

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of December 14, 1999

1. CALL TO ORDER:

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

2. ROLL CALL:

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

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Mr. Tremaine.

4. MINUTES OF PREVIOUS MEETING:

A. Regular Meeting - September 28, 1999

Ms. Taylor moved, to approve the minutes of the regular meeting of September 28, 1999.
seconded by Mr. Sullivan,

Mr. Tremaine asked the minutes be corrected on page 2, line 4 to change a typographical error, "Ms. Abney." There was no objection.

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

5. MAYOR'S REPORT:

Mayor Mystrom commended Chairman Wuerch for his leadership as chairman. He wished two people, named Robby and Mike, a happy birthday.

6. ADDENDUM TO AGENDA:

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

Chairman Wuerch read the addendum items.

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

7. CONSENT AGENDA:

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

A. BID AWARDS:

1. Assembly Memorandum No. AM 1199-99, recommendation of award to Snow White Cleaners for furnishing **laundry and dry cleaning services** to the Municipality of Anchorage, Anchorage Police Department (ITB 99-B117), Purchasing.
2. Assembly Memorandum No. AM 1200-99, recommendation of award to Delta Star, Inc. for furnishing one **16.8/22.4/28 MVA power transformer** to the Municipality of Anchorage, Municipal Light and Power (ITB 99-B116), Purchasing.
3. Assembly Memorandum No. AM 1201-99, recommendation of award to GGL, Incorporated for the **Fire Training Center remodel** for the Municipality of Anchorage, Property and Facility Management (ITB 99-C078), Purchasing.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 99-158, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the **issuance of not to exceed \$50,000,000 in aggregate principal amount of Tax Anticipation Notes** of the Municipality; fixing certain details of said notes; providing for the form and manner of sale of said notes; pledging the receipts from ad valorem property taxes to be levied during Year 2000 and 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 notes; and related matters, Finance. public hearing 1-11-00.

- a. Assembly Memorandum No. AM 1189-99.
2. Ordinance No. AO 99-159, an ordinance of the Municipality of Anchorage, Alaska, providing for the **issuance of Lease Revenue Bonds of the Municipality in the aggregate amount of not to exceed \$70,000,000** for the purpose of providing funds to pay all or part of the cost of acquiring, constructing and equipping a new correctional facility to be leased to the State of Alaska and to pay costs of issuance, including reserves as necessary; providing for the form and manner of sale of the bonds; authorizing the preparation and approval of a preliminary and final official statement; authorizing a trust agreement and an agreement for ongoing disclosure; and authorizing the sale of such bonds, Finance. public hearing 1-11-00.
 - a. Assembly Memorandum No. AM 1202-99.
3. Ordinance No. AO 99-160, an ordinance amending Anchorage Municipal Code Chapter 15.80 by eliminating the I/M Program Design Document dated October 30, 1996, to include vehicle operators as responsible for compliance, adding new definitions and clarifying verbiage, to comply with changes in State I/M Regulations updating test analysers and adding windshield sticker requirements, and incorporating a modified version of the **I/M Program Design Document** into new Anchorage Municipal Code Chapter 15.85, Health and Human Services. public hearing 1-11-00.
 - a. Assembly Memorandum No. AM 1203-99.
4. Resolution No. AR 99-358, a resolution appropriating \$8,022 Current Year Special Assessment and Interest Collections and \$230,923 Prior Year Special Assessment and Interest Collections within the Special Assessment Bond Redemption Fund (0899) for **1999 Special Assessment Bond Debt Service** for the Public Works Department, Finance. public hearing 1-11-00.
 - a. Assembly Memorandum No. AM 1204-99.
5. Resolution No. AR 99-359, a resolution authorizing the Municipality of Anchorage, Public Transportation Department, to enter into a Transfer of Responsibilities Agreement (TORA) in the amount of \$108,680 with the State of Alaska, Department of Transportation and Public Facilities, for financing the **implementation of a Public Transportation Marketing Program** and appropriating these funds to the State Categorical Grants Fund (231), Public Transportation Department. public hearing 1-11-00.
 - a. Assembly Memorandum No. AM 1205-99.
6. Resolution No. AR 99-360, a resolution of the Municipality of Anchorage appropriating \$119,640 received from the State of Alaska, Department of Natural Resources, to the Anchorage Fire Services Area (131) Fund as **reimbursement for services performed under the CY 1999 "Mutual Aid" agreement**, Fire Department. public hearing 1-11-00.
 - a. Assembly Memorandum No. AM 1206-99.
7. Resolution No. AR 99-364, a resolution authorizing the Municipality of Anchorage, Public Transportation Department to enter into a Transfer of Responsibilities Agreement in the amount of \$281,725 with the Department of Transportation and Public Facilities, State of Alaska, for the **Municipal Share-A-Ride Program** and appropriating these funds to the State Categorical Grants Fund (231), Public Transportation Department. public hearing 1-11-00.
 - a. Assembly Memorandum No. AM 1210-99.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 99-354, a resolution of the Municipality of Anchorage appropriating \$49,862 to the State Categorical Grants Fund (231) from the Alaska Department of Labor and Workforce Development for the **JTPA Title IIA Older Worker Program**, Community Planning and Development.
 - a. Assembly Memorandum No. AM 1192-99.
2. Resolution No. AR 99-355, a resolution of the Municipality of Anchorage appropriating \$72,331 to the State Categorical Grants Fund (231) from the Alaska Department of Labor and Workforce Development for the **JTPA Title IIA 8% Vocation Education Coordination Program**, Community Planning and Development.
 - a. Assembly Memorandum No. AM 1193-99.
3. Resolution No. AR 99-356, a resolution authorizing the Municipality to **relinquish a public use easement on a portion of Tract 1, Independence Park**, Tax Code #014-292-51 and #014-292-52, recorded in Book 1428 at Page 617, Public Works Department.
 - a. Assembly Memorandum No. AM 1194-99.
4. Resolution No. AR 99-357, a resolution authorizing the **disposal of a municipal interest within Tract A-1 & B, Woronzof Tracts Subdivision** located south and east of the Asplund Sewer Treatment Plant, Water and Wastewater Utility.
 - a. Assembly Memorandum No. AM 1195-99.

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

5. Resolution No. AR 99-361, a resolution of the Municipality of Anchorage reappropriating \$81,919.03 from the Alaska Department of Labor and Workforce Development for **PY 97 Title IIB Grant Carry-In Funds** within the State Categorical Grants Fund (231) from Health and Human Services Department to Community Planning and Development Department.
 - a. Assembly Memorandum No. AM 1207-99.
6. Resolution No. AR 99-362, a resolution of the Municipality of Anchorage appropriating \$17,000 to the Federal Categorical Grants Fund (241) from the U.S. Department of Health and Human Services to fund **Family Planning Services**, Health and Human Services.
 - a. Assembly Memorandum No. AM 1208-99.
7. Resolution No. AR 99-363, a resolution authorizing the Municipality of Anchorage, Public Transportation Department, to enter into a Transfer of Responsibilities Agreement (TORA) in the amount of \$46,436 with the State of Alaska, Department of Transportation and Public Facilities, and

appropriating these funds to the State Categorical Grants Fund (231) for the **planning and implementation of landscaping at selected bus stops** within the Anchorage area through an enhancement youth work program, Public Transportation Department.

- a. Assembly Memorandum No. AM 1209-99.
8. Resolution No. AR 99-365, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Arlene Patton**, Assemblymember Taylor. (**addendum**)

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

9. Resolution No. AR 99-366, a resolution of the Anchorage Municipal Assembly **opposing the proposed Federal policy to ban new roads in national forests**, specifically in the Tongass and Chugach National Forests, Assemblymember Kendall. (**addendum**)

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

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 1223-99, **Equal Rights Commission appointment** (Chris Lyou), Mayor's Office.
2. Assembly Memorandum No. AM 1224-99, **Public Safety Advisory Commission appointment** (John Stallone), Mayor's Office.
3. Assembly Memorandum No. AM 1225-99, **Salaries and Emoluments Commission appointments** (John Hurn, Michael McKenna, JoAnne Baker, Mike Freeman, Glenn Clary), Mayor's Office.
4. Assembly Memorandum No. AM 1191-99, **Bear Tooth** - Transfer of Ownership and Location for a Restaurant/Eating Place Liquor License and Application for a Restaurant Designation Permit (Spenard Community Council), Clerk's Office.

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

5. Assembly Memorandum No. AM 1196-99, change order No. One (1) to the **1999 Miscellaneous ADA Improvement Project**, SeaCoast Construction Company, Inc., Contract No. C-991896, DPW Project No. 99-08, Public Works Department.
6. Assembly Memorandum No. AM 1197-99, amendment No. 1 to professional services agreement with USKH, Inc., for **1998 AWWU term contract for professional engineering services**, Water and Wastewater Utility.
7. Assembly Memorandum No. AM 1211-99, amendment No. 2 to the professional services contract with Land Design North for the **South Anchorage Park Improvement Package**, Cultural and Recreational Services.
8. Assembly Memorandum No. AM 1212-99, amendment No. 1 to the professional services contract with VEI Consultants for the **East/Midtown Ball Fields Project**, Cultural and Recreational Services.
9. Assembly Memorandum No. AM 1213-99, professional contract for **2000 federal lobbying services** with Birch, Horton, Bittner and Cherot, Legal Department.

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

10. Assembly Memorandum No. AM 1214-99, proprietary service contract with law offices of Mitchell D. Gravo, Inc. for **2000 lobbyist services**, Legal Department.
11. Assembly Memorandum No. AM 1215-99, **Eagle River trunk sewer TID ER-3** contract with GMC Excavating, change order number 5, Water and Wastewater Utility.
12. Assembly Memorandum No. AM 1216-99, recommendation of award to various firms for providing **professional design services** for listed projects for the Municipality of Anchorage, Public Works Department (RFP 99-P024), Purchasing.
13. Assembly Memorandum No. AM 1217-99, change order No. 1 to purchase order 992642 with Tischler & Associates for providing a **Fiscal Impact Analysis Study** for the Municipality of Anchorage, Department of Community Planning and Development /Purchasing.
14. Assembly Memorandum No. AM 1218-99, cooperative education agreement with the Alaska Military Youth Academy for providing **educational services** for the Municipality of Anchorage, Department of Community Planning and Development/Purchasing.
15. Assembly Memorandum No. AM 1219-99, change order No. 4 to purchase order 70766 with KPMG Peat Marwick for providing **financial audit services** to the Municipality of Anchorage, Police and Fire Retirement System/Purchasing.
16. Assembly Memorandum No. AM 1220-99, change order No. 4 to purchase order 62032 with Holmes, Weddle & Barcott for providing **legal services** for the Municipality of Anchorage, Police and Fire Retirement System/Purchasing.

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

17. Assembly Memorandum No. AM 1221-99, recommendation of award to Fosselman & Weiland CPA's, Ambulance Billing Service for providing **ambulance billing and collections administration** for the Municipality of Anchorage, Fire Department (RFP 99-P036), Purchasing.
18. Assembly Memorandum No. AM 1222-99, recommendation for cooperative purchase of **copiers** from Xerox Corporation for the Municipality of Anchorage, Anchorage Police Department/Purchasing.
19. Assembly Memorandum No. AM 1226-99, **Public Facilities Advisory Commission appointments** (John Floyd, Jason Ruedy), Mayor's Office. (**addendum**)

20. Assembly Memorandum No. AM 1169-99, **2000 Support Services for Federation of Community Councils**, Municipal Clerk. (**addendum**)
21. Assembly Memorandum No. AM 1227-99, **Police and Fire Retirement Board appointment** (Paul Burns), Mayor's Office. (**addendum**)

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 111-99, **report of Public Works' construction contract amendments**, Public Works Department.

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

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

Mayor Mystrom congratulated and thanked the newly-appointed members to various boards and commissions.

8. **REGULAR AGENDA:**

- A. TIME CRITICAL ITEMS: None.
- B. BID AWARDS: None.
- C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION: None.

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 99-357, a resolution authorizing the **disposal of a municipal interest within Tract A-1 & B, Woronzof Tracts Subdivision** located south and east of the Asplund Sewer Treatment Plant, Water and Wastewater Utility.
 - a. Assembly Memorandum No. AM 1195-99.

Ms. Clementson moved, to approve AR 99-357.
 seconded by Ms. Fairclough,

In response to Ms. Clementson, Anchorage Water and Wastewater Utility General Manager Mark Premo explained the proposal would grant a new easement to the east for the new line. He said he would research the issue of whether an easement would also be disposed. He said a delay to clarify the language in the resolution would not pose a problem.

Ms. Clementson moved, to postpone action on AR 99-357 until January 11, 2000.
 seconded by Ms. Taylor,
 and it passed without
 objection,

2. Resolution No. AR 99-365, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Arlene Patton**, Assemblymember Taylor. (**addendum**)

Ms. Taylor moved, to approve AR 99-365.
 seconded by Mr. Tesche,
 and it passed without
 objection,

Mr. Tesche read the resolution while Ms. Taylor presented it to Ms. Patton.

Ms. Patton thanked the Assembly.

3. Resolution No. AR 99-366, a resolution of the Anchorage Municipal Assembly **opposing the proposed Federal policy to ban new roads in national forests**, specifically in the Tongass and Chugach National Forests, Assemblymember Kendall. (**addendum**)

Mr. Tremaine moved, to approve AR 99-366.
 seconded by Ms. Fairclough,

In response to Mr. Tremaine, Mr. Kendall explained the federal government is taking comments from the public and community leaders about a proposal to ban new roads within the Chugach and Tongass National Forests. He added many acres of land in the Tongass Forest have already been withdrawn from forestry use, which has curtailed the economy in southeast Alaska. A similar proposal is being considered for the Chugach Forest around Prince William Sound. Mr. Kendall felt there was a provision in Congressional legislation that stipulates any new designations on lands of this type require Congressional approval. He felt the Federal government was not following the Congressional rules, and felt the resolution was appropriate.

Mr. Tremaine said he was confused about the proposal. He pointed out the resolution speaks to "banning new roads in roadless areas" and roadless areas are designated after a long public process. He questioned if the effect of approval would be a statement of proposing construction of roads in roadless areas.

Mr. Kendall explained the Federal designation of "roadless area" prohibits all roads. Currently there are no roads in many areas of the Chugach Forest. However, these areas have not been formally designated as "roadless." He wanted the Assembly to oppose this designation, and encourage federal officials to discuss the issue with local officials.

Mr. Tesche felt the Assembly needed more time to get more information on the proposal.

Ms. Abney felt the terms “roadless area” and “wilderness area” were different and questioned the intent of the resolution.

Chairman Wuerch explained the term “wilderness area” was a specific designation that can be applied to large tracts of land where there is no development. Recently, Federal Department of the Interior officials have developed the “roadless” concept. He added Alaska’s Governor, many members of the Legislature, and Alaska’s Congressional delegation have joined southeast communities in saying the concept would be catastrophic because of the restraint of business development in Southeast. He said during the last three decades of land and forest management, the area available for timber harvesting has consistently been reduced. The proposed “roadless” concept is a further reduction. Chairman Wuerch noted jobs for southeast residents was a serious issue. He supported the resolution.

Mr. Tesche moved, to postpone action on AR 99-366 until January 11, 2000.
seconded by Ms. Clementson,

Mr. Kendall noted the comment period deadline was January 17, 2000.

Ms. Clementson felt it would have been helpful to have reviewed the document prior to action. She felt unprepared to vote on an issue without adequate background.

Chairman Wuerch felt Assembly members should keep themselves informed about economic issues that affect the State.

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

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

Question was called on the motion to approve AR 99-366 and it passed:

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

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 1191-99, Bear Tooth - Transfer of Ownership and Location for a Restaurant/Eating Place Liquor License and Application for a Restaurant Designation Permit (Spenard Community Council), Clerk's Office.

Mr. Sullivan moved, to approve AM 1191-99.
seconded by Ms. Taylor,

Ms. Sullivan noted the applicant has expressed frustration about the parking situation at the proposed restaurant. The applicant was asked to include covenants in the agreements, and was frustrated with his treatment by the Administration. He questioned the status of the applicant’s parking situation.

Assistant Municipal Attorney Dennis Wheeler said he spoke with the applicant, and is working with him and the staff of Public Works Department to resolve the issue.

Question was called on the motion to approve AM 1191-99 and it passed without objection.

2. Assembly Memorandum No. AM 1213-99, professional contract for **2000 federal lobbying services** with Birch, Horton, Bittner and Cherot, Legal Department.

Ms. Clementson moved, to approve AM 1213-99.
seconded by Mr. Tremaine,

Ms. Clementson noted in the past, the Assembly has requested and received a report from the Federal lobbyist, to keep informed of the issues. She pointed out the report was not submitted this year.

Municipal Attorney Mary Hughes said she would obtain the report and forward it to the Assembly. She said a list of the appropriations with this budget would be included in the report.

Mr. Tremaine supported the memorandum. However, he noted the Municipality does not coordinate lobbying efforts with Anchorage private sector organizations to the extent possible. He felt this lack of coordination weakens the position of the Municipality. He strongly urged the Administration to direct the lobbyist to coordinate with other organizations on a regular basis.

Question was called on the motion to approve AM 1213-99 and it passed without objection.

3. Assembly Memorandum No. AM 1220-99, change order No. 4 to purchase order 62032 with Holmes, Weddle & Barcott for providing **legal services** for the Municipality of Anchorage, Police and Fire Retirement System/Purchasing.

Mr. Tremaine moved, to approve AM 1220-99.
seconded by Ms. Clementson,

Mr. Tremaine noted the amendment was \$40,000 for a three-month period, and is more than has been allocated on an annual basis in the past. He requested clarification.

In response, Employee Relations Director Tom Tierney explained there is a current Request For Proposal in the works to select a new attorney for this portion of the Police and Fire Retirement System business. He said this contractor is currently handling three or four cases for the Police and Fire Retirement Board, and Board members feel it would be better for the contractor to complete those cases. He said the RFP process was almost complete, and anticipated selection of a firm in the next month.

Question was called on the motion to approve AM 1220-99 and it passed without objection.

F. INFORMATION AND REPORTS: None.

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

- A. Resolution No. AR 99-233, a resolution **adopting the 2000 Legislative Program** for the Municipality of Anchorage, Legal Department.
1. Assembly Memorandum No. AM 811-99.
(POSTPONED FROM 11-9-99 AND 12-7-99)

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

In response to Mr. Meyer, Municipal Attorney Mary Hughes read a list of the changes to the Legislative Program. They were: on page 1-1, in the paragraph *Safe Communities and State Revenue Sharing* to read: "...decreased approximately 80% in the last **fourteen** years."; on page 1-2, the name of the contractor was omitted, and language inserted at the bottom of the page to read: "Other Legislative Issues. A synopsis of eight potential legislative initiatives is included for review. All involve matters in which the Municipality believes a change in the state law or legislative action is warranted. Amendment of the public employees pension plans and clarification of the liability of the Alaska Railroad Corporation are of most import."; on page 2-1 language was added to read: "The Municipality supports restoration of funding of the Safe Communities and State Revenue Sharing Program to at least \$52.5 million."; on page 4-1, to delete the name of the contractor; on page 4-3 to read: "...property taxpayers approximately \$14.6 million to comply with this mandate."; and a new page 4-4 to reflect that amount on a bar graph. Ms. Hughes added she would double-check the \$52.5 million figure on page 2-1 for accuracy.

Mr. Meyer moved, to amend AR 99-233 in the attached Legislative Program to
seconded by Mr. Sullivan, reflect the changes read by Ms. Hughes.

Ms. Von Gemmingen moved, to amend the amendment to include the name, title and phone
and it was accepted as a friendly numbers of Meera Kohler on page 4-1 and Joel Grunwaldt on
amendment, page 4-2.

Question was called on Mr. Meyer's motion to amend as amended and it passed without objection.

Mr. Meyer appreciated Mr. Tesche's suggestions at today's worksession about various issues, which he felt should be discussed at some point. However he felt the top priority this year should be the revenue sharing issue.

Mr. Tesche supported the resolution. He felt a strong legislative program is one that is supported by all Assembly members. He did not intend to speak with Legislators about issues that have not been approved by the Assembly.

Mr. Kendall moved, to amend AR 99-233 in the attached Legislative Program to
seconded by Mr. Tesche, include a page entitled "Restrict "catch up" **Reassessments of Real Property in Excess of 10% Unless Dictated by Actual Market Changes of New construction in the Previous Year** Real property assessments sometimes are "caught up" in amounts far greater than what would otherwise be dictated by prevailing market conditions, thereby confusing or angering local residents. Residents whose property assessments are increased in one year by 25 or 30 % usually see no relation between new assessments and market changes during the prior year, particularly if they have made no improvements to the property during the prior year. While recognizing that real property should always be valued at fair and true market value, municipal assessors should not be allowed under AS 29.45 to increase property assessments more than 10 percent in any year unless the increase results from new construction or improvement to the property or is justified by actual changes in the relevant real estate market."

Ms. Fairclough agreed with the ten percent guideline. However, in Anchorage real property is only physically inspected every six years. When property is improved without a building permit, the only time improvements are made known to assessors is every six years.

Mr. Kendall pointed out the last sentence gives an exception "unless the increase results from new construction."

Ms. Clementson supported the proposed concept, but felt the issue required more thought and refinement in conjunction with the Municipal Assessor. She pointed out State Legislators have no way of knowing local issues such as a six-year cycle for physical inspections.

Mr. Tesche said the proposal was to forward general intent, rather than details. He said details could be refined in the future with legislation. He added the problem of illegal construction activity could be corrected now, through administrative means by assessing practices. He felt if the Assessor's office had enough staff, the policy of six-year physical inspections could be changed to a three or four-year cycle.

Ms. Fairclough felt if the issue can be addressed at a local level, as Mr. Tesche mentioned, it should not become a Legislative issue. She added if Revenue Sharing and Unfunded Mandates, which can increase revenues and decrease property taxes, are a top priority, discussing many other issues will dilute the impact of the top priority issues.

Ms. Von Gemmingen concurred with Ms. Clementson, and felt this proposal should be postponed until the next meeting to allow further discussion. She felt many issues should be considered, and would not oppose hiring private appraisers to perform physical inspections that are not being done by the Assessor's staff.

Chairman Wuerch pointed out the term "catch up" could be applied to declining valuations as well as increasing valuations. He recalled in the late 1980's when property values plummeted, a 10% limit would have resulted in values being billions of dollars higher than market value. He encouraged caution regarding this policy.

Mr. Kendall noted if the 10% limit had applied in the early 1980's, the crash might not have been so devastating. He felt the issue was very important, and a meaningful dialogue must be started, because citizens are very unhappy about the current situation.

Mr. Tesche felt the issue should be addressed at the State level, especially because of the presence of a petition circulating currently. The petition would appear on the State ballot if it garners enough valid signatures, and would place a cap on mill levy's Statewide.

Ms. Abney spoke in support of the amendment. She felt Legislators were also concerned about the 10% mill levy cap petition, and needed the Assembly's support and suggestions.

Mr. Tremaine pointed out the goal was to have consensus about the Legislative Program, and it appears members do not agree on this issue.

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

AYES: Kendall, Tesche, Taylor, Abney.

NAYS: Sullivan, Tremaine, Wuerch, Meyer, Fairclough, Von Gemmingen, Clementson.

Question was called on the motion to approve AR 99-233 as amended and it passed:

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

NAYS: None.

- B. **Resolution No. AR 99-83**, a resolution of the Anchorage Municipal Assembly **requesting that the State Legislature amend state law to allow municipalities to establish a limit on annual increases in assessed valuation of real property** unless improvements are made which increase the property's value by an amount greater than the limit, Assemblymember Kendall.
(POSTPONED FROM 4-6-99; CARRIED OVER FROM 4-27-99; POSTPONED FROM 5-11-99, 5-25-99, AND 9-14-99; CARRIED OVER FROM 10-19-99; POSTPONED FROM 10-26-99)

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

Question was called on the motion to approve AR 99-83 and it failed:

AYES: Kendall, Tesche, Taylor, Meyer.

NAYS: Sullivan, Tremaine, Wuerch, Fairclough, Abney, Von Gemmingen, Clementson.

10. APPEARANCE REQUESTS: None.

11. CONTINUED PUBLIC HEARINGS: None.

12. NEW PUBLIC HEARINGS:

- A. **Resolution No. AR 99-350**, a resolution of the Municipality of Anchorage appropriating \$700,000 from the MOA Trust Fund (0730) for **expert financial management services needed to invest the proceeds from the sale of the Anchorage Telephone Utility**, Finance Department.
1. Assembly Memorandum No. AM 1176-99.

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

Ms. Clementson moved, to approve AR 99-350.
seconded by Ms. Von Gemmingen,

In response to Ms. Abney, Chief Fiscal Officer Soren Orley explained there is a custodian currently managing the Trust. A financial advisor has been hired to advise the Administration on asset allocation, and to evaluate various fund managers. The Trust Fund is invested in several funds: fixed income; large cap growth; large cap value; S&P index fund; international index; and will shortly be invested in a small cap index fund. Each of these funds has a manager. The Municipal Treasurer relies of the expert advise from all these people, and the proposed appropriation would pay for all of them.

In response to Mr. Tesche, Mr. Orley said the Trust Fund is managed slightly differently than the Police and Fire Retirement Fund. A pension investment fund must have actuarial study estimates, whereas the Trust Fund is more like an endowment or a foundation. He said he had considered the possibility of consolidating the management of the Trust Fund with the Police and Fire Retirement fund, but has not investigated it fully. He has also wondered about the possibility of piggybacking on the Alaska Permanent Fund managers. He said there might be some legal considerations to such a concept. He requested the Assembly approve the proposed appropriation now, and he would be willing to begin discussions with the Police and Fire Retirement Board to investigate the piggybacking possibility.

Chairman Wuerch noted when the Trust Fund was established, there was a public process naming the Municipal Treasurer as the Fund manager. However, he encouraged the Administration to investigated any possible ways to achieve savings.

In response to Chairman Wuerch, Mr. Orley said the Trust Fund would be considered a medium or small fund. The normal range of management fees for funds this size was about half of one percent. He felt the management fees for the Fund were consistent with these averages.

Question was called on the motion to approve AR 99-350 and it passed:

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

- B. Resolution No. AR 99-351, a resolution of the Municipality of Anchorage appropriating \$590,744 from the Federal Highway Administration (FHWA) and \$32,000 as match from the CY2000 Community Planning and Development Operating Budget to the Federal Categorical Grants Fund (241) for **transportation planning in Anchorage through the Anchorage Metropolitan Area Transportation Study (AMATS)**, Legal Department.
1. Assembly Memorandum No. AM 1177-99.

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

Ms. Von Gemmingen moved, to approve AR 99-351.
seconded by Mr. Meyer,

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

- C. Ordinance No. AO 99-153, an ordinance of the Anchorage Municipal Assembly **continuing or reestablishing On-Site Wastewater System Technical Review Board** pursuant to Anchorage Municipal Code Section 4.05.150, Assembly Chair Wuerch.
1. Assembly Memorandum No. AM 1166-99.
 2. Information Memorandum No. AIM 112-99, Mayor's Office.

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

Ms. Von Gemmingen moved, to adopt AO 99-153.
seconded by Mr. Meyer,

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

- D. Ordinance No. AO 99-146, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Sections 3.75.030 and 3.75.060, **requiring the distribution of certain materials to new employees regarding exercise of First Amendment rights** and eliminating a technical reference to the Anchorage Telephone Utility, Assemblymember Taylor.
1. Assembly Memorandum No. AM 1119-99.

Employee Relations Director Tom Tierney said the Administration supports this ordinance. He noted currently, the materials are automatically distributed to new employees within the first week of hire, so the language in the ordinance could be changed to indicate "seven days" rather than "within 30 days."

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

Ms. Taylor moved, to adopt AO 99-146.
seconded by Mr. Tesche,

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

to amend AO 99-146 in Section 1, line 26 to read: "...within seven days of hire..."

Ms. Taylor appreciated the employees who have discussed safety issues in the community. She urged support of the ordinance.

Mr. Tesche also spoke in support of the ordinance. He felt the importance of communication and cooperation between the Assembly, Administration and Municipal employees would increase in the future.

Question was called on the motion to adopt AO 99-146 and it passed:

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

E. Ordinance No. AO 99-145, an ordinance of the Municipality of Anchorage **creating Street Paving Special Assessment District 4P99 - G Street/H Street Alley Paving - 11th Avenue to 13th Avenue** and determining to proceed with proposed improvements therein, Public Works Department.

1. Assembly Memorandum No. AM 1009-99.

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

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

to continue the public hearing for AO 99-145 until January 11, 2000, to allow time for citizens to testify who were not able to attend tonight.

Ms. Clementson asked for information on the possibility of simultaneous undergrounding of utilities, by the time of the continued public hearing.

F. Ordinance No. AO 99-135, an ordinance of the Anchorage Assembly enacting a new AMC Chapter 25.80, relating to the **George M. Sullivan Arena**, and a new Section 25.80.010 relating to the booking of events in the Sullivan Arena, Assemblymembers Tesche, Sullivan, Taylor, and Meyer.

1. Assembly Memorandum No. AM 944-99.

2. Ordinance No. AO 99-135(S), an ordinance of the Anchorage Assembly enacting a new AMC Chapter 25.80, relating to the George M. Sullivan Arena, and a new Section 25.80.010 relating to the booking of events in the Sullivan Arena, Assemblymember Tesche.

3. Assembly Memorandum No. AM 1198-99.

Mr. Tesche announced his intent to continue the public hearing, to allow time for the Public Facilities Advisory Commission to review the substitute version of the ordinance.

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

TOM MCGRATH asked the Assembly, if this ordinance is adopted, to repeal a section of the Municipal Code Title 25. That section allows a reduction in rental fees in relation to increased alcohol sales. He felt that provision was contradictory to State law, and the Anchorage Alcohol Philosophy.

Chairman Wuerch invited Tom Anderson of Ogden Facility Management to attend the February 1, 2000 Assembly meeting to discuss this issue.

Ms. Clementson requested the Administration present their proposed policy change at the February 1 meeting.

Mr. Tesche asked the Municipal Attorney's office to provide an opinion on the legality of the Code provision that gives tenants relief based on the amount of alcohol sales, by February 1.

Ms. Fairclough requested information on ticket surcharge revenues be considered prior to February 1.

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

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

to continue the public hearing for AO 99-135 until February 1, 2000.

(Clerk's Note: On January 25, 2000 the Assembly moved to reschedule the continued public hearing to March 7, 2000.)

G. Ordinance No. AO 99-151, an ordinance of the Municipality of Anchorage Assembly approving the **sale by public open competitive bid of Heritage Land Bank Parcels 1-062 and 1-098, known as Lots 54 and 93, Section 25, Township 5 North, Range 2 West, Seward Meridian** for fair market value or above, Heritage Land Bank.

1. Assembly Memorandum No. AM 1164-99.

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

Mr. Kendall moved, to adopt AO 99-151.
seconded by Ms. Taylor,

Ms. Clementson noted the Heritage Land Bank (HLB) resolution approved the sale of seven parcels, two of which are before the body. She added HLB staff report 7-99 was referenced in the resolution, and the Assembly is supposed to receive those reports, but it has not been submitted. Also, it appears this report amends the HLB work plan. She felt it was important for the Assembly to review this report.

Employee Relations Director Tom Tierney responded HLB Director Larry Houle told him the bids came in above the appraised minimum bid, and the lots were slated for disposal in the 1999 HLB Work Plan.

Ms. Clementson said she had additional questions.

Mr. Tierney suggested a postponement. He said the item was not time critical.

Ms. Clementson moved, to postpone action on AO 99-151 until January 11, 2000
seconded by Ms. Taylor, pending receipt of more information on the ordinance.
and it was withdrawn,

Mr. Tierney noted and HLB staff person had just arrived and could answer questions.

In response to Ms. Clementson, Michelle Weston-York of the HLB explained authorization to sell all seven parcels was obtained prior to the appraisal was submitted. The other five parcels were not suitable for sale, because they had problems with access or would only be suitable to sell to adjacent property owners because they were not of a size to support an independent structure. She said the two remaining parcels, currently before the Assembly, were in the 1999 HLB Work Plan. The other five parcels were not currently in the 2000 Work Plan, because they were not judged suitable for sale. Ms. Weston-York apologized that the HLB staff report 7-99 was not in the Assembly's packet, which was an oversight. She explained the report discussed the two parcels, 1098 and 1062. Parcel 1062 has been for sale for about ten years. Parcel 1098 has not been offered for sale before this year.

Ms. Clementson withdrew her motion to postpone. Ms. Taylor concurred.

Question was called on the motion to adopt AO 99-151 and it passed:

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

- H. Ordinance No. AO 99-149, an ordinance amending the Anchorage Municipal Code 21.40.160 B-2B, **Central Business District Intermediate**, and 21.40.170 B-2C, **Central Business Peripheral** to allow police and fire stations as permitted principal use and 21.40.020.F PLI, **Public Lands and Institutions District** to amend the minimum size of required yards (Planning and Zoning Commission Case 99-199), Community Planning and Development.
1. Assembly Memorandum No. AM 1152-99.

Don Alspach of Community Planning and Development explained the purposes of the ordinance. One was to allow police and fire stations in two of the downtown districts. The other addressed setbacks for buildings from property lines in the case of a PLI zone abutting a non-residential zone, and would address a problem with the Huffman fire station. A few years ago when the dormitories were expanded, a variance was necessary to increase the size of the building. In response to Chairman Wuerch, Mr. Alspach said the proposed Code change would allow a fire station to be built against the sidewalk (up to the property line), if it abutted property that was zoned to allow that type of setback.

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

BARBARA WEINIG noted the issue of building and setbacks on PLI-zoned land has always been a problem, but she felt the proposed ordinance seemed to be excessive. She felt the provisions may be appropriate for the downtown area, but possibly not for residential areas. She felt variances for special conditions may be more appropriate, because during the variance procedure, the specific property is evaluated. Ms. Weinig was not sure a blanket change to all PLI parcels would actually benefit the community.

In response to Mr. Kendall, Mr. Alspach explained what would happen if a property was adjacent to two differently-zoned properties. He said the property would follow the setback rules for one property, on the side abutting that property, and would follow the setback rules for the other property on the side abutting that property.

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

Mr. Meyer moved, to adopt AO 99-149.
seconded by Ms. Clementson,

In response to Ms. Fairclough, Mr. Alspach said the reason the ordinance was proposed, in lieu of pursuing a variance in the situations that require it, was because it was very difficult to prove the need for a variance under the standards in the Municipal Code. To approve a variance, the Zoning Board of Examiners and Appeals must find there is a physical defect with the subject property which does not allow it to comply with the zoning ordinance, such as an extremely steep slope or drainage problems.

Ms. Clementson noted the Planning and Zoning Commission reviewed this ordinance and voted for approval. She pointed out a need for the provision will probably not arise very often.

Mr. Tesche was satisfied the issue has been carefully considered, and reiterated Ms. Clementson's comment that the change was approved by the Planning and Zoning Commission.

Ms. Fairclough said she would support the ordinance, because of staff recommendations. However, she noted some citizens have concerns that the standard is not equal for Municipal projects and those of private citizens.

Question was called on the motion to adopt AO 99-149 and it passed:

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

13. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS: None.

14. SPECIAL ORDERS:

A.

Mr. Kendall moved, to postpone an executive session on pending litigation
seconded by Mr. Sullivan, until January 11, 2000.

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

B. Chairman Wuerch resigned as Chair of the Assembly, because he was a candidate for Mayor in the 2000 election. He said it was a pleasure and honor to serve his colleagues for the past eight months. He said one goal was to create an atmosphere where all members could feel comfortable to express all their ideas and positions freely; he hoped that goal was achieved. He also wanted the public to feel welcome and respected.

Vice Chair Taylor assumed the Chair. She thanked Mr. Wuerch for his leadership.

Ms. Fairclough commended Mr. Wuerch, especially for helping the public with the Assembly meetings' process.

Ms. Von Gemmingen thanked Mr. Wuerch and offered him congratulations.

Mr. Kendall felt Mr. Wuerch did a fine job as Chair, and felt there was no need for him to resign.

Mr. Meyer reiterated others' comments. He appreciated Mr. Wuerch's leadership.

Ms. Abney, Mr. Tesche, Ms. Clementson and Mr. Tremaine also thanked Mr. Wuerch.

Ms. Von Gemmingen moved, to nominate Mr. Meyer for the position of Chairman.
seconded by Mr. Tesche,

Mr. Kendall moved, to nominate Mr. Sullivan for the position of Chairman.
seconded by Ms. Clementson,

Deputy Municipal Clerk distributed ballots to Assembly members.

Vice Chair Taylor announced the results of the secret ballot, which were eight votes for Mr. Meyer and three votes for Mr. Sullivan. She congratulated Mr. Meyer.

Chairman Meyer assumed the Chair. He thanked his colleagues for their support.

C. Resolution No. AR 99-367, a resolution of the Anchorage Municipal Assembly requesting that the Administration suspend Anchorage Municipal code 8.75.040, **Fireworks** on December 31, 1999 between 10:00 p.m. and Midnight, Assemblymember Abney. (**LAI**D ON THE TABLE)

Ms. Abney moved, to approve AR 99-367.
seconded by Mr. Tremaine,

Ms. Abney explained she presented this resolution in response to several requests from constituents.

In response to Mr. Wuerch, Municipal Manager George Vakalis said because he has not had time to review the resolution, he was not sure of the impact. He outlined the planned fireworks events in the downtown area on December 31, 1999.

Municipal Attorney Mary Hughes noted a permit has been issued for the Anchorage 2000 downtown fireworks event, as required. She clarified Ms. Abney's intent was to allow private citizens to ignite fireworks elsewhere and anywhere in the Municipality for a short period of time on December 31. Under the law, possession and use of fireworks in the Municipality is illegal without a permit.

Mr. Vakalis explained there are certain requirements to obtain a permit, such as an operator who is licensed and certified. It was for the public's protection that the law was enacted. Also, there are typically many fireworks operated illegally on Independence Day and New Year's Eve. The volume of public complaints as a result from this activity, because of noise and

other associated problems, is horrendous. He was not sure the public will tolerate the amount of fireworks activities if they were legal for a short time. Mr. Vakalis added New Year's Eve is the busiest night of the year for Anchorage police and fire fighters. This year, coupled with the millennium events, there will be an unprecedented burden on public safety staff. He recommended denial of the resolution.

In response to Ms. Clementson, Ms. Hughes explained the effect of the resolution would be a recommendation that the law be suspended. She was unsure, because there is no precedent, whether the Administration would then be able to suspend the law.

Ms. Clementson noted police typically do not search out illegal fireworks users, but felt they must have the ability to make citations when appropriate.

Mr. Sullivan agreed with Ms. Clementson. He added there is a question of liability, if damage occurs as a result of fireworks use.

Mr. Tesche agreed a resolution cannot suspend the law. However, the Assembly could request the Administration to suspend enforcement of the Municipal Code during a short period of time.

Ms. Abney felt Mr. Tesche's suggestion was appropriate.

In response to Mr. Wuerch, Mr. Vakalis said no applications for fireworks permits have been denied. He was unaware of any applications other than the Anchorage 2000 organization.

Mr. Wuerch said he was concerned about the concept of selective enforcement. He would prefer to see a more lenient permitting system.

Ms. Fairclough opposed the resolution. She agreed people should be allowed to express their excitement at the end of the year, but felt pyrotechnic expressions were too extreme. She pointed out the danger of fire in the Municipality was too great to allow private citizens to be igniting fireworks wherever they choose.

Ms. Von Gemmingen pointed out fire danger was a public safety issue, and the reason for the existing law. She added there have also been too many injuries from fireworks use.

Question was called on the motion to approve AR 99-367 and it failed:

AYES: Tremaine, Tesche, Taylor, Abney.

NAYS: Kendall, Sullivan, Wuerch, Meyer, Fairclough, Von Gemmingen, Clementson.

15. ASSEMBLY COMMENTS:

A. Mr. Tremaine was disappointed the Executive Session on pending litigation was postponed. He questioned the truth of a rumor he heard about a lawsuit filed against the Municipality regarding the budget.

Municipal Attorney Mary Hughes confirmed a lawsuit was filed, and the Municipality is being represented by Brian Doherty. She understood the plaintiffs, Joe Murdy, Ted Carlson and Charles Wohlforth were challenging the Assembly action.

B. In response to Mr. Tesche, Ms. Hughes said in matters where the Assembly is divided, she always chooses to obtain outside counsel, as a matter of policy.

C. Mr. Tesche noted he received a letter from Ralph Samuels, chairman of the Anchorage Chamber of Commerce. The letter included praise for some Assembly members for their action on the Municipal budget. Mr. Tesche pointed out the letter included many inaccuracies, and did not mention various amendments to reduce the budget. Mr. Tesche described the letter's contents and omissions in detail. He said he would appreciate the opportunity to discuss items of concern with Chamber members.

D. Ms. Taylor said she would like to join Mr. Tesche in the discussion with the Chamber.

E. Mr. Wuerch invited his colleagues to a holiday dinner at his home tomorrow evening.

F. Ms. Fairclough recognized and welcomed a scout troop present in the audience.

Steven Palaboda, Weebelos Den Chief of Cub Scout pack 220, introduced himself and explained the scouts were present to earn their Arrow of Light badge, the final badge in the Weebelos program.

G. Ms. Abney said she had concerns about the contents of the latest Investment Advisory Board meeting minutes. She asked for information on the status of the MOA Trust Fund including the amount of money earned to date. She wished everyone have a very joyous and peaceful Christmas.

H. Ms. Von Gemmingen reported on the latest Westside Town Meeting, which was very successful. She enjoys the town meetings because many people attend who are not normally involved in community and neighborhood issues. She thanked the Administration for providing some staff to attend the meeting. She also wished everyone have a merry Christmas and happy New Year.

I. Ms. Clementson invited everyone to tour the newly-renovated schools, such as Baxter Elementary. She felt the Anchorage School District is doing a good job on those projects.

J. Chairman Meyer announced Assembly committee assignments would remain the same.

16. **UNFINISHED AGENDA:** None.

17. **AUDIENCE PARTICIPATION:**

BARBARA WEINIG asked the Assembly to reconsider its action on AO 99-149, adopted earlier in the meeting. She pointed out the ordinance does not address the situation where properties are surrounded by more than two adjacent properties with different zoning and setback requirements. Ms. Weinig also spoke to the issue of increases in property values. She said several Assembly members requested she work with a staff person in the Assessor's office. She and that staff person developed a software program that would look at all single-family dwellings, and identify those with radically different assessment from one year to another. Ms. Weinig noted some had increases up to 85 percent. She felt the Assessor's inventories were faulty. She encouraged the software she developed be used on a regular basis.

In response to Ms. Taylor, Municipal Manager George Vakalis said amendments to AO 99-149 would affect the fire stations. Beyond that, he would have to research the impact. He agreed to provide that information.

TOM MCGRATH wished everyone a merry Christmas and happy New Year. He encouraged sobriety on New Year's Eve.

JED WHITTAKER discussed the traffic flow around the Loussac Library. He noted because of new development, increased traffic makes exiting the Library a difficult journey.

18. **EXECUTIVE SESSIONS:**

A. **Pending Litigation.**

This item was postponed until January 11, 2000, by a motion passed earlier in the meeting.

19. **ADJOURNMENT:**

The meeting adjourned at 7:45 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: February 1, 2000

VC/db

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