

**MUNICIPALITY OF ANCHORAGE**

**ANCHORAGE ASSEMBLY**

Minutes for Regular Meeting of October 12, 1999

**1. CALL TO ORDER:**

The meeting was convened at 5:05 p.m. by Assembly Chairman George Wuerch in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

**2. ROLL CALL:**

Present: Dan Kendall, Dan Sullivan, Pat Abney, Allan Tesche, Melinda Taylor, George Wuerch, Kevin Meyer, Anna Fairclough, Dick Tremaine, Fay Von Gemmingen, Cheryl Clementson.  
Absent: None.

**3. PLEDGE OF ALLEGIANCE:**

The pledge was led by members of the Boys & Girls Club.

The students introduced themselves to the Assembly.

Rob Syth, executive director of the Boys & Girls Club thanked the Assembly for its support over the years. He encouraged support of an item on tonight’s agenda, renewal of the Club’s lease at their Woodland Park facility.

**4. MINUTES OF PREVIOUS MEETING:**

- A. Special Meeting - March 5, 1999
- B. Special Meeting - May 4, 1999
- C. Special Meeting - May 14, 1999

Municipal Manager George Vakalis requested the minutes of the March 5, 1999 special meeting be amended on page 2, in the last sentence of the third paragraph to read: “Extending the contract with Allvest on a month-to-month basis...”

Ms. Fairclough moved, seconded by Mr. Sullivan, and it passed without objection,	to approve the minutes of the special meetings of March 5, May 4 and May 14, 1999, including the amendment to the March 5 minutes as indicated by Mr. Vakalis.
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**5. MAYOR'S REPORT:**

Mayor Mystrom noted Anchorage’s bond rating has been in the “A” category for many years. Periodically, the rating is reviewed by various rating agencies. He was pleased to announce that for the first time in recent memory, Anchorage’s bond rating has increased. It moved two steps up to the “AA-” category. The increase in rating will result in lower interest rates and lower bond insurance costs. It reflects confidence by the rating agencies in the Anchorage economy. Two specific items that were mentioned that inspired that confidence was the high fund balance in the budgets, and the MOA Trust Fund which resulted from the sale of the Anchorage Telephone Utility. Mayor Mystrom stressed this was a very positive development. It would also result in a significant savings for taxpayers. He added the improved rating would be applied to general government and the Anchorage Water and Wastewater Utility. Secondly, Mayor Mystrom said progress on the site for a new downtown fire station was good. Negotiations to use the block of land that is occupied by The Hub bar and Gig’s music club are almost complete. He said last night, the Planning and Zoning Commission unanimously approved that site. Unanimous approval for that site was also given by the Geotechnical Advisory Commission. Phase I and II of the environmental assessments have been completed and indicate there are no environmental problems with the site. Also, every community council that is involved has supported the site. He said a work session on the topic is scheduled for next Tuesday.

Chairman Wuerch noted in response to a citizen comment, he requested Public Works staff to investigate the validity of the soils test. He added the Millennium Committee briefed the Assembly today on preparations for the millennium celebration. He announced that Anchorage will be featured on a national broadcast by the Public Broadcasting System (PBS) on New Year’s Eve. PBS will spotlight 25 global cities for the broadcast. He complimented the Committee and the administration for their work on the millennium activities.

Mr. Tesche congratulated the administration for its work on acquiring the site for the downtown fire station. He pointed out a liquor license exists on part of the property, and asked the administration to share its plans to deal with that issue at the appropriate time.

Ms. Abney pointed out she was not informed about the dedication of a new ambulance in south Anchorage.

Mayor Mystrom replied the Assembly is always notified of dedication ceremonies. In this case, he was not aware either, so he could not have notified the Assembly.

Fire Chief Mike Nolan explained the ceremony for Medic 9 was organized by the union; the administration was not involved. He only heard about it late on Friday afternoon.

Ms. Taylor concurred with Chairman Wuerch on his comments about the Millennium Committee. She felt the Assembly's approval of a grant to Anchorage 2000 was a wise investment. The influx of tourist dollars will likely increase over the next few years.

6. ADDENDUM TO AGENDA:

Mr. Meyer moved, to amend the agenda to include the addendum items.  
seconded by Mr. Tesche,

Chairman Wuerch read the addendum items.

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

7. CONSENT AGENDA:

Mr. Meyer moved, to approve all items on the consent agenda as amended.  
seconded by Mr. Tremaine,

A. BID AWARDS: None.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 99-132, an ordinance amending Sections 15.80.050 and 15.80.060 and adding a new Section 15.80.080 of the Anchorage Municipal Code providing for a **fine schedule for offenses relating to the Vehicle Inspection Maintenance Program** to comply with the requirements set forth in Alaska Statute 28.05.151 and Alaska Statute 29.25.070, Health and Human Services. public hearing 10-26-99.
  - a. Assembly Memorandum No. AM 914-99.
2. Ordinance No. AO 99-133, an ordinance amending the zoning map and providing for the rezoning from R-3 (Multiple Family Residential District) to R-4 (Multiple Family Residential District) for the **west 400 feet of the east 500 feet of the south 218 feet of the SE1/4 of the NE1/4 of the NW1/4, Section 25, T13N, R4W, S.M., AK**; generally located on the north side of West 32nd Avenue and west of Minnesota Drive (Spenard Community Council) (Planning and Zoning Commission Case 99-130), Community Planning and Development. public hearing 11-9-99.
  - a. Assembly Memorandum No. AM 936-99.
3. Ordinance No. AO 99-134, an ordinance of the Municipality of Anchorage authorizing the **purchase of Southwood Park Tract A, Anchorage**, Tax ID 012-074-01, an 8 acre parcel from Swamp Rats Inc. for \$45,000, Heritage Land Bank. public hearing 10-26-99.
  - a. Assembly Memorandum No. AM 937-99.
4. Resolution No. AR 99-295, a resolution of the Municipality of Anchorage Assembly appropriating \$22,500 of the Heritage Land Bank General Fund (221) Balance to the Heritage Land Bank Capital Fund (421) for the **purchase of Southwood Park Tract A**, Heritage Land Bank. public hearing 10-26-99.
  - a. Assembly Memorandum No. AM 937-99.
5. Ordinance No. AO 99-135, an ordinance of the Anchorage Assembly enacting a new AMC Chapter 25.80, relating to the **George M. Sullivan Arena**, and a new Section 25.80.010 relating to the booking of events in the Sullivan Arena, Assemblymember Tesche. public hearing ~~10-26-99~~.
  - a. Assembly Memorandum No. AM 944-99.

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

6. Ordinance No. AO 99-136, an ordinance amending Anchorage Municipal Code ("AMC") Subsection 9.65.020A. by removing the requirement that **residential parking zones** only be created where the Anchorage Parking Authority "has code enforcement powers" and amending AMC Sections 9.30.240, 9.30.250, 9.30.260, and 9.30.310 to change any reference to "parking enforcement officer" to "police officer", Assemblymember Tesche. public hearing 10-26-99.
  - a. Assembly Memorandum No. AM 945-99.
7. Ordinance No. AO 99-137, an ordinance amending Anchorage Municipal Code of Ordinances Title 21 concerning **publicly owned and operated outdoor recreation facilities** such as athletic fields, tennis courts, parks and playgrounds and publicly owned and operated buildings and uses in residential zoning districts, Assemblymember Tesche.
  - a. Assembly Memorandum No. AM 946-99.

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

8. Ordinance No. AO 99-138, an ordinance amending the Anchorage Municipal Code to enact a new chapter, **Inspection Fees**, amend Sections 8.40.040, 16.95.065, and 16.100.150, and amend Subsection 23.45.103.2.1 to cover costs of services provided by the Anchorage Police Department and Anchorage Fire Department including inspections, response to false alarms, response to fires, use of ambulance services, and dispatching of ambulances, Legal Department. public hearing ~~10-26-99~~.
  - a. Assembly Memorandum No. AM 947-99.

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

9. Resolution No. AR 99-234, a resolution of the Municipality of Anchorage adopting the **2000-2005 Six Year Fiscal Program**, Office of Management and Budget. public hearing 10-19-99.
  - a. Assembly Memorandum No. AM 810-99.
10. Resolution No. AR 99-277, a resolution of the Municipality of Anchorage appropriating \$220,355 from the Alaska Department of Health and Social Services to the State Categorical Grants Fund (0231) for the **Child Care Licensing Program** in the Department of Health and Human Services. public hearing 10-19-99.
  - a. Assembly Memorandum No. AM 915-99.
11. Resolution No. AR 99-278, a resolution of the Municipality of Anchorage appropriating \$943,314 to the State Categorical Grants Fund (231) from the Alaska Department of Health and Social Services to **fund Community Health Nursing Services**, Health and Human Services. public hearing 10-19-99.
  - a. Assembly Memorandum No. AM 916-99.
12. Resolution No. AR 99-279, a resolution of the Municipality of Anchorage appropriating \$418,604 to the State Categorical Grants Fund (0231) from the Alaska Commission on Aging to assist in the **funding of coordinated transportation services for senior citizens and for people with disabilities** within the Municipality of Anchorage, Public Transportation Department. public hearing 10-19-99.
  - a. Assembly Memorandum No. AM 917-99.
13. Resolution No. AR 99-280, a resolution authorizing the Municipality of Anchorage to **purchase Lot 28, Block 4, Wickersham Park Addition No. 1**, located at 1606 Cache Drive, Anchorage, Alaska, to enlarge the Tudor Elementary School parking lot, Heritage Land Bank/Real Estate Services. public hearing 10-26-99.
  - a. Assembly Memorandum No. AM 918-99.
14. Resolution No. AR 99-281, a resolution **confirming and levying assessments for the Sewer Special Improvements within Levy-Up-on-Connection Roll 99-S-3**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility. public hearing 11-9-99.
  - a. Assembly Memorandum No. AM 919-99.
15. Resolution No. AR 99-298, a resolution of the Municipality of Anchorage appropriating \$224,950 from the Federal Categorical Grants Fund (0241) from the Federal Department of Health and Human Services for the **augmentation of the Metropolitan Medical Strike Team (MMST) System**, Anchorage Fire Department. public hearing 10-19-99.
  - a. Assembly Memorandum No. AM 948-99.
16. Ordinance No. AO 99-139, an ordinance approving for **submission to the Regulatory Commission of Alaska Municipal Light and Power's proposed tariff amendment** adding new Rate Schedules 760, 770, and 775, under which firm electric generation and transmission services would be provided to military installations capable of providing their own distribution services, Legal Department/Municipal Light and Power. public hearing 10-26-99. **(addendum)**
  - a. Assembly Memorandum No. AM 970-99.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 99-282, a resolution of the Municipality of Anchorage appropriating \$85,546 to the State Categorical Grants Fund (231) from the Alaska Department of Labor and Workforce Development for the **JTPA Program**, Community Planning and Development.
  - a. Assembly Memorandum No. AM 920-99.
2. Resolution No. AR 99-283, a resolution of the Municipality of Anchorage providing for the appropriation of a grant totaling \$36,120 from the State of Alaska, Department of Education to the State Categorical Grants Fund (231) for the **800# Interlibrary Loan and Reference Backup Services**, Cultural and Recreational Services/Library.
  - a. Assembly Memorandum No. AM 921-99.
3. Resolution No. AR 99-284, a resolution of the Municipality of Anchorage appropriating \$17,930 from the Alaska State Council on the Arts, \$40,249 from the Anchorage Museum Association, \$10,321 from the Anchorage Museum Foundation, \$8,000 from Anticipated Miscellaneous Revenues and \$19,210 as a contribution from the CY99 Museum Operating Budget to the State Categorical Grants Fund (0231) for **operating support at the Anchorage Museum of History and Art**, Cultural and Recreational Services.
  - a. Assembly Memorandum No. AM 922-99.
4. Resolution No. AR 99-285, a resolution of the Municipality of Anchorage appropriating \$13,000 of Fund Balance from the Birchtree/Elmore Limited Road Service Area (LRSA) Fund (111) to the Department of Public Works 1999 General Operating Budget for **fall maintenance projects**, Public Works.
  - a. Assembly Memorandum No. AM 923-99.
5. Resolution No. AR 99-286, a resolution authorizing the granting of a **tax refund as a result of manifest clerical error on Real Property Account 014-063-35**, Finance.
  - a. Assembly Memorandum No. AM 924-99.
6. Resolution No. AR 99-287, a resolution authorizing the **granting of a tax refund as a result of manifest clerical error on Real Property Account 014-052-28**, Finance.
  - a. Assembly Memorandum No. AM 925-99.
7. Resolution No. AR 99-288, a resolution authorizing the **granting of a tax refund as a result of manifest clerical error on Real Property Account 015-132-35**, Finance.
  - a. Assembly Memorandum No. AM 926-99.
8. Resolution No. AR 99-289, a resolution authorizing the **granting of a tax refund as a result of manifest clerical error on Real Property Account 051-251-36**, Finance.
  - a. Assembly Memorandum No. AM 927-99.
  - b. Information Memorandum No. AIM 83-99.

9. Resolution No. AR 99-290, a resolution authorizing the **granting of a tax reduction as a result of manifest clerical error on Real Property Accounts 051-251-37, 051-251-38, 051-251-39, 051-251-40, 051-251-41, 051-251-44, 051-251-45, 051-251-46, 051-251-47, 051-251-48, 051-251-53, 051-251-54, 051-251-55, 051-251-56, 051-251-57, 051-251-58, 051-251-59**, Finance.
  - a. Assembly Memorandum No. AM 928-99.
  - b. Information Memorandum No. AIM 83-99.
10. Resolution No. AR 99-291, a resolution authorizing the **granting of a tax refund as a result of manifest clerical error on Real Property Account 051-251-43**, Finance.
  - a. Assembly Memorandum No. AM 929-99.
  - b. Information Memorandum No. AIM 83-99.
11. Resolution No. AR 99-292, a resolution authorizing the **granting of a tax refund as a result of manifest clerical error on Real Property Account 051-251-52**, Finance.
  - a. Assembly Memorandum No. AM 930-99.
  - b. Information Memorandum No. AIM 83-99.
12. Resolution No. AR 99-293, a resolution authorizing the **granting of a tax reduction as a result of manifest clerical error on Real Property Account 051-251-64, 051-251-65, and 051-251-66**, Finance.
  - a. Assembly Memorandum No. AM 931-99.
  - b. Information Memorandum No. AIM 83-99.
13. Resolution No. AR 99-294, a resolution authorizing the **granting of a tax reduction as a result of manifest clerical error on Real Property Accounts 051-251-81 and 051-251-82**, Finance.
  - a. Assembly Memorandum No. AM 932-99.
  - b. Information Memorandum No. AIM 83-99.
14. Resolution No. AR 99-296, a resolution of the Municipality of Anchorage appropriating \$4,000 from a National Park Service grant to the Federal Categorical Grants Fund (241) for Girdwood Valley Service Area for **Iditarod National Historic Trail reconstruction**, Cultural and Recreational Services.
  - a. Assembly Memorandum No. AM 938-99.
15. Resolution No. AR 99-297, a resolution of the Municipality of Anchorage appropriating the sum of \$100,000 from the Alaska Department of Transportation and Public Facilities to the State Categorical Grants Fund (231) for an **air quality public awareness campaign** coordinated by the Department of Health and Human Services.
  - a. Assembly Memorandum No. AM 939-99.
16. Resolution No. AR 99-299, a resolution of the Municipality of Anchorage appropriating \$15,000 to the State Categorical Grants Fund (231) from the Alaska Department of Health and Social Services for the provision of **Denali KidCare Services**, Health and Human Services.
  - a. Assembly Memorandum No. AM 949-99.
17. Resolution No. AR 99-308, a resolution of the Municipality of Anchorage **authorizing the Administration to apply for low income Weatherization Assistance Program grant funds** from Alaska Housing Finance Corporation, Health and Human Services. (**addendum**)
  - a. Assembly Memorandum No. AM 958-99.
18. Resolution No. AR 99-310, a resolution of the Anchorage Municipal Assembly **recommending a variable flow level of Cheney Lake**, Assemblymembers Taylor, Abney, Fairclough, Tesche, and Tremaine. (**addendum**)

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

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 941-99, **Zoning Board of Examiners and Appeals appointment** (Kenneth Burkhart), Mayor's Office.

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

2. Assembly Memorandum No. AM 943-99, **Port Commission appointment** (Stephen R. Saunders), Mayor's Office.
3. Assembly Memorandum No. AM 933-99, change order No. 2 to purchase order 80533 with Alcan Electrical and Engineering, Inc. for providing **electrical service crews** on an "as required" basis for the Municipality of Anchorage, Municipal Light and Power/Purchasing.
4. Assembly Memorandum No. AM 934-99, change order No. 1 to purchase order No. 84035 with Big Sky Fire Protection, Inc. to provide **fire sprinkler maintenance** at various municipal facilities, Property and Facility Management.
5. Assembly Memorandum No. AM 935-99, change order No. 2 to purchase order 82213 with Anchorage Sand & Gravel for furnishing **ready mix concrete, cement and sand slurry** for the Municipality of Anchorage, Municipal Light and Power/ Purchasing.
6. Assembly Memorandum No. AM 940-99, change order No. 2 to purchase order 991688 with Statewide Clearing, Inc. for **brush chipping services** for the Municipality of Anchorage, Anchorage Fire Department/Purchasing.
7. Assembly Memorandum No. AM 942-99, recommendation of award to TriData Corporation for providing a **management review of the Anchorage Fire Department** for the Municipality of Anchorage, Assembly Office (RFP 99-P022), Purchasing.

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

8. Assembly Memorandum No. AM 951-99, sole source contract with Emergency Response Institute, Inc. for **updating the Comprehensive Emergency Management Plan** for the Municipality of

- Anchorage, Anchorage Fire Department, Office of Emergency Management and Department of Health and Human Services/Purchasing.
9. Assembly Memorandum No. AM 952-99, change order No. 2 to purchase order 60840 with Abused Women's Aid in Crisis (AWAIC) for providing **LINK project support** for the Municipality of Anchorage, Department of Health and Human Services/Purchasing.
  10. Assembly Memorandum No. AM 953-99, sole source contract with International Business Machines, Inc. (IBM) for providing "**Magstar**" **technology** to the Municipality of Anchorage, Management Information Systems Department/Purchasing.
  11. Assembly Memorandum No. AM 954-99, recommendation of award to PeopleSoft, Inc. for providing **personnel in support of the PeopleSoft Public Sector Financial and Human Resources System** for the Municipality of Anchorage, Management Information Systems Department (RFP 99-P006), Purchasing.

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

12. Assembly Memorandum No. AM 955-99, recommendation of award to Redi Electric, Inc. for **installation of a crosswalk flashing beacon on LaTouche Street** for Rogers Park Elementary School for the Municipality of Anchorage, Public Works Department (RFQ 99Q308), Purchasing.

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

13. Assembly Memorandum No. AM 956-99, change order No. 4 to purchase order 72678 with Davis Wright Tremaine LLP for providing **legal services for the Municipal Employees Relations Board**, Employee Relations.

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

14. Assembly Memorandum No. AM 957-99, change order no. 2 to construction contract with Summit Paving and Construction Co., Inc. for **South Anchorage Sports Fields Development Project**, Cultural and Recreational Services.
  - a. Information Memorandum No. AIM 87-99.

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

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 84-99, **report of Public Works' construction contract amendments**, Public Works.
2. Information Memorandum No. AIM 85-99, **Bar Violations Quarterly Report** - Third Quarter 1999, Anchorage Police Department (Anna's Place, Tesoro Northstore Company (2 Go Mart #009), The Bungalow Lounge, The Fourth Avenue Theater).
3. Information Memorandum No. AIM 86-99, **update to the Anchorage Bowl Comprehensive Plan**, Community Planning and Development.

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

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

8. REGULAR AGENDA:

A. TIME CRITICAL ITEMS: None.

B. BID AWARDS: None.

C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 99-135, an ordinance of the Anchorage Assembly enacting a new AMC Chapter 25.80, relating to the **George M. Sullivan Arena**, and a new Section 25.80.010 relating to the booking of events in the Sullivan Arena, Assemblymember Tesche.
  - a. Assembly Memorandum No. AM 944-99.

Mr. Tesche withdrew this ordinance. He asked it be scheduled for introduction on November 9, 1999. There was no objection.

2. Ordinance No. AO 99-137, an ordinance amending Anchorage Municipal Code of Ordinances Title 21 concerning **publicly owned and operated outdoor recreation facilities** such as athletic fields, tennis courts, parks and playgrounds and publicly owned and operated buildings and uses in residential zoning districts, Assemblymember Tesche.
  - a. Assembly Memorandum No. AM 946-99.

Mr. Tesche, Ms. Taylor and Mr. Meyer joined in introducing this ordinance. The public hearing was scheduled for January 11, 2000. It was referred to the Planning and Zoning Commission for review before the public hearing date.

3. Ordinance No. AO 99-138, an ordinance amending the Anchorage Municipal Code to enact a new chapter, **Inspection Fees**, amend Sections 8.40.040, 16.95.065, and 16.100.150, and amend

Subsection 23.45.103.2.1 to cover costs of services provided by the Anchorage Police Department and Anchorage Fire Department including inspections, response to false alarms, response to fires, use of ambulance services, and dispatching of ambulances, Legal Department. public hearing

a. Assembly Memorandum No. AM 947-99.

Mayor Mystrom asked this item be postponed indefinitely. He intended to return with another ordinance on this topic in the future, after more research and discussions with the Assembly Public Safety Committee.

Ms. Von Gemmingen moved, to postpone action on AO 99-138 indefinitely.  
seconded by Mr. Tremaine,  
and it passed without  
objection,

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 99-310, a resolution of the Anchorage Municipal Assembly **recommending a variable flow level of Cheney Lake**, Assemblymembers Taylor, Abney, Fairclough, Tesche, and Tremaine. **(addendum)**

Ms. Taylor moved, to approve AR 99-310.  
seconded by Ms. Abney,

In response to Ms. Taylor, Mayor Mystrom explained there would be “slots” built into certain areas, which would provide the ability to raise the level of Cheney Lake should environmental protection regulations change or some other reason arise to raise the level of the water. Raising the level would not be without some problems, including operation of storm drains. They want to ensure the water level change would not be an irreversible action. However, the project is important to solve flooding problems encountered by residents near the lake.

Public Works Director Jim Fero added the mechanism described by the Mayor would allow control of the water level by inches, anywhere between the level of 207 feet and 210 feet. In response to Ms. Taylor, he said when the level of the lake is above 207 feet, the storm drain for the road becomes ineffective. Also, the drainage swales at the north end of the lake and the agreements with the Alaska Department of Environmental Conservation would be violated. Permission would be required from the regulatory agencies to take that action.

Ms. Taylor said she received comments from three constituents, who said they attended a meeting on this topic, and their understanding was there would be no problem with changing the level of the lake.

Mr. Fero said the mechanism described by the Mayor would allow the level of the lake to be raised, if necessary. However, that would necessitate changes to various environmental permits. Something which cannot be changed without significant construction is the storm drain system. If the level is raised above 207 feet, the water would be forced up into the storm drain, rather than draining down into the lake, as desired.

Mayor Mystrom added the level could be raised, but that would result in the same problems that are occurring now, including flooded basements, flooding of the road and deterioration of the road as a result of the flooding.

Ms. Taylor said her constituents seemed pleased about the proposed repair of the road and flooding problems. However, there was a conflict between reports from her constituents and the information presented tonight. She asked this item be postponed until later, pending arrival and input from those constituents.

Mr. Tesche moved, to postpone action on AR 99-310 until later in the meeting.  
seconded by Ms. Fairclough,  
and it passed without  
objection,

Resolution No. AR 99-311, a resolution of the Anchorage Municipal Assembly **recommending regulating the level of Cheney Lake to protect public and private infrastructure**, Assemblymember Clementson.  
**(LAID ON THE TABLE)**

Ms. Clementson moved, to substitute AR 99-311.  
seconded by Ms. Von Gemmingen,

Ms. Clementson pointed out the road project is more than half complete; the storm drain has been laid in Prosperity Drive and the pavement has been removed. Repaving is scheduled within the next week. She said there has been a substantial public process for the project. She asked her colleagues to review her resolution as well as Ms. Taylor's, and consider both at a later time. She added there are several people scheduled to speak to this issue under item 10, Appearance Requests.

(Clerk's Note: See further action on these items after item 12.E.)

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 941-99, **Zoning Board of Examiners and Appeals appointment** (Kenneth Burkhart), Mayor's Office.

Ms. Von Gemmingen moved, to approve AM 941-99.  
seconded by Ms. Clementson,

Ms. Von Gemmingen moved,  
seconded by Mr. Kendall,  
and it passed without  
objection,

to postpone action on AM 941-99 until October 19, 1999.

2. Assembly Memorandum No. AM 942-99, recommendation of award to TriData Corporation for providing a **management review of the Anchorage Fire Department** for the Municipality of Anchorage, Assembly Office (RFP 99-P022), Purchasing.

Ms. Von Gemmingen moved,  
seconded by Mr. Tremaine,  
and it passed without  
objection,

to postpone action on AM 942-99 until after action on item  
12.D, AR 99-273.

3. Assembly Memorandum No. AM 954-99, recommendation of award to PeopleSoft, Inc. for providing **personnel in support of the PeopleSoft Public Sector Financial and Human Resources System** for the Municipality of Anchorage, Management Information Systems Department (RFP 99-P006), Purchasing.

Ms. Taylor moved,  
seconded by Ms. Clementson,

to approve AM 954-99.

In response to Ms. Taylor, Executive Manager Elaine Christian explained the cost of this award was included in the budget already approved by the Assembly. It does not represent an addition to the budget. She said when the Request For Proposal went out, there were eight responsive bidders. Three of those companies were chosen based on the specialized skills that are needed. It may be that not all of the funds are paid to PeopleSoft, but they are available in the event those funds are needed. Ms. Christian said the \$12.5 million approved by the Assembly was the extent of the budget for the foreseeable future. She said the Administration is continuing to work with employees to resolve implementation issues and problems. There are four user meetings held each week. She added, in response to questions about employees leaving the Management Information Systems and another department as a result of the PeopleSoft system, that the turnover rate in both departments is equal to or lower than it has been over the last ten years. She submitted a memorandum to Assembly members recently detailing those statistics. Ms. Christian noted some Municipal employees are receiving training at conferences outside the Municipal training system, and then sharing that knowledge with fellow employees. Also, in-house staff is training employees, which will continue indefinitely.

Question was called on the motion to approve AM 954-99 and it passed without objection.

4. Assembly Memorandum No. AM 955-99, recommendation of award to Redi Electric, Inc. for **installation of a crosswalk flashing beacon on LaTouche Street** for Rogers Park Elementary School for the Municipality of Anchorage, Public Works Department (RFQ 99Q308), Purchasing.

Mr. Meyer moved,  
seconded by Chairman Wuerch,

to approve AM 955-99.

Mr. Meyer thanked Public Works staff for working with the community to resolve a safety concern at Rogers Park School, which resulted in the proposed flashing light. He questioned whether the light can be installed this year. He also noted the engineers estimate for the project was \$25,000 and the lowest bid on the project was \$33,800. He was concerned that the Municipality may be charged too much for the work.

In response, Public Works Director Jim Fero said he felt the amount of the bid was appropriate. In his experience with the building industry, all of the trades are having a hard time getting employees; that fact may have not been considered in the estimate. He was not sure how much of the project could be completed before winter; he would research that question and provide the answer to Mr. Meyer. Trenching work can be done after the ground freezes, but it is undesirable because it impairs the road prism.

Question was called on the motion to approve AM 955-99 and it passed without objection.

5. Assembly Memorandum No. AM 956-99, change order No. 4 to purchase order 72678 with Davis Wright Tremaine LLP for providing **legal services for the Municipal Employees Relations Board**, Employee Relations.

Mr. Tesche moved,  
seconded by Ms. Fairclough,

to approve AM 956-99.

Mr. Tesche noted there have been previous change orders to this contract, and he was concerned about the total amount of the contract. The amount so far would fund almost half of a position in the Municipal Attorney's office. He wondered if the contract was an effective use of Municipal funds. He asked for information on: the dollar-rate being paid for attorney services; the number of hours billed last year under this contract; the individual files handled last year; and how many different matters are being scheduled for the contract period that would be funded by the proposed amendment.

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

to postpone action on AM 956-99 until October 19, 1999  
pending receipt of responses to the above questions.

Municipal Attorney Mary Hughes pointed out her office cannot represent the Employee Relations Board because of a conflict of interest.

Mr. Tesche added another question to the request for information: whether analogous conflicts are handled in the same way by the State of Alaska Attorney General's Office.

6. Assembly Memorandum No. AM 957-99, change order no. 2 to construction contract with Summit Paving and Construction Co., Inc. for **South Anchorage Sports Fields Development Project**, Cultural and Recreational Services.
  - a. Information Memorandum No. AIM 87-99.

Mr. Tremaine moved, to approve AM 957-99.  
seconded by Ms. Fairclough,

In response to Mr. Tremaine, Cultural and Recreational Services Director Kathy Kingston explained the need for the change order. She noted there was an opportunity to accelerate the schedule for development of the ballfields if the proposed fill work is done now. The existing land has a high peat content; if the gravel is placed now and allowed to stand, it will result in a higher-quality field. She added the Department of Law has arranged a deal with Eastwind Company, to obtain 48,000 cubic yards of type-F fill for the baseball exhibition field and the two other baseball fields.

Mayor Mystrom added the fill mentioned by Ms. Kingston was a result of a lawsuit settlement. He said that would be matched with additional fill, funded by savings from the Anchorage Football Stadium project. He felt the proposal was a win-win situation for the Municipality.

Question was called on the motion to approve AM 957-99 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 98-64(S), an ordinance amending the Anchorage Municipal Code Title 21 to **increase the allowable maximum sign viewing area for churches and schools from 20 square feet to 50 square feet**, to increase the number of signs from one per church or school to one sign for each street frontage and to permit signs for schools to be illuminated or lighted, Assemblymember Bell.  
(POSTPONED FROM 7-21-98; ON 9-28-99 ASSEMBLY ACTION WAS POSTPONED TO THE FIRST MEETING IN JUNE 2000; NOTICE OF RECONSIDERATION WAS GIVEN BY MR. TESCHE 9-29-99)
- B. Resolution No. AR 99-244, a resolution of the Anchorage Municipal Assembly **determining that all executive session tapes relating to the sale of ATU be released immediately**, Assemblymember Kendall.  
(POSTPONED FROM 9-14-99)

Items 9.A. and 9.B. were considered later in the meeting. See item 16, Unfinished Agenda.

- C. Resolution No. AR 99-269, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Restaurant and Eating Place License) located on Anchorage Original Townsite Subdivision, Block 44, Lot 7, generally located on the northeast corner of West 5th Avenue and "D" Street (Norie A. Misallati d.b.a. **D Street Cafe**) (Case 99-181), Community Planning and Development.  
1. Assembly Memorandum No. AM 895-99.  
(POSTPONED FROM 9-28-99)
- D. Assembly Memorandum No. AM 898-99, **"D" Street Cafe** - New Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Downtown Community Council), Clerk's Office.  
(POSTPONED FROM 9-28-99)

Items 9.C. and 9.D. were considered later in the meeting. See after item 12,I, AR 99-275.

## 10. APPEARANCE REQUESTS:

- A. **Elizabeth Evans**, regarding a request for equipment and development of Moen Park.

Ms. Evans announced a plan developed by her and two friends, Rochelle Yates and Aubry West. Ms. Evans explained the plan was for creation of a park. There is no existing park in their neighborhood or nearby. They wanted to show that kids can be as productive as adults. They wrote a letter to the Rabbit Creek Community Council, requesting the park and offering to raise funds. They also appeared before the Council, and the Council members suggested they appear before the Assembly.

Rochelle Yates added after the Council meeting, the three girls raised \$64 by selling homemade items at a booth. She said their inventory included Christmas ornaments, rings, scarves, jewelry boxes, picture frames, wallets and handbags. She encouraged the Assembly to consider the possibility of creating a park in their neighborhood.

Aubry West noted a park would be a great place to relax, read and would be a safe place to play. She said Ruth Moen was a homesteader, and they would like to thank her for donating land by naming the park for her.

Nancy Lee Evans explained the idea began when Lizzy expressed the desire for a park. The project has been directed by the girls since then.

Cultural and Recreational Services Director Kathy Kingston noted Moen Park is scheduled for development in the 2000 Capital Improvement Program. She explained if voters approve bond funds for that Program at the April 2000 election, the



Park will become a reality. In the event the bonds are approved, she said the girls would have the opportunity to participate in the Park Development Committee to plan the details of the Park.

B. **Marc A. Marlow**, to present update on the MacKay tower renovation.

Mr. Marlow thanked the Public Works Department, Building Safety Division staff for their efforts in facilitating, coordinating and reviewing the permitting process for his MacKay building project. He noted that process had been somewhat difficult and atypical. Mr. Marlow pointed out in February, 1999 he submitted plans to Building Safety that proposed to renovate the MacKay tower. Building Safety hired an outside team to review the structural upgrades necessary to make the building habitable. The team was chosen in May, and the review process proceeded with meetings, strategies, and a site inspection. A footing and foundation permit has now been issued. Mr. Marlow explained the activities he anticipated to occur over the winter, including removal of existing concrete and the sub-basement, excavation of about five feet of material, and pouring of about five feet of concrete into the bottom of the building. Soil anchors will be drilled about 40 feet into the ground. They are composed of a special carbon material which has a high tensile strength. Also during the winter, structural shear walls will be added to the building from the basement level to the first floor. Later, they will be extended to the top of the building.

In response to Mr. Meyer, Mr. Marlow said he hoped the building would reopen sometime next summer at the latest, but that goal does not appear likely. He explained the project was atypical, and everyone involved wanted to proceed carefully to ensure the structure is safe. He felt a realistic estimate for completion would be May 2001.

Mr. Tesche thanked Mr. Marlow and encouraged him to continue these updates on a regular basis.

C. **David Calechman**, to discuss the public process of the Baxter Road/ Beaver Place improvement project.

Mr. Calechman explained residents in the area of Cheney Lake were not aware of the plans to lower the lake until the story appeared in a newspaper two days prior to approval of the project in August, 1999. He felt the importance of the lake to area residents was not considered during the planning for the road improvement project. Also, he felt the public notice process was defective. Both these problems were avoidable. He felt the project designers could have anticipated the importance of the lake, and was upset Municipal officials and the contractor did not realize the lake's significance. He felt the fact that the "lake" was actually a man-made gravel pit was irrelevant. It has become a special asset to citizens, and is habitat for a lot of wildlife. If the importance of the lake was taken into consideration from the start, the current problems with resident opposition might have been avoided. He did not oppose the whole road project, and agreed there should be some limit on the level of the lake. However, he did oppose the proposed drastic lowering of the lake. He felt some compromise should be possible.

In response to Ms. Taylor, Mr. Calechman said he did not oppose the road project. However, when the level of the lake became an issue, residents were not informed, and details were not forthcoming in a timely manner. He suggested some options to alleviate neighbors' concerns, such as installing a variable outlet, or lowering the level of the water a small amount the first year, and if necessary a little more the following year.

Ms. Clementson noted she spoke with the Mayor on this issue earlier today, and learned there will be a weir added to the project, during this phase of construction. She advised a graduated level lowering has been discussed and reviewed, and the impact on vegetation and waterfowl is being evaluated.

D. **Norman Hogg**, regarding Cheney Lake and the Baxter/Beaver Place road improvement project.

Mr. Hogg referenced legal cases which he felt applied to the Cheney Lake situation, regarding taking away peoples' interest in their property. He pointed out citizens purchased property near the Lake because they valued the lake. He felt the road project process was flawed. Mr. Hogg noted the engineering evaluation did not include, in its list of disadvantages, what would happen to the lake and how people would feel about the changes to the lake. He said the public is very concerned and many people feel they have not had an opportunity to express those concerns. Mr. Hogg noted the lake was unique and valuable. It is accessible by public transportation, accommodates the disabled, and has fishing and boating opportunities, along with a spectacular view. He requested the Assembly to delay the road project so community concerns can be considered.

E. **P. Colette Ravinet**, to discuss the public process of the Baxter Road/Beaver Place improvement project.

Ms. Ravinet felt the public process for this project was very poor. She distributed the mailing list that was used for notification by the contractor; she noted the map of the mailing list area showed properties on the east side of the lake were completely excluded. She assured the Assembly residents did not know about the project until two days before the Assembly meeting at which action was scheduled. She canvassed residents in her neighborhood, and found the majority were not happy about the situation. She gathered 200 signatures on a petition that was presented to the Mayor. She felt people were willing to compromise, and would accept a lowering of the lake's level to something between the current level and that proposed by the Administration. She felt it was unfortunate that not all affected people in the area were noticed about the project. Ms. Ravinet added if the level of the lake is lowered too much, there is a risk the resident loons will leave the lake. Also, in dry years it is possible the water will warm enough to allow lily pads and other undesirable vegetation to choke the lake.

In response to Ms. Taylor, Ms. Ravinet said she was not opposed to fixing the road. She noted residents adjacent to the road who did receive notification of the project did not receive specific information about the affect of the project on the lake.

F. **Ward Hepper**, regarding paramedics in Anchorage.

G. **Mike Crotty**, regarding EMS issues.

Mr. Crotty, a firefighter and paramedic with the Anchorage Fire Department (AFD) reported on the status of Emergency Medical Services (EMS) improvements they have been advocating for the past year. He explained last year, about this time, they appeared before the Assembly near the end of the Capital Budget process, with a request for funding of an ambulance to serve citizens of south Anchorage. At that time, citizens of south Anchorage were served by only one ambulance, which covered a very large area. He said that ambulance was put into operation recently, but he felt that success was bittersweet. He explained the ambulance will be deployed on an only-overtime basis resulting in a staffing crisis that will manifest sometime next summer, and will have dire consequences. He advocated that the paramedic hire list be exhausted immediately, and recruitment of paramedics begin immediately.

Mr. Hepper, a firefighter and paramedic with AFD, explained Medic 9 was put into service at half-time status, for twelve hours. Personnel were budgeted for full-time, 24 hours a day. He noted voters approved bonds to fund four new ambulances. Funds for two of those four were approved over 18 months ago, and the vehicles have not yet been ordered. He felt if construction of ballfields can be accelerated, ordering needed ambulances could also be accelerated. Mr. Hepper noted there was a dire need for the new vehicles; three of the existing ambulances will only travel up to 55 miles per hour. He said the new ambulance could be staffed by overtime employees. He requested and received approval to a letter of agreement from the union and the "E" Board to suspend the work rules so existing paramedics could staff the ambulance until new paramedics are hired. He was not sure why that agreement was not approved by AFD administration. He explained there are not enough ambulances to answer all emergency calls in a timely manner. The result is that citizens must wait, many times in life-and-death situations, unnecessarily for paramedic response. He estimated these situations occur about 30 times per month.

Mr. Crotty summarized the problem. Even though five new paramedic employees have been added, they must be regarded as replacements for four anticipated vacancies soon to occur. They are facing a situation where employees are leaving faster than they can be replaced. Also, the internship period for new employees is now one year, versus three to six months as it was in the past. He stressed the available personnel to staff the new Medic 9 ambulance are a drop in an ever-growing bucket. If new employee are not hired now, there will be serious problems in about six to nine months.

Mr. Hepper pointed out they appeared before the Assembly last year to discuss these problems; they are more severe now than at that time. They will continue to increase in severity unless they are addressed. He pointed out to address the problems will require additional funds.

In response to Ms. Fairclough, Mr. Tesche invited the gentlemen to attend the next Assembly Public Safety Committee meeting on October 19, 1999.

In response to Ms. Abney, Mr. Hepper said in the last seven days, his overtime was 96 out of 124 hours. He confirmed that Medic 9 went out on a call immediately after dedication. In that same 12-hour shift, there were two instances when no ambulances available to respond to calls.

In response to Mr. Meyer, Mr. Crotty explained in the AFD, both paramedics and EMT's staff ambulances. The difference between the two is that EMT's may work in the field after completing 120 hours of medical education. They receive ongoing education while on the job. Paramedics are required to complete about 1,200 to 1,500 hours of basic education, followed by a student internship. After they are hired, they must either possess firefighter qualifications or obtain them before beginning work. At that time, they begin another internship. If they do not satisfy the requirements of that internship, their employment status is not guaranteed. Mr. Crotty explained in the past, the internship duration was three months, when the intern was working with another paramedic. However, now most new employees have no experience, and there is only one paramedic working on each ambulance. There is no choice but to mandate one-year long internships. The new employees hired to staff Medic 9 will not begin working on that ambulance until the fall of 2000. He explained there are four positions being held vacant to accomplish budget reductions. Mr. Crotty confirmed fire trucks are always staffed with an EMT, and some fire trucks also have paramedics. However, many advanced medical procedures require the presence of two paramedics, and any medical emergency requires an ambulance for transportation, regardless of the presence of a fire truck.

In response to Mr. Meyer, Mr. Hepper said he felt part of the problem in obtaining personnel was in the hiring process. Advertisements in trade magazines are not allowed. Neither is advertisement of the full salary range. The testing process takes seven days, which can be a hardship for people who have to leave their current employment for that time frame. Also, the testing process is geared toward firefighters. The physical agility test is geared for a 20-year old man. He felt he would not pass the test if he had to take it now.

Mr. Crotty added he felt the difficulty in attracting paramedics has to do in a large part with the physical agility test. He reiterated paramedics must meet physical agility requirements of firefighters. He felt the physical standard should be relaxed in order to accelerate paramedic recruitment. Also, he felt recruitment should target paramedics who are between the ages of 27 and 35, who possess the critical experience that is desired.

In response to Mr. Tesche, Mr. Hepper suggested one way to obtain the needed additional ambulances would be to purchase them from companies outside Alaska. There are some companies who have units that would be perfectly serviceable. A direct purchase would be faster than waiting for units to be custom-built to AFD specifications. He added the problem with vehicles that only travel 55 miles per hour was that time is usually of the essence when transporting a patient. He pointed out there are long distances to transport patients in the Anchorage area. He added 55 miles per hour is not the national standard for ambulances. Federal standards require they travel much faster. Mr. Hepper confirmed there are many times when the ambulances from Fire Station #1 are responding to calls in south Anchorage, and the downtown area is without ambulance service. He estimated these instances to be about 120 per year.

Mr. Crotty added when Fire Station # 1 ambulances area not available, ambulances from the east Anchorage and west Anchorage fire stations would respond to downtown calls. When east Anchorage ambulances are responding elsewhere, west Anchorage ambulances would respond to east Anchorage emergencies.

In response to Ms. Fairclough, Fire Chief Mike Nolan said he was not aware of Federal standards for ambulance speed. He noted State law requires drivers to abide by existing speed limits. He explained the three ambulances that travel at 55 miles per hour were designed to travel at that speed. He pointed out the area of Seward Highway that allows travel up to 65 miles per hour, between Rabbit Creek and Tudor Road, is 6.3 miles. The time difference between traveling at 55 and 65 miles per hour for that distance is 65 seconds. He explained specifications for ambulance boxes are developed in conjunction with paramedics. In January or February of this year, a purchase request was made for new ambulances. The box they designed, and the chassis they specified were no longer available. Therefore, the request was revised after redesign of the box. The bid is scheduled to close next Friday. The review period should take about 30 days, and the purchase delivery date should be about 120 days beyond that. Chief Nolan also explained the paramedic recruitment process. He said there was no prohibition against advertising in trade journals, but there was a decision not to in the last round of recruitment because of the results in the previous recruitment program. He said the majority of candidates failed in the medical testing arena. They then changed the specifications regarding firefighter testing, after working with Employee Relations, and a new recruitment process was done in April of this year. As part of that process, a letter of invitation was sent to every nationally-registered paramedic, and advertisement was done via e-mail and in certain cities. Because there was a short time frame, advertisement in trade journals was not done; to advertise in these journals, there must be at least 140 days lead time. In the past, they have advertised in the trade journals, as that is the preference.

In response to Mr. Tremaine, Chief Nolan explained why Medic 9 was not dedicated earlier than October 9. He said funding was the main reason, and arranging available staff.

H. **Kurt Sorenson**, regarding EMS issues.

Mr. Sorenson, a paramedic supervisor with AFD, clarified on October 9, between 7:00 a.m. and 9:00 a.m., there were five instances when no ambulances were available. There was only one ambulance available for the entire city in eight instances in that same time period. He added overtime schedules for paramedics are a serious concern. He noted one paramedic was terminated this year, and he felt her work schedule played a big role. There are two other paramedics still on the force that he is concerned about. Mr. Sorenson noted the rules allow paramedics to work 48 hours straight, before a mandatory 24 hour rest. However, the 24-hour rest rule is not always followed, out of necessity. There is a mandatory overtime policy; people are forced to work when they do not want to.

**11. CONTINUED PUBLIC HEARINGS:**

- A. Ordinance No. AO 99-118, an ordinance of the Municipality of Anchorage, Alaska, providing for the **issuance of Subordinate Lien Water Revenue and Refunding Bonds of the Municipality in the aggregate amount of not to exceed \$75,000,000** for the purpose of providing part of the funds to refund certain outstanding general obligation water bonds of the Municipality and to provide for certain improvements to the water utility and to pay costs of issuance; fixing certain covenants and protective provisions safeguarding the payment of the principal of and interest on said bonds; providing for the date, form, terms, maturities and manner of sale of the bonds; delegating to the Chief Fiscal Officer the approval of final maturity amounts and interest rates on said bonds; authorizing an official statement; appointing an escrow agent; approving the form of an escrow deposit agreement; and authorizing the sale of such bonds, Finance.
1. Assembly Memorandum No. AM 756-99.
  2. Ordinance No. AO 99-118(S), an ordinance of the Municipality of Anchorage, Alaska, providing for the issuance of Subordinate Lien Water Revenue and Refunding Bonds of the Municipality in the aggregate amount of not to exceed \$75,000,000 for the purpose of providing part of the funds to refund certain outstanding general obligation water bonds of the Municipality and to provide for certain improvements to the water utility and to pay costs of issuance; fixing certain covenants and protective provisions safeguarding the payment of the principal of and interest on said bonds; providing for the date, form, terms, maturities and manner of sale of the bonds; delegating to the Chief Fiscal Officer the approval of final maturity amounts and interest rates on said bonds; authorizing an official statement; appointing an escrow agent; approving the form of an escrow deposit agreement; and authorizing the sale of such bonds, Finance. **(addendum)**
  3. Assembly Memorandum No. AM 968-99.
- (CONTINUED FROM 9-14-99)

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

Ms. Von Gemmingen moved, to adopt AO 99-118(S).  
seconded by Mr. Kendall,

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

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

- B. Ordinance No. AO 99-119, an ordinance of the Municipality of Anchorage, Alaska, providing for the **issuance of Wastewater Revenue Bonds of the Municipality in the aggregate amount of not to exceed \$5,700,000** for the purpose of providing for certain improvements to the wastewater utility and to pay costs of issuance; fixing certain covenants and protective provisions safeguarding the payment of the principal of and interest on said bonds; providing for the date, form, terms, maturities and manner of sale of the bonds; delegating to the Chief Fiscal Officer the approval of final maturity amounts and interest rates on said bonds; authorizing an official statement; and authorizing the sale of such bonds, Finance.
1. Assembly Memorandum No. AM 757-99.

2. Ordinance No. AO 99-119(S), an ordinance of the Municipality of Anchorage, Alaska, providing for the issuance of Wastewater Revenue Bonds of the Municipality in the aggregate amount of not to exceed \$5,700,000 for the purpose of providing for certain improvements to the wastewater utility and to pay costs of issuance; fixing certain covenants and protective provisions safeguarding the payment of the principal of and interest on said bonds; providing for the date, form, terms, maturities and manner of sale of the bonds; delegating to the Chief Fiscal Officer the approval of final maturity amounts and interest rates on said bonds; authorizing an official statement; and authorizing the sale of such bonds, Finance. (**addendum**)
3. Assembly Memorandum No. AM 969-99.  
(CONTINUED FROM 9-14-99)

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

Ms. Von Gemmingen moved, to adopt AO 99-119(S).  
seconded by Mr. Tesche,

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

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

The meeting recessed at 7:15 p.m. and reconvened at 7:45 p.m.

- C. Ordinance No. AO 99-109, an ordinance amending the Anchorage Municipal Code by enacting a new Chapter 12.50 to provide **procedures for declaration of a deteriorated area or property**, including definitions of deteriorated area or property and rehabilitation, and requiring a Confirmation Impact Study (CIS), and requiring the Assembly to hold a public hearing prior to declaring a deteriorated area or property, application procedures for obtaining taxation exemption or deferral, Assemblymember Clementson.
  1. Ordinance No. AO 99-109(S), an ordinance amending the Anchorage Municipal Code by enacting a new Chapter 12.50 to provide procedures for declaration of a deteriorated area or property, including definitions of deteriorated area or property and rehabilitation, and requiring a Confirmation Impact Study (CIS), and requiring the Assembly to hold a public hearing prior to declaring a deteriorated area or property, application procedures for obtaining taxation exemption or deferral, Assemblymember Clementson. (**LAI D ON THE TABLE**)  
(CONTINUED FROM 8-17-99 AND 9-21-99)

This item was considered later in the meeting. See item 16, Unfinished Agenda.

## 12. NEW PUBLIC HEARINGS:

- A. **FIRST PUBLIC HEARING:** Ordinance No. AO 99-122, an ordinance adopting the **2000 General Government Capital Improvement Budget** and appropriating \$681,973 from the State Categorical Grants Fund (231); \$395,000 to the Anchorage Metropolitan Police Service Area Capital Improvement Program Fund (451) for the purchase and equipping of police vehicles; and \$286,973 to the Anchorage Fire Service Area Capital Improvement Program Fund (431) for communications, technology, or other capital improvements, Office of Management and Budget.
  1. Assembly Memorandum No. AM 809-99.

Chairman Wuerch opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing. He announced the second public hearing for this ordinance would be held on October 19, 1999.

- B. **FIRST PUBLIC HEARING:** Resolution No. AR 99-235, a resolution of the Municipality of Anchorage **adopting the 2000-2005 General Government Capital Improvement Program**, Office of Management and Budget.
  1. Assembly Memorandum No. AM 809-99.

Chairman Wuerch opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing. He announced the second public hearing for this ordinance would be held on October 19, 1999.

Ms. Abney recognized former Assemblyman and State Legislator Brad Bradley, present in the audience.

- C. Ordinance No. AO 99-128, an ordinance of the Municipality of Anchorage, Alaska, **authorizing and providing for the borrowing of not to exceed \$10,576,000 from the State of Alaska Clean Water Fund** for the purpose of financing a portion of the costs of wastewater capital improvement projects in the Municipality, and providing for related matters, Water and Wastewater Utility.
  1. Assembly Memorandum No. AM 878-99.

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 99-128.  
seconded by Mr. Sullivan,

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

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

- D. Resolution No. AR 99-273, a resolution of the Anchorage Municipal Assembly appropriating \$71,000 from Areawide General Fund (101) Balance and \$71,000 as a contribution from the Anchorage Fire Service Area Fund (131) Balance to the Areawide Fund (101) to provide **funding for a management review of the Anchorage Fire Department**, Assemblymember Von Gemmingen.
1. Assembly Memorandum No. AM 911-99.

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

Ms. Abney moved, to approve AR 99-273.  
seconded by Mr. Sullivan,

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

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

Assembly Memorandum No. AM 942-99, recommendation of award to TriData Corporation for providing a **management review of the Anchorage Fire Department** for the Municipality of Anchorage, Assembly Office (RFP 99-P022), Purchasing.

Ms. Von Gemmingen moved, to approve AM 942-99.  
seconded by Ms. Clementson,

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

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

- E. Ordinance No. AO 99-130, an ordinance **authorizing the lease of municipal land described as Woodland Park School Subdivision** with subsequent management agreement with the Boys and Girls Club, Property and Facility Management.
1. Assembly Memorandum No. AM 880-99.

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

Ms. Von Gemmingen moved, to adopt AO 99-130.  
seconded by Ms. Clementson,

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

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

The Assembly then changed the orders of the day and returned to consideration of item 8.D.1.

Resolution No. AR 99-310, a resolution of the Anchorage Municipal Assembly **recommending a variable flow level of Cheney Lake**, Assemblymembers Taylor, Abney, Fairclough, Tesche, and Tremaine.  
(addendum)  
Resolution No. AR 99-311, a resolution of the Anchorage Municipal Assembly **recommending regulating the level of Cheney Lake to protect public and private infrastructure**, Assemblymember Clementson.  
(LAID ON THE TABLE)

Chairman Wuerch noted a motion to substitute AR 99-311 for AR 99-310 was on the floor.

Ms. Clementson explained the proposed substitute resolution includes more history of the situation, which she felt was very important. She felt the main difference between the two documents was the issue of how thoroughly the alternatives were examined. She pointed out the project was first introduced by the Community Council as an amendment to the CIP several years ago. The project has been on the CIP for the majority of this decade. She added there are terrible problems with the road. There are several times during the year when flooding is a problem, especially when the overflow freezes on the road. She felt the problem needs to be addressed and the time to do that was now. No one knew until recently that the lake was causing the road problems. Ms. Clementson explained the lake is fed by several sources, but has no outlet, which has resulted in the gradual increase of the water level. She outlined the public process followed by the contractor. She felt there was very thorough consideration of the alternatives. She added the lake was manmade, and is comparable to Westchester Lagoon. Westchester Lagoon is owned and maintained by the Municipality, surrounded by Municipal property, and is sometimes drained completely. There is no public notice on these activities, and comments on the level when it is refilled are not solicited. She felt the government had a responsibility to maintain the infrastructure around the lake, and to protect the private property in the area which is being impacted. She added erosion was also a problem. Ms. Clementson pointed out a weir would be installed, which would allow the lake to be maintained at the highest level while still allowing protection of the infrastructure. It is possible that after the project is finished, the lake may be able to be raised above the level of 207 feet.

She felt the community should be involved in the remainder of the road project decisions, such as possibly changing the curve in the road, placement of sidewalks, and traffic-calming measures. Another issue which she would like discussed is the impact of boating activities on waterfowl. She said the proposed substitute was more accurate and included more specific requests for the Administration. She urged support.

Ms. Taylor said although there were numerous mailings and notices about the project, there is a large portion of the community that did not receive the information. She felt those people have an interest in the project, and their input was not considered during the process. She added there will be an affect on property values if the lake is lowered, as people bought property with the expectation that the lake would remain as it was when they purchased. She said there were differences of opinion from various experts. She has heard it is possible to install a weir, to allow the level to be lowered to 207 feet while the construction is being performed, and then to allow the level to be raised after the construction to provide for a more aesthetic appearance. Also, the weir can be adjusted during the spring flooding to lower the level of the lake. She felt there were some portions of Ms. Clementson's resolution that she would accept being included in AR 99-310, such as regarding revegetation and increasing public involvement.

Mr. Meyer felt it would have been more appropriate for the Assembly to reconsider its action in August when it approved a memorandum for the road project (August 17, 1999). He encouraged postponement of the two pending resolutions, to allow time for the sponsors to develop one resolution which had more consensus.

Mr. Tesche felt the process had failed. Although he could not identify any specific violations of the Municipal Code, there was the perceived violation of the public trust. He felt it was good common sense to allow citizens the opportunity to be heard on this issue, even if it meant a public hearing.

Ms. Taylor added her constituents have learned, from Public Works staff, that installation of a weir would only cost a few hundred dollars, and would only take two extra days of construction time.

Ms. Von Gemmingen pointed out Ms. Clementson's resolution acknowledges that the weir will be installed. She added the project needs to proceed in order to be finished before winter. A one-week delay will cause a lot of problems, and residents will be inconvenienced over the winter.

In response to Chairman Wuerch, Mayor Mystrom confirmed a weir will be installed.

In response to Chairman Wuerch, Public Works Director Jim Fero said a delay would affect construction. He said if the lake is to be lowered to 207 feet, it must be done quickly, before freezing weather affects the lake and "ice shelving" becomes a problem. Realistically, it will take between one and two months to lower the level of the lake.

In response to Mr. Sullivan, Mr. Fero said the status of the pending proposed resolutions would not affect the work on the project. It will go forward regardless.

Ms. Fairclough said she would prefer that Ms. Taylor and Ms. Clementson present a unified resolution.

In response to Ms. Fairclough, Mr. Fero said it would be a week or ten days before lowering of the lake can begin. He explained the presence of the weir has no bearing on the level of the lake. The weir is merely a tool to allow a change to the level of the lake. He added he never advocated raising and lowering the level of the lake regularly. He said unless the level is at or below 207 feet, the sewer pipe will be filled with water, resulting in flooding and ice jams on the road. Also, the value of the grease and oil separators in the sewer will be negated if the water level is higher than 207 feet.

Mayor Mystrom felt the general discussion had been productive. He felt the addition of the weir was a good thing, to allow change of the water level if needed. However, he pointed out raising the level would result in more of the existing problems.

(Clerk's Note: Action on these items was postponed until October 19, 1999 by a motion passed later in the meeting. See item 16, Unfinished Agenda.)

- F. Resolution No. AR 99-253, a resolution authorizing the Municipality of Anchorage to **purchase Lots 54 through 61, Block 2, Shady Birch Terrace Subdivision, Addition No. 1, Anchorage, Alaska**, to enlarge the Gladys Wood Park, Cultural and Recreational Services.
  - 1. Assembly Memorandum No. AM 862-99.

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

Ms. Von Gemmingen moved, to approve AR 99-253.  
seconded by Mr. Meyer,

In response to Ms. Clementson, Gladys Wilson of Real Estate Services explained the road crossing these properties will be vacated. If acquired, the lots will form one large, contiguous parcel.

Ms. Von Gemmingen said a constituent reported there is not adequate drainage on Altoona Drive. Ms. Von Gemmingen questioned whether the proposed purchase would exacerbate the problem.

Municipal Engineer Howard Holtan replied the complainant has been contacted about the possibility of forming a road improvement district to reconstruct the streets in the area.

Question was called on the motion to approve AR 99-253 and it passed:

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

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

- G. Resolution No. AR 99-246, a resolution confirming and levying assessments for sanitary sewer improvements for **Hideaway Lateral Sewer Special Improvement District (LID) 106**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 844-99.

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

TOM CAREY, owner of the Kobuk property to the north of this district, said he planned to bring sewer service to his property from the north, through his own property. Approval of the resolution means he will have to pay a tremendous amount of money in assessments unnecessarily. He noted the sewer would only serve about 1/3 of the tract. In response to Ms. Clementson, Mr. Carey said he did not testify on the ordinance which authorized the creation of the assessment district, adopted a few years ago, because he was out of town. He did ask his engineering company to write a letter to the Municipality, explaining the proposed sewer would only serve a small portion of his property.

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 99-246.  
 seconded by Mr. Meyer,

In response to Ms. Clementson, Anchorage Water and Wastewater Utility General Manager Mark Premo pointed out the sewer improvement district was formed in 1995, by AO 94-231. He asked Mr. Keefer of his staff to explain the reason Mr. Carey's property was included, and added it was a matter of tariff rules.

Don Keefer explained the connection point for the entire project is at the intersection of Havitur Way and Ptarmigan Court. To service all properties on Seclusion Drive, they had to front Tract A. By tariff definition, if a property is fronted the assessable portion of the property to a depth of 150 feet is included for lateral assessments.

Ms. Clementson moved, to postpone action on AR 99-246 until October 26, 1999  
 seconded by Mr. Sullivan, pending a meeting with staff to clarify the tariff issues.  
 and it passed without objection,

- H. Resolution No. AR 99-247, a resolution confirming and levying assessments for water improvements for **Crestbrook Water Special Improvement District (WID) 431**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 845-99.

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

Ms. Von Gemmingen moved, to approve AR 99-247.  
 seconded by Mr. Sullivan,

In response to Mr. Tremaine, Municipal Manager George Vakalis confirmed the Municipality will pay its portion of the assessment.

Question was called on the motion to approve AR 99-247 and it passed:

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

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

- I. Resolution No. AR 99-275, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Restaurant and Eating Place Liquor License) located at Anchorage Original Townsite, Block 28, Lot 12B, generally located on the northwest corner of G Street and 4th Avenue (Sacks Cafe and Restaurant dba **Sacks Cafe**) (Case 99-190), Community Planning and Development.
1. Assembly Memorandum No. AM 912-99.

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

DAN COFFEY, representing the restaurant owners, offered to answer any questions. He thanked the Assembly for granting approval to operate on a temporary basis until action on this resolution. In response to Mr. Tesche, Mr. Coffey said he did appear before the Downtown Community Council, to explained Sacks' proposal and the circumstances surrounding the temporary operation. He offered to answer questions, and the only questions Council members asked were regarding the temporary permit. He did not feel he pressured the Council to vote in favor of the establishment's proposal.

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

Mr. Tesche moved, to approve AR 99-275.  
seconded by Ms. Von Gemmingen,

Mr. Tesche noted he had lived in the downtown area for over 15 years, and knew Sacks Café to be a good restaurant operated very responsibly. He apologized to his colleagues for the tone in the letter of October 11, 1999 from the Downtown Community Council. He felt the Assembly, in this case, made every effort to apply its rules equally and fairly. He encouraged approval.

Question was called on the motion to approve AR 99-275 and it passed:

AYES: Kendall, 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.)

Ms. Fairclough moved, to change the orders of the day to consider items 9.C. and  
seconded by Mr. Tesche, 9.D, AR 99-269 and AM 898-99.  
and it passed without  
objection,

Resolution No. AR 99-269, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Restaurant and Eating Place License) located on Anchorage Original Townsite Subdivision, Block 44, Lot 7, generally located on the northeast corner of West 5th Avenue and "D" Street (Norie A. Misallati d.b.a. **D Street Cafe**) (Case 99-181), Community Planning and Development.  
1. Assembly Memorandum No. AM 895-99.  
(POSTPONED FROM 9-28-99)

Chairman Wuerch gave the history of the resolution and noted no motions were pending.

Mr. Tesche moved, to approve AR 99-269.  
seconded by Mr. Tremaine,

Mr. Tremaine noted this item was postponed in order to receive comment from the community council. He said the council did consider the item and approved it with a majority vote. He urged approval for both items.

Question was called on the motion to approve AR 99-269 and it passed:

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

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

Assembly Memorandum No. AM 898-99, "D" Street Cafe - New Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Downtown Community Council), Clerk's Office.  
(POSTPONED FROM 9-28-99)

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

Question was called on the motion to approve AM 898-99 and it passed:

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

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

J. Ordinance No. AO 99-126, an ordinance amending the zoning map and providing for the rezoning from R-5 (Rural Residential District) to I-1 SL (Light Industrial District) with Special Limitations for **Moorehand Subdivision Tract 3A, Lot 4B**; consisting of approximately 8,910 square feet generally located between East 88th Avenue and Abbott Road, on the east side of Golovin Street (Abbott Loop Community Council) (Planning and Zoning Commission Case 99-085), Community Planning and Development.  
1. Assembly Memorandum No. AM 818-99.

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

Mr. Sullivan moved, to adopt AO 99-126.  
seconded by Ms. Abney,

Mr. Meyer reviewed the surrounding land uses. This is an older neighborhood, with a mix of uses. He was concerned about losing residential land in favor of industrial land, when the need for residential land was greater. He was also concerned about possible contamination of the ground water supply, and pointed out many residents in the area rely on well water. He added the Abbott Loop Community Council unanimously opposed the proposal, while the Planning and Zoning Commission (P&Z) unanimously approved it. He felt the proposed rezoning would set an undesirable precedent for a neighborhood in transition. He recommended against adoption, but would accept a postponement to allow time for Assembly members to visit the site.



Mr. Meyer moved, to amend AO 99-126 on page 1, line 22 to read "...site  
seconded by Mr. Tremaine, obscuring fence..."  
and it passed without  
objection,

Mr. Tremaine moved, to postpone action on AO 99-126 until October 19, 1999.  
seconded by Mr. Meyer,  
and it was withdrawn,

In response to Ms. Fairclough, Don Alspach of Community Planning and Development explained page 3 of the P&Z resolution included a typographical error. The correct zoning should be I-1.

In response to Mr. Tesche, Mr. Alspach said staff felt the parcel should not be rezoned, but offered suggestions of special limitations to P&Z in case the Commission decided to approve rezoning. He confirmed staff felt I-1 zoning would be premature, in light of the current revisions to the Comprehensive Plan. The existing Comprehensive Plan established the subject area as commercial/industrial. There might not be the same recommendation in the new Plan.

In response to Mr. Meyer, Municipal Manager George Vakalis said he was not sure any special limitations regarding clean up of contamination would carry any weight. He pointed out the State Department of Environmental Conservation and the U.S. Environmental Protection Agency were in charge of enforcing contamination issues.

Mr. Alspach added an oil spill occurred on Lot 5, which was not part of the subject rezoning.

Chairman Wuerch expressed concern the ordinance did not include a parking lot limitation apparently proposed by P&Z Commissioner DeLucia, on page 13 of the P&Z minutes.

Mr. Tremaine withdrew his motion to postpone. Mr. Meyer concurred.

Mr. Kendall spoke in support of postponement and requested clarification from P&Z on the parking lot issue.

Mr. Kendall moved, to postpone action on AO 99-126 until October 19, 1999.  
seconded by Ms. Clementson,

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

Question was called on the motion to adopt AO 99-126 and it failed:

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

Mr. Tesche moved, to combine the public hearings for items 12.K. and 12.L,  
seconded by Ms. Taylor, AR 99-254 and AR 99-255.  
and it passed without  
objection,

- K. **Resolution No. AR 99-254**, a resolution **authorizing eminent domain proceedings and acceptance of the Decisional Document for the construction of the 15th Avenue Safety Improvements, 'L' Street to Juneau Street**, Public Works Department.
  - 1. Assembly Memorandum No. AM 863-99.
  - 2. Information Memorandum No. AIM 82-99, right-of-way acquisition procedures, Public Works.
- L. **Resolution No. AR 99-255**, a resolution **authorizing eminent domain proceedings and acceptance of the Decisional Document for the construction of the 15th Avenue Safety Improvements, Ingra Street to Sitka Street**, Public Works Department.
  - 1. Assembly Memorandum No. AM 864-99.
  - 2. Information Memorandum No. AIM 82-99.

Municipal Attorney Mary Hughes requested these items be continued until October 19, 1999. She explained part of the decisional document discussed at the worksession earlier today is not available. It will be made available to the Assembly and the public tomorrow.

Chairman Wuerch opened the public hearing for AR 99-254 and AR 99-255 and asked if anyone wished to speak. There was no one.

Mr. Tesche moved, to continue the public hearing for AR 99-254 and AR 99-255  
seconded by Ms. Clementson, until October 19, 1999.  
and it passed without  
objection,

The meeting recessed at 9:20 p.m. and reconvened at 9:35 p.m.

- 13. **BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:** None.
- 14. **SPECIAL ORDERS:** See item 16, Unfinished Agenda.
- 15. **ASSEMBLY COMMENTS:** See item 16, Unfinished Agenda.

16. UNFINISHED AGENDA:

- A. Ordinance No. AO 99-109, an ordinance amending the Anchorage Municipal Code by enacting a new Chapter 12.50 to provide **procedures for declaration of a deteriorated area or property**, including definitions of deteriorated area or property and rehabilitation, and requiring a Confirmation Impact Study (CIS), and requiring the Assembly to hold a public hearing prior to declaring a deteriorated area or property, application procedures for obtaining taxation exemption or deferral, Assemblymember Clementson.
1. Ordinance No. AO 99-109(S), an ordinance amending the Anchorage Municipal Code by enacting a new Chapter 12.50 to provide procedures for declaration of a deteriorated area or property, including definitions of deteriorated area or property and rehabilitation, and requiring a Confirmation Impact Study (CIS), and requiring the Assembly to hold a public hearing prior to declaring a deteriorated area or property, application procedures for obtaining taxation exemption or deferral, Assemblymember Clementson. **(LAID ON THE TABLE)**  
(CONTINUED FROM 8-17-99 AND 9-21-99)

Ms. Clementson distributed a substitute version. She intended to continue the public hearing to allow time for review of the substitute.

Chairman Wuerch opened the public hearing and asked if anyone wished to speak. There was no one. He announced the public hearing would be continued until December 7, 1999.

- B. Ordinance No. AO 99-140, an ordinance amending Chapter 12.35 of the Anchorage Municipal Code to **provide procedures for designation of a "deteriorated area"**, Assemblymember Tesche.  
**(LAID ON THE TABLE)**

Mr. Tesche, Ms. Fairclough and Ms. Taylor joined in introducing this ordinance. The public hearing was scheduled for December 7, 1999.

Mr. Tesche suggested discussing these documents in a worksession on December 7. There was no objection.

- C. Resolution No. AR 99-310, a resolution of the Anchorage Municipal Assembly **recommending a variable flow level of Cheney Lake**, Assemblymembers Taylor, Abney, Fairclough, Tesche, and Tremaine.  
**(addendum)**  
Resolution No. AR 99-311, a resolution of the Anchorage Municipal Assembly **recommending regulating the level of Cheney Lake to protect public and private infrastructure**, Assemblymember Clementson.  
**(LAID ON THE TABLE)**

Ms. Taylor moved, to postpone action on AR 99-310 and AR 99-311  
seconded by Ms. Fairclough, until October 19, 1999.  
and it passed without  
objection,

- D. **NOTICE OF RECONSIDERATION:** Ordinance No. AO 98-64(S), an ordinance amending the Anchorage Municipal Code Title 21 to **increase the allowable maximum sign viewing area for churches and schools from 20 square feet to 50 square feet**, to increase the number of signs from one per church or school to one sign for each street frontage and to permit signs for schools to be illuminated or lighted, Assemblymember Bell.  
(POSTPONED FROM 7-21-98; ON 9-28-99 ASSEMBLY ACTION WAS POSTPONED TO THE FIRST MEETING IN JUNE 2000; NOTICE OF RECONSIDERATION WAS GIVEN BY MR. TESCHE 9-29-99)

Chairman Wuerch gave the history of the ordinance and noted the question of whether to reconsider the postponement action was before the body.

Mr. Tesche urged reconsideration. He felt this issue should be decided once and for all. He was aware the Community Planning and Development Department is working hard with a sign committee, and encouraged them to continue in that regard.

Question was called on whether to reconsider postponement of AO 98-64(S) and it passed:

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

Ms. Taylor felt a new public hearing to refresh members' memories on the issue would be appropriate.

Mr. Kendall moved, to schedule a public hearing for AO 98-64(S) on December 7,  
seconded by Ms. Taylor, 1999.

Ms. Von Gemmingen suggested members who were not present at the previous public hearing read copies of the minutes to educate themselves. She did not support opening a new public hearing.

Ms. Von Gemmingen moved, to postpone action on AO 98-64(S) indefinitely.  
seconded by Ms. Clementson,

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

Question was called on Mr. Kendall’s motion to postpone until December 7 and reopen the public hearing and it passed:

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

E. Resolution No. AR 99-244, a resolution of the Anchorage Municipal Assembly **determining that all executive session tapes relating to the sale of ATU be released immediately**, Assemblymember Kendall.  
(POSTPONED FROM 9-14-99)

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

Ms. Clementson felt release of some tapes was appropriate. However, she opposed releasing any tapes that are related to personnel issues. She felt the information on these tapes would not benefit the public and may actually cause harm to some persons.

Mr. Kendall felt the proposed action would bring closure to the contentious issue of the ATU sale. He felt when the government is involved, all processes should be open, including the contents of the Assembly Executive Sessions. The public should know the process was sound and the decision to sell ATU was appropriate. He could not recall any Session where personnel issues were discussed.

Ms. Fairclough pointed out the Assembly that held the Sessions made a commitment to seal those records for a specific amount of time. She would hate to reverse that decision without knowing the specific reasons for the decision. She agreed personnel issues should remain private. Ms. Fairclough added ATU may be in the process of changing ownership again; if the proposed records are released, the pending sale may be adversely affected.

Ms. Clementson confirmed at least one of the Sessions included discussion of very candid matters she felt could be potentially harmful to the professional reputation certain parties.

Chairman Wuerch added it would be harmful to the Assembly’s reputation if they reversed a previous commitment.

Mr. Kendall pointed out Alaska Communications Systems (ACS) has no objection to the release of the tapes.

Ms. Clementson pointed out ACS officials have not heard the tapes.

Municipal Attorney Mary Hughes explained the Anchorage Daily News (ADN) requested the release of three tapes; one of those tapes has already been released, as the Assembly’s motion was to release that tape at the time the ATU sale closed, or five years, whichever came first. The two remaining tapes include discussions of the consultants’ opinions on the value of ATU. She has reviewed those tapes; both have a five-year release time frame. She did not remember why the Assembly chose the five-year release date time frame. She said there are other ATU executive session tapes besides those requested by ADN, and she would like to listen to those tapes before the Assembly takes action on the release of those tapes. She said the Assembly members could listen to the previous Executive Session tapes in a new Executive Session, which would allow new members the opportunity to hear the previous tapes.

Ms. Abney spoke against releasing the tapes prematurely. She pointed out the Assembly had a reason for choosing the five-year time frame.

Mr. Tesche pointed out although the utility officials do not know the content of the tapes, they do not object to their release. He trusted the advice of Ms. Hughes, who has said there is no legal prohibition to releasing the two tapes at issue. He added since the sale was complete, the information in the tape was historical. He supported release of the two tapes.

In response to Mr. Kendall, Ms. Hughes said she was unsure of the exact date, but the two tapes she felt that could be released were recorded in February, contained reports by Edgar Dunn Company, and were requested by ADN.

Mr. Kendall moved, seconded by Mr. Sullivan,	to amend AR 99-244 in Section 1, line 32, to read: “The two tape recordings of Executive Session meetings held on the subject of the sale of ATU be released immediately as requested by the Anchorage Daily News in a letter sent to the Municipal Attorney.”
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In response to Mr. Tremaine, Ms. Hughes explained one of the tasks of the Edgar Dunn company was to review ATU from a financial and management standpoint. Management was discussed on the tapes.

Ms. Clementson moved, and it was accepted as a friendly amendment,	to amend the amendment to read: “...in a letter sent to the Municipal Attorney in July, 1999.”
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Ms. Fairclough requested guidance. She was not comfortable voting on this issue since she was not part of the Assembly when the Executive Sessions were held.

In response to Chairman Wuerch, Ms. Hughes said there have been times when Assemblies have changed policy decisions of preceding Assemblies. However, she knew of no precedent where a new Assembly overturned a specific judgment of a preceding Assembly, such as changing a tape release date. She advised either only the members involved in the Sessions should vote, or all members should hear the tapes in a new Executive Session before voting.

Ms. Clementson said during her term, the Assembly has not been faced with overturning the decision of a previous Assembly without any information.

Question was called on Mr. Kendall's motion to amend as amended and it passed:

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

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

Ms. Clementson moved, and it died for lack of a second,	to direct any member who has not heard the tapes or was not present at the Executive Sessions to refrain from participating in the vote.
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Mr. Tesche felt the motion was out of order. He said there was no provision in the Municipal Charter or Code that would allow the Assembly to make such a directive.

Mr. Kendall pointed out the only provision in the Code to prohibit a member from participating is when that member has a substantial financial interest in the matter before the body. He also objected to Ms. Clementson's motion.

Chairman Wuerch ruled that no members would be excluded from voting on this matter.

Question was called on the motion to approve AR 99-244 as amended and it failed:

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

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

Mr. Kendall was excused and left the meeting.

F. Special Orders.

Mr. Tesche moved, seconded by Ms. Taylor,	to reschedule the public hearing for AO 99-114, regarding adoption of the goals and objectives of the Anchorage Bowl Comprehensive Plan, from October 19, 1999 to February 15, 2000.
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Mr. Tesche felt the Comprehensive Plan revisions are progressing well, and he would prefer AO 99-114 be postponed until the end of the process.

Mr. Sullivan requested representatives of the Community Planning and Development Department visit each community council to discuss and answer any questions about the recent public hearings on this portion of the Comprehensive Plan revisions.

Question was called on the motion to reschedule the public hearing on AO 99-114 for February 15, 1999 and it passed with Ms. Clementson and Ms. Von Gemmingen objecting.

G. Assembly Comments.

Mr. Sullivan distributed copies of the State Matching Capital Grants list approved by the Assembly last week.

Ms. Abney noted there were a lot of tax refunds approved on the agenda tonight, as a result of incorrect real property inventories. She requested a description of the real property be included with valuation notices, so property owners would know immediately if there are errors in their property inventory.

Chairman Wuerch asked Ms. Abney to repeat that comment at the upcoming worksession with the Municipal Assessor.

Mr. Tesche reported on a recent visit to the Alaska Aviation Heritage Museum. He hoped there was some way the Municipality and the Museum could resolve financial issues.

Chairman Wuerch noted the Assembly must resolve the apportionment challenge raised by a petition submitted by Terry Martin. He confirmed it was being discussed by the Municipal Attorney's staff, the Municipal Clerk and Mr. Kendall. He noted the Friday cable re-broadcast of Assembly meetings has been discontinued. There have been no known complaints thus far, so he suggested waiting until any future complaints surface before attempting to resume that service.

Mr. Meyer announced a meeting of the Alcohol Policy Committee.

Ms. Fairclough suggested that meeting be combined with an existing meeting with Dan Coffey and representatives of various alcohol distributors, on October 25, 1999.

Ms. Von Gemmingen questioned when the Anchorage Police Department show is broadcast on Cable Channel 47. She also requested a list of the members of the community policing committees, and their schedule of meetings.

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

to extend the meeting until 11:10 p.m.

Ms. Clementson said she received complaints about advertising the agenda in the Alaska Journal of Commerce. Some constituents have reported this week was the first time they received their mailed subscription to the Journal in the mail prior to Monday or Tuesday. She reiterated a request for the circulation figures of the Journal. She encouraged her colleagues to consider adding funds to the budget to allow extra advertisements in the Alaska Star. She felt the public was not being notified of Assembly business adequately. She also asked for information on the costs to add advertising in the Star for the rest of this year.

#### 17. AUDIENCE PARTICIPATION:

MICHELE CZAJKOWSKI spoke as a former member of the sign ordinance committee, and a current member of the sign ordinance advisory committee. She clarified that release of the draft ordinance to the business community did not really happen. A few people on the Committee made copies of the ordinance and distributed it to their friends. The sign ordinance committee never had a chance to review the draft ordinance, which is why the advisory committee was formed.

PHIL AXELSON, a resident near Cheney Lake, reported on the progress of the pipeline installation near the road. Many properties on his street have had severe water problems; their sump pumps run almost continually. Since the work began, people have reported their sump pumps are slowing down and even stopping, so the new pipe is providing relief.

RANDY SMITH, president of the Mountain View Community Council, recalled about four years ago the Assembly approved a conditional use permit for a parcel of I-1 property near Porcupine Street. The purpose was a gravel and aggregate storage area for the Public Works Department. He explained there is historical evidence that there have been hazardous materials spilled and stored on a 15-acre area that is a wetlands, and belongs to the Heritage Land Bank. Now Public Works has decided to drill an eight-inch water well 200 feet deep on that property, to be used to fill Street Maintenance vehicles with water, so they do not have to use Municipal water. Mr. Smith questioned whether the wetlands or the hazardous materials were considered before drilling the well. He pointed out the State Department of Environmental Conservation well permit indicates there is no hazardous material within 100 feet of the well site, a fact he knows to be false. He questioned the statement that there will be no additional traffic in the area, despite the fact this site will be the water source for all Municipal street maintenance vehicles. The traffic load may violate conditions of the permit issued four years ago.

In response to Mr. Tesche, Mr. Smith said neighborhood residents were not notified of the well. Public Works staff told him today the reason there was no notice was they did not think it was important to the residents.

Ms. Taylor moved,  
seconded by Mr. Tesche,  
and it failed with Ms. Von Gemmingen  
objecting,

to extend the meeting until 11:30 p.m.

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

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

to extend the meeting until 11:25 p.m.

BARBARA WEINIG noted she helped develop software which would review the Municipal assessments to identify parcels that had increased more than 20 percent in one year. She added the Property Appraisal Division committed to include descriptions of the property and three comparable properties with the assessment notices. That did not happen this year.

NORMAN HOGG requested the Assembly delay the proposed lowering of the water in Cheney Lake until spring, to allow time for the public to discuss the road project and lake issue with Municipal officials.

SALLY HOGG felt Cheney Lake was very precious and special. She was disappointed engineers were going to tamper with the lake in ignorance. She pointed out a groundwater geologist or hydraulic engineer had not reviewed the plans. She felt such expertise was necessary to protect the delicate ecosystem of the lake. Ms. Hogg said the road project would last about 20 years, but the lake, if healthy, could last forever and be an asset for future generations.

LORRAINE ELSON, a resident near Cheney Lake, said her family was never notified about the proposed road project. Although they do not live directly adjacent to the lake, they have used it frequently over the past 20 years. She questioned the expertise of the people involved in the project. She reiterated the fact that a hydraulic engineer has not been consulted, and a wildlife expert was only consulted after people found out the plan for the lake and complained. Ms. Elson felt the area near Prosperity Drive had always been wet and boggy, and it would remain that way regardless of the lake drainage. She pointed out development on boggy land usually resulted in water problems. She added people with basement water problems are reporting their sump pumps are slowing down and stopping, although the reduction of the lake has not yet begun. She encouraged the Assembly to listen to residents' concerns.

LINDA WOODALL, a resident in the Cheney Lake area, supported lowering the lake. She grew up in the area, beginning in 1965. She said she lived in their house for 15 years, and never had a water problem until 1986, when, after heavy rains, the lake rose considerably. She felt Municipal officials have done a good job in explaining the situation, and trying to resolve residents' concerns.

#### 18. EXECUTIVE SESSIONS: None.

19. ADJOURNMENT:

The meeting adjourned at 11:25 p.m.

\_\_\_\_\_  
Chairman

ATTEST:

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

Date Minutes Approved: January 11, 2000

LF/db

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