS: Sullivan, Tesche, Taylor, Wuerch, Fairclough, Tremaine, Von Gemmingen, Abney.

- J. Ordinance No. AO 99-66, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Sections 15.55.050 and 15.65.030 to extend the **expiration of permits for water well construction and on-site wastewater disposal system construction from one year to two years**, Assemblymember Bell.
1. Assembly Memorandum No. AM 386-99.
 2. Ordinance No. AO 99-66(S), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Sections 15.55.050 and 15.65.030 to extend the expiration of permits or water well construction and on-site wastewater disposal system construction from one year to two years, Assemblymember Bell.
 3. Assembly Memorandum No. AM 387-99.
- (CARRIED OVER FROM 4-27-99)

Chairman Wuerch opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Ms. Clementson moved, to adopt AO 99-66(S).
seconded by Mr. Tremaine,

AYES: Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Tremaine, Von Gemmingen, Abney.

NAYS: None.

12. NEW PUBLIC HEARINGS :

- A. Ordinance No. AO 99-72, an ordinance of the Municipality of Anchorage, Alaska, providing for the **issuance of Senior Lien Refunding Electric Revenue Bonds of the Municipality in the aggregate amount of not to exceed \$43,500,000** for the purpose of providing funds to refund certain outstanding electric revenue refunding bonds and to pay costs of issuance; fixing certain covenants and protective provisions safeguarding the payment of the principal of and interest on said bonds; delegating to the Chief Fiscal Officer certain matters relative to said bonds; authorizing an official statement; and authorizing the sale of such bonds, Finance.
1. Assembly Memorandum No. AM 397-99.
 2. Ordinance No. AO 99-72(S), an ordinance of the Municipality of Anchorage, Alaska, providing for the issuance of Senior Lien Refunding Electric Revenue Bonds of the Municipality in the aggregate amount of not to exceed \$43,500,000 for the purpose of providing funds to refund certain outstanding electric revenue refunding bonds and to pay costs of issuance; fixing certain covenants and protective provisions safeguarding the payment of the principal of and interest on said bonds;

- delegating to the Chief Fiscal Officer certain matters relative to said bonds; authorizing an official statement; and authorizing the sale of such bonds, Finance.
3. Assembly Memorandum No. AM 450-99.

Chairman Wuerch opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Ms. Clementson moved, to adopt AO 99-72(S).
seconded by Ms. Taylor,

AYES: Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Tremaine, Von Gemmingen, Abney.
NAYS: None.

- B. Resolution No. AR 99-88, a resolution of the Municipality of Anchorage appropriating \$1,448,763 from Alaska Housing and Finance Corporation (AHFC) to the State Categorical Grants Fund (231) for the **Weatherization Assistance Program**, Health and Human Services.
1. Assembly Memorandum No. AM 379-99.

Chairman Wuerch opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Ms. Clementson moved, to approve AR 99-88.
seconded by Mr. Tesche,

In response to Mr. Meyer, Health and Human Services Department Director Mary Good explained how people may apply for Weatherization program funding. She said the program is for disabled people as well as low income people. She said the proposed appropriation would fund repairs for about 300 homes.

Question was called on the motion to approve AR 99-88 and it passed:

AYES: Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Tremaine, Von Gemmingen, Abney.
NAYS: None.

- C. Resolution No. AR 99-89, a resolution of the Municipality of Anchorage appropriating \$518,000 of anticipated building permit revenue to the Department of Public Works, Building Safety Division for **internet payment, staffing, and hardware and software for Phase II of the Permit Automation System**, Public Works.
1. Assembly Memorandum No. AM 365-99.

Chairman Wuerch opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Ms. Fairclough moved, to approve AR 99-89.
seconded by Ms. Abney,

In response to Mr. Tremaine, Municipal Manager George Vakalis explained a few years ago, a consultant reviewed the entire permitting system and made recommendations for improvements. Part of the recommendations called for automating the permitting system. There were three phases in that project. Phase II has been implemented and has been very successful. The proposed appropriation will be a continuation, and includes funding for hardware to allow the public to access the system at the public counter at Public Works. It will also fund fax-back capability and other services.

In response to Chairman Wuerch, Public Works Director Jim Fero said the ultimate goal was to allow people to go through the entire permit system over the Internet, and the only need for a personal visit to Public Works would be to deliver hard copies of the plans of a new structure. That goal is about a year or two in the future.

In response to Mr. Sullivan, Mr. Vakalis said the appropriation would be funded completely by building permit revenues.

In response to Ms. Taylor, Ron Watts of Public Works said maintenance of the equipment would be provided primarily by internal personnel.

Question was called on the motion to approve AR 99-89 and it passed:

AYES: Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Tremaine, Von Gemmingen, Abney.
NAYS: None.

- D. Resolution No. AR 99-90, a resolution of the Municipality of Anchorage appropriating \$298,704 of contributed revenue within the State Categorical Grants Fund (231) to the Public Works Department for **National Pollutant Discharge Elimination System (NPDES) permit services** provided in 1999, Public Works.
1. Assembly Memorandum No. AM 366-99.

Chairman Wuerch opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Mr. Meyer moved, to approve AR 99-90.
seconded by Ms. Taylor,

AYES: Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Tremaine, Von Gemmingen, Abney.
NAYS: None.

Ms. Clementson moved, to combine item 8.E.4, AM 430-99, with the public hearing
seconded by Ms. Taylor, for item 12.E, AR 99-100.
and it passed without
objection,

E. Resolution No. AR 99-100, a resolution of the Municipality of Anchorage appropriating \$400,000 as a loan from the Areawide General Operating Fund (101) to the Miscellaneous Capital/Pass-Thru Capital Improvement Program Fund (409) for **costs associated with the re-survey and re-plat of Rabbit Creek Heights and Rabbit Creek View Subdivisions** to be repaid by the Rabbit Creek Survey Improvement District 1V96, Public Works.

1. Assembly Memorandum No. AM 389-99.

Assembly Memorandum No. AM 430-99, contract amendment No. 2 to Rabbit Creek View Subdivision and Rabbit Creek Heights Subdivision Survey Assessment District 1V96, **professional surveying services** with Kean and Associates, Public Works.

Chairman Wuerch opened the public hearing for AR 99-100 and AM 430-99 and asked if anyone wished to speak.

PAUL RICHARDSON, chair of the Bear Valley Community Council, said he has been working on this issue with the community for almost eight years. He showed a video tape of a meeting with the community members where they were initially told the parameters of the assessment district. A major question of the community was how the project would be funded. In response to Chairman Wuerch, Mr. Richardson said the meeting was in 1996, located in a Municipal building, and was attended by Bob Bell, Pat Abney, Steve Rieger, Tom Knox, Mark Sollenberger and other Municipal officials. He offered to make the entire video available to Assembly members. He said the information that was important in the video was a statement by a Municipal official that if the cost of the district exceeded 110 percent, there would be a re-ballot.

In response to Ms. Clementson, Public Works Director Jim Fero said his staff viewed the video tape, and it is their opinion that a voice heard off-screen is that of the then-Municipal Engineer, Ross Dunfee.

Ms. Clementson felt it was important to note that Mr. Dunfee was not Municipal Engineer in 1995, which is when State law was written on this topic. That law says that all costs may be assessed, and takes precedence over Municipal law.

Mr. Richardson said there are still properties in the neighborhood that cannot get financing. He felt if the ballot indicated the assessment was going to be \$2,000 per property, the majority of property owners would have voted against the district.

ALFY BAKHOUM said he was a property owner in this subdivision since 1970. Ever since then, he has experienced continual problems regarding the survey and assessments. He said originally, the assessment was about \$1,200 for each of his five parcels. Now, the assessment will be \$12,500, and he will lose about ten percent of his property as a result of the re-survey.

ERIC SCHMIDT, a property owner with two lots, felt the amount of other assessment districts in Anchorage were irrelevant. He felt the amount of this district was not trivial to the owners. He said \$1,000 was 1/7th the value of his property, and \$2,300 was almost half the value. He felt victimized by the new costs, which were over double those that were initially assured to property owners. He felt the Municipality should share in part of the increased costs, because it will benefit from the increase in tax revenues from these properties.

DAN STONE, a land owner in the affected area, said the district originally was approved by a small margin. Also, the property owners were assured the assessment would not go over a certain amount, plus a possible ten percent increase. Another assurance was that when the re-survey was complete, there would be another ballot before it was filed in court. All these promises have been broken, and the assessment amount is being increased. He pointed out property owners in this subdivision are not wealthy, and doubling the assessment will have a strong impact. Mr. Stone felt the district would never have been approved if property owners were told they were endorsing a "blank check." He felt the process was fatally flawed, and asked the Assembly for help.

DENIS DALSBY, a contractor, felt Bob Kean may have under-bid the job given all the problems that have occurred. He felt the issue was serious, and was ultimately about money. He said since the Municipality accepted the first survey, it was responsible for any extra costs.

RICHARD LUCU, a property owner, said he had no objection to a re-survey. However, he felt he and other owners were promised the assessment amount would be a certain amount. At the time, he asked for a guarantee that the amount would be about \$1,000 and was told a guarantee was not necessary and would not be given. He felt the property owners were being forced into paying the extra amount.

LEANNE HAMERSKI said she was present at a meeting on May 25, 1993 where the district was discussed. Many issues were raised and many promises were made, including that there would probably be two ballots. One vote was to determine the problems, and another on the solution for those problems. She did not know why the second vote never materialized, or why the issue was rushed into court. She asked the Assembly to help the property owners find out if the problems can be fixed by filing an amended plat. She said the issue has gotten out of hand.

In response to Ms. Fairclough, Municipal Manager George Vakalis said questions of whether the Municipality or property owners had recourse against the title company, or the developer or surveyor have yet to be answered. He said those answers will be provided at a later date.

In response to Ms. Fairclough, Tom Knox of Public Works said in 1970, a plat was submitted to the Borough. If it met the format of existing platting law, it was accepted and sent to be recorded. There was no computation check or a field check of the monuments.

LAUREEN FIORI said she was told the assessment would be between \$1,000 and \$1,500. She objected to paying for someone else's mistake, especially after receiving promises by Municipal officials. Her home is only worth \$23,000, and her land was worth only \$7,500. At one time, it was worth \$45,000. She said \$2,500 per lot was a great deal of money for her family. She said although the re-survey was necessary, property owners were not given any options. In response to Mr. Tremaine, Ms. Fiori said the decline in her property value was due to the fact that they cannot build on their property, get loans on the property, and the original survey was incorrect.

JOHN PEZENNI asked the Assembly to carefully consider the request for additional assessments. He felt the additional assessment was unwarranted, because the property owners have not voted on it. He said he lost his driveway and about 15,000 square feet of his property, leaving his property almost valueless.

LOANN NEWNHAM, owner of Lot 10, Block 11 Rabbit Creek Heights Subdivision, said she originally voted against the re-plat. She did not object to paying \$1,100 for an assessment. However, she felt the district would not have been approved if residents of the district had been told the assessment would actually be \$2,600. She felt Kean & Associates and the Municipality should bear the cost of the error, rather than the property owners. In response to Mr. Tremaine, Ms. Newnham said she refinanced her property in September of 1998. She had to work with an out-of-state company, because no local companies would deal with the property. As a result, she is paying 10.38 percent interest. In response to Ms. Clementson, Ms. Newnham said when she purchased the property three years ago, she was paying 7.25 percent interest.

The meeting recessed at 8:35 p.m. and reconvened at 8:45 p.m.

BRIAN COOPER, owner of three lots in the subdivision, objected to the fact that an extra \$400,000 was added to the cost of the district since it was more than the residents had originally voted on.

PAUL FIORI said he had an interest in three of the lots in the subdivision. He gained a five foot strip of land as a result of the re-survey. He questioned the accuracy of the new survey. Also, he wondered why an estimate was part of the survey contract. Mr. Fiori questioned how the Municipality could charge interest on a loan that the residents are receiving from the State Legislature.

JEFF LOWELL responded to the question of the residents "*will you not be better off after paying the \$2,600 assessment?*" He felt that was the wrong issue. The critical issue was that residents were promised the assessment would be \$1,100 per lot.

RICK THOMAS, owner of two lots in Bear Valley, felt the issue was credibility. He recalled meetings with Public Works officials in 1996 when he specifically asked how the proposed amount of the assessment could be guaranteed. The response, from Mr. Sollenberger, was that if the costs exceeded 110 percent, there would be another ballot. He was unhappy with the way the Department used the first amount of funding from the residents, and he was afraid to pay another \$1,500 because he has lost confidence in the staff.

JENNIE FUSSNER said she and her husband purchased land in the subdivision in 1983. A few years later, they found out Municipal officials have known for years the survey in the subdivision was incorrect. They installed a well and septic system after guessing where the property lines might be. They were willing to pay the assessment for a new survey. Ms. Fussner felt the Municipality should bear the cost of the increased assessment, and take responsibility for a mistake made by Municipal officials in the past.

SHAN FORSHEE, a homeowner in Rabbit Creek Heights, said most residents agree they want the problem resolved, and are willing to pay for the resolution. They voted to pay a certain amount. She agreed the residents would benefit from the re-survey. However, the Municipality would also benefit. She asked the Assembly to ensure the Municipality shared in some of the expense.

GEORGE BRYSON, a homeowner, pointed out most of the cost overrun has been a result of additional legal expenses. He wondered why the legal work was contracted out rather than being handled by the Municipal Attorney's office. He agreed with his neighbors that they are hoping for equity in this situation. They have all paid a lot already, and it seems reasonable for the Municipality to bear some of the cost of the additional legal expenses. He acknowledged the Assembly only has the choice to approve or deny the appropriation, so he supported approval. However, he strongly urged the Assembly to bring forward an item in the future to provide for some recompense for attorney's fees.

RODNEY POWELL, president of the Bear Valley Community Council, spoke as an individual. He said his property was not in the survey area, but he has attended most of the meetings on this issue over the past five years. Mr. Powell felt Municipal staff and the subcontractor have done an excellent job of informing the public and accommodating individuals. He pointed out residents were told many times there was no way to control the costs. Promises were made by Municipal officials, but not all of them were included in the contract. He felt the process was fair, and the subcontractor did an admirable job given the circumstances. Mr. Powell felt there was a misunderstanding by the public about the vote to increase the costs. He felt a few residents were charged unfair amounts, and he encouraged the Assembly to pursue some relief action for them. He pointed out some families cannot afford the new assessment amount. He pointed out part of the decrease in value of the lots was due to septic rules and regulations which made some of the lots undevelopable. He felt the Municipality should assume some of the financial burden, or give up some of the rights-of-way.

JONNIE STEPHAN said her property was one that has decreased significantly in value. The situation was even more difficult now that she is being asked to pay so much more than what she originally agreed to.

Chairman Wuerch asked if anyone else wished to speak. There was no one, and he closed the public hearing.

Chairman Wuerch noted the decision before the Assembly was whether to appropriate funds to complete the project. That decision would not assess costs to property owners. At some point in the future, after the court has made a ruling and the administration has totaled all the costs of the districts, an assessment roll will be presented to the Assembly. The body will then decide how those costs will be allocated.

In response to Chairman Wuerch, Municipal Attorney Mary Hughes said it is unclear how this situation would be affected by State law. She felt the scenario he mentioned was possible; another option was for the administration to return to the Assembly with the total costs before the issue goes to the court. She said a postponement until May 25 would be acceptable.

Ms. Abney moved, to approve AR 99-100.
seconded by Ms. Fairclough,

Ms. Abney moved, to postpone action on AR 99-100 until May 25, 1999.
seconded by Mr. Tesche,

In response to Mr. Tesche, Ms. Hughes felt State law regarding local special assessment districts was open to interpretation. She said the administration would likely have a policy recommendation on May 25.

Ms. Fairclough requested information on whether the original surveyor had Errors and Omissions insurance, and whether the statute of limitations was past to collect on that insurance.

Mr. Knox explained the original surveyor, William E. Johnson, lost his surveying license in the mid-1980's. There was a stipulation that he could reapply for licensure in five years; to Mr. Knox's knowledge, Mr. Johnson has not regained his license. Therefore, Mr. Johnson could not amend the plat.

Municipal Manager George Vakalis said he would attempt to verify whether Mr. Johnson held E & O insurance at the time the survey was performed.

Ms. Clementson requested a copy of the entire ballot, and the original ordinance creating the assessment district.

In response to Mr. Sullivan, Ms. Hughes explained the law says the court shall assess all costs. That is why she recommended the costs, including any amount the Municipality might be willing to pay, be determined before the issue goes to court.

In response to Chairman Wuerch, Ms. Hughes said the legal work has been done by outside attorneys. She said normally, the work would have been handled internally. If it is allowed under the contract, she would recommend attempting to switch the work to her office.

Question was called on the motion to postpone action on AR 99-100 until May 25, 1999 and it passed without objection.

Mr. Tesche moved, to postpone action on AM 430-99 until May 25, 1999.
seconded by Ms. Fairclough,
and it passed without
objection,

- F. Resolution No. AR 99-109, a resolution of the Municipality of Anchorage appropriating \$51,040,000 of proceeds of General Obligation Bonds to the Areawide CIB Fund (401), Anchorage Fire Service Area CIB Fund (431), Anchorage Roads and Drainage Service Area CIB Fund (441), Anchorage Parks and Recreation Service Area CIB Fund (461), and the Eagle River-Chugiak Parks and Recreation Service Area CIB Fund (462) to pay the costs of public safety, cemetery, fire protection, road, storm drainage, parks and recreation and related capital improvement projects; and contributing \$712,500 from the Anchorage Roads and Drainage Service Area CIB Fund (441), \$484,500 from the Anchorage Parks and Recreation Service Area CIB Fund (461), and \$100,000 from the Eagle River-Chugiak Parks and Recreation Service Area CIB (462) to the Equipment Maintenance Internal Service Fund (601) for the **purchase of Street Maintenance vehicles, Parks and Recreation vehicles and equipment**, Office of Management and Budget.
1. Assembly Memorandum No. AM 414-99.

Chairman Wuerch opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Mr. Meyer moved, to approve AR 99-109.
seconded by Ms. Taylor,

AYES: Sullivan, Tesche, Taylor, Wuerch, Meyer, Fairclough, Tremaine, Von Gemmingen, Abney.
NAYS: None.

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

- G. Resolution No. AR 99-101, a resolution **adopting the 1999 Action Plan of the Municipality of Anchorage 1995-2000 Housing and Community Development Consolidated Plan**, which constitutes the application to the U.S. Department of Housing and Urban Development for the Community Development Block Grant,

the HOME Investment Partnership Program grant and the Emergency Shelter grant, Community Planning and Development.

1. Assembly Memorandum No. AM 390-99.

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

MARC MARLOW questioned whether this legislation included Housing and Urban Development Section 108 funds for urban revitalization.

In response, Community Planning and Development Director Caren Mathis explained Section 108 is not included in the draft plan currently. However, that does not preclude an amendment to the plan in the future, to add Section 108 funds.

PATRICK FULLERTON, acting chair of the Housing and Neighborhood Development Commission, said the Commission members passed a motion in support of this Plan at the Commission's April 14 meeting. He said members of the Commission and many people from various community organizations have spent many hours on components of this Plan. He recommended approval of the Plan. He explained there is a deadline to submit the Plan to the U.S. HUD organization of May 15, 1999.

Chairman Wuerch asked if anyone else wished to speak. There was no one, and he closed the public hearing.

Ms. Fairclough moved, to approve AR 99-101.
seconded by Ms. Taylor,

AYES: Kendall, Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Tremaine, Von Gemmingen, Abney.
NAYS: None.

- H. Ordinance No. AO 99-68, an ordinance authorizing **conveyance by quitclaim deed of any interest in a portion of the Chester Creek Greenbelt** immediate adjacent to Tract 2, Plat P-76, Legal Department.
 1. Assembly Memorandum No. AM 363-99.

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

BRUCE NAHORNEY, owner of the subject property, explained this conveyance was because of a complication with the title to the property. The original property owner, Mrs. Gay, sold her property to the Paulson's, who sold it to him in 1960. However, Mrs. Gay re-sold the same property to another party about 20 years later. He said the problem resulted from divergent titles. He offered to pay the platting and recording fees. In response to Mr. Tesche, Mr. Nahorney said the taxes on the property are current; he has been paying the taxes since 1960. He said the subject property was essentially used as his backyard. It is very steep, and there was a staircase there until about 18 months ago.

Chairman Wuerch asked if anyone else wished to speak. There was no one, and he closed the public hearing.

Mr. Tesche moved, to adopt AO 99-68.
seconded by Ms. Taylor,

Mr. Tesche complimented the Municipal Attorney for a succinct and accurate description of the events. He recommended approval.

Question was called on the motion to adopt AO 99-68 and it passed:

AYES: Sullivan, Tesche, Taylor, Wuerch, Meyer, Fairclough, Tremaine, Von Gemmingen, Abney.
NAYS: None.

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

- I. Ordinance No. AO 99-71, an ordinance of the Municipality of Anchorage **authorizing a sale by the Department of Property and Facility Management of property and improvements located at Lots 2, 7, 8 & 9A, Block 23, and Lots 4, 5 & 6, Block 24, East Addition to Original Townsite, Anchorage, Alaska**, on a sole source basis to Marc Marlow, principal in Blight Busters, Inc., LLC, for appraised market value, Heritage Land Bank.
 1. Assembly Memorandum No. AM 394-99.

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

MARC MARLOW spoke in support of the ordinance, on the condition the Assembly finds that the legislation is necessary. He felt the issue was resolved by AO 98-134, which was adopted by the Assembly last year. In his opinion, the proposed ordinance would replace the older ordinance without repealing the provisions in AO 98-134. Mr. Marlow felt AO 98-134 provided him with an absolute and exclusive right to purchase the annex to the MacKay Building. He has worked hard to accomplish the goals of that ordinance. He believed the introduction of the proposed ordinance called into question his credibility with the State of Alaska, who was to lease part of the annex from him.

In response to Mr. Tesche, Mr. Marlow said he felt AO 98-134 accomplished his goals and those of the Municipality as he understood them. If the Assembly agrees, he encouraged them to reject the proposed ordinance, which he felt was essentially the same as the previous ordinance.

In response to Ms. Clementson, Mr. Marlow explained AO 98-134 provided for removal of the annex and associated land from the Heritage Land Bank, transfer of control to Property and Facility Management, and eventual disposal to him for fair market value.

DENNIS LAVEY, owner of the Days Inn and some land across the street from the MacKay Building, pointed out last year, there were conditions wisely attached to the transfer of the property. Now, less than six months later, the Assembly is being asked to remove those conditions. He felt the only way to find out the true value of the property was a bid process. That process was done in the past and found to be flawed. Now, the proposal is to sell the property to Mr. Marlow through a sole source bid. He opposed that scheme. Mr. Lavey also pointed out only one of the seven conditions that were stipulated prior to transfer of the property have been satisfied. He said other conditions in the original ordinance have been modified in the proposed ordinance. He encouraged the Assembly to delay further action until some improvement in the MacKay Building are evident.

Chairman Wuerch asked if anyone else wished to speak. There was no one, and he closed the public hearing.

Mr. Sullivan disclosed a potential conflict of interest. He said he represented the estate of Harvey Sullivan, which owns interest in the MacKay Building. Although he would not benefit from the sale of the annex or the MacKay Building, there are heirs to his brother's estate, sons and daughters, who will benefit.

Mr. Meyer moved, the question "does Mr. Sullivan have a substantial financial
seconded by Ms. Von Gemmingen, in the matter before the Assembly?"

In response to Ms. Clementson, Deputy Municipal Attorney Bill Greene said under the Municipal Code definition of immediate family, the financial interests of immediate family are imputed to the Assembly member.

Ms. Clementson felt according to that definition, Mr. Sullivan has a conflict. She pointed out the MacKay Building and the annex building are connected in that and have the same foundation, and what happens to one would significantly affect the other.

Mr. Sullivan responded there is not a common foundation between the buildings. He questioned the definition of immediate family.

Mr. Greene quoted from the Municipal Code Title 1.15.030: *Immediate family of a person means anyone related to that person by blood, marriage or adoption or who lives in that persons household.*

Question was called on whether Mr. Sullivan had a substantial financial interest in the matter before the Assembly and it passed:

AYES: Clementson, Tesche, Taylor, Wuerch, Fairclough, Tremaine, Abney.
NAYS: Meyer, Von Gemmingen.
ABSTAIN: Sullivan.

Ms. Von Gemmingen moved, to adopt AO 99-71.
and it died for lack of a second,

Chairman Wuerch ruled AO 99-71 died for lack of a second to adopt, and was complete. He explained the provisions of AO 98-134, adopted on September 15, 1998. Since AO 99-71 died, the provisions in AO 98-134 continue in effect and will prevail for disposition of the subject property.

In response, Municipal Attorney Mary Hughes explained the reason AO 99-71 was presented was because it was believed the sale of the MacKay annex and associated properties were subject to conditions in the memorandum. She understood the Assembly's action tonight to mean there are no conditions on the sale.

Chairman Wuerch said AM 766-98, attached to AO 98-134, did not contain specific conditions.

Mr. Tesche noted the conditions that he understood were placed on the sale were contained in AR 98-363, the resolution granting the tax exemption, approved on November 17, 1998.

Executive Manager Elaine Christian clarified AO 98-134 contained a provision to allow the ability to negotiate an option without consummating the sale. She clarified her remarks at the worksession earlier today, to say there would be no conditions on the sale under AO 99-71. She said the conditions in AR 98-363 were related to the annex properties.

Ms. Hughes confirmed there would have been no conditions on the sale if AO 99-71 was adopted. She clarified that the conditions in the 1998 resolution and ordinance have not been satisfied, so she could not approve the sale to Mr. Marlow. If AO 99-71 was adopted, the sale could proceed without conditions.

Chairman Wuerch pointed out since the Assembly allowed AO 99-71 to die, AO 98-134 was the controlling ordinance for the sale of the property.

- J. **Ordinance No. AO 99-73**, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 28.20.060, **Notice of Bonded Indebtedness Prior to Bond Issue Election**, to include the cost per \$100,000 of assessed valuation, Assemblymember Taylor.
1. Assembly Memorandum No. AM 398-99.

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

BARBARA WEINIG said for many years, she has requested the Office of Management and Budget place Notice of Bonded Indebtedness language in bond information sheets for the elections. She said she would prefer that in addition to the amount of outstanding debt, the outstanding interest that would be incurred also be listed in the Notice of Bonded Indebtedness. She felt this information was an important part of the bond, and the public has a right to the information.

Chairman Wuerch asked if anyone else wished to speak. There was no one, and he closed the public hearing.

Ms. Taylor moved, to adopt AO 99-73.
seconded by Ms. Abney,

Ms. Taylor moved, to amend AO 99-73 on line 34 to read: "...by bond type and
seconded by Ms. Abney, year, including outstanding interest; and"

In response to Ms. Von Gemmingen, Chief Fiscal Officer Soren Orley said disclosing the information would not pose a problem. He pointed out that when interest rates change to a more favorable rate, bonds are refunded. Therefore, the information will change from time to time.

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

Question was called on the motion to adopt AO 99-73 as amended and it passed:

AYES: Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Tremaine, Von Gemmingen, Abney.
NAYS: None.

Ms. Von Gemmingen clarified a comment she made earlier in the meeting, during discussion of item 11.I. She had said the lobbyist had resigned his position with the School Board. However, during the recess tonight he spoke to her and said he had not resigned. He said if the ordinance had been adopted, he would have resigned as a paid lobbyist and would have continued on in that position without pay.

13. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS: None.

14. SPECIAL ORDERS:

- A. An Assembly worksession was scheduled for May 18, 1999 at 1:00 p.m. in the Mayor's Conference Room - Room 830, City Hall to consider the **revisions to the 1999 General Government Operating Budget**
- B. Chairman Wuerch announced a **Special Assembly Meeting** would be held on May 20, 1999 at 12:00 noon in the Mayor's Conference Room - Room 830, City Hall to continue the public hearings on items 11.E. & 11.F, AR 99-75 and AO 99-63.
- C. Ordinance No. AO 99-80, an ordinance of the Municipality of Anchorage repealing Section 14. of Anchorage Ordinance No. 98-187 and enacting new effective dates for safety-related ordinances listed in Section 14. of AO 98-187 **regulating vehicles and chauffeurs under the jurisdiction of the Anchorage Transportation Commission**, Assemblymember Kendall. **(LAID ON THE TABLE)**

Ms. Fairclough, Mr. Meyer and Mr. Sullivan joined in introducing this ordinance. The public hearing was scheduled for May 25, 1999.

- D. An Assembly worksession was scheduled for May 25, 1999 at 1:00 p.m. in the Mayor's Conference Room - Room 830, City Hall to consider Resolution No. AR 99-53 related to the **Municipal Light and Power Expansion/Alternate Pole yard.**
- E.

Ms. Clementson moved, to reschedule the public hearing for AO 98-64(S), regarding
seconded by Ms. Fairclough, an increase to the allowable maximum sign viewing area for churches and schools, from May 25 to September 28, 1999.

Ms. Clementson explained September 28 was the date that the entire revision of the sign law will be brought before the Assembly.

Chairman Wuerch opposed the motion. He felt the repeated delays on the sign law revision were deliberate, and if the Assembly encourages continued delays it would place its credibility in question.

Mr. Meyer concurred with Chairman Wuerch.

Mr. Tesche agreed with Ms. Clementson. He acknowledged there have been many delays on the sign law revision, and suggested investigating an improvement to the process by which legislation is forwarded to the Assembly. However, he felt the ultimate responsibility of the Assembly was to approve sound legislation; a change to the entire sign law should include simultaneous consideration of signs for schools and churches.

Ms. Von Gemmingen supported the motion. She pointed out the Assembly now has a committee to track progress on the Comprehensive Plan revision.

Question was called on the motion to reschedule the public hearing for AO 98-64(S) until September 28, 1999 and it passed:

AYES: Sullivan, Clementson, Tesche, Taylor, Fairclough, Tremaine, Von Gemmingen, Abney.
NAYS: Wuerch, Meyer.

15. ASSEMBLY COMMENTS:

- A. Ms. Abney congratulated and welcomed the new Assembly members.
- B. Ms. Von Gemmingen invited everyone to attend the upcoming Spenard Doo Dah Parade on June 21.
- C. Mr. Meyer announced a bicycle rodeo at Providence Hospital. It is an event to perform safety checks on children's bicycles.
- D. Ms. Taylor said she attended the Create Awards, a ceremony for Anchorage students to honor their teachers. She thanked the Mayor and administration for providing the opportunity for the awards. She added the University of Alaska president provided four-year scholarships to the students who honored a teacher, in the name of that teacher.

16. UNFINISHED AGENDA: None.

17. AUDIENCE PARTICIPATION:

THERESA OBERMEYER called attention to the correspondence she submitted about AO 99-67, regarding exclusion of citizens from Municipal parks and facilities. She was concerned that this type of issue could be considered by the Assembly.

ROBERT HAYES, parent of two elementary school students, said his profession was a fire alarm system technician. He expressed concern that he lost his job as a result of his whistleblowing about the Anchorage School District. He questioned why his job was not protected under the Municipal Whistleblower Act. He was a contract employee of the District. He said the Municipal Ombudsman has not responded to his requests for an investigation. He requested that someone take some action on his job termination, as well as the faulty fire alarm systems throughout District facilities.

BARBARA WEINIG noted the list of committee members and liaisons mentioned by Chairman Wuerch earlier in the evening did not include a liaison with the Federation of Community Councils. She felt the Federation and the Assembly benefit greatly by having a member attend Federation monthly meetings. In the past, a specific Assembly member was assigned to attend the meetings.

Mr. Sullivan agreed to attend the FCC meetings. Mr. Tesche agreed to act as a substitute in the event Mr. Sullivan could not attend a meeting.

ANDREE MCLEOD felt the lack of internal control within Municipal government regarding lobbyists leads to confusion and accusations of wrongdoing. She encouraged Mr. Sullivan to pursue his idea of developing legislation to regulate lobbyist activities.

18. EXECUTIVE SESSIONS: None.

19. ADJOURNMENT:

The meeting adjourned at 10:45 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: October 26, 1999

VC/db

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