

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of March 2, 1999

1. CALL TO ORDER:

The meeting was convened at 5:00 p.m. by Assembly Chair Fay Von Gemmingen in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. ROLL CALL:

Present: Bob Bell, Ted Carlson, George Wuerch, Melinda Taylor, Charles Wohlforth, Fay Von Gemmingen, Cheryl Clementson, Kevin Meyer, Pat Abney, Dan Kendall, Joe Murdy.
Absent: None.

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Mr. Wohlforth.

4. MINUTES OF PREVIOUS MEETING:

- A. Regular Meeting - November 17, 1998
- B. Regular Meeting - November 24, 1998

Mr. Wohlforth moved, to approve the minutes of the regular meetings of November 17 and 24, 1999.
seconded by Mr. Wuerch,
and it passed without
objection,

5. MAYOR'S REPORT:

Municipal Attorney Mary Hughes explained recent developments in the litigation regarding Bob Allen's petition. She said the signatures were still being counted in the Clerk's Office this afternoon, in the presence of Judge Murphy. Enough signatures were certified to make the petition valid. The Court also bifurcated the question, resulting in two ballot measures. One would ask for an amendment of the Charter to change the date of the Municipal election from April to the first Tuesday in October; the second would make receiving a majority (50%-plus-one-vote) necessary to win a Mayor, Assembly or School Board election, and provide for a run-off election in cases where no candidate receives a majority of the votes. The Municipality has no options to appeal or change the Judge's decision. The effective date of any action approved in the election will be January 1, 2000. In response to Mr. Kendall, Ms. Hughes said the Assembly could place more questions on the ballot, asking a similar question regarding the majority requirement, in another form.

6. ADDENDUM TO AGENDA:

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

Chair Von Gemmingen read the addendum items.

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

7. CONSENT AGENDA:

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

A. BID AWARDS: None.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

- 1. Ordinance No. AO 99-44, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the issuance of not to exceed \$58,910,000 in aggregate principal amount of General Obligation General Purpose Bonds of the Municipality for the purpose of **raising funds to pay the costs of road, storm drainage, parks and recreation, fire protection, public transit and related capital improvements**; fixing certain details of said bonds; providing for the form and manner of sale of said bonds; pledging the full faith and credit of the Municipality to the payment thereof; authorizing the Chief Fiscal Officer to negotiate and execute a contract for the purchase and sale of said bonds; and related matters, Finance. public hearing 3-16-99.
 - a. Assembly Memorandum No. AM 227-99.
- 2. Ordinance No. AO 99-45, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the issuance of General Obligation Refunding General Purpose Bonds of the Municipality in the aggregate principal amount of not to exceed \$50,000,000 to provide funds

required to **refund certain outstanding General Obligation General Purpose Bonds** of the Municipality; providing for the form and manner of sale of said bonds; pledging the full faith and credit of the Municipality to the payment thereof; authorizing the Chief Fiscal Officer to negotiate and execute a contract for the purchase and sale of said bonds and related matters, Finance. public hearing 3-16-99.

a. Assembly Memorandum No. AM 228-99.

Municipal Manager George Vakalis asked this item to be considered on the regular agenda. See item 8.C.

3. Ordinance No. AO 99-47, an ordinance amending the zoning map and providing for the rezoning from B-3 (General Business District) and I-2 (Heavy Industrial District) to PLI (Public Lands and Institutions) for **Tracts A and C, Block 28F, East Addition Subdivision**, generally located south of Third Avenue and west of Post Road (Fairview Community Council) (Planning and Zoning Commission Cases 99-002 and 99-002-2), Community Planning and Development. public hearing 3-23-99.
 - a. Assembly Memorandum No. AM 231-99.
4. Ordinance No. AO 99-48, an ordinance amending Anchorage Municipal Code 3.30 regarding **establishment of a Leave Buyback Program** for employees assigned to the third leave tier program described in AMC 3.30.152(A)3 and (A)4, Employee Relations. public hearing 3-16-99.
 - a. Assembly Memorandum No. AM 232-99.
5. Ordinance No. AO 99-49, an ordinance amending Title 21 of the Anchorage Municipal Code Zoning District subsections 21.40.030 R-1 and R-1A (Single-Family Residential), 21.40.040 R-2A (Two-Family Residential District, Large Lot), R-2D (Two-Family Residential), 21.40.045 R-2M (Multiple-Family Residential), 21.40.115 R-10 (Residential Alpine/Slope) to **increase the maximum height of principal buildings to 30 feet**, Community Planning and Development. public hearing 3-16-99.
 - a. Assembly Memorandum No. AM 233-99.
6. Ordinance No. AO 99-50, an ordinance amending Anchorage Municipal Code Chapter 6.50 to add a new Section 6.50.060 to establish the **ATU Trust Fund**, relevant definitions, authorized investments for the investment of the ATU Trust Fund assets and to provide for the management of said Trust Fund; and to amend Anchorage Municipal Code Section 4.50.090 to increase the membership of the Investment Advisory Commission and specify new duties and responsibilities for said Commission relating to the investment of municipal funds including the ATU Trust Fund, Finance. public hearing 3-23-99.
 - a. Assembly Memorandum No. AM 234-99.
7. Ordinance No. AO 99-51, an ordinance **amending the Hillside Wastewater Management Plan**, Anchorage Municipal Code 21.05.030M., to remove the area recommended for public sewerage at minimum densities of three (3) dwelling units per acre the western twelve (12) acres of Tract A-1, Villages Subdivision, as noted on Plat S-10334 as Lots 1 and 2, Villages Estates Subdivision, generally located at the southern end of the Hillside Area, south of Potter Creek, Community Planning and Development. public hearing 3-23-99.
 - a. Assembly Memorandum No. AM 235-99.
8. Ordinance No. AO 99-52, an ordinance amending the zoning map and providing for the rezoning from R-1 (One-Family Residential District) to I-2 (Heavy Industrial District) for the **South 100 feet of Lot 7A, Calaska Subdivision**, generally located on the east side of "C" Street and south of O'Malley Road (Bayshore-Klatt Community Council) (Planning and Zoning Commission Case 98-216), Community Planning and Development. public hearing 4-6-99.
 - a. Assembly Memorandum No. AM 236-99.
9. Ordinance No. AO 99-53, an ordinance amending the zoning map and providing for the rezoning from R-1A (One-Family Residential District) to I-1 (Light Industrial District) with Special Limitations for the **North 213 feet of Lot 1, Block 2, Evenson Subdivision**, generally located on the north side of Katahdin Drive and west of Sand Lake Road (Sand Lake Community Council) (Planning and Zoning Commission Case 98-152), Community Planning and Development. public hearing 4-6-99.
 - a. Assembly Memorandum No. AM 237-99.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 99-44, a resolution of the Anchorage Municipal Assembly **directing the Municipal Administration to discontinue privatizing all or part of the Municipality's animal control services**, Assemblymember Wohlforth. (addendum)

Ms. Clementson asked this item be considered under the Regular Agenda. See item 8.D.

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 225-99, **Bidding Review Board reappointment** (Edward Blahous), Mayor's Office.
2. Assembly Memorandum No. AM 226-99, **Transit Advisory Board reappointments** (Karen Jennings, Clara Lewis, Judy Whittaker), Mayor's Office.
3. Assembly Memorandum No. AM 221-99, change order No. 2 to O & S Services for providing **janitorial services** to Solid Waste Services.
4. Assembly Memorandum No. AM 222-99, **private development water main oversizing reimbursement for Tanglewood Subdivision** AWWU File No. W-95-026, Water and Wastewater Utility.

Ms. Clementson asked this item be considered under the Regular Agenda. See item 8.E.

5. Assembly Memorandum No. AM 223-99, change order No. 1 to purchase order 81039 to exercise the option with Broshum Janitorial for providing **custodial services** to the Municipality of Anchorage, Department of Property and Facility Management/Purchasing.
6. Assembly Memorandum No. AM 224-99, change order No. 2 to purchase order 81276 with Elite Temporary Services for **conducting passenger counts** for the Municipality of Anchorage, Public Transportation Department/Purchasing.
7. Assembly Memorandum No. AM 229-99, Findings and Conclusions – **Appeal S-10054 Denali View Subdivision**, Municipal Clerk.

Ms. Clementson asked this item be considered under the Regular Agenda. See item 8.E.

8. Assembly Memorandum No. AM 230-99, Findings and Conclusions – **Appeal S-10110 Eagle Crossing Subdivision**, Municipal Clerk.

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

E. INFORMATION AND REPORTS: None.

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

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

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

8. **REGULAR AGENDA:**

A. TIME CRITICAL ITEMS: None.

B. BID AWARDS: None.

C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 99-45, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the issuance of General Obligation Refunding General Purpose Bonds of the Municipality in the aggregate principal amount of not to exceed \$50,000,000 to provide funds required to **refund certain outstanding General Obligation General Purpose Bonds** of the Municipality; providing for the form and manner of sale of said bonds; pledging the full faith and credit of the Municipality to the payment thereof; authorizing the Chief Fiscal Officer to negotiate and execute a contract for the purchase and sale of said bonds and related matters, Finance. public hearing 3-16-99.
 - a. Assembly Memorandum No. AM 228-99.

Chief Fiscal Officer Soren Orley explained a necessary change to this ordinance. In the title, the amount should be \$50,000,000 rather than \$45,000,000.

Mr. Wuerch, Ms. Abney and Mr. Wohlforth joined in introducing AO 99-45, with correction as indicated by Mr. Orley. The public hearing was scheduled for March 16, 1999.

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 99-44, a resolution of the Anchorage Municipal Assembly **directing the Municipal Administration to discontinue privatizing all or part of the Municipality's animal control services**, Assemblymember Wohlforth. (addendum)

Ms. Clementson moved, to approve AR 99-44.
seconded by Mr. Wohlforth,

Mr. Wohlforth moved, to postpone action on AR 99-44 until before action on item
seconded by Mr. Wuerch, 9.K, AM 212-99.
and it passed without
objection,

(Clerk's Note: Due to lack of time, this item was continued until March 16, 1999.)

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 222-99, **private development water main oversizing reimbursement for Tanglewood Subdivision** AWWU File No. W-95-026, Water and Wastewater Utility.

Ms. Clementson moved, to approve AM 222-99.
seconded by Ms. Taylor,

In response to Chair Von Gemmingen, Bruce Robson of the Anchorage Water and Wastewater Utility explained the reasons for the length of the process. He said the developer submitted a certified cost estimate at one point, but the system was not accepted then because it was not complete. There are certain criteria which must be met before a system is accepted by AWWU. It did take a long time for the criteria to be met, and then the system was accepted. He said normally, a developer would submit a certified cost estimate for reimbursement after final acceptance of the system. In this case, the developer had the cost information prepared prior to acceptance, and they submitted it at that point. Therefore, it was a longer period of time between submittal and acceptance of the system.

Question was called on the motion to approve AM 222-99 and it passed without objection.

2. Assembly Memorandum No. AM 229-99, Findings and Conclusions – Appeal S-10054 Denali View Subdivision, Municipal Clerk.

Mr. Wohlforth moved, to approve AM 229-99.
seconded by Ms. Taylor,

Ms. Clementson noted the Assembly's legal counsel for this appeal recommended Assembly members disclose any ex parte contacts regarding the appeal.

In response to Mr. Kendall, Ronald Baird, attorney for the Assembly on this appeal, explained his recommendations. There was a premature motion for reconsideration filed by the developer. In that written document, the developer asserted there had been improper contacts with Assembly members. He said part of the complaint was about a meeting the Assembly had with him, and part was based on meetings between Assembly members and the developer and/or residents of the area. He said the part of the complaint regarding his contact with Assembly members was not an issue which needs to be on the record. However, he recommended Assembly members disclose their contact with the developer and/or residents of the area for the record.

In response to Mr. Bell, Mr. Baird explained the final action on an appeal was approval of findings and conclusions. After this action, any party to the appeal may file a motion for reconsideration, including grounds, and then the Board of Adjustment may decide to reconsider or let the previous decision stand. That is why the developer's motion for reconsideration, filed before the Assembly has acted on the findings and conclusions, is improper and premature. Another option to appellants is an appeal to Alaska Superior Court.

Ms. Clementson explained until now, the understanding of many Assembly members has been that after action on an appeal, ex parte prohibitions end. She disclosed after the Assembly acted on this appeal, she walked into the hallway, and came upon the people who prevailed in the appeal. She spoke with them, and they discussed various points and testimony in the record. It was not done in secret, and other people were in the area. The following day, Mr. Meyers, the property owner, telephoned her. He wished to discuss the case, and became very agitated because she had argued against his development. She felt, because he was so upset, she should contact the Municipal Attorney's office. She spoke with Deputy Municipal Attorney Bill Greene, who advised her not to speak with Mr. Meyers. The Municipal Attorney then contacted Mr. Meyers and his attorney, advising them not to speak with Assembly members, because of the thirty-day appeal period during which ex parte communication was prohibited. This was the first time she became aware of the thirty-day ex parte prohibition time frame. She added last week, she was contacted by a representative of Alaska Waterwell Association, who wanted to discuss the issue of Municipal policy regarding subdivision approvals. She then learned that these people were parties to this appeal, and told them Assembly members could not speak with them.

Mr. Meyer disclosed he was also contacted by Mr. Meyers. There was a conversation in which Mr. Meyers expressed his displeasure with the appeal outcome, but Mr. Meyer could not remember further details of the exchange. Mr. Meyers' hydrologist, Mr. Munter, also contacted him, to discuss studies he had done on behalf of Mr. Meyers.

Ms. Abney disclosed she received fax communications from the Meyers, which she discarded. She was also contacted by Mr. Munter via telephone. She spoke with him after the Assembly had acted on the appeal.

Mr. Kendall said he was also under the impression that after the Assembly acted on an appeal, the issue was complete. He disclosed that Mr. Meyers called him a few days after the Assembly's action. They discussed the case a bit, and Mr. Kendall advised him that his only recourse was to appeal to the Supreme Court. Prior to Assembly action on the appeal, he was contacted several times by Mr. Meyers, who said he was having difficulty getting information. Mr. Kendall advised him to speak with the Municipal Clerk or the Ombudsman; they did not discuss the appeal. Also prior to Assembly consideration of the appeal, he received a few letters, which he did not read and forwarded to the Municipal Clerk.

In response to Chair Von Gemmingen, Mr. Murdy said he had not had contact with Mr. Meyers regarding this appeal.

Mr. Bell disclosed a gentleman from Bristol Environmental called him and they discussed water rights and general information. He did not recall specific discussions on this appeal. He was also contacted by the Alaska Waterwell Association; he declined to speak with them. Mr. Meyers also called him, and gave a long discourse on the appeal. Mr. Bell questioned the purpose of the conversation, since (as he thought at the time) there was no recourse except to Superior Court. He could not recall the specifics of the discussion.

Mr. Carlson disclosed he received several phone calls from Mr. Meyers. He refused to discuss the appeal with him. Mr. Meyers asked questions on the appeal process, and Mr. Carlson directed him to the Municipal Attorney.

Mr. Wuerch he did not recall any verbal or written contacts regarding this appeal after January 5. He received a phone message from Mr. Munter, which indicated he wanted a return call and he had hired an attorney. He did not return the call.

Ms. Taylor said she had not had any contact, to the best of her recollection, with any parties to the appeal.

Mr. Wohlforth said he also did not have any contacts regarding this appeal.

Chair Von Gemmingen disclosed she received a telephone call from someone who wished to discuss the appeal. She could not remember the conversation, but she did remember informing the man his next step was Superior Court, and recommending he contact his attorney.

Ms. Clementson felt it would be appropriate to recuse herself from the vote on the memorandum before the Assembly, because she was the member toward whom Mr. Meyers' anger was directed.

Question was called on the motion to approve AM 229-99 and it passed:

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

3. Assembly Memorandum No. AM 230-99, Findings and Conclusions – **Appeal S-10110 Eagle Crossing Subdivision**, Municipal Clerk.

Mr. Wohlforth moved, to approve AM 230-99.
 seconded by Mr. Wuerch,

Mr. Wohlforth explained he would vote “no” on these findings, because he had dissented from the Assembly's decision on the appeal.

Question was called on the motion to approve AM 230-99 and it passed:

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

F. INFORMATION AND REPORTS: None.

Mr. Wohlforth moved, to reschedule action on AO 98-48, regarding a re zoning
 seconded by Ms. Clementson, for Tract B, Cook Subdivision, *from* March 16 *to* March 23,
 and it passed without 1999, because he will be out of town on March 16.
 objection,

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

- A. Assembly Memorandum No. AM 165-99, **Anchorage Telephone Utility Labor Board impending vacancy** and Assembly procedure for new appointment, Municipal Clerk.
 1. Assembly Memorandum No. AM 165-99(A), Anchorage Telephone Utility Labor Board impending vacancy and Assembly procedure for new appointment, Municipal Clerk.
 (POSTPONED FROM 2-23-99)

Chair Von Gemmingen gave the history of the memorandum and noted a motion to approve AM 165-99 was on the floor.

Mr. Wohlforth mentioned he had contacted Anchorage Telephone Utility (ATU) staff and the Chairman of the ATU Board of Directors, and they both felt the proposed appointment was unnecessary. The seat on the Labor Board will not become vacant until after the expected closing of the ATU sale. If, for some reason, the sale does not close on the expected date, the issue could be revisited.

Mr. Wohlforth moved, to postpone action on AM 165-99 indefinitely.
 seconded by Mr. Murdy,
 and it passed without
 objection,

Mr. Wohlforth suggested, prior to consideration on the following bond issues, that the Assembly vote on which approach it supports, either the one-year, four-year, or another option.

Mr. Kendall suggested the Assembly begin consideration of the four-year approach documents, and then the other documents.

Mr. Wohlforth moved, that the Assembly begin consideration by determining that
 seconded by Ms. Clementson, it supports the concept of a four-year bond.

Mr. Wohlforth said prior to testimony on the bonds last week, he supported a one-year bond. Since then, he has decided a four-year approach might be better. Arguments in favor of a one-year bond because of economic concerns he felt were irrelevant to the four-year concept, because in the event of a drastic economic downturn, the School Board has the option to withhold issuance of the approved bonds, and discontinue certain projects. Conversely, the economic benefit of the four-year bonds is considerable. Also, a four-year bond concept will include items for all areas of Anchorage, which is important to garner support from all communities for various projects.

Mr. Bell agreed all the proposed facilities are needed. The question is how to best present the bonds to obtain public support. He felt uncertainties about the economy might make voters reject a four-year bond. He added if such a bond failed, it would be even more difficult to return to the voters with similar projects in subsequent years. Also, a large education bond amount might discourage voters from approving Municipal bond issues.

Mr. Wuerch supported a one-year bond. He pointed out forecasting the future, which is necessary for the four-year bond, is difficult. Also, he felt changing the practice of annual appropriations for projects was too drastic.

Mr. Meyer agreed with Mr. Bell and Mr. Wuerch. He acknowledged all the School District's proposed projects were needed. If a one-year bond failed, it would only delay the projects for one year, rather than four in the other scenario. Also, the seventy-percent State matching funds are only guaranteed for the first year. He added a School Board poll of the public indicated the majority of citizens supported a four-year bond package concept, but opposed the amount of the bond.

Ms. Abney spoke in support of the four-year bond concept. She agreed it was a bold plan, but was very good. She pointed out there was a lot of community support for the concept. She felt the four-year bond had a greater chance of being approved, because it included projects from many areas of town. The one-year package has a risk of failing because people from areas not affected by the projects in that package may not support it. Even if the one-year bond passed, people affected by the projects in the bond will have been satisfied, and may not vote to support bonds in future years including other projects.

Ms. Clementson commended the Anchorage School District (ASD) for such a bold step in presenting the four-year concept. She felt it was a very good idea to inform the public about plans for the coming four years. However, the timing was unfortunate, because of news of the British Petroleum/ Arco merger and associated layoffs, as well as other economy problems. She pointed out when the ASD poll was conducted, the four-year bond amount was about \$20,000 less than it is currently. Also, part of the question was *would you support the bond if there were no more bonds until 2003?* That was a major selling point for the four-year bond, but it is no longer the case. Other projects may be brought forward, that are not on the current four-year list or that do not qualify for 100 percent reimbursement.

In response to Ms. Taylor, Cindy Cartledge of Wohlforth Argetsinger et al, the Municipality's bond counsel, said the Assembly has the option to present a one-year and four-year bond for the public to choose between.

In response to Mr. Wohlforth, Ms. Cartledge clarified in the above scenario, the four-year bond could be duplicative of the one-year bond. Language could be inserted into the one-year bond that would make it void if the four-year bond was approved.

Ms. Taylor acknowledged there were good points on both sides, but she felt it was important to let the public decide. She pointed out having both questions on the ballot would provide that option.

Mr. Kendall read an excerpt from a letter written by the principal of Chugiak High School. The principal discussed the chronic overcrowding of the school, ever since it was built in 1964. Mr. Kendall felt it was important to do long-term planning, and build a full-size high school. He would support any bond package that included this goal, and would not support anything less.

Mr. Wohlforth disclosed his wife is a teacher at Lake Otis Elementary School. Also, he confirmed a newspaper allegation that his son attends one of the schools that is the subject of the bond issues. He explained the newspaper staff asserted he would have a conflict of interest because of his son's attendance at this school.

Chair Von Gemmingen ruled Mr. Wohlforth did not have a conflict of interest.

Mr. Wuerch pointed out the motion before the body was basically deciding a starting point. Even if the motion passes, the one-year options may still be discussed.

Question was called on the motion to begin consideration with the four-year bond proposal and it passed:

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

The Assembly then considered item 10, Appearance Requests.

READ ACROSS AMERICA program representatives.

Vickie McCoven said she was present with a group of first-grade students, celebrating the second annual National Education Association Read Across America day. She explained Read Across America in Anchorage was a grass-roots effort promoted by the Anchorage Education Association, Cook Inlet Literacy Council and many members of the community to celebrate a special day of reading to honor the late author, Dr. Seuss, on the anniversary of his birthday. Ms. McCoven stressed celebration of reading is important, not only for students to learn the basics of reading, but also to gain motivation and experience the excitement and entertainment that reading can bring. She introduced the students' teacher, Mrs. Iris, who helped the students present Dr. Seuss hats to Assembly members and the Mayor.

Joshua, Phillip, Ariel and Christine, four of the students in attendance, read to the Assembly from a Dr. Seuss book, I Can Read With My Eyes Shut.

The Assembly then returned to consideration of item 9.

Mr. Wuerch moved,
seconded by Mr. Wohlforth,

to change the orders of the day to consider public hearing items before Old Business, because of the midnight deadline to hold public hearings on ballot issues.

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

Mayor Mystrom felt the motion failed, because it requires a two-thirds affirmative vote to change the orders of the day.

Mr. Wohlforth pointed out since public hearings are scheduled to begin between 6:00 and 7:00 p.m., it was not really a change in the orders. He felt the question could be decided at the discretion of the Chair.

Mayor Mystrom responded that traditionally, the Assembly has determined that changing the agenda is tantamount to changing the orders of the day.

Chair Von Gemmingen ruled that public hearings would begin at 7:00 p.m.

- B. Ordinance No. AO 99-14, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the **question of the issuance of not to exceed \$428,740,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements** in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Anchorage School District.
1. Assembly Memorandum No. AM 93-99.
 2. Ordinance No. AO 99-14(S), an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$428,740,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Anchorage School District.
 3. Assembly Memorandum No. AM 119-99.
 4. Ordinance No. AO 99-14(S-1), an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$428,740,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Anchorage School District.
 5. Ordinance No. AO 99-14(S-2), an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$428,740,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Assemblymembers Von Gemmingen and Carlson. **(addendum)**
 6. Assembly Memorandum No. AM 238-99.
(POSTPONED FROM 2-23-99)

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

- C. Ordinance No. AO 99-16, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the **question of the issuance of not to exceed \$463,680,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements** in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Assemblymember Kendall.
1. Assembly Memorandum No. AM 188-99.
(POSTPONED FROM 2-23-99)

Mr. Kendall moved, to adopt AO 99-16.
 seconded by Mr. Carlson,

Mr. Kendall noted this ordinance was the same as the original proposal by ASD, with the addition of full funding for a second high school in the Chugiak/Eagle River (CER) area. It maintains the same schedule as proposed by the ASD. He thanked ASD for presenting the four-year plan, which informs the community of the long-range needs of the Municipality. He felt overcrowding issues must be addressed as soon as possible. He noted the population of the CER area has doubled every decade, and would likely continue at that rate. Although ASD predictions indicate population will not grow at that rate, history has shown past ASD predictions for the area have been incorrect. He pointed out with a one-year bond, there would be a lot of uncertainty as to when ASD will be able to address overcrowding at Chugiak High.

Mr. Bell agreed with Mr. Kendall, and pointed out the same argument may be made for Service High. Service is the largest high school in the Municipality, is badly in need of renovations, is overcrowded, and receives the least amount of funds-per-student. The proposed ordinance provides for renovations to begin in the second year of the plan, with completion targeted for the last year of the plan. He was hesitant to change the ASD plan, which was carefully crafted after extensive study.

Mr. Wuerch pointed out the proposed ordinance would raise the bond amount \$35 million from the amount proposed by ASD. He felt anyone with apprehension about the amount of the ASD bond would surely be put off by the proposed ordinance. He spoke against the ordinance.

Mr. Carlson urged support for the ordinance. He felt it would not actually change ASD proposals, but add to them. He pointed out without the additions, there would be no relief of overcrowding at Chugiak High.

In response to Mr. Wohlforth, Harriet Drummond of the School Board explained the Board's decision to add a \$30 million high school in Eagle River/Chugiak. The plan was for the structure to be the core of a full-size high school, with classrooms for half a school, about 800 students. The Board agreed with member Osslander, who felt the ASD demographics were not as accurate as those of the Municipality, which showed more growth than estimates by ASD. The proposed school will be designed to allow addition of classrooms in the future, when population growth dictated.

In response to Mr. Wohlforth, ASD Superintendent Bob Christal said the latest estimate for insurance reimbursement for Russian Jack Elementary was about \$5.2 million. The estimate to build a new school, to replace the one that burned, was \$10.9 million. He felt the \$8 million request for Russian Jack could be reduced to \$6 million, which would leave a few hundred thousand dollars for contingencies.

Ms. Clementson questioned the need for a few hundred thousand dollars of contingency funds, since ASD has a large undesignated fund balance. If the bond is not approved, the entire school will be rebuilt using those undesignated funds. She asked for estimated additions to this year's undesignated fund balance, as requested at last week's worksession.

Mr. Christal responded it would be possible to proceed without the requested contingency funds. He said the budget has not been fully reviewed, so he could not provide the undesignated fund balance estimate. However, he reported the undesignated fund balance as of June 30, 1998 was about \$15.1 million.

Mr. Kendall argued a larger bond would be better, because it will take four years to design the school. By that time, population figures will be known. If the growth demands a larger school, it can be built. If there has not been enough growth to fill a full-sized school, a smaller one can be built, and the excess bond funds returned to the voters for redirection.

Mr. Christal felt if voters approved bonds for a full-sized school, they would expect one to be built in four years, regardless of the need at that time. He cautioned the public would have to be carefully educated to understand the possibility the school would be built in phases, if necessary.

Mr. Wohlforth spoke against the ordinance. He felt it would be irresponsible to place a question on the ballot for something which might be needed, rather than what is known to be needed. He felt ASD has already made a good concession in adding a high school for Chugiak/Eagle River area, which may be enlarged when needed.

Question was called on the motion to adopt AO 99-16 and it failed:

AYES: Carlson, Abney, Kendall.

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

The meeting recessed at 6:45 p.m. and reconvened at 7:15 p.m.

- D. Ordinance No. AO 99-17, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the **question of the issuance of not to exceed \$121,570,400 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements** in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Assemblymember Kendall.

1. Assembly Memorandum No. AM 189-99.
(POSTPONED FROM 2-23-99)

- E. Ordinance No. AO 99-18, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the **question of the issuance of not to exceed \$463,680,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements** in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Assemblymember Kendall.

1. Assembly Memorandum No. AM 190-99.
(POSTPONED FROM 2-23-99)

Items 9.D. and 9.E. were continued until March 16, 1999.

- F. Ordinance No. AO 99-31, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the **question of the issuance of not to exceed \$171,150,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements** in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Assemblymember Wuerch.

1. Assembly Memorandum No. AM 191-99.

2. Ordinance No. AO 99-31(S), an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$171,150,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Assemblymember Wuerch. (**addendum**)

3. Assembly Memorandum No. AM 239-99.
(POSTPONED FROM 2-23-99)

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

- G. Ordinance No. AO 99-38, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the **question of the issuance of not to exceed \$15,000,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements** in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Assemblymember Bell.
1. Assembly Memorandum No. AM 192-99.
(POSTPONED FROM 2-23-99)
- H. Ordinance No. AO 99-39, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the **question of the issuance of not to exceed \$443,740,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements** in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Assemblymember Bell.
1. Assembly Memorandum No. AM 193-99.
(POSTPONED FROM 2-23-99)

Items 9.G. and 9.H. were continued until March 16, 1999.

- I. Ordinance No. AO 99-41, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the **question of the issuance of not to exceed \$173,150,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements** in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Assemblymember Wohlforth.
1. Assembly Memorandum No. AM 168-99.
 2. Ordinance No. AO 99-41(S), an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$173,150,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Assemblymember Wohlforth.
 3. Assembly Memorandum No. AM 219-99.
 4. Ordinance No. AO 99-41(S-1), an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$173,150,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Assemblymember Kendall. (**addendum**)
 5. Assembly Memorandum No. AM 240-99.
(POSTPONED FROM 2-23-99)

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

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

This item was continued until March 16, 1999.

- K. Assembly Memorandum No. AM 212-99, recommendation of award to T.L.C., Inc. for providing **animal control services** to the Municipality of Anchorage, Department of Health and Human Services (RFP 69-98), Purchasing.
(CARRIED OVER FROM 2-23-99)

This item was continued until a special meeting on March 5, 1999.

- L. Ordinance No. AO 98-141(S), an ordinance of the Municipality of Anchorage **creating a Board of Adjustment panel separate from the Assembly**, retaining the Assembly as a Board of Adjustment panel with limited jurisdiction and delineating the respective duties, responsibilities, powers and jurisdiction with respect to appeals to the Board of Adjustment, Assemblymember Clementson.
1. Ordinance No. AO 98-141(S-1), an ordinance of the Municipality of Anchorage creating a Board of Adjustment panel separate from the Assembly, retaining the Assembly as a Board of Adjustment panel with limited jurisdiction and delineating the respective duties, responsibilities, powers and jurisdiction with respect to appeals to the Board of Adjustment, Assemblymember Wohlforth.
 2. Assembly Memorandum No. AM 64-99.
(AO 98-141(S) FAILED 12-8-98; MR. WOHLFORTH GAVE NOTICE OF RECONSIDERATION ON 12-9-98; AO 98-141(S) WAS RECONSIDERED & POSTPONED FROM 12-15-98; CARRIED OVER FROM 1-12-99 & 1-26-99; POSTPONED FROM 2-2-99; CARRIED OVER FROM 2-9-99 & 2-23-99)

This item was continued until March 16, 1999.

10. APPEARANCE REQUESTS:

- A. **READ ACROSS AMERICA** program representatives.

This appearance was heard earlier in the meeting. See after item 9.A.

11. CONTINUED PUBLIC HEARINGS :

- A. Ordinance No. AO 99-35, an ordinance of the Municipality of Anchorage submitting to the qualified voters residing in the Talus West Limited Road Service Area at the Regular Municipal Election to be held April 20, 1999 a ballot proposition to **increase the Talus West Limited Road Service Area mill levy**, Public Works.
1. Assembly Memorandum No. AM 147-99.
(CARRIED OVER FROM 2-23-99)

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

Mr. Kendall moved, to adopt AO 99-35.
seconded by Ms. Clementson,

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

(Clerk's Note: Mr. Meyer was out of the room at the time of the vote. A motion to reconsider this item failed later in the meeting.)

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

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

Mr. Murdy moved, to adopt AO 99-40.
seconded by Ms. Clementson,

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

(Clerk's Note: A motion to reconsider this item failed later in the meeting.)

- C. Ordinance No. AO 99-22, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the **question of the issuance of \$29,960,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of road, storm drainage and related capital improvements in the Anchorage Roads and Drainage Service Area** at an election in and for the Municipality of Anchorage on April 20, 1999, Office of Management and Budget.
1. Assembly Memorandum No. AM 104-99.
 2. Information Memorandum No. AIM 12-99, Bond Proposition Fact Sheets.
(CARRIED OVER FROM 2-23-99)

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

Mr. Murdy moved, to adopt AO 99-22.
seconded by Ms. Clementson,

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

(Clerk's Note: A motion to reconsider this item failed later in the meeting.)

- D. Ordinance No. AO 99-23, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the **question of the issuance of \$9,540,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of fire protection and related capital improvements in the Anchorage Fire Service Area** and the question of an increase in the Municipal Tax Cap to pay associated operation and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Office of Management and Budget.
1. Assembly Memorandum No. AM 105-99.
 2. Information Memorandum No. AIM 12-99.
(CARRIED OVER FROM 2-23-99)

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

Mr. Murdy moved, to adopt AO 99-23.
seconded by Ms. Clementson,

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

(Clerk's Note: A motion to reconsider this item failed later in the meeting.)

- E. Ordinance No. AO 99-24, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the **question of the issuance of \$3,605,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs ambulances, emergency medical service data collection systems, Anchorage Cemetery, and related capital improvements in the Municipality of Anchorage** at an election in and for the Municipality of Anchorage on April 20, 1999, Office of Management and Budget.
1. Assembly Memorandum No. AM 106-99.
 2. Information Memorandum No. AIM 12-99.
- (CARRIED OVER FROM 2-23-99)

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

Mr. Murdy moved, to adopt AO 99-24.
seconded by Ms. Clementson,

In response to Mr. Wohlforth, Municipal Manager George Vakalis clarified this item would provide the new ambulance needs that were identified in the capital improvement budget.

In response to Mr. Murdy, Mr. Vakalis explained this and the previous item were separate, because one addressed items in the Fire Service Area and the other items in the EMS Service Area.

Mr. Wohlforth added the EMS Service Area was areawide.

Question was called on the motion to adopt AO 99-24 and it passed:

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

(Clerk's Note: A motion to reconsider this item failed later in the meeting.)

- F. Ordinance No. AO 99-25, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the **question of the issuance of \$5,995,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of parks and recreation and related capital improvements in the Anchorage Parks and Recreation Service Area** at an election in and for the Municipality of Anchorage on April 20, 1999, Office of Management and Budget.
1. Assembly Memorandum No. AM 107-99.
 2. Information Memorandum No. AIM 12-99.
- (CARRIED OVER FROM 2-23-99)

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

Ms. Clementson moved, to adopt AO 99-25.
seconded by Ms. Taylor,

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

(Clerk's Note: A motion to reconsider this item failed later in the meeting.)

- G. Ordinance No. AO 99-29, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the **question of the issuance of \$1,940,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of parks and recreation and related capital improvements in the Eagle River-Chugiak Parks and Recreation Service Area** at an election in and for the Municipality of Anchorage on April 20, 1999, Chair Von Gemmingen.
1. Assembly Memorandum No. AM 120-99.
 2. Information Memorandum No. AIM 13-99, Bond Proposition Fact Sheet.
 3. Assembly Memorandum No. AM 220-99, Assemblymember Kendall.
- (CARRIED OVER FROM 2-23-99)

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

Mr. Kendall moved, to adopt AO 99-29.
seconded by Mr. Wohlforth,

Mr. Kendall moved, to amend AO 99-29 by substituting AM 220-99 for
seconded by Mr. Murdy, AM 120-99.

Mr. Wuerch noted the substitution would change the issue of reimbursement to the Heritage Land Bank (HLB). There was a prior agreement that the HLB would provide \$1.2 million to help mitigate costs for acquiring the park. The amendment would essentially not reimburse the HLB. He opposed the amendment.

Mr. Kendall pointed out this project has been discussed for a long time. The agreement was for the service area to contribute about \$1 million, and HLB would contribute \$1.2 million. The issue of reimbursement was not raised until quite late in the process, and the Board of Supervisors were unaware of the proposal until it was introduced at the Assembly level. He felt reimbursement of the HLB might be a good idea, but it should be applied equally and a policy developed. In response to Mr. Wohlforth, Mr. Kendall explained AM 220-99 provided for no reimbursement; the funding would remain as approved in the 1999 budget.

Mr. Wuerch recalled there was a desire to purchase two parcels instead of one, and HLB funds were needed to purchase both. Because this was a change from what the whole Assembly discussed, he and Ms. Von Gemmingen felt reimbursement to HLB would be appropriate, since the size of the bond had increased.

Ms. Clementson supported the reimbursement. She pointed out HLB funds are for the entire Municipality, and care should be taken to ensure it is distributed equally. There have been other HLB funds used for Eagle River projects. She felt since there is a limited amount of HLB funds, the reimbursement was appropriate.

Mr. Carlson said his understanding was the HLB Commission approved the entire amount, and did not request a reimbursement.

Mr. Bell said if the Eagle River Parks and Recreation Service Area did not exist, this discussion would probably be moot. He pointed out the land would be a Municipal asset which happens to be located in Eagle River. He added the vast majority of HLB land is located in Eagle River and south Anchorage. The funds in the HLB accounts come from the sale and lease of those lands. He felt it was odd to expect Eagle River to reimburse the funds. All citizens of Anchorage will benefit from the park.

Mr. Carlson argued the HLB would be reimbursed with the land that is purchased with the funds, which will belong to the Municipality.

Ms. Clementson clarified the land will belong to the Eagle River/Chugiak Parks and Recreation Service Area, and will not belong to the majority of Municipal citizens.

Mr. Wohlforth spoke in support of the amendment. He pointed out the Midtown park situation seems similar to this, and suggested considering a similar strategy.

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

AYES: Bell, Carlson, Taylor, Wohlforth, Abney, Kendall, Murdy.

NAYS: Wuerch, Von Gemmingen, Clementson, Meyer.

Question was called on the motion to adopt AO 99-29 as amended and it passed:

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

NAYS: Clementson.

(Clerk's Note: A motion to reconsider this item failed later in the meeting.)

H. Ordinance No. AO 99-26, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the **question of the issuance of \$325,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of administrative offices, a community meeting room and related capital improvements in the Girdwood Valley Service Area** at an election in and for the Municipality of Anchorage on April 20, 1999, Office of Management and Budget.

1. Assembly Memorandum No. AM 108-99.

2. Information Memorandum No. AIM 12-99.

3. Ordinance No. AO 99-26(S), an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$325,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of administrative offices, a community meeting room and related capital improvements in the Girdwood Valley Service Area at an election in and for the Municipality of Anchorage on April 20, 1999, Office of Management and Budget.

4. Assembly Memorandum No. AM 148-99.

(CARRIED OVER FROM 2-23-99)

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

Mr. Bell moved, to adopt AO 99-26(S).
seconded by Ms. Clementson,

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

(Clerk’s Note: Mr. Kendall was out of the room at the time of the vote. A motion to reconsider this item failed later in the meeting.)

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

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

Ms. Abney moved, to continue the public hearing for AO 99-8 on May 4, 1999.
 seconded by Mr. Murdy,
 and it passed without
 objection,

(Clerk’s Note: On March 23, 1999 the Assembly canceled the May 4 regular meeting and set a special meeting in its place, rescheduling the public hearing for AO 99-8 to May 11, 1999.)

12. **NEW PUBLIC HEARINGS :**

- A. Ordinance No. AO 99-33, an ordinance submitting to the qualified voters residing in the **Birch Tree/Elmore Limited Road Service Area** at the Regular Municipal Election April 20, 1999 a ballot proposition approving the continuation of said limited road service area for an additional period of three years. Anchorage Municipal Code Sections 27.20.200 and 27.30.290, Assemblymembers Abney and Bell.
 - 1. Assembly Memorandum No. AM 146-99.

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

Ms. Abney moved, to adopt AO 99-33.
 seconded by Mr. Meyer,

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

(Clerk’s Note: A motion to reconsider this item failed later in the meeting.)

- B. Ordinance No. AO 99-34, an ordinance submitting to the qualified voters residing in the **South Goldenview Area Limited Road Service Area** at the Regular Municipal Election April 20, 1999 a ballot proposition approving the continuation of said limited road service area for an additional period of three years. Anchorage Municipal Code Sections 27.20.190 and 27.30.280, Assemblymembers Abney and Bell.
 - 1. Assembly Memorandum No. AM 146-99.

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

Mr. Murdy moved, to adopt AO 99-34.
 seconded by Ms. Abney,

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

(Clerk’s Note: A motion to reconsider this item failed later in the meeting.)

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

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

In response to Mr. Kendall, Municipal Attorney Mary Hughes explained an order by the judge hearing the case of a petition submitted regarding changing the date of the election and how the Mayor, Assembly and School Board would be elected. The order indicated the ballot proposition will read: *no person may hold the office of mayor of Anchorage, Anchorage School Board or the Anchorage Municipal Assembly as a result of any election, regular or special, without receiving a majority of the votes cast for the office. A majority is defined as 50 percent plus at least one vote. In the event that no single candidate receives a majority, the two candidates receiving the most votes in the regular election shall have a runoff election on the first Tuesday of the month following the subject election to establish the winner. In the case of a special election, the two candidates receiving the most votes shall have a runoff no more than 30 days subsequent to the special election.* Ms. Hughes clarified the question will be on the ballot; the judges order is final, and the Municipality will abide by the order.

Mr. Bell pointed out the proposed ordinance would only affect the mayoral race. The ballot proposition that originated from the petition would affect Mayor, School Board and Assembly. He felt the public should have the opportunity to choose between the two issues.

Mayor Mystrom felt it was important for the mayor to receive a majority of votes. He thought it would be productive to have both questions on the ballot, to give people a choice to support a majority only for the mayor, or for all three elected offices. He encouraged adoption of the ordinance.

Mr. Kendall moved, to adopt AO 99-43.
seconded by Mr. Bell,

Mr. Wohlforth clarified that this item would require eight affirmative votes to pass, as it was a ballot proposition. He pointed out there he has never heard complaints that the current 40 percent requirement resulted in poor mayors. He added the State Governor is elected without any percentage requirement; Governor Knowles' last election was the first to go over 50 percent since William Egan. He saw no reason to change the Charter for this issue.

Mr. Bell felt it was objectionable that someone may be elected mayor of Anchorage even if 59.5 percent of people vote against the candidate. If a candidate cannot garner 50 percent of the vote, he or she should probably not be mayor.

Mr. Carlson felt one question on the ballot was enough. Two questions might confuse the voters.

Mr. Murdy agreed with Mr. Wohlforth. He felt the system has worked well so far, and should remain unaltered.

Mr. Kendall felt in a country that was founded on the concept of majority rule, it was important to have that concept in all elected positions. He pointed out the question would be on the ballot anyway, so having a choice would be better.

Question was called on the motion to adopt AO 99-43 and it failed:

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

- D. Resolution No. AR 99-43, a resolution of the Municipality of Anchorage submitting to the qualified voters residing in the Girdwood Valley Service Area at the Regular Municipal Election to be held April 20, 1999 **advisory questions relative to the authority of the Girdwood Board of Supervisors, the number of supervisors, and the method by which the supervisors are selected**, Assemblymember Abney.

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

Mr. Murdy moved, to approve AR 99-43.
seconded by Ms. Abney,

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

(Clerk's Note: A motion to reconsider this item failed later in the meeting.)

- E. Resolution No. AR 99-37, a resolution of the Municipality of Anchorage appropriating \$109,000 as a cash contribution from the 1999 General Government Operating Budget Fund (0101) to the State Categorical Grants Fund (0231) for the **Child Care Licensing Program** in the Department of Health and Human Services.
1. Assembly Memorandum No. AM 174-99.

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

Mr. Murdy moved, to approve AR 99-37.
seconded by Mr. Meyer,

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

- F. Resolution No. AR 99-42, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Restaurant and Eating Place License) located on Hansen Subdivision, Block 3, Lot 3A, generally located on the south side of West 27th Avenue and west of Spenard Road. (Rod Hancock d.b.a. Film-on Productions LLC d.b.a. **Bear Tooth Cinema**) (Case 99-042), Community Planning and Development.
1. Assembly Memorandum No. AM 218-99.

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

Mr. Meyer moved, to approve AR 99-42.
seconded by Mr. Kendall,

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

to postpone action on AR 99-42 until March 16, 1999,
and request the applicant attend that meeting to discuss the
project, and whether the alcohol service area would be
connected to the theater area.

G. Ordinance No. AO 99-19, an ordinance amending the zoning map and providing for the rezoning from R-2A (Two Family Residential District) to R-3 (Multiple-Family Residential District) with Special Limitations for **Tract 4B-1, Arnold L. Muldoon Subdivision**, generally located on the west side of Muldoon Road and north of Northern Lights Boulevard (Northeast Community Council) (Planning and Zoning Commission Case 98-218), Assemblymembers Kendall, Abney, and Bell.

1. Information Memorandum No. AIM 20-99, Community Planning and Development.

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

JIM SAWHILL of Lounsbury and Associates, spoke representing the applicant, Carr-Gottstein. He explained the subject property was located north of the Post Office on Muldoon, and south of the Chester Park cooperative. He said last year, they developed Eastbrook subdivision immediately to the north, which has been a huge success. They have received many compliments from community members regarding the landscaping for the project along Muldoon Road. Mr. Sawhill said there was a large demand in east Anchorage for upgraded housing. While marketing the Eastbrook project, they discovered demand for an upscale condominium development. The proposal is a townhouse development which will use the same entrance as Eastbrook subdivision. The Community Planning and Development staff analysis found the proposal met the standards for a zoning map amendment, and recommended approval. They received unanimous recommendation from the Planning and Zoning Commission. He requested support, with two changes to the special limitations. Mr. Sawhill explained they wanted the maximum dwelling units to be 28 overall. There are 28 units planned, but since the site is 2.8 acres and there will be some rights-of-way dedication, there will be slightly less than 10 units per acre. He also asked for a change to special limitation B, because after additional survey work, it was determined that a four-foot berm would block drainage and cause problems in that respect. However, he said there would be a ten-foot landscape buffer installed, so he asked the buffer be substituted for the berm. In response to Ms. Clementson, Mr. Sawhill said the same landscaping and fence would be extended from the existing development to the proposed development. There is no berm with the existing landscape buffer. He said there used to be a monument sign marking the development, and another was planned to be installed.

In response to Ms. Clementson, Municipal Manager George Vakalis explained although the sign was aesthetically appropriate, it did not meet the criteria for signs with regard to construction and placement.

In response to Ms. Taylor, Mr. Sawhill said the proposed homes would be valued at approximately \$180,000 to \$200,000.

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

Mr. Kendall moved,
seconded by Mr. Wuerch,

to adopt AO 99-19.

In response to Mr. Kendall, Don Alspach of Community Planning and Development said the requested amendments would result in the same density, and there was no objection to either proposal.

In response to Ms. Clementson, Mr. Alspach confirmed the rezoning would not result in increased density. The rezoning was necessary to allow construction of more than one principal structure per lot.

Ms. Clementson spoke in support of the rezoning. She said the existing subdivision is one of the nicest in east Anchorage, and the buffer fence is very attractive. Since the development would not result in increased density, she recommended approval.

Ms. Taylor concurred with Ms. Clementson. Although the dwellings were not single family units, they are of a superior quality. She urged adoption.

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

to amend AO 99-19 on page 1, line 31 to read: "...a maximum of 28 dwelling units." and on line 34 to read: "...shall be a ten foot buffer landscape easement with a six foot high wood panel fence..."

Question was called on the motion to adopt AO 99-19 as amended and it passed:

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

The meeting recessed at 8:10 p.m. and reconvened at 8:20 p.m.

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

14. **SPECIAL ORDERS:**

See after item 8 for rescheduling of a public hearing item.

15. **ASSEMBLY COMMENTS:** None.

16. **UNFINISHED AGENDA:**

- A. Ordinance No. AO 99-14, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the **question of the issuance of not to exceed \$428,740,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements** in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Anchorage School District.
1. Assembly Memorandum No. AM 93-99.
 2. Ordinance No. AO 99-14(S), an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$428,740,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Anchorage School District.
 3. Assembly Memorandum No. AM 119-99.
 4. Ordinance No. AO 99-14(S-1), an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$428,740,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Anchorage School District.
 5. Ordinance No. AO 99-14(S-2), an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$428,740,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Assemblymembers Von Gemmingen and Carlson. **(addendum)**
 6. Assembly Memorandum No. AM 238-99.
(POSTPONED FROM 2-23-99)
- B. Ordinance No. AO 99-31, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the **question of the issuance of not to exceed \$171,150,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements** in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Assemblymember Wuerch.
1. Assembly Memorandum No. AM 191-99.
 2. Ordinance No. AO 99-31(S), an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$171,150,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Assemblymember Wuerch. **(addendum)**
 3. Assembly Memorandum No. AM 239-99.
(POSTPONED FROM 2-23-99)
- C. Ordinance No. AO 99-41, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the **question of the issuance of not to exceed \$173,150,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements** in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Assemblymember Wohlforth.
1. Assembly Memorandum No. AM 168-99.
 2. Ordinance No. AO 99-41(S), an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$173,150,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Assemblymember Wohlforth.
 3. Assembly Memorandum No. AM 219-99.
 4. Ordinance No. AO 99-41(S-1), an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$173,150,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 20, 1999, Assemblymember Kendall. **(addendum)**
 5. Assembly Memorandum No. AM 240-99.
(POSTPONED FROM 2-23-99)

In response to Chair Von Gemmingen, Ivan Moore addressed the Assembly regarding his a survey for the Anchorage School District (ASD.) Mr. Moore explained the poll was done on Friday, Saturday and Sunday, surveying just under 350 people selected from a voter registration list, who lived in households where at least one person voted in last years' Municipal election. The margin of error was about five percent. People who said they were not likely to vote were screened out. There were four questions. The first question was about the four-year school bond; 57 % were in favor, and 40 % were opposed. That was slightly less than the result of the same question performed in September. Two other questions asked about splitting the bond between year one and years two, three and four. The year one bond passed 64% to 33 %. The years two, three and four bond passed 55% to 42%. He felt the year one bond issues were the key, and reminded the Assembly that historically, school bonds have always been very close. If Assembly members felt it would pass, it would be prudent to leave

it attached to years two, three and four. If they feel it might fail, it should be detached from the out years, to avoid failure of the whole package.

In response to Mr. Wohlforth, Mr. Moore felt there were many factors that contribute to polls versus votes. He agreed it was easier for people to say “yes” on a poll than to actually vote “yes” in the voting booth. Another important issue was there is generally stronger support among younger people, and less support among older people. Older people are more likely to vote. He said his polls have never been intended to be predictive; they are always done around December, four months before the election. He advised that one should never be comfortable with poll results.

In response to Mr. Meyer, Mr. Moore said he hadn’t considered the possibility of placing the one year and the four year question on the ballot; at first thought, it seemed like a good idea. He said typically the margin of passage decreases as the election gets closer.

In response to Mr. Wuerch, Mr. Moore felt more people favored having two questions on the ballot, because people naturally favor having a choice. However, those results are probably not good to base a decision on, because the strategy might not be best to maximize chances of the projects being approved.

Mr. Wuerch moved, to adopt AO 99-31(S).
seconded by Ms. Clementson,

Mr. Wuerch felt this one-year proposal had the best chance of being approved by the voters. If this item is adopted, it would be possible to place it on the ballot with the four-year plan, and insert language that if the four-year plan is approved, the one-year bond would be null and void.

Mr. Wohlforth opposed placing both questions on the ballot. He pointed out that the Assembly earlier in the evening voted to support the four-year concept.

Mr. Wohlforth moved, to substitute AO 99-14(S-1).
seconded by Ms. Abney,

Mr. Wohlforth said his intent, if this substitution passed, was to amend AO 99-14(S-1) to reduce Russian Jack Elementary from \$8 million to \$6 million, and add \$800,000 to Chugach Elementary. He felt the polls show there is support for the four-year bond. He was concerned about placing the four-year and one-year bond questions on the ballot together, because voters might be confused.

In response to Ms. Clementson, Kathy Christy of the Anchorage School District (ASD) said the State Department of Education (DOE) has approved both the Dimond High replacement school and the new south Anchorage High School based on existing square footage. This is not counting the square footage for the swimming pools at Bartlett and Service High Schools. The pools for those schools are stand-alone facilities and were not built with DOE funds. Operation of and responsibility for those pools would not change. She added the intention was to submit the new ABC elementary school and the addition to Polaris projects as reimbursable projects, and if they were rejected, they would not be eligible for reimbursement. The projects were listed on the ballot as reimbursable, because there was comfort they could be eligible.

In response to Ms. Clementson, School Board member Kathi Gillespie said the DOE is willing to work with the district, and give waivers when possible. Although many districts throughout the State have sixth-graders in middle schools, which is opposed to current regulations, changing those regulations is a priority for the Anchorage Caucus.

In response to Ms. Clementson, School Board president Harriet Drummond explained the ABC, Polaris and Muldoon Elementary projects were listed on the ballot as reimbursable projects because ASD administration feels those projects are needed to house existing and projected students.

In response to Ms. Clementson, Ms. Gillespie addressed the question of the need for a \$6 million bond issue for Russian Jack Elementary, in light of funds in excess of that amount currently in the undesignated account. She explained ASD has worked hard to achieve the national standard of between a three and five percent undesignated fund balance, to cover emergencies. Currently the ASD undesignated fund balance is about 4.6 percent. Removing \$6 million from that account would reduce the balance to about 2.7 percent, below the national average. No other school district in Alaska is expected to fund schools to replace those that have been burned completely with local funds. Those replacements are funded by the State, or by bond funds. She knew of no other district which has used savings accounts to fund a school replacement resulting from fire destruction.

Ms. Clementson felt a school destroyed by fire fell into the emergency category. She added the \$15.1 million figure in the undesignated account was calculated as of June 30, 1998 and does not include any funds which will be added this year. Since ASD has been adding about \$4 million into the account every year for the past few years, she assumed that trend would continue.

Janet Stokesbary of ASD said at this point, the amount of the addition to the fund was not known. She pointed out the fund is also used when revenues fall short of expectations, and if the State does not provide the funds expected. Also, there are Federal funds for military-associated students which are relied on, but are subject to appropriation by Congress.

Ms. Gillespie added another large unknown variable is if the second year implementation of the foundation formula will be funded by the State Legislature.

In response to Mr. Kendall, Ms. Drummond said the State reimbursement is at least 50/50, but 70/30 is requested.

In response to Ms. Clementson, Ms. Drummond explained each project on the project list would have a complete public process, including public hearings and votes by the School Board, before the contracts are finalized.

In response to Ms. Clementson, Cindy Cartledge of the Municipality's bond counsel, Wohlforth Argetsinger et al., addressed the Assembly. She explained according to the bond proposition, there is no requirement as to which year the projects are funded. However, no bonds for a particular project may be issued in a year prior to the year in which the project is listed. She said it would be possible for the Assembly to move a specific project into the un-reimbursable category.

In response to Mr. Wuerch, Ms. Cartledge said she was familiar with the type of bond that does not have a sale deadline. She added there is common law which dictates that if the project changes substantially from that which was approved by the voters, the bonding authority should be rescinded.

Mr. Meyer spoke against the substitution. He pointed out according to Mr. Moore's poll, there is more support for the one-year bond than the four-year bond. Also, there is currently a seven percent margin, and according to Mr. Moore, support typically decreases closer to the election. He was also concerned that if the bonds fail, and the proposition changing the election date to October passes, it will be eighteen months before this issue can be addressed again.

Mr. Murdy said he originally supported placing both the four-year and one-year bond on the ballot. He felt the four-year package was important, but was now concerned about its chances of passing.

Mr. Wohlforth said earlier in the evening, the Assembly voted to support the four-year concept. Mr. Moore has provided some new information, but he felt the projects on the four-year bond were very important and should go before the voters. He had grave concerns about placing the four-year and the one-year on the ballot, because they are so long, and it would create great confusion.

Mr. Bell agreed with Mr. Wohlforth that placing both questions on the ballot would create confusion, and potentially result in both issues failing. He opposed the four-year bond. It is a departure from tradition to have multiple-year bonds, and it would be very difficult to educate voters about how the bonds would be sold. According to Mr. Moore's poll, the one-year bond has the best chance of being approved. Also, if the four-year bond failed, it would be a long time before the projects could be placed on the ballot again, and there would be the risk of voter anger at seeing projects they rejected being presented again.

Ms. Taylor spoke in support of placing both questions on the ballot. The ASD administration has committed to a massive public education campaign. She felt the voters should have as many options as possible.

Mr. Moore said after some thought, he would revise his earlier statement that placing both questions on the ballot would be a good idea. He pointed out there were many possible outcomes, and no matter how the question was stated or clarified, some voters would vote based on a confused perception. He felt it was a dangerous proposition.

Mr. Wohlforth clarified that there would not necessarily be a need to wait a certain period of time to re-submit failed bonds. He pointed out bonds could be placed on a special election, or they could be attached to a State election.

Mr. Kendall argued there should be geographic balance in whatever question is placed on the ballot. He pointed out the one-year bond as proposed by Mr. Wuerch does not have geographic balance, as it provides for a south Anchorage high school, but does not provide for the Eagle River high school.

Ms. Clementson pointed out when the four-year question was voted on by the School Board, the vote was split. It was a three to four vote, with members Ossiander, Holthouse and Werdal voting against the proposal. Another significant point is that by the time all the bonds are sold, the tax impact on a \$166,000 valued property would be about \$300 per year.

Question was called on Mr. Wohlforth's motion to substitute AO 99-14(S-1) and it passed:

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

Mr. Wohlforth moved,
seconded by Ms. Abney,
and it was withdrawn,

to amend AO 99-14(S-1) under year 1999, to reduce the amount for Russian Jack Elementary school from \$8 million to \$6 million for estimated project costs, and to adjust the other figures attached to that project accordingly, and under year 2001, to increase item Chugach Optional Elementary School from \$2,080,000 to \$2,880,000, for estimated project costs, and \$1,781,244, \$2,330,622 and \$2,330,622 in the following columns.

Mr. Wohlforth explained the reduction for Russian Jack was because of an adjusted insurance payment. He explained the parents at Chugach Optional reviewed the proposal for the school, and decided they wanted other and different items, which were \$800,000 more than the ASD proposal. He felt ASD was correct to maintain its undesignated fund balance. He acknowledged the burned Russian Jack school was an emergency, but felt the fund balance should only be used when there is no alternative.

Mr. Kendall moved,
seconded by Mr. Wuerch,

to substitute AO 99-41(S-1).

Mr. Kendall felt AO 99-41(S-1) addressed some of Mr. Wohlforth's, Ms. Clementson's and some of his and Mr. Carlson's concerns. The ordinance proposed a one-year bond, which would include design funds for a secondary school in the Chugiak/Eagle River area, funding for Central Middle School, and decreased funding for Russian Jack Elementary.

Mr. Wohlforth withdrew his motion to amend. Ms. Abney concurred.

In response to Mr. Wohlforth, Mr. Kendall explained the amount in AO 99-41(S-1) for Russian Jack was adjusted for anticipated insurance payments, and used some of the ASD undesignated fund balance.

Mr. Bell felt it was reasonable to include funding for design for the Chugiak/Eagle River school, as it would give the community assurance the project was being pursued.

Mr. Wuerch felt it was acceptable to ask ASD to use about \$3 million from the undesignated fund balance. He also was please about the year one renovation for Central Middle School, which was an important facility for the community. He added it was very beneficial for a contractor to know in advance if a facility will be designed for construction in phases, which would be the result for the Chugiak/Eagle River high school. He supported the ordinance.

Question was called on the motion to substitute AO 99-41(S-1) and it passed:

AYES: Bell, Carlson, Wuerch, Taylor, Von Gemmingen, Clementson, Meyer, Kendall.

NAYS: Wohlforth, Abney, Murdy.

Ms. Clementson moved,
seconded by Ms. Taylor,

to amend AO 99-41(S-1) to change Russian Jack Elementary to \$2,000,000 (estimated project cost) and to change the New Eagle River Area Secondary School Design to \$3,000,000 (estimated project cost) and to add a new project #15, New Muldoon Area Middle School Design for \$3,000,000 (estimated project cost).

Ms. Clementson pointed out the amendment would require some undesignated fund balance funds, but still leave plenty in the account. It would also include a project in east Anchorage, the only area of town that is not represented in the one-year bond. She felt it was a good compromise.

Mr. Wohlforth moved,
seconded by Mr. Bell,

to divide the question.

Ms. Abney expressed concern about the direction of the debate. She said the project package was very well balanced as presented; piecemeal amendments and changes might create difficulty for projects to be approved in the coming years.

Question was called on the motion to divide the question and it failed:

AYES: Wohlforth, Von Gemmingen, Abney.

NAYS: Bell, Carlson, Wuerch, Taylor, Clementson, Meyer, Kendall, Murdy.

Mr. Bell moved,
seconded by Mr. Kendall,

to amend the amendment to change the New Eagle River Area Secondary school to \$4 million and the New Muldoon Area Middle school to \$2 million.

AYES: Bell, Carlson, Von Gemmingen.

NAYS: Wuerch, Taylor, Wohlforth, Clementson, Meyer, Abney, Kendall, Murdy.

Question was called on Ms. Clementson's motion to amend and it passed:

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

NAYS: Wohlforth, Von Gemmingen, Abney, Murdy.

The Assembly paused consideration of this item to vote on reconsideration of items approved and adopted earlier in the meeting. See further action on this item after the recess.

Mr. Wuerch moved,
seconded by Mr. Meyer,

to reconsider action on item 11.A, AO 99-35.

AYES: Clementson.

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

Mr. Wuerch moved,
seconded by Mr. Meyer,

to reconsider action on item 11.B, AO 99-40.

AYES: None.

NAYS: Bell, Carlson, Wuerch, Taylor, Wohlforth, Von Gemmingen, Meyer, Abney.

(Clerk's Note: Ms. Clementson, Mr. Kendall and Mr. Murdy were out of the room at the time of the vote.)

Mr. Wuerch moved,
seconded by Mr. Meyer,

to reconsider action on item 11.C, AO 99-22.

AYES: None.

NAYS: Bell, Carlson, Wuerch, Taylor, Von Gemmingen, Meyer, Abney.

(Clerk's Note: Mr. Wohlforth, Ms. Clementson, Mr. Kendall and Mr. Murdy were out of the room at the time of the vote.)

Mr. Wuerch moved, to reconsider action on item 11.D, AO 99-23.
seconded by Mr. Meyer,

AYES: None.
NAYS: Bell, Carlson, Wuerch, Taylor, Von Gemmingen, Meyer, Abney.

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

Mr. Wuerch moved, to reconsider action on item 11.E, AO 99-24.
seconded by Mr. Meyer,

AYES: None.
NAYS: Bell, Carlson, Wuerch, Taylor, Von Gemmingen, Meyer, Abney.

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

Mr. Wuerch moved, to reconsider action on item 11.F, AO 99-25.
seconded by Mr. Meyer,

AYES: Bell.
NAYS: Carlson, Wuerch, Taylor, Von Gemmingen, Meyer, Abney.

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

Mr. Wuerch moved, to reconsider action on item 11.G, AO 99-29.
seconded by Mr. Meyer,

AYES: None.
NAYS: Bell, Carlson, Wuerch, Taylor, Von Gemmingen, Meyer, Abney.

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

Mr. Wuerch moved, to reconsider action on item 11.H, AO 99-26(S).
seconded by Mr. Meyer,

AYES: None.
NAYS: Bell, Carlson, Wuerch, Taylor, Von Gemmingen, Meyer, Abney.

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

Mr. Wuerch moved, to reconsider action on item 12.A, AO 99-33.
seconded by Mr. Meyer,

AYES: None.
NAYS: Bell, Carlson, Wuerch, Taylor, Von Gemmingen, Abney.

(Clerk’s Note: Mr. Wohlforth, Ms. Clementson, Mr. Meyer, Mr. Kendall and Mr. Murdy were out of the room at the time of the vote.)

Mr. Wuerch moved, to reconsider action on item 12.B, AO 99-34.
seconded by Mr. Meyer,

AYES: None.
NAYS: Bell, Carlson, Wuerch, Taylor, Von Gemmingen, Meyer, Abney.

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

Mr. Wuerch moved, to reconsider action on item 12.D, AO 99-43.
seconded by Mr. Meyer,

AYES: None.
NAYS: Bell, Carlson, Wuerch, Taylor, Von Gemmingen, Abney.

(Clerk’s Note: Mr. Wohlforth, Ms. Clementson, Mr. Meyer, Mr. Kendall and Mr. Murdy were out of the room at the time of the vote.)

The meeting recessed at 10:30 p.m. and reconvened at 10:40 p.m.

In response to Mr. Kendall, Ms. Cartledge read a list of the revised amounts in AO 99-41(S-1) which would correspond with the amendments made earlier in the meeting by Ms. Clementson: Russian Jack Elementary, Estimated Interest - \$1,236,975 and Estimated Principal and Interest Paid by Anchorage - \$3,236,975. New Eagle River Area Secondary School Design, Estimated Interest - \$1,834,874 and Estimated Principal and Interest Paid by Anchorage - \$4,834,874. New Muldoon Area Middle School Design, Estimated Interest - \$1,834,874 and Estimated Principal and Interest Paid by Anchorage - \$4,834,874. Ms. Cartledge said corresponding changes would be made to the ballot proposition language on page 4 of the ordinance.

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

to amend AO 99-41(S-1) to adjust the figures as indicated
by Ms. Cartledge.

Question was called on the motion to adopt AO 99-41(S-1) as amended and it passed:

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

Mr. Kendall moved,
seconded by Mr. Carlson,
and it was withdrawn,

immediate reconsideration.

Mr. Wuerch said in the event the Assembly decides to place a second question regarding school bonds on the ballot that would duplicate year one projects, language would need to be added to the proposition in AO 99-41(S-1) to indicate approval of one would nullify the other. He asked the Assembly not reconsider this ordinance yet.

Mr. Kendall withdrew his motion. Mr. Carlson concurred.

Ms. Taylor moved,
seconded by Mr. Carlson,

to adopt AO 99-14(S-1).

Chair Von Gemmingen ruled this motion was out of order, because this version of the ordinance was on the table earlier in the meeting, and another ordinance was substituted.

Ms. Taylor moved,
seconded by Mr. Carlson,

to adopt AO 99-14(S).

Mr. Wohlforth moved,
seconded by Ms. Taylor,
and it was withdrawn,

to amend AO 99-14(S) to adjust the monetary amounts
to match those listed in AO 99-14(S-1).

Mr. Kendall questioned the motion. He pointed out it would create a document essentially the same as the one which was ruled out of order.

Chair Von Gemmingen ruled the ordinance must be different from AO 99-14(S-1), which was ruled out of order earlier.

Ms. Taylor felt both questions should be on the ballot. She pointed out ASD has committed to an extensive public education campaign, which should alleviate confusion from two questions.

Mr. Wohlforth moved,
seconded by Ms. Clementson,

to amend AO 99-14(S) to adjust the language and monetary
amounts to match those listed in AO 99-14(S-1), with the
exception of Russian Jack Elementary School, which would be
decreased to \$2 million.

Mr. Wohlforth clarified he did not necessarily support the amendment; he was trying to produce a document which was different from the S version.

Question was called on Mr. Wohlforth's motion to amend and it passed:

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

(Clerk's Note: No further action was taken on this item.)

Mayor Mystrom said he planned to call a special Assembly meeting on March 5, 1999 to consider item 9.K, AM 212-99, regarding animal control. The issue is time sensitive, and it appears the Assembly will not be able to consider it tonight.

Mr. Wuerch moved,
seconded by Mr. Wohlforth,
and it failed with Mr. Murdy, Mr. Kendall
and Ms. Clementson objecting,

to extend the meeting until midnight to complete
pending agenda items.

Mr. Kendall moved,
seconded by Ms. Clementson,

to reconsider action on AO 99-41(S-1) as amended.

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

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

Mr. Wohlforth moved,
seconded by Ms. Taylor,

to extend the meeting past 11:00 to complete the school
bonds.

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

(Clerk’s Note: This motion failed for lack of nine affirmative votes required to extend the meeting past 11:00 p.m.)

17. AUDIENCE PARTICIPATION: None.

18. EXECUTIVE SESSIONS: None.

19. ADJOURNMENT:

Mr. Murdy moved, to adjourn.
seconded by Mr. Kendall,
and it passed without
objection,

The meeting adjourned at 11:03 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: September 28, 1999

VC/db

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Table with 2 columns: Subject and Page. Lists various topics such as Ambulances, Emergency Medical Service Data Collection Systems, Anchorage Cemetery, Related Improvements, etc., with corresponding page numbers.