

**MUNICIPALITY OF ANCHORAGE**

**ANCHORAGE ASSEMBLY**

Minutes for Regular Meeting of November 9, 1999

**1. CALL TO ORDER:**

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

**2. ROLL CALL:**

Present: Dan 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 Mr. Meyer.

**4. MINUTES OF PREVIOUS MEETING:**

- A. Regular Meeting - April 27, 1999 (Continued to 5-4-99)
- B. Regular Meeting - June 15, 1999
- C. Regular Meeting - July 13, 1999

Ms. Clementson moved, to approve the minutes of the regular meetings of  
seconded by Mr. Sullivan, April 27, 1999; June 15, 1999 and July 13, 1999.  
and it passed without  
objection,

**5. MAYOR'S REPORT:**

Mayor Mystrom addressed the Alaska Municipal League (AML) meeting and Conference of Mayors held in Soldotna on November 5. He pointed out that Chairman Wuerch, Ms. Fairclough, Ms. Von Gemmingen, Mr. Tremaine, and Ms. Abney attended. He said the main issue of discussion was revenue sharing. He indicated that he had been appointed Chair of a committee to come up with ideas and solutions on that issue. He said the committee recommended to the Conference of Mayors that a two-pronged approach be used to restore revenue sharing to the fiscal 1998 level, which was about \$47,000,000 before last year's cut. At the same time, the committee developed another program called the Public Safety Foundation Program, which based the number on the percentage of alcohol tax, tobacco tax, gas tax, and a percentage of the buildings that were exempt from municipal property taxes around the state, which came to \$53,000,000. He said the committee may not get the new program done this session, but everyone involved was united in making this the number one priority.

In response to Mayor Mystrom, Chairman Wuerch indicated the AML board would decide on the committee's recommendation at its next meeting.

Mayor Mystrom indicated the Conference of Mayors met with four legislators from the Kenai Peninsula Borough. He said mayors from small communities were concerned that their communities could not survive. Seldovia related that when they could not provide enough teachers for the school, they lost families from the area. Mayor Mystrom indicated that was common throughout the smaller towns in Alaska. He pointed out that the Conference of Mayors was not divided between rural and urban areas, since both interests were coincidental. He noted that the Conference of Mayors agreed on the importance of revenue sharing; there will be a very active presence in the rural communities. He said the Administration would go early to Juneau to lobby legislators; the Mayor, Municipal Attorney Mary Hughes and Communications Director Sherman Ernouf will have an active presence there.

**6. ADDENDUM TO AGENDA:**

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

Chairman Wuerch read the addendum items.

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

**7. CONSENT AGENDA:**

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

- A. BID AWARDS:

1. Assembly Memorandum No. AM 1120-99, recommendation of award to National Ambulance Builders for furnishing **ambulances** to the Municipality of Anchorage, Anchorage Fire Department (AFD) (ITB 99B-099), Purchasing.

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

B. 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, Assemblymembers Tesche, Sullivan, Taylor, and Meyer. public hearing 12-14-99.
  - a. Assembly Memorandum No. AM 944-99.

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

2. Ordinance No. AO 99-142, an ordinance of the Municipality of Anchorage **authorizing Anchorage Water and Wastewater Utility to sell via sole source Tract 1, Bayshore West Subdivision Unit 4A**, Plat No. 84-195, generally located off of Bettles Bay Loop in Bayshore West Subdivision, to the Alaskan Bay Owner's Association, Inc. for purposes of a community park, Heritage Land Bank/Water and Wastewater Utility. public hearing 11-23-99.
  - a. Assembly Memorandum No. AM 1000-99.
3. Ordinance No. AO 99-143, an ordinance amending Anchorage Municipal Code by amending various sections of Chapter 3.30 and enacting a new Section 3.30.1913 to **approve, adopt by reference and implement the Substance Abuse Testing Policy for the Public Transportation Department** of the Municipality of Anchorage, Employee Relations. public hearing 11-23-99.
  - a. Assembly Memorandum No. AM 1007-99.
4. Ordinance No. AO 99-144, an ordinance **adopting the Potter Valley Land Use Analysis as an element of the Municipality of Anchorage Comprehensive Plan** and amending Chapter 21.05 of the Anchorage Municipal Code, Community Planning and Development. public hearing 12-7-99.
  - a. Assembly Memorandum No. AM 1008-99.
5. Ordinance No. AO 99-145, an ordinance of the Municipality of Anchorage **creating Street Paving Special Assessment District 4P99 - G Street/H Street Alley Paving - 11th Avenue to 13th Avenue** and determining to proceed with proposed improvements therein, Public Works Department. public hearing 12-14-99.
  - a. Assembly Memorandum No. AM 1009-99.
6. Ordinance No. AO 99-146, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Sections 3.75.030 and 3.75.060, **requiring the distribution of certain materials to new employees regarding exercise of First Amendment rights** and eliminating a technical reference to the Anchorage Telephone Utility, Assemblymember Taylor. public hearing 12-14-99.
  - a. Assembly Memorandum No. AM 1119-99.

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

7. Resolution No. AR 99-323, a resolution of the Municipality of Anchorage appropriating \$1,035,128 to the State Categorical Grants Fund (231) from the Alaska Department of Health and Social Services for the **provision of Women, Infants & Children Nutrition Services**, Health and Human Services. public hearing 11-16-99.
  - a. Assembly Memorandum No. AM 1001-99.
8. Resolution No. AR 99-326, a resolution of the Municipality of Anchorage appropriating \$1,095,971 to the State Categorical Grants Fund (231) from the Alaska Department of Labor and Workforce Development for the **JTPA Program - STEP Grant**, Community Planning and Development. public hearing 11-16-99.
  - a. Assembly Memorandum No. AM 1110-99.
9. Resolution No. AR 99-327, a resolution of the Municipality of Anchorage appropriating \$114,752 to the State Categorical Grants Fund (231) from the Alaska Department of Labor and Workforce Development for the **JTPA Program - Title IIC Youth Grant**, Community Planning and Development. public hearing 11-16-99.
  - a. Assembly Memorandum No. AM 1111-99.
10. Resolution No. AR 99-329, a resolution of the Municipality of Anchorage appropriating \$1,142,515 to the State Categorical Grants Fund (231) from the Alaska Department of Labor and Workforce Development for the **JTPA Program - Title III Dislocated Worker Grant**, Community Planning and Development. public hearing 11-16-99.
  - a. Assembly Memorandum No. AM 1112-99.
11. Resolution No. AR 99-330, a resolution of the Municipality of Anchorage appropriating \$808,291 to the State Categorical Grants Fund (231) from the Alaska Department of Labor and Workforce Development for the **JTPA Program - Title IIA Adult Grant**, Community Planning and Development. public hearing 11-16-99.
  - a. Assembly Memorandum No. AM 1113-99.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 99-328, a resolution of the Anchorage Assembly **recognizing National Farm-City Week, November 16-22, 1999**, and saluting Alaskan farmers and ranchers, and all Alaskans who assist in the production and distribution of Alaska's agricultural goods, Assemblymembers

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

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

2. Resolution No. AR 99-325, a resolution **adopting an allocation method for the FY00 Shared Fisheries Business Tax Program** and certifying that allocation method fairly represents the distribution of significant effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area, Office of Management and Budget.
  - a. Assembly Memorandum No. AM 1004-99.

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

3. Resolution No. AR 99-233, a resolution **adopting the 2000 Legislative Program** for the Municipality of Anchorage, Legal Department.
  - a. Assembly Memorandum No. AM 811-99.

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

4. Resolution No. AR 99-331, a resolution appropriating \$35,000 for the **settlement of Allvest, Inc. v. Municipality of Anchorage et al.** and approving the extension of the animal control and community service patrol services contract, Legal Department.
  - a. Assembly Memorandum No. AM 1121-99.

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

5. Resolution No. AR 99-332, a resolution of the Anchorage Municipal Assembly appropriating \$5,200 from Areawide General Fund (101) Balance to Non-Departmental to provide **a grant to Anchorage 2000 to cover insurance costs for the millennium events**, Assemblymembers Taylor, Abney, Fairclough, Tesche, Von Gemmingen, and Meyer. **(addendum)**
  - a. Assembly Memorandum No. AM 1129-99.
6. Resolution No. AR 99-333, a resolution of the Anchorage Assembly **recognizing National Farm-City Week, November 19-25, 1999**, and saluting Alaskan farmers and ranchers, and all Alaskans who assist in the production and distribution of Alaska's agricultural goods, Assemblymembers Wuerch, Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen. **(addendum)**

#### D. NEW BUSINESS:

1. Assembly Memorandum No. AM 1125-99, **Animal Control Advisory Board appointment** (Christy Shelton), Mayor's Office.

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

2. Assembly Memorandum No. AM 1126-99, **Health and Human Services Commission appointment** (Marjorie Feldberg), Mayor's Office.

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

3. Assembly Memorandum No. AM 1127-99, **Mt. View Community Recreation Center Advisory Commission appointments** (James Allen, Niki Burrows, Richard Benavides, Roberta Brooks, John Beyers, Dee Dee Payne, James Partlan), Mayor's Office.
4. Assembly Memorandum No. AM 1128-99, **Youth Advisory Commission appointments** (Andrew Issacs, Elena Romerdahl), Mayor's Office.

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

5. Assembly Memorandum No. AM 1006-99, **Curly's Neighborhood Grill** - Transfer of Ownership of a Restaurant/Eating Place Liquor License and Application for a Restaurant Designation Permit (Northeast/Russian Jack Community Councils), Clerk's Office.
6. Assembly Memorandum No. AM 1002-99, Contract Amendment Number One (1) - Tam Construction, Inc., for the **construction of Cherry Hill/Port of Anchorage Storm Drain Phase II Sediment Basin**, DPW 99-03, Public Works.
7. Assembly Memorandum No. AM 1005-99, **Anchorage Cemetery (Columbarium/Retaining Wall) Utility Relocation Agreement** with ATU Communications, Inc.; DPW File #99-09, Public Works.

A member of the Administration requested this item be considered on the Regular Agenda. See item 8.E.

8. Assembly Memorandum No. AM 1114-99, change order No. 1 to purchase order 81842 to exercise the first option period with Alpine General Contractors for providing **concrete & asphalt cutting services** to the Municipality of Anchorage, Municipal Light and Power/Purchasing.

A member of the Administration requested this item be considered on the Regular Agenda. See item 8.E.

9. Assembly Memorandum No. AM 1115-99, recommendation of award to various firms for providing professional services for **design and contract administration for underground fuel tank removal and soil remediation** on an "as required" basis for the Municipality of Anchorage, Department of Property and Facility Management (RFP 99-P030), Purchasing.

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

10. Assembly Memorandum No. AM 1122-99, change order No. 1 to purchase order 83561 with Ogden Beeman & Associates, Inc. to **analyze tariff rates** for the Municipality of Anchorage, Port of Anchorage/Purchasing.

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

11. Assembly Memorandum No. AM 1123-99, change order No. 1 to purchase order ~~82337~~ 83952 with Currier's Asphalt Maintenance for providing **snow removal services** to the Municipality of Anchorage, Water and Wastewater Utility/Purchasing.

A member of the Administration requested this item be considered on the Regular Agenda. See item 8.E.

12. Assembly Memorandum No. AM 1124-99, amendment No. 3 to the professional services contract with Unwin Scheben Korynta Huettle, Inc. (USKH) for the **Ship Creek Trail Project (Coastal Trail North Extension)**, Cultural and Recreational Services.

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

13. Assembly Memorandum No. AM 1116-99, **Findings and Conclusions – Appeal S-10419 Skyhills Subdivision**, Community Planning and Development.  
14. Assembly Memorandum No. AM 1117-99, **Findings and Conclusions – Appeal 99-041 Conditional Use for a Utility Facility**, Community Planning and Development.  
15. Assembly Memorandum No. AM 1118-99, **Findings and Conclusions – Appeal S-10404 Abbott Road Subdivision**, Community Planning and Development.  
16. Assembly Memorandum No. AM 1130-99, **Assembly Meeting Schedule** (January-June 2000), Assembly Office. (**addendum**)

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

17. Assembly Memorandum No. AM 1133-99, **Expenditure of Assembly Funds** - Approval by Assembly. (**addendum**)

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 103-99, **AWWU Operations Facility Phase II** - Pending Change Order with Fike Brothers Building, Water and Wastewater Utility.

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

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

8. REGULAR AGENDA:

A. TIME CRITICAL ITEMS: None.

B. BID AWARDS:

1. Assembly Memorandum No. AM 1120-99, recommendation of award to National Ambulance Builders for furnishing **ambulances** to the Municipality of Anchorage, Anchorage Fire Department (AFD) (ITB 99B-099), Purchasing.

Ms. Von Gemmingen moved, to approve AM 1120-99,  
seconded by Mr. Tesche,

In response to Ms. Von Gemmingen, Fire Chief Nolan indicated that the five new ambulances would be delivered in approximately 120 days.

In response to Chairman Wuerch, Chief Nolan said the Municipality would be getting five ambulances for the price of four and they were pleased with the price.

In response to Ms. Clementson, Chief Nolan said the new ambulances were replacement vehicles for ambulances currently at 1, 5, 6, 9 and 12.

In response to Mr. Meyer, Chief Nolan said the oldest ambulance would be surplused and the remaining ambulances would be held in reserve. He pointed out that the new ambulances would be faster than the old ones.

In response to Mr. Tremaine, Chief Nolan indicated that there were currently seven ambulances in Anchorage. He confirmed that Anchorage had bought four new ambulances in the past three years and refurbished three others. Two of those

ambulances went to Chugiak and one went to Girdwood. He indicated that the staffing of the reserve ambulances would depend on what happened with the operating budget. He felt that it would take six months to a year to staff the reserve ambulances if money was allocated in the budget.

Ms. Fairclough wanted to put on record her comments to members of the press regarding Emergency Medical Services (EMS). She said there was \$299,000 coming from an appropriation, not bonds and \$304,000 that is from a bond approved in 1998 to purchase ambulances. She checked with the legal department regarding the purchase and wanted to reassure the public that a lot of time and thought had been expended in the process and it was looking good.

Question was called on the motion to approve AM 1120-99 and it passed:

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

Mayor Mystrom recognized the Mountain View Community Recreation Center Advisory Commission appointments approved on the consent agenda.

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, Assemblymembers Tesche, Sullivan, Taylor, and Meyer. public hearing 12-14-99..
  - a. Assembly Memorandum No. AM 944-99.

Ms. Clementson, Ms. Taylor, and Ms. Fairclough joined in introducing AO 99-135. Mr. Sullivan, Ms. Taylor and Mr. Meyer were listed as co-sponsors.

Ms Clementson moved, seconded by Mr. Kendall and it passed without objection,	to refer AO 99-135 to the Property and Facility Management Advisory Commission and set it for public hearing on December 14, 1999.
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2. Ordinance No. AO 99-146, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Sections 3.75.030 and 3.75.060, **requiring the distribution of certain materials to new employees regarding exercise of First Amendment rights** and eliminating a technical reference to the Anchorage Telephone Utility, Assemblymember Taylor. public hearing 12-14-99.
  - a. Assembly Memorandum No. AM 1119-99.

Ms. Taylor, Mr. Tesche, and Mr. Tremaine joined in introducing AO 99-146. The public hearing was scheduled for December 14, 1999.

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 99-328, a resolution of the Anchorage Assembly **recognizing National Farm-City Week, November 16-22, 1999**, and saluting Alaskan farmers and ranchers, and all Alaskans who assist in the production and distribution of Alaska's agricultural goods, Assemblymembers Wuerch, Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen.

Ms. Clementson moved, seconded by Ms. Taylor, and it passed without objection,	to postpone action on AR 99-328 indefinitely.
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(Clerk's Note: See item C.6. AR 99-333 approved on the consent agenda.)

2. Resolution No. AR 99-325, a resolution **adopting an allocation method for the FY00 Shared Fisheries Business Tax Program** and certifying that allocation method fairly represents the distribution of significant effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area, Office of Management and Budget.
  - a. Assembly Memorandum No. AM 1004-99.

Ms. Von Gemmingen moved, seconded by Ms. Taylor,	to approve AR 99-325.
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In response to Ms. Von Gemmingen, Director, Office of Management and Budget, Gene Dusek said the Municipality had applied for the shared fishery business tax since before 1991, but he was not sure exactly when it started. He agreed to include the amount of tax received in future memoranda.

In response to Chairman Wuerch, Mr. Dusek indicated that last year the Municipality received \$22,000 to \$23,000 from the shared fishery business tax. He indicated that once the new plant was online in two years, that amount could increase.

Question was called on the motion to approve AR 99-325 and it passed without objection.

3. Resolution No. AR 99-233, a resolution **adopting the 2000 Legislative Program** for the Municipality of Anchorage, Legal Department.
  - a. Assembly Memorandum No. AM 811-99.

Mr. Meyer moved, to approve AR 99-233.  
seconded by Ms. Taylor,

In response to Mr. Meyer, Municipal Attorney Mary Hughes suggested setting a work session for December 7, 1999. She said the Administration indicated to the caucus members that the packet from the Administration and the Assembly would be available by January 10, 2000.

Chairman Wuerch indicated there would be time on December 7, 1999 from 2:00 to 2:50 p.m. for a work session on the Year 2000 Legislative Program. It was acceptable to all Assemblymembers and added to the schedule.

Mr. Meyer moved, to postpone action on AR 99-233 to December 7, 1999.  
seconded by Ms. Von Gemmingen,  
and it passed without  
objection,

4. Resolution No. AR 99-331, a resolution appropriating \$35,000 for the **settlement of Allvest, Inc. v. Municipality of Anchorage et al.** and approving the extension of the animal control and community service patrol services contract, Legal Department.
  - a. Assembly Memorandum No. AM 1121-99.

Ms. Clementson moved, to approve AR 99-331.  
seconded by Ms. Von Gemmingen,

Ms. Clementson indicated she would vote no on AR 99-331. She said she had a problem paying a company to settle a lawsuit when the Assembly was not in the wrong. She was concerned about extending the Doyon contract and going out for a new Request for Proposal on August 1, 2000, which would be 60 days before the Doyon contract expired.

In response to Ms. Clementson, Purchasing Officer Ted Chenier said it would be six weeks after specifications were received until a name would be submitted to the Assembly.

Municipal Attorney Mary Hughes pointed out that Department of Health and Human Services was done with its part and would make sure Purchasing received the Request for Proposal in time to have it on the street by August 1.

In response to Chairman Wuerch, Municipal Attorney Mary Hughes pointed out the reason this resolution was recommended to the Assembly was because of an April 1 court date. The Law Department had a long, involved settlement before Judge Sanders and this resolution came several days later. She said that the Municipality would spend more going to court than to resolve the matter. She indicated the Municipality was paying partial attorney's fees and had outside counsel fees as well. She estimated the cost of going to trial would be in excess of the amount that they were presently recommending to settle the matter. She said that if the current Community Services Patrol contract were extended, it would be at the current rates.

In response to Ms. Von Gemmingen's intent to postpone and divide the matter into three issues, Chairman Wuerch pointed out that the settlement agreement required all three points and if any one were disapproved, all were disapproved.

Mayor Mystrom confirmed that this was not a question that could be divided. He said it was a long process and Allvest had come down considerably from what they had been asking. He indicated it was a very small amount, which was negotiated and brought before the Assembly. He said that it would put the matter behind the Municipality and cost less than taking it to court.

In response to Mr. Tesche, Municipal Attorney Mary Hughes said it had always been Law's opinion that the code provisions had not been violated and she felt the court would uphold that. She estimated the cost of accomplishing that outcome would be approximately \$80,000 and a lot of time and effort on the part of the Administration.

Mr. Tesche thought that the Department of Law had a procedure known as litigation risk analysis to evaluate settlements similar to this. He asked the Municipal Attorney if Law still used litigation risk analysis.

Chairman Wuerch pointed out that the Assembly had previously reviewed situations using the risk analysis concept, but that was not done in open session. He indicated that if Mr. Tesche wanted to pursue that course of action, the Assembly should move to executive session to discuss it.

Mr. Tesche moved, to postpone action on AR 99-331 until later in the meeting  
seconded by Ms. Abney, following item 18, Executive Sessions.

Ms. Clementson said it had not been her understanding that all three points were a condition of the settlement. She felt it amounted to blackmail to require the Assembly to give an extension to an unrelated contract in order to agree to settle the lawsuit. She felt it was totally inappropriate to tie the two matters together.

Question was called on the motion to postpone AR 99-331 and it passed:

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

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 1125-99, Animal Control Advisory Board appointment (Christy Shelton), Mayor's Office.

Mr. Tesche moved, to approve AM 1125-99.  
 seconded by Mr. Tremaine,  
 and it passed without  
 objection,

In response to Mr. Tesche, Mayor Mystrom indicated that the most important criteria for this appointment was a willingness to serve on the citizen advisory board. He said the Administration did not necessarily look for involvement with previous animal control groups or experience in that area, but a love of pets and a caring for the community, which Ms. Shelton had.

In response to Mr. Tesche, Ms. Shelton indicated she lived in Eagle River. She said she had a deep interest in animal issues and had several pets of her own. She said she wanted to serve her community and had enjoyed volunteer work in the past.

Question was called on the motion to approve AM 1125-99 and it passed without objection.

2. Assembly Memorandum No. AM 1126-99, Health and Human Services Commission appointment (Marjorie Feldberg), Mayor's Office.

Mr. Tesche moved, to approve AM 1126-99.  
 seconded by Mr. Tremaine,  
 and it passed without  
 objection,

In response to Mr. Tesche, Director of the Mayor's Office, Denise Berger, indicated that the first qualification to serve on a board or commission was having an interest in the area. She noted that Marjorie Feldberg fit that qualification. She indicated that Ms. Feldberg had a lot of experience in business management and she thought her area of professional expertise would add to this commission.

3. Assembly Memorandum No. AM 1128-99, Youth Advisory Commission appointments (Andrew Issacs, Elena Romerdahl), Mayor's Office.

Mr. Meyer moved, to approve AM 1128-99.  
 seconded by Ms. Clementson,  
 and it passed without  
 objection,

Mr. Meyer commended the appointees for their willingness to serve on the Commission. He mentioned that he had worked with Mr. Issacs on the development of a skate board park.

Ms. Taylor pointed out she had been contacted by a member of the Youth Commission who was interested in having a work session with the Assembly to talk about ways the Commission could work together. She indicated the meeting would be in the next couple of weeks.

Chairman Wuerch asked the Assembly staff to look at the school vacation schedule and contact the Youth Commission to schedule a meeting in either December or the first part of January.

4. Assembly Memorandum No. AM 1005-99, Anchorage Cemetery (Columbarium/Retaining Wall) Utility Relocation Agreement with ATU Communications, Inc.; DPW File #99-09, Public Works.

Municipal Manager George Vakalis asked for a technical correction on line 8. The words "Roads and Drainage" should be deleted and the word "Areawide" inserted before the word "Bonds."

Ms. Von Gemmingen moved, to approve AM 1005-99 as corrected at line 8.  
 seconded by Ms. Fairclough,  
 and it passed without  
 objection,

5. Assembly Memorandum No. AM 1114-99, change order No. 1 to purchase order 81842 to exercise the first option period with Alpine General Contractors for providing concrete & asphalt cutting services to the Municipality of Anchorage, Municipal Light and Power/Purchasing.

Municipal Manager George Vakalis asked for a technical change addressed by Mr. Chenier. The year at line 10 should read 1999 instead of 1998.

Ms. Fairclough moved, to approve AM 1114-99 as corrected.  
 seconded by Ms. Taylor,  
 and it passed without  
 objection,

6. Assembly Memorandum No. AM 1115-99, recommendation of award to various firms for providing professional services for design and contract administration for underground fuel tank removal and soil remediation on an "as required" basis for the Municipality of Anchorage, Department of Property and Facility Management (RFP 99-P030), Purchasing.

Mr. Tremaine moved, to approve AM 1115-99.  
seconded by Ms. Fairclough,

In response to Mr. Tremaine, Contract Division Manager of Property and Facility Management Donald Simmons indicated the reason these three firms were selected was as a result of a Request for Proposal selection process. These three firms represent most of the expertise in this area.

Question was called on the motion to approve AM 1115-99 and it passed without objection.

7. Assembly Memorandum No. AM 1122-99, change order No. 1 to purchase order 83561 with Ogden Beeman & Associates, Inc. to **analyze tariff rates** for the Municipality of Anchorage, Port of Anchorage/Purchasing.

Ms. Fairclough moved, to approve AM 1122-99.  
seconded by Ms. Taylor,

In response to Ms. Fairclough, Assistant Port Director Richard Burg said the issues that were identified in the tariff changes would require some presentations to ensure that everyone understood what the changes would entail and why they were being done. He indicated that at the beginning, Port staff did not realize there would be this kind of complexity. He felt it would be necessary to bring the design team to Anchorage to make the third party presentations.

Question was called on the motion to approve AM 1122-99 and it passed without objection.

8. Assembly Memorandum No. AM 1123-99, change order No. 1 to purchase order 83952 with Currier's Asphalt Maintenance for providing **snow removal services** to the Municipality of Anchorage, Water and Wastewater Utility/Purchasing.

Purchasing Officer Ted Chenier requested that a technical correction be made to the memorandum. At line 4, in the title, the purchase order number should be 83952.

Mr. Kendall moved, to approve AM 1123-99 as corrected.  
seconded by Ms. Fairclough,  
and it passed without  
objection,

9. Assembly Memorandum No. AM 1124-99, amendment No. 3 to the professional services contract with Unwin Scheben Korynta Huettle, Inc. (USKH) for the **Ship Creek Trail Project (Coastal Trail North Extension)**, Cultural and Recreational Services.

Ms. Fairclough moved, to approve AM 1124-99.  
seconded by Mr. Tremaine,

At Ms. Fairclough's request, Chairman Wuerch suspended the memorandum discussion to allow Scout Troop 190 from Elmendorf to introduce themselves.

In response to Ms. Fairclough, Cultural and Recreational Services Director Kathy Kingston indicated that the Railroad did not have enough time to do the design, so the professional services would come out of the project funds for the extension of Ship Creek Trail. She did not know if the Assembly would be reimbursed by the Railroad, but could find out. She said it was necessary for the safety of the users of the trail to have it elevated as well as a new bridge. She indicated there would be a tunnel that would go underneath so pedestrians would not have to cross the railroad tracks.

Ms. Fairclough pointed out that the Alaska Railroad had a windfall of federal money, which was not in the bank yet. She agreed that a separated crossing needed to be designed there, but questioned whether it was the Municipality's responsibility.

Ms. Clementson indicated she was an AMATS representative. She pointed out that this particular Government Hill connection was being paid for by federal money. She indicated that this was part of the Municipality's windfall, either through ISTEA or the T-21 Program, which all came out of the same pot of money. She pointed out that the separated crossing was being constructed at the wishes of the Assembly who specifically took action by amending the TIP to add a connection to Government Hill. .

In response to Ms. Fairclough, Ms. Clementson indicated that federal T-21 money would pay for the separated crossing.

Question was called on the motion to approve AM 1124-99 and it passed without objection.

10. Assembly Memorandum No. AM 1130-99, **Assembly Meeting Schedule** (January-June 2000), Assembly Office. (**addendum**)

Ms. Clementson moved, to approve AM 1130-99.  
seconded by Mr. Kendall,

Ms. Clementson moved, to amend AM 1130-99 by deleting the meetings of March 7, 2000 and May 23, 2000 and reinstating the meeting of May 2, 2000.  
seconded by Mr. Kendall,



Chairman Wuerch pointed out that if the members were to cancel the meeting on March 7, 2000, the Assembly would go four weeks between meetings. He indicated that long periods of time between meetings should be avoided because of the need to approve contracts and do the City's business. He indicated that May 2, 2000, was a probable run-off election day and the Clerk would have a heavy workload verifying the vote count and getting the results of the election to the Assembly. He said April 18 and May 16 were important meetings needed to certify the regular and runoff municipal elections.

Ms. Clementson moved, to postpone AM 1130-99 for one week.  
seconded by Mr. Tesche,  
and it passed without  
objection,

F. INFORMATION AND REPORTS: None.

9. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS: None.

10. APPEARANCE REQUESTS:

A. **Johann Hamerski**, regarding the Rabbit Creek View/Heights Subdivisions Special Survey Assessment District 1V96.

JOHANN HAMERSKI said he had the misfortune to be living in the Rabbit Creek View/Heights Subdivision, which is being replatted. He indicated that through the replat process, his hands had literally been tied. He said the residents spent a long period of time working with the Fink Administration, which resulted in guarantees. He noted that these were documented on video film. He submitted a packet of information to the Clerk, which was a good update and would give the Assembly an idea of what was going on. Mr. Hamerski said he was before the Assembly to exhaust any Municipal remedies that were available to the residents. He indicated there was a motion filed that said they had not exhausted all available remedies. He said he could not believe that there was a motion filed indicating that they could not seek redress and have their day in court, because everyone had said that was where they were supposed to do it. He was concerned about how the case was being handled because of an apparent conflict of interest. Mr. Hamerski questioned for whom does the attorney Gordon Schadt work. He said he thought Mr. Schadt worked for him, because he was paying him. He indicated that he had told Mr. Schadt things that he considered were attorney/client confidentiality, but now he is seeing motions coming out against him. He said he was very concerned about that and had taken it to the Ethics Board. He mentioned that they were trying to bifurcate the case, but he felt the ballot was clear in stating that it was to be on a per lot basis. He felt they needed to go back to the spirit of the matter and all the people who worked so long and hard on it. He felt that if they had stayed with the original program, they would be on budget. He pointed out that they were now twenty times over the original budget.

In response to Mr. Tremaine, Municipal Attorney Mary Hughes explained that one of the things that the Assembly had wanted initially when this matter came before them last spring was a quick process to get the replat completed. Then the Assembly wanted some peripheral issues decided after the replat was completed, so that the attorney's fees would be expended efficiently and effectively. She indicated that the reason the court was now looking at a motion that would dismiss those particular claims was because the Assembly had indicated that they wanted the amount assessed to each property owner to come back before it. She said some of the property owners had made that part of a counterclaim against the Municipality in the case in chief, which was not properly before the court. She said there was a rightness issue and a failure to exhaust Administrative remedies. She indicated that when the matter came back before the Assembly, there would be a hearing; the property owners would have a chance to speak, and then the Assembly would decide. At that point, the property owners would have the right to go to court on that issue. She indicated that because of the Assembly's direction, Law was trying to ensure that the attorney's fees being charged to the people within the subdivision were for the replat only and not for peripheral issues.

In response to Mr. Tremaine, Chairman Wuerch indicated that the packet of information supplied by Mr. Hamerski would be submitted to the Municipal Attorney for adjudication of whether it should go to the Judge or not.

In response to Mr. Tremaine, Municipal Attorney Mary Hughes said the Assembly approved \$279,000 and \$77,000 had been spent since last spring. She said that the court indicated in an order that it wanted a plan from the Municipality before deciding the matter. She pointed out that a draft of that plan had been submitted to the Assembly.

In response to Mr. Tesche, Municipal Attorney Mary Hughes said there had been dispositive motions filed, but the court had not ruled on any of them yet.

B. **Bob Lewis**, President - Taku/Campbell Community Council, regarding Arctic Blvd. Reconstruction Project.

BOB LEWIS said he was president of the Taku/Campbell Community Council. He indicated that their community council had been involved in the planning process for the Arctic Blvd. road project for several years. He said they supported many aspects of the project such as lowering the road grade, building of sidewalks and bike paths, installing a stoplight and better streetlights. He said the Council had always opposed implementing a parking lot within this project. Mr. Lewis referenced the comments from public hearings, petitions, letters, and a resolution of the Taku/Campbell Community Council at tab 1 of his handout, which are all in opposition to the parking lot. He indicated that after a review of the file, only two weakly supported comments had been found in support of the parking lot. He questioned why the parking lot was still a part of the project. He indicated that at the October 17 community council meeting, representatives from the Department of Public Works and Parks and Beautification made their first appearance to the council. They were told that the project file showed no record of the origin or the project, only that, it one day appeared as a 60-car lot in a set of drawings. He said they were also told that the parking lot was needed for access to the Campbell Creek Greenbelt Trail. He said they requested that Parks and Beautification provide a needs assessment on the parking lot. He felt it was only right that careful analysis be done if they were asked to give up precious greenbelt. Mr. Lewis said in May the Urban Design Commission also directed Parks and Beautification to provide a needs analysis, which is at tab 2. He said that AMATS also asked Parks and Beautification to identify who asked for the parking lot and how the number of spaces was decided. He said they felt that the memo of June

10, 1999, was more like a series of excuses put together by three guys sitting around the office trying to rationalize their project. He indicated that the memo stated that the parking lot was needed for people who fish in the creek. He referenced a letter from Fish and Wildlife, at tab 3, stating that they wanted no connection with the parking lot and did not encourage increased use of the area. He pointed out that Fish and Wildlife even said that they would not do the project if they were connected with the parking lot. He referenced the map at tab 4, which was a map of the greenbelt with all parking noted. He pointed out that there were fourteen current or planned parking lots along the trail.

Mayor Mystrom indicated that he had heard from Taku/Campbell Community Council and other people from the area. He said he met with the staff who was involved in this project. He said the staff had made the parking lot much smaller than it was originally planned, but Mayor Mystrom has asked them to look at alternatives. He said he asked the staff to meet with the people at the Lutheran Church across the street about buying an easement to use the front row of their parking lot.

In response to Mayor Mystrom, Mr. Lewis said the problem was that there had been no needs assessment done for this parking lot.

Mr. Meyer said he thought there had been a lot of compromise made on Arctic Blvd., and the only problem left seemed to be this parking lot. He agreed that he had not heard a good explanation of why it was necessary. He pointed out that hard-core fishermen were going to park as close as they could to the fish, so they would park wherever they could. He suggested to Mayor Mystrom that someone contact Gallo's Restaurant and see if they minded people parking in their parking lot.

In response to Mr. Meyer, Mr. Lewis said that the community council had kept a close eye on the area over the summer. He indicated that the fish season was only about two weeks long and there were only two or three occasions when they saw a few cars parked along the road. He said the question went back to whether that was a justified need to put a parking lot in, especially with the City trying to find ways to save money.

In response to Mr. Sullivan, Mr. Lewis pointed out that C Street was due for reconstruction beginning in the year 2000. He said one of the things proposed was to provide an access off of C Street from the parking lot currently at Stormy Place, which is off of Dimond Blvd. He felt that would be a more reasonable solution than cutting into the greenbelt and building a new parking lot.

In response to Chairman Wuerch, Mr. Lewis indicated that the Municipality of Anchorage currently owned the parking lot on Stormy Place.

Mr. Sullivan indicated that the parking lot on Stormy Place was to the west of two tennis courts and he could attest to the fact that the parking lot was under utilized.

In response to Chairman Wuerch, Mayor Mystrom indicated they were talking with the church about parking now. He indicated that Gallo's parking lot was a possibility, but the owners had not been approached. He thought he could get back to the Assembly in about a month to let them know how they were progressing with the parking lot issue.

In response to Ms. Clementson, Mayor Mystrom said the Assembly could pass a resolution and forward it to AMATS, but he felt they could solve the problem without that being necessary.

## 11. CONTINUED PUBLIC HEARINGS:

- A. 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.
  - 1. Assembly Memorandum No. AM 918-99.
 (CONTINUED FROM 10-26-99)

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

Mr. Kendall moved, to approve AR 99-280.  
seconded by Ms. Taylor,

Mr. Tremaine commented that this was a very expensive parking lot. He felt that better planning in the first stage would save money.

Ms. Clementson said her concern was that single lots for school expansions had been purchased before, which had always come before the Joint School Site Selection Committee, but this one had not. She indicated that the Joint School Site Selection Committee's next meeting was November 23, 1999.

In response to Chairman Wuerch, Gladys Wilson, Real Estate Services, said the Municipality did not have an option to purchase at this present time, so deferring would not make any difference.

Chairman Wuerch pointed out that the School Board approved this acquisition by its Memorandum 335 in June.

Ms. Clementson moved, to postpone action on AR 99-280 until November 23, 1999,  
seconded by Mr. Tremaine, pending referral to the School Site Selection Committee.  
and it passed without  
objection,

- B. 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.
1. Assembly Memorandum No. AM 937-99.  
(CONTINUED FROM 10-26-99)
- C. 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.
1. Assembly Memorandum No. AM 937-99.  
(CONTINUED FROM 10-26-99)

Mr. Tremaine moved, to combine the public hearings for items 11.A and 11.B,  
seconded by Ms. Abney, AO 99-134 and AR 99-295.  
and it passed without  
objection,

Chairman Wuerch opened the public hearing for AO 99-134 and AR 99-295 and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Ms. Clementson moved, to adopt AO 99-134.  
seconded by Ms. Taylor,

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

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

Ms. Fairclough moved, to approve AR 99-295.  
seconded by Mr. Kendall,

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

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

- D. 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.
1. Assembly Memorandum No. AM 914-99.  
(CONTINUED FROM 10-26-99)

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 99-132.  
seconded by Ms. Taylor,

In response to Mr. Tremaine, Environmental Services Division Manager, Lura Morgan said the IM Program was going through some substantial remodels right now. She said there was an entire new system being put in. She said there was a memorandum of understanding in place between the IM Program and the State of Alaska having to do with commuters. One piece of the program was a Sticker Program and the State felt it would help address the issue of commuters from the Valley. She indicated that the commuter cars that had passed an IM test would have stickers, and the focus would be on cars without stickers within the Municipality.

Question was called on the motion to adopt AO 99-132 and it passed:

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

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

**12. NEW PUBLIC HEARINGS:**

- A. Resolution No. AR 99-314, a resolution of the Municipality of Anchorage, Alaska, accepting and appropriating State of Alaska Drinking Water Fund loan offers in the total aggregate amount of \$4,000,000 for **financing a portion of the costs of the Anchorage Loop Transmission Main Phase V and the Service Reservoir No. 6 projects**, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 976-99.

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

Ms. Clementson moved, to approve AR 99-314.  
seconded by Mr. Meyer,

In response to Ms. Abney, Bruce Robson, Anchorage Water and Wastewater Utility (AWWU), said he did not know the exact amount spent on the line, but estimated it was around \$40,000,000. He indicated that the interest rate on the loan was 4.131 percent. He said the money would be paid back from revenues from the utility. Mr. Robson said this funding was for two projects, a portion of the Anchorage Loop transmission main and the Service High reservoir. He indicated that there was a five-acre site reserved for a potential reservoir at the new school site on Elmore, which belongs to the utility.

In response to Chairman Wuerch, Mr. Robinson said the \$40,000,000 was predicated on the portions of the loop that were finished to date. He indicated that for the Eklutna Treatment Facility and the Eklutna Pipeline, the utility had spent well over \$100,000,000 to \$110,000,000.

In response to Mr. Tremaine, Mr. Robson said the five acres acquired by Anchorage Water and Waste Utility from the School District at the Elmore high school site was allocated sometime ago, but he was not sure when.

In response to Mr. Tremaine, Municipal Attorney Mary Hughes said she was not sure how the School District could transfer land to Anchorage Water and Waste Utility. She said she would look into it for Mr. Tremaine.

Question was called on the motion to approve AR 99-314 and it passed:

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

NAYS: None.

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

- B. Resolution No. AR 99-281, a resolution **confirming and levying assessments for the Sewer Special Improvements within Levy-Upon-Connection Roll 99-S-3**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 919-99.

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

JANE ANVIK, representing the Alaska Native Heritage Center, said the Center was a non-profit organization on the East Side of town that provided cultural and educational opportunities for the citizens of Anchorage as well as the public at large. She indicated that in the winter, they become a school and provide opportunities for students in classrooms in Anchorage. She said the first job before the Assembly was to levy the assessment for the sewer expansions and the second job was to establish the roll and set the timing for the payment. Ms. Anvik said the Heritage Center was located on land in item 5, Ciri Glenn, and there was an assessment for the sewer of \$25,000. The Heritage Center agreed with the Municipality on the level of the assessment. She said the Heritage Center was brand new and just opened in May. She said they were still working out many of the issues associated with how they would operate within their fiscal constraints. She said the Heritage Center was requesting that the Assembly consider removing item 5, Ciri Glenn, from this roll and direct the Administration to work with them on establishing the timing for the payment of that sewer assessment. She indicated that would alleviate the cash flow situation of a non-profit cultural and educational program.

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 99-281.  
seconded by Ms. Taylor,

In response to Mr. Kendall, Mr. Robson, Anchorage Water and Waste Utility, said the Assembly could direct the Administration of the utility to remove Ciri Glenn from the roll for today's actions. He said AWWU could work the issue and come back to the Assembly.

Mr. Kendall moved, to divide the question and separate item 5 from the remainder  
seconded by Ms. Taylor, of the items on the roll.  
and it passed without  
objection,

Question was called on the motion to approve AR 99-281, except item 5, Ciri Glenn, and it passed:

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

NAYS: None.

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

Mr. Kendall moved, to postpone action on item 5 of AR 99-281 until January 25,  
seconded by Ms. Taylor, 2000.  
and it passed without  
objection,

- C. Resolution No. AR 99-313, a resolution **confirming and levying assessments for the water special improvements within Levy Upon Connection (LUC) Roll 99-W-2**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 975-99.

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

Ms. Clementson moved, to approve AR 99-313.  
seconded by Mr. Meyer,

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

The meeting recessed at 7:00 p.m. and reconvened at 7:30 p.m.

- D. **FIRST PUBLIC HEARING:** Ordinance No. AO 99-125, an ordinance of the Municipality of Anchorage adopting and appropriating funds for the **2000 Plan Year Anchorage Police and Fire Retirement System Operating Budget**, Police and Fire Retirement System.  
1. Assembly Memorandum No. AM 815-99.

Chairman Wuerch opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the first public hearing. He noted the second public hearing was scheduled for November 16, 1999.

- E. **FIRST PUBLIC HEARING:** Ordinance No. AO 99-123, an ordinance adopting and appropriating funds for the **2000 Enterprise Activities/Municipal Utilities Operating and Capital Budgets** for the Municipality of Anchorage, Office of Management and Budget.  
1. Assembly Memorandum No. AM 812-99.

Chairman Wuerch opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the first public hearing. He noted the second public hearing was scheduled for November 16, 1999.

- F. **FIRST PUBLIC HEARING:** Resolution No. AR 99-236, a resolution adopting the **2000-2005 Enterprise Activities/Municipal Utilities Capital Improvement Program**, Office of Management and Budget.  
1. Assembly Memorandum No. AM 813-99.

Chairman Wuerch opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the first public hearing. He noted the second public hearing was scheduled for November 16, 1999.

- G. **FIRST PUBLIC HEARING:** Ordinance No. AO 99-124, an ordinance of the Municipality of Anchorage adopting and appropriating funds for the **2000 General Government Operating Budget for the Municipality of Anchorage**, Office of Management and Budget. **(THE SECOND PUBLIC HEARING IS SCHEDULED FOR 11-16-99.)**  
1. Assembly Memorandum No. AM 814-99.

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

WILDA MARSTON said she was chairman of the Anchorage Fine Arts Commission, known as the Museum Commission. She indicated that on October 26, 1999, a letter was sent to each Assemblymember advising that the Commission proposed to raise admission fees at the Museum to cover the cost of a position for a full-time historian and a part-time technician specialist. She said they proposed increasing fees from \$5.00 to \$6.00 for adults, \$4.50 to \$5.50 for seniors, and adding a new fee of \$2.00 for school children. She said that would bring a total of \$94,400 with \$57,747 for the historian and \$36,653 for the technician specialist. She indicated that both positions were needed.

In response to Mr. Sullivan, Ms. Marston said it had been the recommendation of the Commission and the Mayor to create a \$2.00 fee for children. She said they surveyed the region and the state and noted that children were required to pay admittance fees. She felt the educational experience the children received at the museum was worth a \$2.00 fee. She said she was unaware of an amendment to increase adult fees and keep the children's admittance into the museum free.

In response to Mr. Tesche, Ms. Marston said Mr. Bob Ely was with the Anchorage Museum Association, which raises funds for the museum. She listed the members of the Museum Commission. She said the Museum Commission wanted to raise the fee for adults by \$1.00 and impose a new fee of \$2.00 for children.

In response to Mr. Tesche, Ms. Patricia Wolfe, Director of the Museum, said she did not know if a \$2.00 admission fee would be a deterrent for school children visiting the museum on field trips. She indicated they now served 15,000 school children a year. She said the Imaginarium, the Native Cultural Center, and the Aviation Heritage Museum all charge admissions for children and they have been running successful programs. She hoped they would have some fundraising events to subsidize children who could not afford the admission. She said they had not approached the School District on this issue yet, because they were waiting for the Assembly's decision.

In response to Mr. Tesche, Ms. Wolfe said she would be happy to speak with the School District and get a recommendation from them before next week's Assembly meeting.

In response to Mr. Sullivan, Ms. Wolfe indicated that increasing the adult fee and eliminating the child fee would result in the same dollar figures.

JOHN BROWER said he served as chair of the Arts Advisory Commission. He indicated that at their annual arts funding hearings last week, 25 local groups presented application for Municipal art funding. He indicated that Mayor Mystrom recommended funding at \$235,000, which had been their funding level for the last six years. He pointed out that adjusted for the loss of state revenue sharing, the funding was actually \$220,900. Mr. Brower said six years ago when he was appointed to the Arts Commission, he directed his attention to encouraging more financial responsibility from the arts organizations. He was also concerned about the lack of planning for the future when government support might not be available. He said the first year he was on the commission, the application was changed to require complete financial statements, including balance sheets. He said they asked each organization what type of endowment or savings account they had for their future.

He indicated the answer to that question was very dismal. He said many groups did not even know what a balance sheet was and only three or four of the strongest organizations had any form of endowment or savings account. The Commission challenged all art groups to seek private and corporate funding. He was happy to report that this year was the best financial reporting one and over half of the groups had established some form of endowment. Mr. Brower said the commission also started the process of reducing funding to the large and more financially stable groups, which allowed new groups more Municipal funding. He said that in the last few years seven new organizations were funded. He believed the approval of the arts budget was not a matter of dollars, but a matter of philosophies. He pointed out that the City budget was \$255,820,380 while the arts funding was less than one tenth of one percent of the budget. He said the real question was whether government should support the arts, and the answer was a resounding yes. He said Anchorage was a great city, in part, because of its unique beauty and quality of life. He agreed with Mayor Mystrom that the future belonged to the communities that understood the importance of quality of life. He pointed out that the arts were as much a part of the quality of life as bike paths, city parks, hockey rinks, libraries, and museums. He indicated that the arts community would bring over \$1,000,000 in grants from state and federal governments, foundations and corporations. He said that projected total revenues would be in excess of \$7,486,942.

In response to Ms. Abney, Mr. Brower said that Out North had been defunded by the Assembly two years ago. Last year they chose to withdraw their application because they felt their financial house was not in appropriate order. He indicated that this year Out North applied and met all the criteria for the Commission to evaluate them. Out North had asked for \$30,000, but the Arts Advisory Commission was recommending \$14,000. He pointed out that the government was here to serve all citizens and the patrons of Out North, like all the other art groups, were tax-paying citizens of Anchorage. He believed it was appropriate and necessary to serve all of the citizens and fund Out North at the level submitted.

In response to Mr. Tremaine, Mr. Brower said Out North passed the Arts Commission's six criteria. He pointed out there was nothing about politics or morals in there. He saw nothing negative in an independent audit done. He felt they were trying to take care of their books and were making substantial efforts to try to meet the Assembly's concerns. He pointed out that Out North showed a \$27,000 loss in their budget last year, which was attributable to the issue of the onstage program and the defunding by the School District. He indicated that the auditor said they were sound enough financially to make it through this year.

In response to Mr. Meyer, Mr. Brower said the grant application showed the fact that the building Out North occupied, rent-free, was owned by the City. He pointed out that Out North had made almost a half a million dollars in improvements to that building.

In response to Ms. Von Gemmingen, Mr. Brower said he had questioned Out North about \$128.00 spent on fundraising according to their financial statement. He indicated that several groups reported thousands of dollars in revenue and fundraising without relevant expenses; many groups did heavy duty fundraising, without much expense, because they were able to get activities donated.

In response to Chairman Wuerch, Mr. Brower said out of the 25 applications received, no one had been rejected.

JIM BARNETT represented the Cook Inlet Historical Society. He indicated that the Society was the group who helped found the Anchorage Museum over 30 years ago. He felt all the museum groups supported the Mayor's budget. He encouraged the Assembly to support program receipts in the amount necessary to support the two new positions needed at the museum. He said the Cook Inlet Historical Society would work with the other commissions to resolve the issue of whether or not to charge admission to children.

LINDA MOFFITT said she was the supervisor at the Anchorage Juvenile Intake Unit, State Division of Juvenile Justice. She asked for full funding for the juvenile justice grant. She indicated that Mayor Mystrom recommended a cut of one intake officer position or approximately \$43,000. She said she provided the Assembly with two documents regarding the Juvenile Justice Program. She pointed out that the Making a Difference Program was, indeed, making a difference. She reported that juvenile crime was down due to this program and some of the innovative things the City of Anchorage had done. She said the fact that the Municipality had funded three intake officers was a unique thing in the state and enabled Anchorage to be the only community to offer services at the intake office on the weekend. She said the Division of Juvenile Justice had repaid the grant many times over with community service work.

In response to Mr. Meyer, Ms. Moffitt said if \$43,000 was not granted one officer would be lost. She indicated that a single officer probably sees four to five clients a day, which would be about 100 people a month. She said delayed response time reduced the amount of accountability and led to a higher likelihood of re-offenses. She said the State did fund the Juvenile Justice Program, but the Municipality grant allowed service above and beyond anything else being offered in the state. She said staff members were in the office from 8:00 a.m. to 5:00 p.m. on most days of the weeks. On Thursday, Friday, Saturday, and Sunday, staff worked from 8:00 a.m. to 7:00 p.m. She said they also had someone on call 24 hours a day to resolve issues and to talk with the police when kids were brought into the detention unit.

In response to Ms. Taylor, Ms. Moffitt said there were three division officers that worked on the weekends and handled approximately four to six cases a day. She said they also handled weekend court for arraignment hearings. She pointed out that some things don't show up in statistics. She said the grant enabled the Division to add courtesy visits from parents who were having problems with their children, which was a primary prevention service. She said juvenile offenders included first-time shoplifters to first degree sexual assault and murder. She said the diversion officers focused on trying to do intervention for first-time offenders to prevent further entrance into the system. She felt the additional officers enabled them to reduce the amount of time it took for interventions. She said the trend of younger child offenders was continually getting younger. She said they were trying to expand the Make a Difference Program to reach the offenders from ages 9 to 11.

In response to Mr. Tesche, Ms. Moffitt said almost all of the children who were being admitted to McLaughlin on weekends were Anchorage residents. She pointed out that McLaughlin was designed to serve the southcentral region, but most of the children who were actually detained were Anchorage residents. She indicated that some of the children who were institutionalized in the facility were from other areas of the state, but the kids that were being detained were Anchorage

children. She said without the grant, they would be less likely to do the courtesy visits, because they would have to be dealing with the actual police reports. Secondly, the speed at which they could intervene would be delayed again. She pointed out that the longer the delay, the more likely it was for juveniles to reoffend. She said longer delays also increased the parent's frustration and their feelings that nothing would happen in the juvenile system. She said the slower the Division intervened with juveniles, the less likely it was that they would have an important impact on them.

STEVE JENSEN, chair for the Library Advisory Board, thanked the Assembly for their support in past years. He said he wanted to focus on the materials budget this year. He pointed out it had been reduced in three areas and he requested that at least one of those areas be funded. He said the library had planned to reduce their services to meet the mandatory budget cuts. He said the library planned on reducing the materials budget by 4.5 percent. He indicated that the inflationary factor was the money that allowed the Library to buy the same number of books this year as past years. The other item not funded this year was money needed to bring the collection up to the national average; the collection was currently below the national average. He indicated that those three items together reduced the budget by 20 percent. He requested that the \$82,000 inflationary factor be kept similar to last year.

CHRIS CONKERGOOD, executive director for the Resolution Center, asked the Assembly to fully fund the Juvenile Offender Program. She said the Resolution Center provided low cost and no cost mediation services as part of the Making a Difference Program. She said the Center worked with the Anchorage Youth Court, Volunteers of America, and Juvenile Intake to provide immediate response. The Resolution Center provided victim offender mediation. She said when the juvenile intake officer or the Anchorage Youth Court referred a youth to the Resolution Center, they provided mediation services that were face-to-face. The youth offender, sometimes as young as 7 years old, would sit across the table from their victim and be held accountable for what they did and hear, face-to-face, what pain they caused. She said they would work with the victim to figure out how they would make it right, which was not only important for the youth offender, but to the victim as well. She said the mediation process was one of the rare times in the justice system that victims could participate personally in getting answers to their questions and figuring out what would happen next. She pointed out that sometimes the victims were very angry. After mediation with the offender, the victims often turn their anger around and wanted to help the offender. She asked the Assembly to support the program, because it worked.

STUART BANNAN, president of the Anchorage Youth Court (AYC), said he wanted to thank the Mayor and the Assembly for their continuing support of Anchorage Youth Court and the other Making a Difference partners. He said the past funding had allowed AYC to adjudicate 382 juvenile cases, which paid over \$1,300 to victims. He indicated that the Court had sentenced over 5,600 hours of community service to youth offenders that came through AYC. He said AYC would be starting a pre-court program that would serve younger offenders between the ages of 9 and 11 years old. He pointed out that the Municipality's funding had allowed Anchorage to be recognized nationally. He said in May, AYC sponsored the National Youth Court Conference, which brought over 300 participants from 23 different states to come to Anchorage to talk about youth crime issues. The Urban Institute chose the AYC to be one of four youth courts studied nationwide. He said they had also been invited to participate with the American Bar Association and the American Probation and Parole Advisory Boards to formulate a curriculum and set guidelines for youth courts around the nation. He asked that the Assembly and the Mayor continue to support all the partner agencies, as they continue to help youth in Anchorage.

PATRICK McCLOUD, judge and member of the board of directors of the Anchorage Youth Court, stressed that McLaughlin, Anchorage Youth Court, Resolution Center, and Volunteers of America formed a force of juvenile justice. He said they were getting results and national recognition. He said they were on boards to help make guidelines for other states throughout the country. He pointed out that they were having a big impact, getting restitution, and community work service hours. He said the amount of juvenile crime in Anchorage was lowering. He felt if any of the organizations were weakened, then the entire effort to decrease juvenile crime was weakened. He thanked the Assembly for their continued support.

TAMERA VAN ETTER said she spoke on behalf of the Juvenile Intake program. She said she was the director of Volunteers of America's Youth Restitution Program, one of the Making a Difference partners. She said the Volunteers monitored juveniles following Anchorage Youth Court sentencing. She said they linked the youth with community groups in which they could do their community service and worked to secure any monetary restitution owed victims. She indicated that since 1996, offenders had paid back about \$30,000 in restitution to victims and served more than 35,000 hours of community work service. She said the rate of re-offenders was less than 11 percent. She felt this was due to the effect of all of the partner agencies, in particular the early and timely intervention of juvenile intake officers. She said they were frequently able to refer cases to the Restitution Program within a week of the date of the offense, rather than the two months that it took prior to the formation of the Making a Difference partnership. She stated that Making a Difference had been so effective that the Youth Restitution Program had recently expanded to include youth that were either not appropriate for Youth Court or who failed to complete the program. She felt this expansion filled a needed gap in service and added to the consistency with which youth offenders were treated. This ensured that they were held accountable for their crimes prior to reaching the stage at which they were forced to be placed on formal probation. She felt Making a Difference was an effective means of handling juvenile offenders and intake was a vital component of the program.

In response to Mr. Tremaine, Ms. Van Etter said the statistic of less than 11 percent repeat offenders was based on a study done last year. The study looked at all of the youth that had participated since 1996 and followed them through their 18<sup>th</sup> birthday. She said she didn't know the national statistic, but it was higher than 11 percent.

MATTHEW CALLAHAN, juvenile intake officer for the State of Alaska, invited the Assemblymembers to the Juvenile Intake Office to get an up close view of what they actually did. He indicated that they had a large impact on the youth. He said it was an amazing process and encouraged the Assemblymembers to come down personally and see what they were doing.

In response to Chairman Wuerch, Mr. Callahan said he went to school at the University of Alaska, Fairbanks, and studied criminal justice. He said he had been a residential treatment councilor for Alaska Children's Services. He had also spent some time with the Alaska State Troopers, Division of Wildlife and Fish Protection. He indicated that most officers entered with some form of law enforcement experience.

Chairman Wuerch asked if anyone else wished to speak. There was no one, and he closed the first public hearing. He noted the second public hearing was scheduled for November 16, 1999.

- H. 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.
1. Assembly Memorandum No. AM 936-99.

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

JOE STIMSON, representing the applicant, Theodore Sisch, said that there was a unanimous recommendation of approval from the Planning and Zoning Commission for the rezoning from R-3 to R-4. He felt resolution 99-064 spelled out the Commission's findings. He said the rezoning would increase the lack of reach, but would bring the apartment complex more to conformity with Title 21 as far as the residential density. He said the rezoning request would allow the petitioner to finish building carports that would provide another amenity for residents. He indicated there had been a large number of notices mailed out, all of which came back in favor with the exception of one.

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

Ms. Von Gemmingen moved, to adopt AO 99-133.  
seconded by Mr. Kendall,

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

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

### 13. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS: None.

### 14. SPECIAL ORDERS:

- A. A Special Assembly Meeting was called for November 16, 1999, at 8:00 a.m. in the Mayor's Conference Room - Room 830, City Hall, to hold an executive sessions regarding the **ATU executive session audiotapes**.

Municipal Attorney Mary Hughes indicated that she would not be present at the November 16, 1999 meeting. She said she had talked with Mr. McKay, who represents the Anchorage Daily News, and he wanted her to indicate to the Assembly that they had agreed to a procedure which she wanted to discuss with the Assembly. She indicated that the Assembly would go into executive session to listen to the tapes. There should be no discussion about the tapes in the session. She said Mr. McKay was very concerned about that.

Chairman Wuerch said any discussion or debate about whether or not to release the tapes should be conducted in open session and not in executive session. He said the Assembly's debate about whether to release the tapes should be a matter of public record.

In response to Mr. Tesche, Municipal Attorney Mary Hughes said the executive session would be tape-recorded. She said the tape would report what was on the previous tape and no other discussion.

In response to Mr. Kendall, Municipal Attorney Mary Hughes said the rationale for going into executive session on these particular tapes was that if release of the information on the tapes were disclosed, it could adversely affect the finances of the City. She said that was covered by the code and was a legitimate reason to go into executive session. She said one of the executive sessions was from a committee meeting and was acceptable in the opinion of the Municipal attorney's office. She said she had reviewed the tapes, and from a legal perspective, she did not see any reason why they could not be released since the sale of the utility had already taken place.

Municipal Attorney Mary Hughes said Mr. McKay's concern was that he did not feel that there should be discussion in the executive session of the executive session of February 10<sup>th</sup> among Assemblymembers. She pointed out that would be something very easy to do, but Mr. McKay felt that would be inappropriate.

Chairman Wuerch pointed out that some members who will listen to the tapes were not present (or on the Assembly) at the original session. He pointed out there could be questions about what they had heard. He said if those types of questions arose, he intended to rule that the tapes would be rewound and that portion of the tapes would be replayed. He felt that conversations of that nature should be allowed.

In response to Ms. Fairclough, Municipal Attorney Mary Hughes said there were no notes taken of the February 10<sup>th</sup> meetings. Ms. Hughes said Assemblymembers could take notes as long as they were turned over at the time they left the executive session.

Mr. Tremaine pointed out they were going into one executive session to listen to another executive session. He said they could rule one confidential and the other one not.



In response to Chairman Wuerch, Municipal Attorney Mary Hughes agreed that they were advertising this as an Assembly meeting to deal with the tapes. Upon completion of the executive session, they had to go back into open session. At that point, they could debate and decide whether or not to release the tapes.

- B. The Assembly called for the November 16, 1999 Regular Meeting to begin at 4:00 p.m. at the Assembly Chambers - Loussac Library to hold an **executive session**.
- C. An Assembly worksession was scheduled for December 7, 1999, at 2:00 p.m. in the Mayor's Conference Room - Room 830, City Hall, to discuss the **2000 Legislative Program**.

**15. ASSEMBLY COMMENTS:**

Ms. Abney informed everyone that the Coastal Policy Council would be meeting tomorrow for the entire day.

Ms. Fairclough indicated that she was wearing her \$8.00 Anchorage 2000 button and encouraged about the Night of Light project. She said they were trying to find sponsors to sponsor families that could not afford to attend the New Year's Eve party. She indicated that there were bags of 25 buttons that could be purchased for \$200. Those buttons would be distributed by United Way to families throughout Anchorage who might not otherwise be able to attend. She challenged all Assemblymembers to get at least one sponsor.

Ms. Taylor said the Anchorage 2000 Committee had a lot of events planned on New Year's Eve and throughout the year 2000. She said anyone interested in being involved should call their offices at 258-AKAK. She said they had buttons, license plates, t-shirts, and at some point they would have gold coins. She pointed out it was a good cause and urged people to support it.

Mr. Tesche gave special attention to the license plates, which would be available commonly throughout Anchorage and good collector's items, along with the buttons and the coins.

**16. UNFINISHED AGENDA:** (See after Executive Sessions below.)

**17. AUDIENCE PARTICIPATION:**

CHERYL RICHARDSON indicated she was not present for the operating budget public hearing, but wanted to address the issue now. She said she had stayed late at the office and did a fact sheet on transit in Anchorage. She said she was pleased to hear that the Assembly was considering restoring service to Dimond Center, down C Street, and the Hillside service, 91 and 92, as well as Sunday service to east Anchorage and the Arctic route. She urged the Assembly to take a look at the fact sheet. She indicated that the main problem was that transit had been reduced by one-third since the early '80s, while Anchorage's population had grown by 25 percent. She said the Municipality was offering less service per capita in Anchorage than other western cities. She said the buses were relatively full at 30 riders per hour. She pointed out that the new, free service was filling the buses. She anticipated that after the free service was over, many of the riders would stay with the system and increase its efficiency. She pointed out that one bus rider saved Anchorage air quality 62 pounds of carbon monoxide, 5 pounds of nitrogen oxide, and 9 pounds of hydrocarbons. She urged the Assembly to restore the bus service and to give serious consideration to adding to Anchorage's bus service.

**18. EXECUTIVE SESSIONS:**

- A. Pending Litigation.

Mr. Kendall moved, seconded by Mr. Sullivan, and it passed without objection,	that the Assembly recess into executive session for discussion of pending litigation and matters which, if immediately disclosed, would clearly adversely affect the finances of the Municipality of Anchorage.
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Chairman Wuerch pointed out that Ms. Clementson had been excused for a family need.

The meeting recessed at 8:50 p.m. and reconvened at 10:35 p.m.

Mr. Sullivan moved, seconded by Mr. Tremaine, and it passed without objection,	that the tapes of the executive session be kept confidential until all lawsuits were either settled or all appeals resulting therefrom resolved.
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Chairman Wuerch ruled that all tapes would be sealed until all lawsuits were either settled or all appeals resulting therefrom were resolved. He said the Assembly would continue discussion of pending litigation on Tuesday, November 16, 1999, by convening early at 4:00 p.m. The hour between 4:00 p.m. and 5:00 p.m. would be a continuation of the review of pending litigation. He said at 5:00 p.m. the review would end and the regular Assembly meeting would begin. He did not expect to complete the review of pending litigation in that one hour, so a second meeting was scheduled for December 7, 1999, at the end of the regular Tuesday night Assembly meeting.

The Assembly then returned to an Unfinished Agenda item, item 8.D.4, AR 99-331.

Resolution No. AR 99-331, a resolution appropriating \$35,000 for the **settlement of Allvest, Inc. v Municipality of Anchorage et al.** and approving the extension of the animal control and community service patrol services contract, Legal Department.

- a. Assembly Memorandum No. AM 1121-99

Chairman Wuerch noted a motion to approve by Ms. Clementson was on the floor from earlier in the meeting.

Question was called on the motion to approve AR 99-331 and it passed:

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

NAYS: Clementson.

(Clerk’s Note: Ms. Clementson registered a verbal no vote before being excused by Chairman Wuerch.)

**19. ADJOURNMENT:**

The meeting adjourned at 10:40 p.m.

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Chairman

ATTEST:

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Municipal Clerk

Date Minutes Approved: January 25, 2000

VC/kron

**INDEX**

<i>Subject</i>	<i>Page</i>
Ambulances .....	2, 4
Anchorage 2000 .....	3
Anchorage Cemetery .....	3, 7
Anchorage Loop Water Transmission Main .....	12
Animal Control Advisory Board .....	3, 7
Animal Control Services .....	3, 6, 18
Appeal 99-041 Conditional Use For A Utility Facility .....	4
Appeal S-10404 Abbott Road Subdivision .....	4
Appeal S-10419 Skyhills Subdivision.....	4
Appearance Requests	
Bob Lewis, Arctic Blvd. Reconstruction Project.....	10
Johann Hamerski, Rabbit Creek View/Heights Subdivision Survey .....	9
Assembly Funds Expenditure .....	4
Assembly Meeting Schedule .....	4, 9
AWWU Operations Facility.....	4
Coastal Trail.....	4, 8
Comprehensive Plan .....	2
Concrete & Asphalt Cutting Services .....	4, 8
Enterprise Activities/Municipal Utilities Capital Improvement Program.....	13
Enterprise Activities/Municipal Utilities Operating And Capital Budgets .....	13
Fire Department.....	2, 4
First Amendment Rights Information To New Employees.....	2, 5
General Government Operating Budget .....	13
Health And Human Services Commission .....	3, 7
Heritage Land Bank.....	2, 10, 11
Job Training Partnership Act.....	2
Land Sale, Purchase, Lease Or Conveyance.....	2, 10, 11
Legislative Program.....	3, 6, 17
Levy-Upon-Connection (LUC) Roll.....	12, 13
Liquor Licenses.....	3
Litigation	
Allvest, Inc. V. Municipality Of Anchorage Et Al.....	3, 6, 18
Millennium Events .....	3
Mt. View Community Recreation Center Advisory Commission.....	3
Park Land .....	2
Planning And Zoning Commission .....	16
Police And Fire Retirement System Operating Budget .....	13
Port Of Anchorage Storm Drain .....	3
Potter Valley Land Use Analysis .....	2
Recognizing	
National Farm-City Week.....	3, 5
Rezoning.....	16
Shared Fisheries Business Tax Program.....	3, 5
Ship Creek Trail Project.....	4, 8
Snow Removal Services .....	4, 8
Street Paving Special Assessment District .....	2
Substance Abuse Testing Policy .....	2
Sullivan, George M. Arena.....	2, 5
Tariff Rates .....	4, 8
Underground Fuel Tank Removal And Soil Remediation.....	4, 8
Utility Relocation Agreement.....	3, 7
Vehicle Inspection Maintenance Program.....	11
Women, Infants & Children Nutrition Services .....	2
Youth Advisory Commission .....	3, 7