

**MUNICIPALITY OF ANCHORAGE**  
**ANCHORAGE ASSEMBLY**

Minutes for Regular Meeting of March 7, 2000

**1. CALL TO ORDER:**

The meeting was convened at 4:02 p.m. by Assembly Chairman Kevin Meyer in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

**2. ROLL CALL:**

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

**3. PLEDGE OF ALLEGIANCE:**

The pledge was led by Mr. Tesche.

**4. MINUTES OF PREVIOUS MEETING:**

- A. Regular Meeting - January 25, 2000
- B. Regular Meeting - February 1, 2000 (Continued to 2-8-00)

Mr. Tesche moved, to approve the minutes of the regular meetings of  
seconded by Ms. Taylor, January 25, 2000 and February 1, 2000.  
and it passed without  
objection,

The Assembly then changed the orders of the day to consider item 13.A, Board of Adjustment/Assembly Appeals.

Appeal S-10485, Wild Iris Subdivision, Clerk's Office.

Chairman Meyer advised that the Assembly would be acting as a Board of Adjustment and there were four actions that they could take. The Assembly could affirm the Platting Board's decision, reverse their decision, remand the case back to the Platting Board, or substitute its, which would take a two-thirds majority.

Ms. Abney moved, to affirm the Platting Board's decision.  
seconded by Mr. Tremaine,

Mr. Tremaine said the appeal referenced several points that were laid out in page 003 of the document they received. The points were addressed in the brief presented in Section A, the rebuttal in Section C, and addressed by the Municipal Attorney in Section B. He felt the primary issue was access to a five-acre lot being subdivided into four lots, which had legal access, but no physical access. The question was whether the 33-foot BLM easement that crossed the developed lot 17-A was wide enough and if it conformed to code. He referenced page 003 and 004 of the packet. He said this was a hold over from the territory days. These lots were originally platted out in 1958 and there was only a 33-foot easement given on some of them. There was no easement given on the lots to the south, which was old homestead land or an oversight. He pointed out that rather than having the ability to have a 60 or 70-foot easement, they only had a 30-foot easement. He referenced the original BLM documentation on page 083, which said the BLM easement was to be used as a road. He said the issue was whether the 33-foot easement was a sufficient width, since the codes have changed. He said the code stated that all subdivisions must have both legal and physical access. This lot has legal access over the easement, but what they were discussing was the physical access and whether 33-feet was wide enough for a road with shoulders and snow storage. He said this had been discussed in the Planning and Zoning Committee meeting, per Section B.

Ms. Clementson pointed out there is a 35-foot minimum requirement for road widths in a rural setting such as this. She said after the testimony, the Board discussed it and accepted that 33-feet was wide enough to construct a rural road. She said the record was not clear as to what authority they had to substitute 33-feet for the 35-feet that the code stated.

Mr. Kendall felt the Platting Board's decision could have gone either direction for access to the property. He said there was a 33-foot BLM easement that ran from Bragaw Street to Lipscomb Street, which could have been made into a cul-de-sac as the appellant had requested. However, the Platting Board made the decision that 112<sup>th</sup> Avenue should continue through and the BLM easement would remain, because on the east adjacent lot there was a BLM easement. They would have a similar circumstance if that lot subdivided in the future, because the subdivision to the south had not dedicated a matching right-of-way when it was subdivided. He said that in 1975 an error had been made when the subdivision to the south was platted. There had been no matching dedication required for the right-of-way along the north, which made up 112<sup>th</sup> Avenue. Mr. Kendall said he felt the Platting Board made the correct decision, and made the best of a difficult situation, because there was no matching dedication on the south side. He felt there was no procedural error and they did not make a finding of fact that was not on the record. He felt the Board had made a reasonable conclusion with the information that they had before them.

In response to Ms. Clementson, Mr. Kendall recalled that 35-feet was required on peripheral roads on the Official Streets and Highways Plan. He noted that this was just a local road, so only 30-feet would be required.

Ms. Von Gemmingen referenced page B-11, where the appellant argued that snow storage had not been adequately addressed, but that the standard did not apply to rural streets. Public Works felt comfortable with the construction of a 20-foot wide street with 2-foot shoulders.

Assistant Municipal Attorney Dennis Wheeler said there was some confusion about what was being done with the rights-of-way. Typically, the table in Municipal Code 21.85 applied when dealing with a new subdivision and creating new streets, but there was a pre-existing easement that crossed the adjacent lot. The question would be whether there was a requirement that the table had to be applied or if the pre-existing 33-foot easement could be used. He said if the Assembly found that this was not an issue of dedication, the table would not have to be met. That would be an interpretation of the law for the Board to make.

Mr. Tremaine referred Municipal Code 21.85.190, Table C, which spoke to a 20-foot wide road with 2-foot shoulders. He said that would be acceptable and would provide 10-foot driving lanes. He noted that the listed 50-foot right-of-way was for new platting.

In response to Mr. Tremaine, Mr. Wheeler said since lot 17-D was not an applicant before the Platting Board, it could not be required to provide more than the 33 feet it had already provided by easement.

Mr. Tremaine said the issue of width of easement would exist no matter which way they went with access to the lot, because there was a 33-foot easement both to the east and the west. The question would be whether they were allowed to have physical access to the 33-foot easement. He thought that common practice in the past had been that a road could be built if the existing easement was wide enough for the road and for snow storage.

Ms. Abney said that since 112<sup>th</sup> Avenue was segmented, they needed to look at whether this would eventually become one road. If 112<sup>th</sup> Avenue did become one road, they needed to determine if there would be a sufficient area for a walkway along the road and snow storage.

Mr. Tesche felt the Assembly needed to address the issue of whether there was substantial evidence in the record to support the Board's finding that construction of the BLM easement on 112<sup>th</sup> Avenue was necessary as a condition to the plat. He pointed out there had been two different means of access and the Board has opted for complete construction of 112<sup>th</sup> Avenue. He referenced page 038, item 7, where the Board made a finding that construction of the road west of Elmore Street was preferred, because Elmore provided better access to O'Malley Road. He noted the Municipal Attorney was asking the Board of Adjustment to look at whether there was substantial evidence in the record to support that finding. He did not know how strong the evidence was on that issue.

Ms. Clementson felt the basis for the Board's decision was that Elmore Road was a major street and Lipscomb was a residential road. She believed that was the basis for the Board's decision. Elmore Road was chosen because that was where the majority of the traffic would come from and it would be the logical flow of traffic to connect to other major streets.

In response to Mr. Tesche, Ms. Clementson said that because it was only a four-lot subdivision, a traffic impact analysis was not required.

Mr. Tremaine believed that in long-term planning, there were intentions to turn Elmore into Bragaw and to make it a four lane divided highway. He questioned if the long-term intention was to construct numerous access roads into a major thoroughfare and therefore creating a road like Northern Lights Boulevard. He referenced the three pictures that had been provided. Picture #2 looks down the driveway of lot 17-A and that easement had been used and cut for electric lines. The first part of the easement was a driveway to 17-A, which empties onto Elmore Road. Based on picture #2, he felt if the access went through, it would be on top of the driveway and into the basketball court.

In response to Mr. Tesche's concern regarding why they were going to Elmore Road rather than to Lipscomb, Mr. Kendall read the last paragraph on page 049.

Mr. Tesche said if the Board of Adjustment relied on the statement that construction of the road west to Elmore was better than using Lipscomb Street, item #2 would be resolved.

Ms. Fairclough noted Elmore Road would be access for a new school in south Anchorage, so it would be better equipped to handle the cut-in. The road was scheduled on AMATS for upgrade and the cut-in would hold the traffic flow better than Lipscomb Street.

Mr. Tesche referenced page A-13 that has a typical section laid out for a 20-foot gravel street. If all the numbers were added, it appeared to require a 35-foot minimum dedication, which was in excess of the 33-foot BLM easement. He wanted to clarify whether the Board of Adjustment understood the requirements. If the diagram on page A-13 was accurate, it raised issues as to the sufficiency of the findings made by the Commission that would support the decision to approve the 33-foot right-of-way.

Mr. Tremaine referenced page C-6 in which the appellant was suggesting relief should the road be located there. A common access driveway easement was a viable alternative that would meet the needs of all parties with minimal impact. Mr. Tremaine noted that they were talking about access for five houses in a rural setting. He questioned if that would be a viable alternative within the bounds of code.

In response to Chairman Meyer, Mr. Wheeler said in the past, the Board members had been advised that they could ask either the appellant or the staff questions at the meeting in which the appeal was being considered, but only questions specially designed to clarify the record. However, even such limited questions were subject to challenge and should be avoided.

Mr. Tremaine said they were talking about a rural standard road that didn't have big ditches on either side as shown in the drawing on page A-13. He said the ditches might be necessary to handle drainage as indicated on page C-6, but it seemed that a gravel access road to 5 houses would not have to be built as well as a road to serve 30 houses.

Ms. Clementson said her concern was that suddenly in the last item that the appellant submitted, they changed their tactics. First they wanted no road built and they wanted the 33-foot easement vacated. On their final arguments, they wanted construction of a driveway, which Ms. Clementson felt the Assembly should not consider. A driveway was a possible solution, but there had been no opportunity for staff to address the issue. She felt the record was clear that they foresaw 112<sup>th</sup> Avenue going through from Elmore Road to Lipscomb Road. They were looking at the bigger picture and the connection of the grid system, which would automatically exclude a private access driveway.

In response to Mr. Tremaine, Jerry Weaver of Community Planning and Development said there was no difference in the approval process for roads in a Limited Road Service Area versus in the Anchorage Roads and Drainage Service Area. He said the standards were clear in the Code regardless of which maintenance district it was in.

Mr. Wuerch referenced page 063, regarding drainage. He said the drainage improvements and drainage easement issue was a condition of approval per page 039. He believed the record was adequate to substantiate the requirement of the applicant to resolve the drainage and design issues with Public Works and proceed with their plan review before they can construct a road.

Question was called on the motion to affirm the action of the Platting Board and it passed:

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

The meeting recessed at 4:35 p.m. and reconvened at 5:05 p.m.

Another Pledge of Allegiance was led by Scout Troop 176 from Kulis Air National Guard Base. The Troop members introduced themselves to the Assembly.

5. MAYOR'S REPORT:

Mayor Mystrom noted there will be a new program initiated in the hazardous waste refuse program dealing with household hazardous wastes. In the past there has been a problem with items like paint, Draino, gasoline, and other household hazardous wastes, because they were very expensive to ship out of State for disposal. Solid Waste Services has developed a program that will collect containers that are at least half-full. These items will include automotive products, oil, anti-freeze, fluids, grease, fuel additives, cleaners, household products, driveway sealers, paints and pesticides. These products will be made available free of charge to the public, but people have to sign a release of liability recognizing that they received it free of charge and there was no guarantee. He felt this new program would reduce hazardous waste disposal costs and help with using products more efficiently. Secondly, the Mayor noted in the 1999 budget, they had put aside \$1 for each ton of refuse that came to the landfill for grants to people involved in recycling. He mentioned several of these proposed grants that the Assembly would be considering later in the agenda. He felt the concept worked well in providing meaningful grants to companies who were involved in recycling issues. The Recycling Task Force just finished its work and will provide recommendations. Suggestions based on those recommendations will be presented to the Assembly in May or June. Mayor Mystrom added a transition report has been compiled for all Mayoral candidates. The report lists things that have been done by his Administration and things that are ongoing. A complete copy of the report has been provided to the Assembly Office and a copy of the executive summary will be provided to each Assemblymember. Lastly, he noted later in the agenda there will be a report on the status of the trust fund, which is very positive.

6. ADDENDUM TO AGENDA:

Chairman Meyer read the addendum items.

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| Mr. Tesche moved,<br>seconded by Ms. Taylor,            | to amend the agenda to include the addendum items.   |
| Ms. Clementson moved,<br>seconded by Mr. Kendall,       | to add items AO 2000-39 and AO 2000-39(S) to the consent agenda under items for introduction, and set public hearing for March 21, 2000. |
| Ms. Von Gemmingen moved,<br>seconded by Ms. Fairclough, | to add AR 2000-65(S-1) to item 7.C.12.   |

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

7. CONSENT AGENDA:

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| Mr. Tesche moved,<br>seconded by Ms. Taylor, | to approve all items on the consent agenda as amended. |
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A. BID AWARDS:

1. Assembly Memorandum No. AM 252-2000, recommendation of award to Construction Machinery, Inc. for furnishing one **rubber tired hydraulic excavator** to the Municipality of Anchorage, Anchorage Water and Wastewater Utility (ITB 20-B005), Purchasing.

2. Assembly Memorandum No. AM 253-2000, recommendation of award to Belle Acquisitions and to Van Water & Rogers for providing **water treatment chemicals** to the Municipality of Anchorage, Anchorage Water and Wastewater Utility (ITB 20-B003), Purchasing.
3. Assembly Memorandum No. AM 275-2000, recommendation of award to Unisys Corporation for **miscellaneous Cisco Systems routers, switches, hubs, and related hardware and software** for the Municipality of Anchorage, Management Information Systems Department (ITB 20-B006), Purchasing.
4. Assembly Memorandum No. AM 276-2000, recommendation of award to Trailercraft, Inc. for furnishing **transfer tractors** and to HME Alaska for furnishing **transfer trailers** to the Municipality of Anchorage, Solid Waste Services (ITB 20-B009), Purchasing.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2000-57, an ordinance amending Title 23, Chapter 15, Section 23.15.11 of the Anchorage Municipal Code and **providing for a change in the requirement for accessibility to comply with the Americans with Disabilities Act and Fair Housing**, Public Works. public hearing 3-21-00.
  - a. Assembly Memorandum No. AM 254-2000.

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

2. Resolution No. AR 2000-54, a resolution of the Municipality of Anchorage appropriating \$109,000 as a cash contribution from the 2000 General Government Operating Budget Fund (101) to the State Categorical Grants Fund (231) for the **Child Care Licensing Program** in the Department of Health and Human Services. public hearing 3-21-00.
  - a. Assembly Memorandum No. AM 264-2000.
3. Resolution No. AR 2000-55, a resolution of the Municipality of Anchorage, Alaska, accepting and appropriating State of Alaska Clean Water Fund loan offers in the total aggregate amount of \$10,900,000 for **financing a portion of the costs of the Asplund Wastewater Facility solids handling project, AWWU Operations Facility Phase III and Septage Receiving Station upgrade projects**, Water and Wastewater Utility. public hearing 3-21-00.
  - a. Assembly Memorandum No. AM 268-2000.
4. Resolution No. AR 2000-56, a resolution of the Municipality of Anchorage, Alaska, accepting and appropriating State of Alaska Drinking Water Fund loan offers in the total aggregate amount of \$3,031,000 for **financing a portion of the costs of the Anchorage Loop Transmission Main Phase V and the Service Reservoir No. 6 projects**, Water and Wastewater Utility. public hearing 3-21-00.
  - a. Assembly Memorandum No. AM 269-2000.
5. Resolution No. AR 2000-63 a resolution appropriating a grant from the Department of Transportation and Public Facilities, State of Alaska in the amount \$602,680 to the Areawide Capital Improvement Program Fund (401) and authorizing the contribution \$590,626 to the Equipment Maintenance Vehicle and Equipment Purchases Fund (606), for **the purchase of regenerative air and mechanical street sweeping equipment**, Public Works. public hearing 3-21-00.
  - a. Assembly Memorandum No. AM 277-2000.
6. Resolution No. AR 2000-66, a resolution of the Municipality of Anchorage reappropriating \$221,835 from the Alaska Department of Labor and Workforce Development for **PY98 Title IIA Adult Programs** carry-in funds within the State Categorical Grants Fund (231) from Health and Human Services Department to Community Planning and Development Department. public hearing 3-21-00 (**addendum**)
  - a. Assembly Memorandum No. AM 298-2000.
7. Ordinance No. AO 2000-58, an ordinance amending Anchorage Municipal Code Subsection 12.05.055.D to **change the deadline for requesting to file late property valuation appeals with the Board of Equalization**, from April 1 to within 30 days after the close of the filing period, and to standardize the deadline for submitting all requests for late appeals with the Board of Equalization, Finance. public hearing 3-21-00. (**addendum**)
  - a. Assembly Memorandum No. AM 299-2000.
8. Ordinance No. AO 2000-39, an ordinance determining and approving the total amount of the annual operating budget of the Anchorage School District for its fiscal year 2000-2001 and determining and appropriating the portion of the Assembly approved budget amount to be made available from local sources, Anchorage School District. (**LAI D ON THE TABLE**)
  - a. Assembly Memorandum No. AM 125-2000.
  - b. Ordinance No. AO 2000-39(S), an ordinance determining and approving the total amount of the annual operating budget of the Anchorage School District for its fiscal year 2000-2001 and determining and appropriating the portion of the Assembly approved budget amount to be made available from local sources. (**LAI D ON THE TABLE**)

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2000-58, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Chris Clark, U.S. Olympian**, Assemblymembers Kendall, Abney, Clementson, Fairclough, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

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

2. Resolution No. AR 2000-59, a resolution of the Anchorage Municipal Assembly **recognizing the success of "Bridge Builders"** and encouraging all Anchorage citizens to sign "The Pledge of Mutual Respect", Assemblymembers Taylor, Meyer, Abney, Clementson, Fairclough, Kendall, Sullivan, Tesche, Tremaine, Von Gemmingen, and Wuerch.

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

3. Resolution No. AR 2000-60, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Chugiak High School's State Championship Hockey Team**, Assemblymembers Kendall, Fairclough, Abney, Clementson, Meyer, Sullivan, Tesche, Tremaine, Von Gemmingen, and Wuerch.
  - a. Resolution No. AR 2000-60(S), a resolution of the Anchorage Municipal Assembly recognizing and honoring Chugiak High School's State Championship Hockey Team, Assemblymembers Kendall, Fairclough, Abney, Clementson, Meyer, Sullivan, Tesche, Tremaine, Von Gemmingen, and Wuerch. (**addendum**)

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

4. Resolution No. AR 2000-62, a resolution of the Anchorage Municipal Assembly **recognizing and celebrating the 35<sup>th</sup> Anniversary of the U.S. Equal Employment Opportunity Commission**, Assemblymembers Taylor, Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Tesche, Tremaine, Von Gemmingen, and Wuerch.

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

5. Resolution No. AR 2000-40, a resolution of the Anchorage Municipal Assembly **recommending joint public hearings between the Assembly and Planning & Zoning Commission on the Anchorage Comprehensive Plan**. Assemblymembers Taylor and Tesche.

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

6. Resolution No. AR 2000-51, a resolution of the Municipality of Anchorage reappropriating \$65,276 within the State Categorical Grants Fund (231) from Health and Human Services Department to Community Planning and Development for the **support of the JTPA Title IIA Adult Programs**, Community Planning and Development.
  - a. Assembly Memorandum No. AM 255-2000.
7. Resolution No. AR 2000-52, a resolution of the Municipality of Anchorage appropriating \$20,000 to the State Categorical Grants Fund (231) from the Alaska Department of Health and Social Services to **fund Community Health Nursing Services**, Health and Human Services.
  - a. Assembly Memorandum No. AM 256-2000.
8. Resolution No. AR 2000-53, a resolution of the Municipality of Anchorage appropriating the sum of \$47,750 from the Alaska Department of Transportation and Public Facilities to the State Categorical Grants Fund (231) for an **air quality PM-10 project** coordinated by the Department of Health and Human Services, Health and Human Services.
  - a. Assembly Memorandum No. AM 257-2000.
9. Resolution No. AR 2000-57, a resolution of the Municipality of Anchorage reappropriating \$51,833 from the Alaska Department of Labor and Workforce Development for **PY98 Title IIA Older Worker Program** 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 270-2000.
10. Resolution No. AR 2000-61, a resolution of the Anchorage Municipal Assembly appropriating \$50,000 from the ARDSA Fund (141) Balance to the Department of Public Works for **funding of additional speed humps in Anchorage neighborhoods**, Assemblymembers Taylor, Tesche, and Abney.
  - a. Assembly Memorandum No. AM 289-2000.
11. Resolution No. AR 2000-64, a resolution of the Municipality of Anchorage appropriating \$25,000 from Police Service Area Fund (151) Balance **legal services for labor relations activities** for the Anchorage Police Department/Employee Relations.
  - a. Assembly Memorandum No. AM 278-2000.

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

12. Resolution No. AR 2000-65, a resolution of the Municipality of **allowing the Anchorage Historical and Fine Arts Commission to hold public meetings regarding museum expansion**, Cultural and Recreational Services.
  - a. Assembly Memorandum No. AM 279-2000.
  - b. Resolution No. AR 2000-65(S), a resolution of the Municipality of Anchorage allowing the Anchorage Historical and Fine Arts Commission to hold public meetings regarding museum expansion, Cultural and Recreational Services. (**addendum**)
  - c. Assembly Memorandum No. AM 302-2000.
  - d. Resolution No. AR 2000-65(S-1), a resolution of the Municipality of Anchorage allowing the Anchorage Historical and Fine Arts Commission to hold public meetings regarding museum expansion, Assemblymember Von Gemmingen. (**LAI D ON THE TABLE**)

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

## D. NEW BUSINESS:

1. Assembly Memorandum No. AM 266-2000, Sheraton Anchorage Hotel - Transfer of Ownership and Application of a Restaurant Designation Permit for a Beverage Dispensary Liquor License (Fairview Community Council), Clerk's Office.

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

2. Assembly Memorandum No. AM 267-2000, Y2K Liquors - Transfer of Ownership of a Package Store Liquor License (Taku/Campbell Community Council), Clerk's Office.

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

3. Assembly Memorandum No. AM 258-2000, AWWU Operations Facility Phase II: contract with Fike Brothers Building, Change Order No. 3, Water and Wastewater Utility.
4. Assembly Memorandum No. AM 259-2000, amendment No. 4 to professional consulting services agreement for **Assessment Management System**, Water and Wastewater Utility.

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

5. Assembly Memorandum No. AM 260-2000, change order No. 3 to vendor contract 80357 with Damco Paving Corporation for providing **miscellaneous asphalt and concrete repair services** to the Municipality of Anchorage, Municipal Light and Power/Purchasing.

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

6. Assembly Memorandum No. AM 261-2000, change order No. 2 to purchase order 994011 to exercise the first option period with Ike Carter's Janitorial Service for providing **custodial services** to the Municipality of Anchorage, Municipal Light and Power/Purchasing.
7. Assembly Memorandum No. AM 262-2000, proprietary purchase from Siemens Westinghouse Power Corporation to **convert Unit #4 gas turbine to W251-B2 configuration** for the Municipality of Anchorage, Municipal Light and Power/Purchasing.
8. Assembly Memorandum No. AM 263-2000, amendment No. 2 to the contract with the Law Office of Stuart G. Ross for **indigent defense conflict case services** for the Municipality of Anchorage, Office of Management and Budget/Municipal Manager's Office.
9. Assembly Memorandum No. AM 265-2000, change order #5 to 1997-1999 contract with Trena Heikes, Attorney, to provide **legal services in the area of workers' compensation**, Finance.
10. Assembly Memorandum No. AM 271-2000, proprietary purchase of **computer software maintenance/support** from Data Research Associates, Inc. (DRA) for the Municipality of Anchorage, Department of Cultural and Recreational Services/Purchasing.
11. Assembly Memorandum No. AM 272-2000, recommendation of award to the Boniface Mall Group for providing **leased space for the Women Infant Children's (WIC) Clinic** for the Municipality of Anchorage, Department of Property and Facility Management (RFP 99-P046), Purchasing.
12. Assembly Memorandum No. AM 273-2000, **15<sup>th</sup> Avenue safety improvements (Ingra Street to Sitka Street)**, DPW Project No. 98-10, GCI Cable, Inc., relocation costs, Public Works.
13. Assembly Memorandum No. AM 274-2000, **15th Avenue safety improvements (Ingra Street to Sitka Street)**, DPW Project No. 98-10, ENSTAR Natural Gas Company service line disconnection costs, Public Works.
14. Assembly Memorandum No. AM 280-2000, cooperative purchase of **traffic paint & reflective glass beads** from Polar Supply Company for the Municipality of Anchorage, Public Works Department/Purchasing.
15. Assembly Memorandum No. AM 281-2000, sole source contract with Davis Constructors & Engineers, Inc. for the **6<sup>th</sup> Avenue water main project** for the Municipality of Anchorage, Anchorage Water & Wastewater Utility/Purchasing.
16. Assembly Memorandum No. AM 282-2000, cooperative purchase of an **asphalt distributor unit** and an **industrial farm tractor** from Yukon Equipment, Inc. for the Municipality of Anchorage, Department of Property & Facility Management/Purchasing.

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

17. Assembly Memorandum No. AM 283-2000, proprietary purchase from Cal Worthington Ford for furnishing **police patrol sedans** to the Municipality of Anchorage, Department of Property & Facility Management/Purchasing.

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

18. Assembly Memorandum No. AM 284-2000, proprietary purchase for furnishing **library materials** from the Gale Group to the Municipality of Anchorage, Department of Cultural & Recreational Services/Purchasing.
19. Assembly Memorandum No. AM 285-2000, approval of **waste reduction and recycling challenge grants** (RFGP 99-P001), Purchasing.
20. Assembly Memorandum No. AM 286-2000, change order no. 1 to purchase order 83112 with Microage, Inc. for providing **personal computer (PC) training** to the Municipality of Anchorage, Management Information Systems Department/Purchasing.

- 21. Assembly Memorandum No. AM 287-2000, proprietary purchase of **computer software maintenance/support** from Compuware Corporation for the Municipality of Anchorage, Management Information Systems Department (MISD)/Purchasing.
- 22. Assembly Memorandum No. AM 288-2000, change order no. 5 to purchase order 74639 with Perkins Coie for **legal services related to public safety** activities involving the Anchorage Police Department, Employees Association (APDEA) for the Municipality of Anchorage/Employee Relations Department.

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

- 23. Assembly Memorandum No. AM 290-2000, **Animal Control Advisory Board** (Jacqueline Frederickson), Mayor's Office. **(addendum)**
- 24. Assembly Memorandum No. AM 291-2000, **Board of Ethics reappointments** (Al Bramstedt, Jean Sagan), Mayor's Office. **(addendum)**
- 25. Assembly Memorandum No. AM 292-2000, **Building Board appointments** (Mark Nystuen, Jonathan Steele), Mayor's Office. **(addendum)**
- 26. Assembly Memorandum No. AM 293-2000, **Equal Rights Commission appointments** (Elary Gromoff, Jr., John Lehe), Mayor's Office. **(addendum)**
- 27. Assembly Memorandum No. AM 294-2000, **Geotechnical Advisory Commission appointment** (Steve Teller), Mayor's Office. **(addendum)**
- 28. Assembly Memorandum No. AM 295-2000, **Human Resources Advisory Board reappointment** (Jim Jose), Mayor's Office. **(addendum)**
- 29. Assembly Memorandum No. AM 296-2000, **Light and Power Commission appointment** (Jim Posey), Mayor's Office. **(addendum)**
- 30. Assembly Memorandum No. AM 297-2000, proprietary purchase of a **Xerox digital document system** from Xerox Corporation for the Municipality of Anchorage, Public Works Department/Purchasing. **(addendum)**
- 31. Assembly Memorandum No. AM 300-2000, change order No. 2 to purchase order 993229 with Pacific Rim Graphics, LLC for providing **graphic artist services** for the Municipality of Anchorage, Department of Community Planning and Development/Purchasing. **(addendum)**
- 32. Assembly Memorandum No. AM 301-2000, **Platting Board appointments** (Rick Richter, Sharen Walsh), Mayor's Office. **(addendum)**

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

E. INFORMATION AND REPORTS:

- 1. Information Memorandum No. AIM 23-2000, **MOA Trust fund status**, Finance.

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

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

AYES: Kendall, Tremaine, Tesche, Taylor, Meyer, Wuerch, Fairclough, Abney, Von Gemmingen, Clementson.  
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 2000-57, an ordinance amending Title 23, Chapter 15, Section 23.15.11 of the Anchorage Municipal Code and **providing for a change in the requirement for accessibility to comply with the Americans with Disabilities Act and Fair Housing**, Public Works. public hearing 3-21-00.
    - a. Assembly Memorandum No. AM 254-2000.

Mr. Tesche, Ms. Taylor and Mr. Tremaine joined in introducing AO 2000-57.

Mr. Tesche said this ordinance could have impacts on construction costs and projects for residential dwellings. He requested that when this matter came to the Assembly for public hearing that they receive a briefing from private sector groups such as the Anchorage Homebuilders Association, general contractors, and other business groups that have been consulted and brought into the deliberations.

Mr. Tremaine emphasized the private sector economic effects that had been presented were inadequate.

Ms. Clementson moved, seconded by Mr. Wuerch, and it was later withdrawn,	to schedule the public hearing for AO 2000-57 on April 18, 2000.
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Public Works Director Jim Fero explained the ordinance actually reduced requirements and brought them in line with National Americans with Disabilities Act (ADA) standards instead of more stringent standards. He felt it would effect the upcoming building season, so a longer delay would have a greater impact on the public sector.

In response to Ms. Clementson, Mr. Fero confirmed this was the same issue that the Assembly addressed when they discussed the building Code amendments, and an architect testified that the amendments exceeded ADA standards.

Mr. Wuerch said he was reassured by this comment, and he no longer felt the need for a work session. He felt it was a move in the right direction, but some of the new Assemblymembers might want a work session.

Municipal Manager George Vakalis clarified when the ordinance to change the building Code was considered, there was testimony from people in the industry that the ADA requirements were more strict than what was required. The Assembly adopted the ordinance with a provision that Public Works staff work with industry representatives to see if there could be modifications made, and the proposed ordinance was the result of that effort.

Mr. Tesche clarified when they did have the public hearing on this ordinance, he would like a briefing from the Administration on the private sector groups that were consulted in connection with the drafting of this ordinance.

Mr. Tremaine added economic impacts could be both positive and negative.

Ms. Clementson withdrew her motion. Mr. Wuerch concurred.

Chairman Meyer noted the public hearing was scheduled for March 21, 2000, with the caveat that Mr. Tremaine and Mr. Tesche had asked for additional information.

Ms. Von Gemmingen moved,	to change the orders of the day to consider item 9.F,
seconded by Ms. Clementson,	AO 99-157.

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

**NOTICE OF RECONSIDERATION: Ordinance No. AO 99-157**, an ordinance amending the Anchorage Municipal Code to amend Section 8.40.040 and to **recover costs of responses to false alarms by the Anchorage Police Department** and enact a new Chapter 10.75, Inspection Fees, to **recover costs of inspections by the Anchorage Fire Department**, Legal Department.  
1. Assembly Memorandum No. AM 1178-99.  
(FAILED 2-15-00; NOTICE OF RECONSIDERATION WAS ENTERED ON THE MINUTES 2-22-00)

Chairman Meyer gave the history of the ordinance and noted the question of whether to reconsider action on AO 99-157 was before the body.

Ms. Von Gemmingen urged reconsideration.

Mr. Kendall noted the vote on this ordinance was a tie. He felt it was very important that the Assembly honor a longstanding tradition, and reconsider the ordinance to allow the absent member to vote.

Mr. Tesche said he would appreciate the courtesy of being able to vote on this ordinance, because it was an important issue.

Question was called on whether to reconsider action on AO 99-157 and it passed:

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

Mr. Wuerch moved,	to postpone action on AO 99-157 until March 21, 2000,
seconded by Ms. Von Gemmingen,	to allow for the full body to be present.

Mayor Mystrom pointed out that if Mr. Sullivan had been a no vote on the previous vote, his absence or presence tonight would not make any difference. He pointed out that the Assembly needed six votes, so it would fail or pass the same way today or March 21, 2000. He felt the aforementioned tradition applied more when positive or unknown votes were missing.

Mr. Tesche said he respected Mr. Sullivan's vote, but he also felt the Mayor's analysis was correct and he did not see any reason to postpone action.

Question was called on the motion to postpone action on AO 99-157 until March 21, 2000 and it failed:

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

Mr. Tesche clarified passage of this ordinance would not change any of the charges for false alarms, and the only remaining item was the inspection fees. He understood from information he received from the Public Safety Committee and the Fire Department, and informally from the audit team that was undertaking a management audit of the Fire Department, that the proposed fee structure is accepted practice in west coast cities. He felt this justified adoption of the ordinance. He pointed out the 2000 budget included revenues from the proposed fees. In order to keep the budget balanced, he would support the ordinance.



Mr. Tremaine noted the Assembly was fully aware of these fees when they approved the 2000 budget. He said the revenue from the fees represented about \$325,000 for commercial inspections. If the ordinance is not adopted, the effect would be inflationary. He supported this ordinance and believed it was a function that was important for the safety of the community. He felt a \$50 inspection fee was consistent with fees in other communities.

Ms. Von Gemmingen moved, to amend AO 99-157 in Section 3 to read: "...shall become  
seconded by Ms. Clementson, effective April 1, 2000."  
and it passed without  
objection,

Ms. Von Gemmingen noted the Public Safety Committee and the Audit Committee had discussed this topic at length, and agreed the proposed fees would be reasonable.

Question was called on the motion to adopt AO 99-157 as amended and it passed:

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

(Clerk's Note: Ms. Von Gemmingen was excused and left the meeting.)

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2000-58, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Chris Clark, U.S. Olympian**, Assemblymembers Kendall, Abney, Clementson, Fairclough, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

Mr. Kendall moved, to approve AR 2000-58.  
seconded by Ms. Clementson,  
and it passed without  
objection,

Ms. Clementson read the resolution, while Mr. Kendall presented it to Ms. Clark.

Ms. Clark thanked the Assembly. She felt dreams really do come true, and the resolution was a great honor for her.

2. Resolution No. AR 2000-59, a resolution of the Anchorage Municipal Assembly **recognizing the success of "Bridge Builders"** and encouraging all Anchorage citizens to sign "The Pledge of Mutual Respect", Assemblymembers Taylor, Meyer, Abney, Clementson, Fairclough, Kendall, Sullivan, Tesche, Tremaine, Von Gemmingen, and Wuerch.

Ms. Taylor moved, to approve AR 2000-59.  
seconded by Mr. Tremaine,  
and it passed without  
objection,

Mr. Tesche read the resolution, while Ms. Taylor presented it to a representative of Bridge Builders.

A gentleman representing Bridge Builders said the fact that the Assembly unanimously sponsored this resolution sent a message that Anchorage respected all people. He thanked Mayor Mystrom for sponsoring the resolution and supporting Bridge Builders in the past. He hoped the program would eventually reach out across the entire state as well as other areas in the country.

The members of the Bridge Builders in attendance introduced themselves to the Assembly.

Malcolm Roberts thanked the Assembly on behalf of the Bridge Builders and urged all Alaskans to sign the pledge. He felt it would be a signal to the nation of the openhearted, welcoming spirit of this community. He said they had made copies of the pledge so people could sign it and display it in their places of worship, work and homes.

Mr. Wuerch said this was a marvelous opportunity to recognize the success of this program and they should take the opportunity of pledging to keep this program going. He encouraged the Assemblymembers to take a copy of the pledge and to display it. He thanked the people who started the Bridge Builders and pledged his support to keeping the program going.

3. Resolution No. AR 2000-60, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Chugiak High School's State Championship Hockey Team**, Assemblymembers Kendall, Fairclough, Abney, Clementson, Meyer, Sullivan, Tesche, Tremaine, Von Gemmingen, and Wuerch.  
a. Resolution No. AR 2000-60(S), a resolution of the Anchorage Municipal Assembly recognizing and honoring Chugiak High School's State Championship Hockey Team, Assemblymembers Kendall, Fairclough, Abney, Clementson, Meyer, Sullivan, Tesche, Tremaine, Von Gemmingen, and Wuerch. (**addendum**)

Mr. Kendall moved, to approve AR 2000-60(S).  
seconded by Ms. Fairclough,  
and it passed without  
objection,

Mr. Kendall read the resolution, while Ms. Fairclough presented it to members of the team.

Mr. Tesche congratulated the Chugiak team for their accomplishments. He noted scouts from the Anchorage Aces were present and they would be willing to talk to them about a career in hockey.

4. Resolution No. AR 2000-62, a resolution of the Anchorage Municipal Assembly **recognizing and celebrating the 35<sup>th</sup> Anniversary of the U.S. Equal Employment Opportunity Commission**, Assemblymembers Taylor, Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Tesche, Tremaine, Von Gemmingen, and Wuerch.

Ms. Taylor moved, to approve AR 2000-62.  
seconded by Ms. Fairclough,  
and it passed without  
objection,

Ms. Fairclough read the resolution, while Ms. Taylor presented it to David Levy.

Mr. Levy, Executive Director of the Anchorage Equal Rights Commission, apologized that there was not a representative from the Equal Employment Opportunity Commission, but they had a last minute conflict. He thanked the Assembly and the Mayor for the recognition on behalf of the Equal Employment Opportunity Commission.

5. Resolution No. AR 2000-40, a resolution of the Anchorage Municipal Assembly **recommending joint public hearings between the Assembly and Planning & Zoning Commission on the Anchorage Comprehensive Plan**. Assemblymembers Taylor and Tesche.

Mr. Wuerch moved, to approve AR 2000-40.  
seconded by Ms. Clementson,

Mr. Wuerch said the Assembly did a survey of the requirements if the Assembly and the Planning and Zoning Commission (P&Z) held joint public hearings. The meetings would have to be published, noticed, recorded, transcribed, and formal minutes prepared for the record. He noted this would place a tremendous workload on the Municipal Clerk's staff and Assemblymembers, because there would be a dozen meetings they would have to attend. He encouraged the Assembly not support the proposed resolution, but to support the efforts of P&Z to involve the public in the Comprehensive Plan process.

Ms. Clementson said she had two concerns. P&Z acted in an advisory capacity to the Assembly, and she felt it was important for the Assembly to maintain a separation so P&Z could hear from the public first. She felt it would be beneficial to allow P&Z to perform those duties without the Assembly overseeing or usurping what they were trying to do. Her other concern dealt with Assemblymember availability for the proposed meetings. She felt Assemblymembers could attend P&Z meetings if they wished, but it was important to remember the two separate roles of the bodies.

Ms. Taylor said her intent was to provide convenience for the public. She pointed out it would be hard for citizens to testify before P&Z and then testify before the Assembly on a separate date. She did not intend that Assemblymembers would comment at P&Z meetings, to merely listen to the same information as presented to P&Z.

Mr. Kendall felt they should follow the long-established policy and tradition of not holding joint hearings. He felt P&Z should feel free to make whatever recommendation they wished. Once P&Z has made its recommendation, the public then has its opportunity to recommend changes to the Assembly or to agree with the Commission. If they had joint hearings, it would not allow for the important two-step public process.

Mr. Tesche said he believed that the Comprehensive Plan was the most important piece of legislation he will consider in his first term on the Assembly. He had no problem in dedicating the extra time and effort to attend meetings with P&Z. The early meetings would consist of information from the Administration to the public and P&Z. He did not feel that any Assemblymember would want to hover over P&Z members on such an important issue. He said this would require extra commitment of Assemblymembers' time, but he would support the concept, particularly for the early phases of deliberations. When the matter was ready for action by P&Z, the Assembly should then step back and let the Commission deliberate and discuss the matter and make a final recommendation without Assemblymembers present. He pointed out that one of the failings of the Assembly was that they did not meet in community areas outside of the Assembly Chambers. He felt they needed to get out in the community.

Ms. Clementson added there was nothing that prevented Assemblymembers from attending and viewing the meetings, and the Assembly would get a packet that would let them know what went on in the meetings.

Question was called on the motion to approve AR 2000-40 and it failed:

AYES: Tremaine, Tesche, Taylor, Abney.

NAYS: Kendall, Meyer, Wuerch, Fairclough, Clementson.

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

6. Resolution No. AR 2000-64, a resolution of the Municipality of Anchorage appropriating \$25,000 from Police Service Area Fund (151) Balance **legal services for labor relations activities** for the Anchorage Police Department/Employee Relations.
  - a. Assembly Memorandum No. AM 278-2000.

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

7. Resolution No. AR 2000-65, a resolution of the Municipality of **allowing the Anchorage Historical and Fine Arts Commission to hold public meetings regarding museum expansion**, Cultural and Recreational Services.
  - a. Assembly Memorandum No. AM 279-2000.
  - b. Resolution No. AR 2000-65(S), a resolution of the Municipality of Anchorage allowing the Anchorage Historical and Fine Arts Commission to hold public meetings regarding museum expansion, Cultural and Recreational Services. (**addendum**)
  - c. Assembly Memorandum No. AM 302-2000.
  - d. Resolution No. AR 2000-65(S-1), a resolution of the Municipality of Anchorage allowing the Anchorage Historical and Fine Arts Commission to hold public meetings regarding museum expansion, Assemblymember Von Gemmingen. (**LAID ON THE TABLE**)

Mr. Kendall moved, to approve AR 2000-65(S-1).  
seconded by Mr. Tesche,

In response to Mr. Kendall, Chairman of the Anchorage Historical Fine Arts Commission Wilda Marston explained the Commission had a work session today, and they outlined the past five years' work that had been done toward the planning and expansion of the museum. They hired Lord and Associates of Canada as a consultant and they have worked with the building committee for one year. Prior to that, a group of people representing the various boards and commissions at the museum came up with a vision of what they wanted the museum to be. Based on that vision, Lord and Associates did an analysis of the current situation and future goals. Lord and Associates came up with a concept plan and the Commission feels it is time to hold public hearings to get input from the public before making their final recommendations to the Assembly. She said the S-1 version includes the Code provision that requires the Commission to get permission from the Assembly to hold public hearings.

Mr. Kendall and Mr. Wuerch urged support for the resolution.

Question was called on the motion to approve AR 2000-65(S-1) and it passed:

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

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

#### E. NEW BUSINESS:

1. Assembly Memorandum No. AM 266-2000, **Sheraton Anchorage Hotel** - Transfer of Ownership and Application of a Restaurant Designation Permit for a Beverage Dispensary Liquor License (Fairview Community Council), Clerk's Office.

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

2. Assembly Memorandum No. AM 267-2000, **Y2K Liquors** - Transfer of Ownership of a Package Store Liquor License (Taku/Campbell Community Council), Clerk's Office.

This item was continued to March 21, 2000 due to lack of time.

3. Assembly Memorandum No. AM 259-2000, amendment No. 4 to professional consulting services agreement for **Assessment Management System**, Water and Wastewater Utility.

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

4. Assembly Memorandum No. AM 260-2000, change order No. 3 to vendor contract 80357 with Damco Paving Corporation for **providing miscellaneous asphalt and concrete repair services** to the Municipality of Anchorage, Municipal Light and Power/Purchasing.
5. Assembly Memorandum No. AM 282-2000, cooperative purchase of an **asphalt distributor unit** and an **industrial farm tractor** from Yukon Equipment, Inc. for the Municipality of Anchorage, Department of Property & Facility Management/Purchasing.

These items were continued to March 21, 2000 due to lack of time.

6. Assembly Memorandum No. AM 283-2000, proprietary purchase from Cal Worthington Ford for furnishing police **patrol sedans** to the Municipality of Anchorage, Department of Property & Facility Management/Purchasing.
7. Assembly Memorandum No. AM 288-2000, change order no. 5 to purchase order 74639 with Perkins Coie for **legal services related to public safety activities** involving the Anchorage Police Department, Employees Association (APDEA) for the Municipality of Anchorage/Employee Relations Department.

These items were considered later in the meeting. See item 16, Unfinished Agenda.

#### F. INFORMATION AND REPORTS: None.

1. Information Memorandum No. AIM 23-2000, **MOA Trust fund status**, Finance.

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

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

Ms. Fairclough said it was her intent to postpone action on item 9.I, AO 99-148 because the developer had requested the Assembly only vote if all members were present. She requested the ordinance be postponed until March 21, 2000.

Mr. Kendall moved, to hold a special meeting on March 21, 2000  
seconded by Mr. Wuerch, at 4:00 p.m. to consider AO 99-148.

AYES: Kendall, Tesche, Meyer, Wuerch.

NAYS: Tremaine, Taylor, Fairclough, Abney, Clementson.

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

Ms. Fairclough said she would prefer to postpone this matter to April 11, 2000. She urged that it be put on an agenda that would allow them to address the issue without postponement.

In response to Ms. Taylor, Chairman Meyer said if they did not complete the public hearing for the School District's budget, they would probably have to have another meeting on April 4, 2000.

Ms. Clementson pointed out that March 21, 2000 would have a smaller consent agenda than April 18, 2000. She said they were getting ready for the construction season and the Assembly would not have met for four weeks. She suggested that they address Eagle Crossing on March 21, 2000. She felt that if the Assembly managed their time carefully, they would be able to complete it on March 21, 2000.

Ms. Fairclough moved, to change the orders of the day to address  
seconded by Mr. Tremaine, item 9.I.  
and it passed without  
objection,

- A. Assembly Memorandum No. AM 167-2000, Senior Citizens Advisory Commission reappointments (Robert Bezek, Marylou Cacy, Thelma Langdon, Stuart Rader, Marilyn Stewart), Mayor's Office.  
(POSTPONED FROM 2-1-00)

This item was continued until March 21, 2000.

- B. Assembly Memorandum No. AM 225-2000, Planning and Zoning Commission appointment (Thomas Klinker), Mayor's Office.  
(POSTPONED FROM 2-15-00)
- C. Assembly Memorandum No. AM 226-2000, Platting Board appointment (P. Louise Hooyer), Mayor's Office.  
(POSTPONED FROM 2-15-00)
- D. Assembly Memorandum No. AM 227-2000, Urban Design Commission appointments (Bud Hooker, Sanford Rabinowitch), Mayor's Office  
(POSTPONED FROM 2-15-00)

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

- E. Information Memorandum No. AIM 13-2000, Bar Violations/Quarterly Report (Cusack's Brewpub), Anchorage Police Department.  
(POSTPONED FROM 1-25-00 AND 2-1-00)

This item was continued until March 21, 2000.

- F. **NOTICE OF RECONSIDERATION: Ordinance No. AO 99-157**, an ordinance amending the Anchorage Municipal Code to amend Section 8.40.040 and to **recover costs of responses to false alarms by the Anchorage Police Department** and enact a new Chapter 10.75, Inspection Fees, to **recover costs of inspections by the Anchorage Fire Department**, Legal Department.  
1. Assembly Memorandum No. AM 1178-99.  
(FAILED 2-15-00; NOTICE OF RECONSIDERATION WAS ENTERED ON THE MINUTES 2-22-00)

This item was addressed earlier in the meeting. See after item 8.C.1.

- G. Ordinance No. AO 2000-9, an ordinance **providing for the sale of Lots 1 through 5, Block 7, Galatea Estates; Lots 4 through 6, Block 4, Abbott Loop Manor; Lot 25A, Block 6, Lakehurst; and Lot 75, Section 18, T15N, R1W, S.M.**, Heritage Land Bank/Real Estate Services.  
1. Assembly Memorandum No. AM 8-2000.  
2. Information Memorandum No. AIM 9-2000.  
(APPROVED ALL EXCEPT LOTS 4-6, BLOCK 4, ABBOTT LOOP MANOR AND POSTPONED FROM 1-25-00)
- H. Resolution No. AR 2000-46(S), a resolution of the Anchorage Municipal Assembly regarding **disposal of the former Russian Jack Elementary School buildings and land**, Assemblymembers Wuerch, Abney, Kendall, Meyer, Sullivan, Taylor, Tesche and Tremaine.  
1. Information Memorandum No. AIM 25-2000, Community Planning and Development.  
(**addendum**)  
(POSTPONED FROM 2-15-00)

Items 9.G and 9.H were continued until March 21, 2000.

- I. Ordinance No. AO 99-148, an ordinance **repealing Ordinance 84-101 concerning Tracts C11 and C15 Eagle Crossing Subdivision, Tract A, Ptarmigan Subdivision and the SW 1/4 of the SE 1/4 of the NW 1/4 of Section 17 along the S 1/2 of Section 17** excepting therefrom Tract A, Eagle River Greenbelt, located within Sections 17 and 18, T14N, R1W and amending the zoning map and providing for the rezoning from R-3/SL (Multiple-Family Residential with Special Limitations) to R-3/SL (Multiple-Family Residential with Special Limitations) for the Tracts C11 and C15, Eagle Crossing Subdivision, Tract A, Ptarmigan Subdivision and the SW 1/4 of the SE 1/4 of the NW 1/4 of Section 17 along the S 1/2 of Section 17 excepting therefrom Tract A, Eagle River Greenbelt, located within Sections 17 & 18, T14N, R1W, SM, AK, containing approximately 225 acres and generally located south of Ptarmigan Boulevard and north of the Eagle River Greenbelt and along both sides of Eagle River Lane (Eagle River Valley Community Council) (Planning and Zoning Commission Case 99-109), Community Planning and Development.
  1. Assembly Memorandum No. AM 1140-99.  
(CONTINUED FROM 2-1-00, 2-8-00, AND 2-22-00; POSTPONED FROM 2-22-00)

Ms. Fairclough moved, to postpone action on AO 99-148 until March 21, 2000.  
seconded by Mr. Tremaine,  
and it passed without  
objection,

## 10. APPEARANCE REQUESTS:

- A. **Hanshew Middle School students**, to read for the Assembly in recognition of Read Across America Day.

VICKIE McCUBBIN said she was privileged to appear before the Assembly to speak about the National Education Association-sponsored program of Read Across America. She was happy to report that thousands of children, families, teachers, and community leaders across Anchorage participated in the March 2, 2000 event with numerous hours of reading and reading-related events. She presented four first-graders from Abbott Loop Elementary who read a book by Dr. Suess to the Assembly. They asked the Assembly to join in the spirit of the event by donning Dr. Suess hats.

- B. **Carol Jensen**, concerning the Municipality's fiscal responsibility.

Ms. JENSEN distributed copies of a nine-page memorandum that she wrote to the Assembly last November. She said her testimony had to do with the extensive work she did in researching the budget. The first of some difficult issues was the proposed cut in revenue sharing and the 10-mill tax cap initiative which will be on the State ballot this fall. She agreed with the Legislators who felt the Municipality had failed to make an adequate effort to cut the budget over the last few years. The average cuts this year to department budgets were two to three percent, not the ten percent goal. The staffing decreased overall by a net of eight position, not forty. She felt the 10-mill tax initiative was brought about by the public's strong anger and frustration over the rampant spending and the assessment on their property valuations, which increased anywhere from 30 to 50 percent per year. Fair market value only increased by three to five percent per year. The Board of Equalization often tells appellants that law does not allow them to consider those vast increases as arguments for an appeal. Ms. Jensen said she had not been able to find any State regulations to support that claim. The only other recourse a citizen had was to go to court, which most people cannot afford. She said the mill rates in Anchorage were very inequitable and ranged from 9.1 mills to 18.18 mills. She pointed out that there were several areas of town where property owners are not paying for roads, drainage, parks or other services that all citizens receive. She felt the Assembly should mandate that the property valuations did not escalate beyond the fair market value and the mill rates should be equalized. She felt if the Assembly showed a good faith effort to correct some of the inequities and problems, it would diminish support for the tax initiative, because that support was born out of frustration. Ms. Jensen felt citizens were also frustrated when the Municipality spent \$325,000 recently for a police discrimination lawsuit, which could have been settled for \$48,000. Another point of frustration is the School District administrators' salaries that went up 5.9 percent to 19.1 percent and there were other salary increases for staff members. The School Board's budget was \$12,000,000 above what the District's fiscal panel recommended. Many change orders are approved by the Assembly each week that add more money to existing contracts. She referenced a contract that initially started at \$25,000 and was now \$985,000 due to five change orders. People do not realize this money is being spent unless they follow the Assembly agendas closely and attend all meetings. She said that people were angry and did not feel the Assembly or the Administration had been addressing the budget or the property tax problems.

- C. **Robert W. Hayes**, concerning freedom of speech.

Mr. HAYES noted the 1<sup>st</sup> amendment to the Constitution of the United States gives citizens the freedom of speech, along with other rights. The 14<sup>th</sup> amendment addresses the rights of citizens and says every citizen of the United States is also a citizen of the state in which he or she lives. It says no state may pass a law limiting the rights of citizens or take away a person's life, liberty or property unfairly. Every person must be treated equally under the law. Mr. Hayes said the Anchorage School District had denied Theresa Obermeyer the right to speak at District meetings. He felt she had a right to speak about her issues and complaints according to our Constitution. He said no one had done anything about it and the School Board had been getting away with it. He said he would like somebody to do something about it. He said all he could do was tell the Assembly about it and complain about it. The Anchorage Police Department recently asked people to testify about racial discrimination. Discrimination is not a nice thing to have occurring in our city, but people had the right to speak about it and they did. The Anchorage Fire Department had former Inspector Dan Diehl speak about a problem with oil tanks being too close to the Government Hill neighborhoods, which was a safety problem, and nothing was done about that. Mr. Hayes felt the Superintendent of the District and the Mayor was allowing this to go on and he wanted to see someone put a stop to it. He felt the Assembly should stand up for everyone and protect the right to free speech. He felt the School Superintendent was becoming a dictator, but he should be representing the people and the students for their education and

safety. If people speak truthfully and make the District look bad, they have the right to do that and the School District must listen and try to address the problems.

In response to Mr. Tremaine, Municipal Attorney Mary Hughes said for several years the Administration has distributed pamphlets to Municipal employees describing employees' right to free speech. She said that particular pamphlet was emphasized by an Assembly resolution. She felt the employees were fully availing themselves of their speech freedoms. With respect to who can speak in a public forum, the Assembly had little control over the School District and the Mayor had none.

Mr. Tremaine requested from Ms. Hughes issue a written opinion of what authority the Assembly had over the School Board in terms of dealing with the District's restrictions of citizens' right to speech.

In response to Mr. Tesche, Mr. Hayes said he was not aware of the resolution passed by the Assembly that clarified and reemphasized the first amendment rights of Municipal employees and implemented the settlement of the Government Hill lawsuit. He said there were still people who were worried about speaking because of employment retaliation.

Mr. Tesche urged anyone who was concerned about the actions of the School District to exercise their right to vote on April 4, 2000. He pointed out that the School Board members were elected officials and they were responsible to the voters.

**D. Bud Knox, regarding the Comprehensive Plan.**

BUD KNOX discussed a freedom of information request for a copy of the draft Comprehensive Plan. He said his request was made in writing to the Municipal Manager, Executive Manager Elaine Christian and the Community Planning and Development Director, and personally delivered to each of their offices on February 12, 2000. What he received had already been discarded by the Mayor's Office. He said it was common knowledge that a draft Comprehensive Plan had been in the works for the past four months. When he asked for a copy of it, it was not given to him. The Municipal Code requires public officials to provide citizens copies of public documents, including draft documents, so they can see how officials are conducting public business. The Code does not allow delay of access to public records. As relief, he requested immediate access to a copy of the draft Comprehensive Plan as required by the Anchorage Municipal Code.

In response to Mr. Tesche, Mr. Knox said he received copies of what he was told was the proposed goals and objectives of the Plan and other irrelevant plans. It was not the current draft Plan. Staff told him that the real Plan was on the computer, but it was scattered throughout the building and had not been put together yet. He felt the Administration was breaking the law and it was being overlooking.

In response to Mr. Tremaine, Mr. Knox said he wanted to know why the Administration settled with a woman that brought a lawsuit for \$200,000 against a policeman who was fired. The Administration did not request permission from the Assembly to settle, which he thought was the proper procedure. He also wanted to know if the public was aware that \$700,000 had been spent to rehabilitate manhole covers on the streets. Five plow operators retired with disabilities because they hit the manhole covers while operating plows. He said OSHA fined them \$5,000, but it cost the City \$700,000. He also wanted to know why the Administration was hiring lawyers outside of the State of Alaska when we had the best lawyers available within Alaska.

Mr. Tremaine said he would request answers to those questions from the Administration.

In response to Mr. Tesche, Municipal Attorney Mary Hughes said she was not aware of Mr. Knox's request for the draft Plan. She said she would investigate the incident and report back to the Assembly whether it was a violation of the Municipal Code.

Mr. Tesche suggested that Ms. Hughes review a case involving a former member of the Assembly, Don Smith, who had an altercation with the police. In that case, the Administration decided to withhold a tape recording made of that altercation. He said he represented the Municipality in that case, and Superior Court Judge Souter made it very clear the Municipality may not withhold access to public records or documents at will. They may only be withheld according to specific provisions under the law and under specific exemptions in the Code.

## **11. CONTINUED PUBLIC HEARINGS:**

- A. 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.
    - 4. Information Memorandum No. AIM 21-2000, Public Facility Advisory Commission recommendation, Property and Facility Management.
    - 5. Ordinance No. AO 99-135(S-1), 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. **(addendum)**
- (CONTINUED FROM 12-14-99)

Mr. Tesche disclosed he represented the Anchorage Aces before his election to the Assembly last year. After his election in April, his relationship with the Aces was terminated at his direction. He has not done any more legal work for the Aces, nor does he have an ongoing professional or business relationship with the Aces. He felt there could be a question of his past representation of the Aces and the benefits this ordinance would give the Aces.

Ms. Fairclough moved,  
seconded by Mr. Tremaine,

the question “does Assemblyman Tesche have a substantial financial interest in AO 99-135, before the Assembly?”

In response to Ms. Clementson, Mr. Tesche said the ordinance was not prepared by him nor advocated before the Public Facilities Advisory Commission before he was elected to the Assembly. He explained he appeared before the Commission on behalf of the Aces as a private attorney to discuss the contractual problem that the Aces were having with the Sullivan Arena, but he did not participate in actual legislation. He noted the proposed ordinance has a much broader scope than the issue he addressed when representing the Aces, as it includes spectators sport in addition to the Aces, and trade shows.

In response to Ms. Taylor, Mr. Tesche said he was not a co-owner or an investor in the Anchorage Aces organization.

In response to Chairman Meyer, Mr. Tesche felt he had no financial interest in the proposed ordinance.

In response to Ms. Fairclough, Mr. Tesche said that even though he had a professional relationship with one of the many organizations that uses the Sullivan Arena, he felt his judgment was sufficiently objective that he could handle the decisions that would have to be made. He felt comfortable that the scope of the ordinance was far broader than the narrow issue that was brought to his attention by the Anchorage Aces. He would not support this ordinance unless he felt it represented sound public policy.

Ms. Clementson said it was important for people to understand that the Code applied to whether or not Mr. Tesche had a substantial financial interest in this issue. She explained perception of ulterior motives or anything else was not the issue that the Assembly must decide.

Chairman Meyer said he did not see any financial interest on the part of Mr. Tesche with regard to this issue, so he did not have a conflict. Chairman Meyer ruled that Mr. Tesche should participate.

(Clerk’s Note: No vote was taken on Ms. Fairclough’s earlier motion.)

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

DAVID SHOUP said he was an attorney who began representing the Anchorage Aces after Mr. Tesche left that position. He clarified Mr. Tesche did not draft the proposed ordinance. Mr. Shoup said he drafted the ordinance. He said the problem the Aces faced with the Sullivan Arena was that there were too many users. In recent years, the Administration has recruited more users, which was a good thing. When there was a conflict, the Aces were the ones that usually lost the dates. He said he had approached the Administration twice and tried to work this out, but there had been no real effort to come to an agreement. He indicated that the Aces needed a certain number of dates on the weekends during the season to survive financially. The Aces have not gotten any assurances, but merely comments to the effect that the Administration would try to work it out. The Administration has recently offered a contract to the Anchorage Aces, but it was not offered until after this ordinance was introduced. Mr. Shoup pointed out that this was not just about the Aces, but all users of the Sullivan Arena. He said until the Assembly decided how the conflicts would be decided, there would continue to be conflicts. He pointed out that the Sullivan Arena was a sports arena and sports users were the main economic benefactors of the arena. He said the Aces brought in more revenue to the Arena than any other single user, yet they seemed to be the only organization that suffered through these conflicts in timing.

In response to Ms. Clementson, Mr. Shoup felt the ordinance was not only to benefit the Aces. The sports organizations who use the Sullivan Arena and sell tickets are primarily the Aces and University of Alaska, Anchorage (UAA.) He noted UAA was experiencing the same problems as the Aces. Trade shows are impacting the schedule of the Arena the most. He explained UAA had a five-year contract; when he pointed out that contract was illegal under the Code, the Administration rescinded the contract. The high school boys basketball tournament also impacted the schedule. Because of the tournament, the Aces lost a couple of weekend dates that were very important to them. Mr. Shoup felt other teams in the hockey league did have substantially more weekend nights than the Aces. He said they wanted 21 to 23 weekend games per season, but other teams in the league had substantially more. He did not know exactly what those numbers were.

In response to Mr. Kendall, Mr. Shoup said a contract could be written to accommodate the Aces’ needs if the Assembly were willing to change the law. He said the Sullivan Arena was operating under a law that prohibits extension of contracts into the future. If the law is changed and a contract is made, that would solve the Aces’ problem. However, another user would have the same problems. He said it made sense for the Assembly to set a user priority, not for any one individual organization, but for all users.

In response to Ms. Clementson, Mr. Shoup said his interpretation of current Municipal law was a contract could not be signed that extended for more than one year. He said he pointed that out to the Administration in a legal demand letter and he received a letter back saying that the contract between the Sullivan Arena and UAA had been cancelled. He said he did not remember who signed the letter, but he would be happy to provide the Assembly with a copy of the letter.

CAROL JENSEN said she did not think the Sullivan Arena was designed to be used primarily for sports. She thought of it as being equally for concerts and other events. She was concerned with language in paragraph C of the ordinance, which appeared to prohibit bookings at the Arena by organizations that have not had bookings there before. She said the Sullivan Arena was a source of revenue for the Municipality that should be booked as often as possible and the proposed limitations restrict that. She felt the language in the ordinance was unclear.

Mr. Tesche said subsection C was not intended to prevent anyone from using the Arena. The provisions create a separate priority for events such as trade shows which are not spectator sporting events requiring an admission. All other users not fitting within those two classes were covered by subsection B, which provides dates, but the other priorities have to be respected. He said this section protected the established trade shows, just as section A offered a priority to spectator sporting events.

NELSON PAGE said he represented Aurora Productions, which was one of the trade show groups that had an interest in this ordinance. He spoke in opposition to the ordinance. He pointed out the ordinance states the highest and best use of the Arena is as a spectator sports facility. However, current Municipal regulations, stated in AMCR 25.11.101 say that the facility is to be managed for the broadest possible community use. He was concerned the proposal to give a priority to sporting events would crowd out a very substantial and successful part of what the Arena has promoted over the years. Trade shows are an example of the kind of economic activity that serve a part of the community that may not consider sporting events most important. He suggested that the economic activity generated by the Home Show, the Boat Show, the Great Alaskan Sportsman Show and other events were very substantial. He said over 325 vendors participated in the Great Alaskan Sportsman Show last year. In terms of economic activity, community interest and the policy that should be followed by the Municipality, it was not right to say that sporting events should be given a particular priority. Mr. Page appreciated the efforts that Mr. Tesche and the Aces have made in trying to accommodate the concerns of the trade shows. The idea of a grandfather right was one that was intended to address those concerns, but there were several reasons why they were not successful. There were only a few trade shows that would benefit from their grandfather rights. Having this priority for sporting events, even with the grandfather rights, would have a negative effect on the ability to develop the traditional expectation of these shows. He asked the Assembly to leave the policy as it now stands.

In response to Mr. Tesche, Mr. Page said Aurora Productions promoted the Great Alaskan Sportsman Show, the Holiday Food and Gift Show, the Make It Alaska Festival, the Alaska Women's Show, and several others. He believed that most of these shows would be grandfathered under the ordinance, but not all of them. He said he would favor the elimination of the first sentence of the ordinance, but that would not entirely eliminate the problems. He objected to setting a priority for spectator sporting events and established trade shows.

In response to Ms. Clementson, Mr. Page said he was not sure if the Women's Show had been in existence for five years.

BILL GEE, Chairman of the Public Facilities Advisory Commission, said the Commission had two lengthy public hearings on this ordinance. He assured the Assembly and the public that he found no monetary interest, or anything in the Alaska Public Offices Commission report, relevant to Mr. Tesche's involvement in this issue. He said the Commission was not in favor of this ordinance and would ask that the Assembly not adopt it. Based on the public hearings that they held, they felt this favored the Aces. He disputed some information given by Mr. Shoup, saying the Aces were currently guaranteed 21 weekend dates without a contract. He said the Commission felt that a contract would settle the issue. He pointed out current Municipal Code 25.11.001 states the Arena should operate to the broadest public benefit. The primary goal of the arena was to promote a wide variety of activities to generate revenues sufficient to pay all Municipal costs associated with the arena's operation and maintenance. He said the current policy states the Municipality of Anchorage and the Arena management are of the opinion the highest and best use of the arena is as a spectator facility. Therefore, spectator events, concerts, sporting events, and in-house promotions requiring an admission fee are given priority booking. He felt management of the Sullivan Arena was already covered under the booking policy.

In response to Mr. Kendall, Mr. Gee said he believed the Aces problems could be worked out by contract. He said the biggest problem was that they were dealing with the Aces, but there were other users. He said it should be worked out by contract, not an ordinance that would tell the management how to run the business.

In response to Mr. Tesche, Mr. Gee said when the Commission considered this ordinance for the second time, the issue of a contract with the Aces was discussed. He confirmed the Commission, the audience, and the Aces were told that the Administration had prepared and were ready to propose a contract to the Aces. He clarified the Commission did not vote against approving the ordinance based on the fact that the contract was pending. They voted against the ordinance because the problem was already addressed under the booking policy and did not need an ordinance. He said they would be putting an ordinance on the books that would effect one user and they felt that would be inappropriate. He indicated that they had never been in favor of the ordinance and that was documented in the minutes of their meetings. Regardless of Mr. Tesche's interpretation of minutes of the Commission's January 20, 2000 meeting, Mr. Gee said Commission members did not feel this item needed to be settled by ordinance. He said he was aware that the Aces had not negotiated a contract. He said the Commission's recommendation would still stand in the absence of a contract.

TOM McKAY said he had attended countless sporting events at the Sullivan Arena including hockey, the Shootout and boxing. He said he had also attended the Home Show, the Sportsman Show, RV Show, Boat Show, and countless other events, many of which would fall under the five year clause in this ordinance. He said he personally invests thousands of dollars annually to attend events at the Sullivan Arena. He said he had a vested interest in the solvency of the Arena, which was something we have not always enjoyed in this city. He felt the Sullivan Arena was truly a spectator sports facility at its primary core. He said there were 6,400 seats and on a full game night for hockey every seat would be occupied. He said profit-generating sports teams indirectly lower the taxes needed to support this City and the Arena. He said businesses need to plan and inconsistent and unfair booking policies negatively impact a business' need to plan events to stay competitive. He encouraged the Anchorage Assembly to do all it could to help Alaskan businesses maintain their competitiveness. Over the course of a year, his family would attend over 50 events at the Sullivan Arena. If these events disappeared because the Assembly harmed the event's ability to compete, the arena and the City would stand to lose millions of dollars. He encouraged the Assembly to pass this ordinance, which would help local businesses and organizations maintain their competitiveness and keep taxes lower.

In response to Ms. Clementson, Mr. McKay said he was not representing the Aces. He was a citizen of Anchorage who happened to be a season ticket holder. He said this team has to travel very far to compete with the other teams in its league. He said it was a private business so they have to be competitive. He said there were other teams in the league that filled their arenas and enjoyed a lot of revenue. Travel costs put the Aces at a disadvantage. He felt the Aces should be provided as many weekend dates as possible. He said he had lived in Anchorage since 1980 and felt the Aces and the Seawolf hockey was the best thing to ever happen in Anchorage. He thought we should be doing all we could to help the Aces.

TOM ANDERSON said he had been the manager of the Sullivan Arena for the last 15 years. He felt the booking policy accommodated the Aces. He noted the same language in this ordinance was in the booking policy. He said from a



management standpoint, they have tried to implement the booking policy by giving the sporting events and spectator events priority. He said a contract has been offered to the Aces for five years, which would guarantee them 21 weekend dates. The contract also said that if they were preempted, or lost one of those days, they would be monetarily compensated for any losses that they might incur. Mr. Anderson said they had a five-year contract with the University since 1983. The contract has rolled over every five years and was part of the NCAA league requirements. He said they had no response from the Aces since the contract had been proposed and they were waiting for either a counter proposal or negotiations.

In response to Mr. Tesche, Mr. Anderson said he had been handling facility management for Ogden since 1984, but he had been in the building since it opened in 1983. He explained spectator events always generate more revenue. He said they would prefer an anchor tenant to provide a steady stream of reliable income. They give priority to that type of business as much as possible. They have talked with the Aces about a contract since the Aces have been using the facility, which was about six or seven years. They have never been able to complete a similar contract with the Aces as they had with UAA, because they had not been able to guarantee the dates up until this time. This year the Boat Show dropped out of the Arena and UAA changed its schedule. This allowed them to pick up three extra Fridays and Saturdays, which put them in a position to guarantee the Aces 21 dates. He said it was incorrect that the proposed contract allowed the Arena to preempt those dates by buying them back from the Aces. The contract said that in the event that they could not give 21 dates to the Aces that they would compensate the Aces monetarily. He said that rebate money would come from the operating budget of the Arena, which was ultimately Municipal funds. The rebate would be part of the negotiation to arrive at a figure that would be mutually agreeable between the Aces and the Arena management. From a building management preference, the buyback of dates would never happen, because they were in business to try to make as much money as they could. They would not knowingly give up an Aces date for another event. If the Administration or the Assembly said they wanted to bring in another event such as the Women's Olympic Hockey Team, he would inform Administration how much it would cost to buy the date from the Aces and it would be up to the Administration to make that decision. Mr. Anderson felt the ordinance would add confusion, because the result would be an ordinance, a regulation, and a booking policy. He felt the current method had been working well. He felt it would confuse the issue to add a third level of oversight. He felt they had a solution for the Aces and the other users were happy with the existing policy.

In response to Ms. Clementson, Mr. Anderson said if it were necessary to take away a date from the Aces, it would probably be for other paying events, but it could be for other reasons. He said that in his 15 years as the manager of the Sullivan Arena, neither the Administration nor the Assembly had ever asked him to cancel longstanding events and replace them with other events. He said the events that generated the current concerns was the Special Olympics and the State Basketball Tournament, because those events caused the Aces and UAA to lose some weekend dates. The Administration felt those events should have priority over what was currently booked and the management contractor honored that. He said if the trade shows went elsewhere, that would be a financial problem, but it would also relieve the issue of not having enough space for sporting events.

(Clerk's Note: Ms. Von Gemmingen returned to the meeting.)

RICK COOK said he and his family were hockey fans and attended the Aces games. He said he grew up in Anchorage and recalled the same types of disputes about indoor ice and softball fields. He spoke in favor of the ordinance. He felt the conflicts were a natural "growing pain" issue, generated by the success of the Arena. He noted he was President of the Iditarod Trail Committee, and they are in a similar situation to the Aces. They are negotiating with Special Olympics to get the Thursday date that they have historically had for their banquet at the Arena. Although it will be resolved, if there had been a policy that had given them some priority, they would have been able to resolve it easier. He said this was not just an Aces issue and there would be more users that would run up against this same problem in the future. He felt it was incumbent upon the Assembly to give direction in that regard.

KIM JONES, representing Sourdough Productions, said they produce several different events, including several trade shows at the Sullivan Arena. He said over the years they have introduced many new trade shows. Some have succeeded and some have not. However, they had the opportunity to bring new shows to the community, to have the support of the businesses in the community, and the opportunity to bring that business to the Arena. That opportunity for promoters to bring new shows to the community would disappear under this ordinance. He felt when they figured which events brought in more profits between trade shows and sporting events, they did not consider the concert business. Mr. Jones explained the concert business was a very big business in the Sullivan Arena. Last year was a record year for concerts in the Sullivan Arena and brought a lot of revenue to the building. He said if they gave the spectator sports priority, that could effect what concert events came to the community, because they could only get the performers when they want to perform, not when there was space available. He said 90 percent of the time they lose concerts because the dates are not available. He said Friday and Saturday nights are premier nights for people to go out to concerts. By precluding concerts from the booking policy, there would not only be impact to the community in terms of entertainment, but also loss of revenues to the facility. He felt it was unfair to give one entity priority over another. He did not feel that would serve community interests. Mr. Jones felt the current booking policy worked well.

In response to Ms. Abney, Mr. Jones said the booking policy worked, but he did not feel that it would work if the ordinance was passed. He said a civic center or a convention center would alleviate all of these problems.

YVONNE HALL said she was an Aces fan, and has held season tickets for three years. She said this ordinance was important to her as a regular fan because weekday games were hard to attend. Also, weekend games had larger crowds, which made them more exciting. Professional hockey was extremely expensive to finance, and the organization made more money when they sold more tickets. She said there used to be two professional hockey teams in Alaska, but one of them closed down because they could not sell enough tickets to finance their organization. She said she did not want to see that happen to the Aces. She would rather go to games on the weekends, because they were more fun.

TOM CONDEN, General Manager of Aurora Productions, stated trade shows were a source of revenue for his company and Sourdough Productions, and constituted Homebuilders Association's entire budget. He said this was a needed and appropriate way for the diversity of interest to come in contact with the people who attend the trade shows. He noted Mr. Tesche wrote, as a sponsor of the ordinance, that there would be no significant private sector economic impact. Mr. Condon

disputed that, and explained trade shows are a significant source of income for small and large organizations alike. He deals with over a thousand businesses on an annual basis, and the timing of events was critical. If the ordinance made Sullivan Arena a sporting event venue, all of the businesses that rely on this source of income could be in jeopardy. He added a new convention center would solve this problem. He urged the Assembly to vote “no” on the ordinance.

ROBIN WARD, Vice President of the Anchorage Homebuilders Association, read a resolution that was unanimously adopted by the Association in support of the ordinance. She said there were competing interests and they were asking for something they could depend on for what they consider to be their largest revenue source, which they booked every year.

In response to Ms. Fairclough, Ms. Ward said even if the Association did not fall within the five-year clause they would be in support of the ordinance. Currently, they have no priority in the booking policies. She said the passage of the ordinance would give them a priority under the five-year clause. She said if it went to a sporting event preference, then they probably would not be in favor of the ordinance.

In response to Ms. Clementson, Ms. Ward said they would prefer to amend the ordinance to take out the clause that said the Arena was primarily a spectator sports facility, but the grandfather portion of the ordinance was what they supported.

In response to Mr. Tesche, Ms. Ward said she would prefer the deletion of the first sentence in paragraph A, which says the highest and best use of Arena was a spectator sports facility, but would support the rest of the ordinance as drafted. The Homebuilders Association has had events in the Arena since 1983.

DICK CULLIN, of the Anchorage Homebuilders Association, said he managed the Home Show for them. He said the timing was very important to them and they needed to retain the same dates they have had in the past. He said they lost a week this year and could lose another week next year because of the 2001 Special Olympics. He said a number of their vendors use the show to make a lot of their bookings for the next year. He felt this ordinance would help them guarantee that same time frame year after year.

PATRICIA FORBES said she was a season ticket holder with the Aces and attended most of the trade shows held in the Arena. She was in favor of this ordinance, because it required the Sullivan Arena to adhere to their booking policy. She said Mayor Mystrom chaired the State Basketball Tournament and a letter was distributed asking for their support in bringing the tournament to the Sullivan Arena. She felt the tournament could have been held in another place. She said she was not sure if the Public Facilities Advisory Commission could objectively advise on this matter when Mayor Mystrom was urging them to use the arena for particular events. Ms. Forbes pointed out the Anchorage Aces had a higher number of local players on their team than any other WCHL team. She said the Arena was being managed by a Chicago-based firm and she felt the Municipality should look to a local firm to take over that contract. She felt the ordinance was asking for nothing other than for the Arena to adhere to their own booking policies.

JOHN FORBES spoke as President of the Center Ice Club, which was the Booster Club for the Anchorage Aces. He said his children have played hockey for eight years. He said he had been an Aces fan for eight years and a season ticket holder for six years. He felt the Aces helped to put Anchorage on the map since they became a professional team. He felt it was terrible to take time away from the Aces. He said the Center Ice Club would support any ordinance or contract that would provide the maximum amount of weekend dates that they could play in the Arena through a fair booking policy that they can depend on.

BOB LEWIS said before tonight he had not even heard about this issue. He has listened to all the comments and the first question that came to his mind was what was the problem. He pointed out there were 52 weekends in a year, which was 104 nights. He felt Ogden Facility Management did a good job managing the Arena, and offered a contract to the Aces for 21 weekend dates. If the Aces are not willing to enter into a contract, then there must not be a big problem. Mr. Lewis felt the problems were not with the booking policies, but with the availability of time. He said it was time to consider another facility in Anchorage. He pointed out that we have outgrown the Arena, which can no longer accommodate all user needs.

DEREK DONALD, General Manager of the Anchorage Aces, distributed petition signatures that were gathered several months ago indicating problems with booking of the Arena. He said the team has played in the Arena since 1991 and they have become the top tenant as far as the number of dates booked in the Arena. He said they booked over 40 dates last year, which was more than twice as many dates as the UAA hockey team. Mr. Donald said the proposed ordinance was not only for the Aces, but would help and protect users that have been in the building for a number of years and have created revenue dollars in the past for the facility. He agreed concerts and other events could be held at the facility, but it would be at the cost of local organizations that have invested in the facility and helped it become a success. He pointed out the Aces were actually seeking 24 dates. He said before the ordinance was even discussed, they met with the Administration and asked for a contract and were told that there was not a contract that would be made available at that time. They felt that pursuing some changes in the booking policy would be a fair and equitable way to ensure that users had protection in the future. He said the current building users needed some assurance from the Administration and the Assembly that they could continue to exist in the Arena to provide their livelihood and keep their businesses thriving. He pointed out in addition to weekend dates, the Aces also book on weekdays, when the facility would otherwise not be used.

In response to Mr. Tesche, Mr. Donald explained why the recently-proposed contract was not acceptable. He said the contract was not presented to the Aces until several weeks after the Public Facilities Advisory Commission (PFAC) meeting. He said they have stated in several letters to the Administration and building management that their optimum number of dates would be 24 weekend nights in a 26-week period. The contract offer came back with 21 dates, which was three less than what they had asked for. With the rebate procedure there would be no guarantee that they would actually have those dates. He said the Aces had an agreement with the League to provide a specific number of dates in order to complete a season, so the Administration's contract, with the rebate clause, would endanger their agreement with the League. He felt the current booking policies were not working. Weekend dates were needed in order for professional sports franchises to survive and there was a serious question on behalf of the West Coast Hockey League as to the integrity of the building and this situation. He said if they fell below 20 dates for the next season, their league would have a serious concern about them remaining in the

league. He said if they had to leave the building, there was not another venue in town that they could work with and would run into a situation similar to Fairbanks.

In response to Ms. Fairclough, Mr. Donald addressed whether he would be willing to add a \$1 service charge to Aces tickets for maintenance to the Arena. He said at this point, he would have to say no, but they could reconsider that. He said there was considerable money that was generated by the Arena last year and they made a significant profit. He said they would be in support of a new convention center. He pointed out there was an overflow of events and he felt a larger facility was needed.

In response to Mayor Mystrom, Mr. Donald said the contract proposal was sent to the Aces on the last day of January. He explained they have not responded to the proposal because as a user they actively converse with Tom Anderson and Roger Swanson, who manage the dates at the Arena. Since the Arena already had 20 dates held for them, a 21-day contract was not much help. Mr. Donald indicated Mr. Shoup was incorrect about the 21 dates, as they actually wanted 24 dates. He said they did ask for a contract a year ago and were told by the Administration that no contract would be available because they could not provide the dates. That situation has not changed. The contract was offered with 21 dates, but they have requested 24 dates. He said the Aces did not receive a priority booking in the Arena.

Mayor Mystrom explained the contract was drafted with 21 dates because that was the Administration's understanding of the Aces needs. He encouraged Mr. Donald to contact Property and Facility Management staff to clarify the team's actual needs and attempt to reach a solution. He stressed he wanted to find a solution that would help the Aces succeed and meet their needs.

In response to Ms. Clementson, Mr. Donald said he could provide information that other teams in the League receive 24 weekend dates. He said the original draft of the ordinance was initiated because of the Aces' lack of dates. He said as it progressed, they met with other users to find out what their needs were, which is why the grandfather clause was included in the ordinance. He said the proposed ordinance would not affect the 2001 Special Olympics, because it would not affect anything that was currently booked for next year. He felt that special events were good for the city, but they should be discussed with the current users to address impacts.

The meeting recessed at 8:30 p.m. and reconvened at 8:50 p.m.

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

Mr. Tesche moved, to adopt AO 99-135(S-1).  
seconded by Ms. Taylor,

Mr. Tesche moved, to amend AO 99-135(S-1) in Section 1, paragraph A to delete  
seconded by Ms. Taylor, the first sentence and the word "therefore" at the beginning of  
and it passed without the second sentence.  
objection,

Mr. Tesche explained the original purpose of the ordinance was to resolve the problems of the Anchorage Aces. The ordinance would provide guidance to building management as to how to resolve the problems and conflicts between dates requested by users. Other users also felt a need for stability for their event bookings. The ordinance was adjusted to include non-spectator sporting events that had been in the building for at least five years. The ordinance provides for two separate priorities, one for spectator sporting events that charged a fee and another priority for established trade shows in the same building. He pointed out that the PFAC felt a contract would be a better solution, but he disagreed. No contract has been agreed upon yet, and there was a serious public policy question as to whether it would be a good idea to have a contract that provided a trap door. He did not feel it was a good idea to give the Arena management that kind of power over taxpayer funds. He felt the best route would be to adopt the ordinance as amended.

Mr. Kendall moved, to postpone action on AO 99-135(S-1) until March 21, 2000.  
and it died for lack of a second,

Mr. Kendall pointed out that the Administration proposed a contract a month ago and the Aces had been asking for a contract for about five years. He felt it would be appropriate to allow time for them to work on a contract. He said there could be a broader problem than just the Aces wanting guarantees on their bookings. He felt that sometimes it was better to encourage people to discuss things rather than to just pass laws. If this ordinance was adopted, the desired results may not come to pass. He felt the Assembly needed to be careful and not rush into passing something that they have not spent a lot of time discussing.

Mayor Mystrom felt the contract had not been a top priority for the Anchorage Aces and they had not been working steadily on it for five years. Everyone wants the Aces to be successful but they need to determine whether a contract or an ordinance is needed. If the Anchorage Aces had been on a contract for the past couple of years, we would not have this situation. He said a contract has worked for UAA and he felt one would work for the Anchorage Aces. A contract would protect the team against other spectator events, but the proposed ordinance would not. Mayor Mystrom said he had a concern about a general ordinance. He referenced line 27 of the ordinance which provided for giving preference to a spectator sporting event when a date is requested by two users. He questioned whether the former would be given the date even if they request it after another user has requested and received the date, and how the policy would work. He pointed out that the ordinance did not guarantee the Aces any additional dates and did not give them any protection against other spectator events. He felt the ordinance was poorly worded, vague, and difficult to execute. He said the main goal was to assure the Aces the dates they need and that would best be done with a contract.

In response to Mr. Tesche, Mayor Mystrom explained the buyout clause was put into the contract because it seemed like a good idea. However, if the Aces felt it was more important to maintain the integrity of the schedule, that issue could be

negotiated. He said he was not aware of problems with other the non-spectator users. He said if there was a problem, they could discuss it with those users.

Ms. Von Gemmingen felt that Ogden had done a good job in managing the Arena. She felt that many of these issues could be handled by better communications between the parties. If she were promoting a non-spectator event, she would be nervous about being bumped and that had serious consequences. She pointed out that there were a lot of non-sports people in Anchorage and they enjoyed concerts, trade shows, and other events held in the Arena. She agreed with Kim Jones that the ordinance was unfair and did not serve the entire community. She noted there was only one building in Anchorage for these types of events and they needed to accommodate as many people as they could.

Ms. Clementson felt it was premature to change the public policy until a new convention center or some other venue is built, because this was the only building available for these events. She said the policy in place for years has allowed trade shows and other shows. She felt it was important to keep in mind that only one other group came forward to support the ordinance beside the Aces. The minutes of the Public Facilities Commission indicated that other groups testified against the ordinance. The ordinance would be a broad public policy change based on one group. She felt they should give the contract a chance. She felt the Aces may not have responded to the contract because they were hoping the ordinance would be adopted. She felt the Assembly should tell the Aces that they needed to work with the Administration on the contract instead of trying to solve the issue by ordinance. She pointed out that their own attorney was not aware that they wanted 24 weekend dates, so it was not surprising that the Administration did not know this either.

Ms. Fairclough said her son was a hockey player and she supported the Aces. The Assembly was aware that the Aces had a following and hockey was supported by a majority of Anchorage residents. She said the Public Facilities Advisory Commission did not support this ordinance and it was the Commission's job to offer the Assembly advice and to address policies. She pointed out that the Aces did not support a ticket surcharge. That troubled her because it showed that the bottom line for the actual event was more important than the maintenance of the facility that they want to use. She pointed out the Administration offered a contract, so she urged the Assembly not to support the ordinance and to encourage contract talks.

Mayor Mystrom said if the ordinance failed, he would suggest setting a date for April 18, 2000 to return to the Assembly with a contract that worked for everyone.

Mr. Tesche moved, to postpone action on AO 99-135(S-1) until April 18, 2000.  
seconded by Ms. Abney,

Mayor Mystrom clarified if the ordinance did not pass then they would return on April 18, 2000. However, if the ordinance is pending, there would be some problems with interpretation.

Mr. Tesche noted if they postponed action until April 18, that would give the Mayor, the Aces, and other interested parties a chance to negotiate the contract, which the Public Facilities Advisory Commission felt was a good and workable solution to the situation.

Ms. Fairclough spoke against the motion. She pointed out Mr. Sullivan was absent, and his vote may be crucial. She had a feeling that the reason the Aces have not negotiated the contract was because they felt that the ordinance would be adopted.

Ms. Clementson said she believed that it was best to do public business on the night of the public hearing and not to postpone it. She pointed out that they had the public testimony and she felt they should remove this pending threat and let the negotiations proceed unimpeded. She felt they should follow the advice of the Public Facilities Advisory Commission and try to negotiate a contract. She urged the Assembly not to postpone this matter.

Mr. Tremaine pointed out that the Homebuilders Association had also experienced difficulties and hoped that the Administration would also negotiate with them to alleviate future conflicts.

Ms. Abney said she supported the postponement. She felt it would give the Administration and the users time to work on a solution. If they were not able to work something out, then the Assembly could consider the matter.

Question was called on the motion to postpone AO 99-135(S-1) until April 18 and it failed:

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

Question was called on the motion to approve AO 99-135(S-1) as amended and it failed:

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

Ms. Fairclough moved, to enter reconsideration on the minutes.  
seconded by Mr. Tesche,

(Clerk's Note: See minutes of March 21, 2000 for further action.)

The Assembly then considered a special order.

Ordinance No. AO 2000-59, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Sections 9.18.030 regarding **stop or yield signs** at through streets, and Section 9.18.040 regarding stop or yield signs at other intersections to allow for placement of signs at the request of

community councils in residential zoning districts, Assemblymembers Taylor, Abney, Tesche, and Tremaine. **(LAID ON THE TABLE)**

Ms. Taylor, Mr. Tesche and Ms. Abney joined in introducing this ordinance. The public hearing was scheduled for April 18, 2000.

Ms. Clementson moved, to change the orders of the day to take up item 12.I,  
seconded by Mr. Kendall, AO 2000-11.  
and it passed without  
objection,

Ms. Clementson moved, to postpone the public hearing on item 12.I, AO 2000-11,  
seconded by Mr. Wuerch, until the first meeting in July, 2000.  
and it passed without  
objection,

Mr. Kendall moved, to change the orders of the day to take up item 12.G,  
seconded by Mr. Tremaine, AO 2000-52.  
and it passed without  
objection,

**Ordinance No. AO 2000-52**, an ordinance of the Municipality of Anchorage **authorizing the Heritage Land Bank (HLB) to sell via sole source Lot 3, Section 36, T16N, R1W, Seward Meridian**, a 40-acre portion of HLB Parcel No. 1-004, generally located southwest of Edmonds Lake in Peters Creek, to the Boy Scouts of America, Western Alaska Council, for market value, Heritage Land Bank.

1. Assembly Memorandum No. AM 183-2000.

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

CLARK FARR, Scout Executive of the Boy Scouts of America, local council, noted they had been working on this project for several years. They have two camp properties located in the Mirror Lake area, and the 40 acres they are seeking to purchase would connect those two properties. He said there had been a lot of housing development around their camps and they have had problems with people building up against their properties and trespassing. He explained they were trying to consolidate their borders to protect against encroachment and development in the future. He said a lot of boys participated in their programs and they were trying to further the development of youth and their programs for camping.

In response to Mr. Tremaine, Mr. Farr addressed allegations that the Boy Scouts discriminated against atheists and gays.

In response to Mr. Kendall, Mr. Tremaine said that earlier this evening they had signed a pledge of mutual respect, and his question related to that pledge.

Mr. Kendall felt the question was not in order.

Chairman Meyer ruled that Mr. Tremaine’s question was in order.

Mr. Kendall appealed the ruling of the Chair.

Question was called whether to uphold the ruling of the Chair and it passed:

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

In response to Mr. Tremaine, Mr. Farr said the Scouts do pledge respect to one another, celebrate the differences that make people unique including customs, spiritual beliefs, cultures, color, dreams, and ancestral traditions. He said the Boy Scouts of America uphold this in every respect. He explained they also believed it was their Constitutional right as a private membership organization to set the standards of membership for their organization. He said they did not feel they should be forced to accept people in leadership positions who do not represent the family values and the cultural values that Scouts uphold. He said they were open to anyone, youth or adult, who chose to abide by their membership standards. He noted they expect their members to take the Scout oath that begins with “On my honor, I’ll do my duty to God...”; if a person can state that oath, they are welcome to be members of the organization. They did not feel that leaders who chose a homosexual lifestyle were good examples for America’s youth, therefore they do not allow for the registration of those individuals in their organization.

Ms. Clementson thanked Mr. Farr, and explained she misunderstood the earlier vote. She did not support the ruling of the Chair.

ANDY COMPTON said he was a senior at Dimond High School and last year he earned his Eagle Scout rank. He said scouting had been a very important part of his life and helped him to learn the importance of character. He said he had spent a total of five summers attending Scout Camp as a camper and two additional summers as a staff member. While working at Camp Gorsuch he discovered why it was important to maintain the property between the two camps. Each week the Cub Scouts would take a major walk from Camp Karlquist to Camp Gorsuch to see the difference between the Cub Scout program and the Boy Scouts, which encouraged them to continue with the program. He pointed out that having the camp close to Anchorage encouraged more adults to participate in their children’s lives. He felt the sale of this property would help to maintain the area for the Boy Scouting program. He felt it was important to maintain a wilderness atmosphere at the camps. He pointed out that one part of the camp was close to a developed subdivision and this caused problems with pets and trespassers. He felt the proposed sale of the property would help improve the likelihood the camp will continue operation.

VAL MOLLENEUX said he was Vice President of Properties for the Boy Scouts, Western Alaskan Council. He said he was in the scouts as a youth, as a Queen Scout in Britain. He said scouting influenced the values he holds now. He pointed out that this opportunity was unique. He said the subject property was necessary for them to maintain a wilderness experience and to allow them to work successfully on the COPE course. The COPE course was a total outdoor experience, which helps teens work together to solve team challenges. He said they had over 800 people in the COPE course from the Anchorage schools, both boys and girls, and it has proved very successful.

In response to Mr. Wuerch, Mr. Molleneux said they would be paying the fair market value for the land and had no reservations about that.

GREG CHAMPION noted the sale was sole source. There were two appraisals done on the property, and fair market value of the property was determined to be \$80,000. He confirmed they were willing to pay that amount. He clarified they were also willing to sign a covenant that would turn the property back to the Municipality if it were ever used for anything other than a scout operation.

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

Mr. Kendall moved, to adopt AO 2000-52.  
seconded by Ms. Fairclough,

Mr. Kendall noted this was a request to make an exception to the law, which states the Heritage Land Bank should sell land by competitive bid. He felt there was justification for the exception. He pointed out the organization was willing to pay fair market value and the Boy Scouts, a non-profit organization, would use the land for the general public good. The reversion clause would allow the land to return to the Municipality if the Scouts were not using it anymore. He felt it was appropriate to adopt this ordinance.

Mayor Mystrom said the Municipality had been very supportive of the Scouts and had worked closely with them. He encouraged support of the ordinance for the same reasons that Mr. Kendall stated.

Mr. Tremaine said he did not like sole source contracts, yet they kept coming up with groups that were worthy of consideration for sole source. He pointed out that the Scouts did many good things, but he would be voting against this on philosophical grounds.

Question was called on the motion to adopt AO 2000-52 and it passed:

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

NAYS: Tremaine.

The Assembly then continued with 11.B.

- B. Ordinance No. AO 99-114, an ordinance of the Anchorage Assembly **formally adopting the goals and objectives of the Anchorage Bowl Comprehensive Plan**, Assemblymembers Taylor, Tesche, Tremaine, and Abney.
  - 1. Assembly Memorandum No. AM 724-99.  
(CONTINUED FROM 10-19-99, 2-15-99, AND 2-22-00)

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

Mr. Tesche moved, to postpone action on AO 99-114 until April 18, 2000.  
seconded by Mr. Tremaine,

Ms. Von Gemmingen moved, to substitute a motion to postpone action  
seconded by Ms. Clementson, indefinitely.

Ms. Von Gemmingen said they had been considering this since August of 1999. She noted the Comprehensive Plan would be introduced to the public Monday. She felt the draft covered most of the points brought out by the citizen committees and the Plan was on the right track. She would hate to have this ordinance derail it. She pointed out that their main goal was to get the Comprehensive Plan finished as soon as possible and she felt they needed to be working in that direction.

Ms. Taylor said she was against postponing the goals and objectives indefinitely. She pointed out that many people put in a lot of effort on these goals and objectives. She felt that passing the ordinance would validate the process, but dismissing it would indicate that citizens' efforts had been in vain. She felt that would set a bad precedent.

Mr. Tesche felt this would be an important vote for the Assembly and he urged members to slow down and consider the effort that was undertaken by hundreds of citizens in putting together the goals and objectives. He pointed out that these were private citizens who worked, uncompensated, for the Municipality and their neighborhoods. He felt that if they postponed it indefinitely, they would be saying "thank you very much and goodbye." He pointed out that the very goals and objectives, which are the subject of this ordinance, were recommended for approval by the Municipal Planning and Zoning Commission. He said these goals and objectives were before the Assembly in the context of an ordinance, which they had postponed repeatedly in order to give the Administration and the Planning Department an opportunity to finish their work on the Comprehensive Plan. He noted currently, there was no one who could get a copy of the Comprehensive Plan. He felt that the Assembly had delayed passage of the original goals and objectives recommended by the Planning & Zoning Commission upon the Administration's promise that those goals and objectives would be woven into the text of the Comprehensive Plan. He pointed out that once they had an opportunity to see the Comprehensive Plan, then they could

verify that the goals and objectives were included in it. He said he would be voting against postponing indefinitely. He said he would vote in favor of the consistent policy and agreement that the Assembly has had with the Administration to delay action on this so that they could see the Comprehensive Plan to assure everyone that the goals and objectives were included in the plan.

Mr. Wuerch felt there was a misunderstanding that postponement would invalidate the work product. He pointed out that the goals and objectives still remain a work product for use in the preparation, development, and final drafting of the Comprehensive Plan. He said they were only questioning whether the Assembly should put a stamp of approval on it, which was moot at this point. He said he would support the motion to substitute so the Assembly could discuss it.

Ms. Von Gemmingen said the validation of the many hours that were put in by the various volunteers meant that their recommendations were in the Comprehensive Plan. She said they had several presentations by the Department of Community Planning and Development showing where these were and how they were woven into the Comprehensive Plan. She felt that was the best validation of the hundreds of hours of work that went into this from community volunteers.

Ms. Clementson said the Assembly had not considered the possibility that the Assembly could decide to change the goals and objectives before the Planning and Zoning Commission votes on it. She felt the absolute validation would be the Comprehensive Plan itself. She pointed out that this issue had been an issue since August and they have not heard people testifying about the importance of adopting the ordinance.

In response to Ms. Abney, Executive Manager Elaine Christian explained the Planning and Zoning Commission approved the draft goals and objectives, and sent them to the Assembly as an informational item. They did not request any action.

Mr. Tesche recalled the Planning and Zoning Commission did pass a resolution urging or recommending the adoption of the goals and objectives as part of the 2020 Plan. The Planning and Zoning Commission approved that resolution, but the matter itself was presented to the Assembly as an informational memorandum.

Mr. Wuerch moved, to postpone the question of substitution  
seconded by Mr. Tesche, to April 18, 2000.

Chairman Meyer ruled Mr. Wuerch’s motion was out of order.

Question was called on Ms. Von Gemmingen’s motion to substitute and it failed:

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

Ms. Clementson spoke against the motion to postpone.

Question was called on the motion to postpone action on AO 99-114 until April 18, 2000 and it passed:

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

12. NEW PUBLIC HEARINGS:

- A. Resolution No. AR 2000-37, a resolution of the Municipality of Anchorage appropriating \$128,797 from the Alaska Department of Labor and Workforce Development for **PY99 State Training and Employment Program** additional new funds within the State Categorical Grants Fund (231), Community Planning and Development.
1. Assembly Memorandum No. AM 184-2000.

Chairman Meyer 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 2000-37.  
seconded by Ms. Clementson,

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

- B. Ordinance No. AO 2000-34, an ordinance of the Anchorage Municipal Assembly **continuing or reestablishing the Anchorage Memorial Park Cemetery Advisory Board** pursuant to Anchorage Municipal Code Section 4.05.150, Municipal Clerk.
1. Assembly Memorandum No. AM 113-2000.

Chairman Meyer 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 2000-34.  
seconded by Ms. Fairclough,

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

to postpone action on AO 2000-34 until March 21, 2000  
pending a report from the Board.

- C. Ordinance No. AO 2000-41, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 7.20.060, **Competitive Sealed Proposals, Negotiated Procurement**, to add a new subsection relating to liability for payment of legal services rendered before contracts for such services are awarded and funds are appropriated, Assemblymember Tesche.
1. Assembly Memorandum No. AM 136-2000.
  2. Information Memorandum No. AIM 22-2000, Purchasing.

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

Mr. Tesche moved,  
seconded by Ms. Taylor,

to adopt AO 2000-41.

Mr. Tesche explained the ordinance resulted from the manner in which the Municipality handled procurement of legal services in connection with a lawsuit, which has now been settled. He said he had prepared an ordinance that made it clear that if a contractor began work for the Municipality before a contract has been let, in accordance with Municipal procedures, the Municipality was not liable for that work. He pointed out that there was a memorandum from the Administration that opposed the ordinance, but there was some confusion in that memorandum. He felt they needed to add an additional section in the Code to clarify that if a legal contractor started work on a legal matter for the Municipality before a proper contract was let, that contractor was running the risk that they may not be paid for those services. He urged the Assembly to adopt this ordinance.

Ms. Von Gemmingen felt this was a very complex issue. She acknowledged some Assemblymembers were not happy with the legal bill on that recent lawsuit, but that situation was out of the ordinary. She felt that the process has worked for many years and it should remain unchanged.

Question was called on the motion to approve AO 2000-41 and it failed:

AYES: Tremaine, Tesche, Taylor, Meyer.

NAYS: Kendall, Wuerch, Fairclough, Abney, Von Gemmingen.

(Clerk's Note: Ms. Clementson was out of the room at the time of the vote. Notice of Reconsideration was given on this action. See minutes of March 21, 2000 for further action.)

- D. Ordinance No. AO 2000-53, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 2.30.040, **Appearance Request**, to change the deadline requirement for placement before Assembly after acceptance from 14 days to seven days, Assemblymember Taylor.
1. Assembly Memorandum No. AM 248-2000.

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

ANDREE McLEOD said she hoped this ordinance would not remove the discretion of the Chair to approve last-minute appearance requests. She said on the surface this seemed like a wonderful ordinance, but she felt there were real problems in Anchorage and regardless of how much time citizens were given to testify, if their comments fell on deaf ears it would not make any difference.

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

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

to continue the public hearing for AO 2000-53 until  
April 18, 2000.

- E. Ordinance No. AO 2000-50, an ordinance amending Title 23, Section 23.25.315.0 of the Anchorage Municipal Code and **providing for a change in the use of the size of backfill materials for plumbing bedding and backfill of cast iron drain, waste and vent piping**, Public Works.
1. Assembly Memorandum No. AM 181-2000.

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

Ms. Abney moved,  
seconded by Ms. Fairclough,

to adopt AO 2000-50.

Mr. Tremaine said he wanted to point out the economic effects of this ordinance. The ordinance will allow use of larger fill, which was less expensive. He said this should reduce the cost of construction, which was the economic impact. He felt if economic impact analyses were required to accompany legislation, they should appear with the legislation.



Question was called on the motion to approve AO 2000-50 and it passed:

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

- F. Ordinance No. AO 2000-51, an ordinance amending Title 23, Section 23.85.315.2 of the Anchorage Municipal Code and **providing for a change in the guardrail spacing on open sides of stairways in residential dwellings**, Public Works.  
1. Assembly Memorandum No. AM 182-2000.

Chairman Meyer 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 2000-51.  
seconded by Ms. Clementson,

In response to Mr. Tremaine, Public Works Director Jim Fero said the National Code had reduced guardrail spacings to four inches, and the ordinance would allow four and three-quarter inches on stairs only, but not on balconies. He said the size of a small child's head was around four to five inches. He said three balusters on a stair was not esthetically pleasing.

In response to Ms. Fairclough, Public Works Director Jim Fero said the average size of a walking-age child's head was much more than four to four and three-quarters inches in diameter. He pointed out that this was only for stairs and he did not feel it was appropriate for parents to allow crawling children on stairs. He felt the chance of them falling down the stairs and getting hurt was much greater than putting their heads through the balusters. He reiterated this did not apply to a balcony with a flat surface, but only applied to stairs.

Ms. Clementson pointed out many times people do not allow their children on the stairs, they just escape and get there.

Question was called on the motion to adopt AO 2000-51 and it passed:

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

Ms. Clementson moved, to extend the public hearing portion of the meeting to  
seconded by Ms. Abney, complete items 12.H. and 12.J.  
and it passed without  
objection,

- G. Ordinance No. AO 2000-52, an ordinance of the Municipality of Anchorage **authorizing the Heritage Land Bank, HLB) to sell via sole source Lot 3, Section 36, T16N, R1W, Seward Meridian**, a 40-acre portion of HLB Parcel No. 1-004, generally located southwest of Edmonds Lake in Peters Creek, to the Boy Scouts of America, Western Alaska Council, for market value, Heritage Land Bank.  
1. Assembly Memorandum No. AM 183-2000.

This item addressed earlier in the meeting. See after item 11.A.

- H. Resolution No. AR 2000-35, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Beverage Dispensary License) located on Hansen Subdivision, Block 3, Lot 3A, generally located on the south side of West 27<sup>th</sup> Avenue and west of Spenard Road (Matt Jones d.b.a. Film-On Productions, LLC, d.b.a. **Bear Tooth Theatre pub**) (Case 2000-028), Community Planning and Development.  
1. Assembly Memorandum No. AM 172-2000.

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

MATT JONES said he appeared before the Assembly about a year ago to seek conditional use approval on a beer and wine license for this location. Since that time, the State law changed. During its last session, the Legislature passed a law that required them to have a beverage dispensary license for the Moose's Tooth, accept a cap in their brewery production, and have a beverage dispensary license at this location. Mr. Jones explained if they were to keep a supply of beer from their own brewery in their own restaurant, they needed to make sure that all the beer was there during the daytime hours, which never worked out. He said sometimes they needed to run down to their own brewery and grab a couple cases of beer, but under State law they could not do that. Currently, if they needed more beer, they have to call their distributor and wait until the next day for delivery. State law did not allow them to distribute to themselves. Mr. Jones indicated that the restaurant at the Bear Tooth Theater would provide southwestern cuisine, with beer and wine from a license they were approved for in the past. The proposed beverage dispensary license would not change the drink menu much, except they would be able to serve tequila margaritas as well as wine margaritas. He said they tried to find an existing Spenard-area license to purchase, but the only one available belonged to a competitor and it was unlikely they would sell. Mr. Jones noted they already had a liquor license at the Moose's Tooth, but they do not sell hard alcohol there. He said if they were allowed to operate with a beverage dispensary license, the new location would remain the same format as the Moose's Tooth, which is a non-smoking, family oriented restaurant. Beer and wine will be served in the bar, and tequila margaritas will only be served in the restaurant. He distributed a revision to the current site plan, which showed seven bar stools instead of fourteen.

In response to Ms. Clementson, Mr. Jones said he would not object to formal conditions on the license stating that they would sell beer and wine throughout the building and tequila margaritas only in the restaurant. He indicated page 10 of the handout showed plans for landscaping on the lots to the west of their property. He confirmed the new restaurant would create about 100 new jobs. He explained the Moose's Tooth currently provides about 70 jobs. The new restaurant would be about the

size of the Moose’s Tooth plus a theater. He indicated that part of the approval of their permit from Public Works was a requirement for landscaping the property.

In response to Chairman Meyer, Mr. Jones said if there was a Spenard-area license available, they would buy it. The only license available cost \$180,000. They did not have that much money, plus the owner was a competitor and was unlikely to sell.

TOM McGRATH said he was present at the request of Bob Auth, Chair of the Spenard Community Council. Mr. McGrath confirmed the Council had a moratorium on new licenses in the area and had voted to reaffirm that at the last Council meeting. He noted that the Assembly had not respected the moratorium in the past several years if the license was a restaurant that would not seriously contribute to a lot more alcohol in the area. He said the Community Council discussed the conditions mentioned by Ms. Clementson. They voted to oppose the license because of the moratorium, but he felt the conditions were a good solution. Mr. McGrath also spoke from an individual viewpoint, and noted the Assembly has generally not approved speculative conditional use permits, but waited until there was a license in hand. However, this situation seemed like a sure thing. The Bear Tooth put a lot of money into its facility. Because of House Bill 69 that passed last year, the owner was put in a Catch-22 position. He felt any business that brought 100 jobs into Spenard was positive. He reiterated the Council would still oppose a license that was only for a bar.

In response to Mr. Wuerch, Mr. McGrath noted the building has been renovated and it looked really good. He explained last year when he spoke in favor of the beer and wine license for this business, he was speaking on his own behalf and not for the Community Council. He said the Spenard Community Council has not changed its position on the beer and wine license; they still support that. The difference was that the request was now for a full beverage dispensary license. Mr. McGrath felt the applicant had lived up to the expectations of the Council as far as an investment in the community. He said all the comments at the Council meeting were positive, and they felt he was a good businessperson to have in their community. He explained in the past, a lot of liquor licenses from downtown were moved to the Spenard area; Spenard has 27 percent of all liquor licenses in the Anchorage, so the Council tried to take a very firm stance against new beverage dispensary licenses in the Spenard area. He said if this was a bar only, there would be serious opposition. As an individual, he felt this would be a low impact license because of the limited amount of hard alcohol that would be served.

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

Ms. Clementson moved, to approve AR 2000-35.  
seconded by Ms. Von Gemmingen,

Ms. Clementson moved, to amend AR 2000-35 in Section 1 to add a new paragraph #3  
seconded by Mr. Tesche, to read: “Alcoholic beverages other than beer and wine shall  
and it passed without be available only in the restaurant portion of the facility. Beer  
objection, and wine shall be available throughout the entire facility.” and  
renumber the following paragraph accordingly.

Question was called on the motion to approve AR 2000-35 as amended and it passed:

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

- I. Ordinance No. AO 2000-11, an ordinance amending the zoning map and providing for the rezoning from R-5 (Rural Residential) to B-3 (General Business) for the **Arlon Subdivision, Lots 3, 4, 5 and 6**, generally located on the north side of Abbott Road between Golovin Street and Arlon Street (Abbott Loop Community Council) (Planning and Zoning Commission Case 99-061), Community Planning and Development.
  - 1. Assembly Memorandum No. AM 10-2000.

This item was postponed until the first meeting in July, 2000 by a motion passed earlier in the meeting. See after item 11.A.

- J. Ordinance No. AO 2000-31, an ordinance amending the zoning map and providing for the rezoning from R-O (Residential Office District) to PLI (Public Lands and Institutions District) for **Lathrop Subdivision, Tract B-2**; generally located on the south side of East 42<sup>nd</sup> Avenue and west of Lake Otis Boulevard (University Area Community Council) (Planning and Zoning Commission Case 99-194), Community Planning and Development.
  - 1. Assembly Memorandum No. AM 86-2000.

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

Ms. Clementson moved, to adopt AO 2000-31.  
seconded by Ms. Fairclough,

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

**13. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:**

- A. Appeal S-10485, Wild Iris Subdivision, Clerk's Office.

This item addressed earlier in the meeting. See after item 4.

**14. SPECIAL ORDERS:** See after item 11.A.

15. **ASSEMBLY COMMENTS:** None.

16. **UNFINISHED AGENDA:**

- A. Assembly Memorandum No. AM 259-2000, amendment No. 4 to professional consulting services agreement for **Assessment Management System**, Water and Wastewater Utility.

Mr. Tremaine moved, to approve AM 259-2000.  
seconded by Mr. Tesche,

In response to Mr. Tremaine, Anchorage Water and Wastewater Utility General Manager Mark Premo felt the question of the \$200,000 added on to the original \$77,000 contract had been answered appropriately and adequately in the memorandum. He referenced lines 19-23 where this issue was addressed. He pointed out when dealing with an unknown area of development of a project, the full scope of the work is unknown. When the original contract was let, it was explained it was a staged process. As more was learned about the job, subsequent steps in the scope were identified. He noted this was a common technique used in all of their projects. If they knew exactly what the total scope would be when they went out to bid, then they would do it on a hard bid basis. Mr. Premo said originally, they had about \$300,000 budgeted for this project. The difference between \$300,000 and \$400,000 was new technology that came online during the phase of this project.

Question was called on the motion to approve AM 259-2000 and it passed without objection.

- B. Assembly Memorandum No. AM 283-2000, proprietary purchase from Cal Worthington Ford for furnishing **police patrol sedans** to the Municipality of Anchorage, Department of Property & Facility Management/Purchasing.

Mr. Tremaine moved, to approve AM 283-2000.  
seconded by Ms. Taylor,

Mr. Tremaine pointed out he recently purchased a new car and discovered he could save money by shopping on the Internet. He asked if Internet research had been done in this case and the answer was no. He requested that in the future it might be worthwhile to take a little bit of time to research cost savings via the Internet.

Question was called on the motion to approve AM 283-2000 and it passed without objection.

- C. Resolution No. AR 2000-64, a resolution of the Municipality of Anchorage appropriating \$25,000 from Police Service Area Fund (151) Balance **legal services for labor relations activities** for the Anchorage Police Department/Employee Relations.  
1. Assembly Memorandum No. AM 278-2000.

Mr. Tremaine moved, to approve AR 2000-64.  
seconded by Mr. Tesche,

In response to Mr. Tremaine, Employee Relations Director Tom Tierney said appropriation was not an emergency, but the reason for submittal at a late date was paperwork. He said they would be proceeding with this appeal with outside counsel and they hoped the Assembly would approve it.

In response to Mr. Tesche, Mr. Tierney said the Superior Court changed the date for oral argument, and a hearing was scheduled for later this week. He said there was a motion pending in Superior Court by the union to dismiss the case. If that motion was denied, then the case would proceed on its merits. He was not sure if there would be a trial, but rather an appeal on the merits of the arbitrator's ruling. Mr. Tierney said the proposed appropriation was an estimate for all of the legal services necessary to finish this case, however, there can be unexpected expenses in any case. He pointed out that this contract was originally let three years ago for \$25,000. Since then there have been ongoing negotiations and labor issues. As changes came up, they had to ask for amendments to the contract. He said this case was being handled primarily by Perkins Coie's Seattle office because they did the primary work on the penalty phase. Mr. Tierney could not say what the likely chances of success on this case would be.

In response to Mr. Tremaine, Deputy Municipal Attorney Bill Greene said the Seattle attorneys would either be licensed to practice in Alaska or they must be approved by the Court for participation under the sponsorship of a licensed attorney.

In response to Mr. Tremaine, Mr. Tierney reiterated the original contract was not a sole source contract. They issued a Request for Proposal and had responses from several law firms. Perkins Coie was picked based upon their broad range of experience in Alaska and Seattle.

In response to Mr. Tesche, Mr. Tierney said he did not believe there was any progress as far as settlement between the parties. He said an offer had been sent to the union a couple of months ago, but they have received no response.

Question was called on the motion to approve AR 2000-64 and it passed:

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

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

- D. Assembly Memorandum No. AM 288-2000, change order no. 5 to purchase order 74639 with Perkins Coie for **legal services related to public safety activities** involving the Anchorage Police Department, Employees Association (APDEA) for the Municipality of Anchorage/Employee Relations Department.

Mr. Tremaine moved, to approve AM 288-2000.  
seconded by Mr. Tesche,

Mr. Tesche commended the Mayor and the Administration for their efforts in settling some of the cases that have pending for the last couple of years. He reiterated his hope and recommendation this case also be settled by this Administration.

Mayor Mystrom noted they have settled about three-quarters of all the major litigation that they inherited from the previous Administration. He pointed out they also reduced outside attorney fees to about half of what they used to be. The most recent settlement resulted in plaintiffs dropping three major cases against the Municipality and returning \$40,000,000 to the Municipality. In terms of negotiations, they have done very well for the Municipality and they appreciated the Assembly's support. He said they had made an offer in this case and he felt the Superior Court Judge might not allow the full amount that the arbitrator allowed.

Question was called on the motion to approve AM 288-2000 and it passed:

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

- E. Assembly Memorandum No. AM 266-2000, **Sheraton Anchorage Hotel** - Transfer of Ownership and Application of a Restaurant Designation Permit for a Beverage Dispensary Liquor License (Fairview Community Council), Clerk's Office.

Mr. Tremaine moved, to approve AM 266-2000.  
seconded by Mr. Tesche,

In response to Mr. Tremaine, Mr. Champion of the Sheraton Hotel addressed the Assembly. He explained the \$53,000 in outstanding taxes was for personal property taxes that they had not been billed for yet. He said they would be billed next month for those taxes, and they were being asked to pay the \$53,000 in advance of the bill.

In response to Mr. Tremaine, Executive Manager Elaine Christian said it was correct that the personal property taxes had not been billed yet. She did not know the particular status of this account.

Mr. Champion said he had been the General Manager for five years and they have paid their taxes diligently. He pointed out that they had never had a liquor violation. He felt it was not right to be held hostage for the \$53,000. He said the new owners took over in October, and they could use that money toward the \$6,000,000 worth of renovations starting next week.

In response to Mr. Kendall, Municipal Clerk Jane Ferguson noted it was customary when licenses transferred for the Treasury Department to estimate taxes that were not yet due. She said the goal was to obtain payment of taxes by the current business owner. Otherwise, the new owner may object to paying them, arguing the taxes were the responsibility of the previous owner.

Mr. Kendall moved, to amend AM 266-2000 on line 41 to read: "...permit until all  
and it died for lack of a second, taxes are paid."

Ms. Von Gemmingen pointed out that the filing for these taxes was not due until April 20, 2000. She said the mill rate would not be set until early May, 2000 and the taxes themselves are normally due August 15, 2000.

In response to Ms. Clementson, Mr. Champion said if they approved this transfer, they intended to pay the taxes as they have in the past.

Ms. Clementson moved, to extend the meeting to 11:15 p.m.  
seconded by Mr. Tremaine,

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

Ms. Clementson moved, to amend AM 266-2000 on line 40 to read "...of this  
seconded by Ms. Von Gemmingen, memorandum will not protest the transfer ..."  
and it passed without  
objection,

Ms. Clementson moved, to amend AM 266-2000 on line 29 to add a new sentence to  
seconded by Mr. Wuerch, read: "However, these taxes have not yet been billed and  
and it passed without are therefore not due at this time."  
objection,

Question was called on the motion to approve AM 266-2000 as amended and it passed without objection.

- F. Assembly Memorandum No. AM 225-2000, **Planning and Zoning Commission appointment**  
(Thomas Klinker), Mayor's Office.  
(POSTPONED FROM 2-15-00)

- G. Assembly Memorandum No. AM 226-2000, **Platting Board appointment**

- (P. Louise Hooyer), Mayor's Office.  
(POSTPONED FROM 2-15-00)
- H. Assembly Memorandum No. AM 227-2000, Urban Design Commission appointments  
(Bud Hooker, Sanford Rabinowitch), Mayor's Office.  
(POSTPONED FROM 2-15-00)

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

to approve AM 225-2000, AM 226-2000 and AM 227-2000.

(Clerk’s Note: Chairman Meyer left the meeting. Vice Chairman Taylor assumed the Chair.)

- I. Information Memorandum No. AIM 23-2000, MOA Trust fund status, Finance.

Mayor Mystrom gave an update on the status of the MOA Trust fund. He noted in 1999 \$8.8 million was received as a dividend from the Anchorage Telephone Utility. They used \$9.4 million as their goal, because that was the most they had ever received, and that was what they hoped to earn in a typical year. He said they only had six or seven months to work with, so their projection was \$4.1 million. Instead of \$4.1 million, the fund earned \$9.6 million in the last seven months of this year. That will allow another \$200,000 to be put into the fund that will help reduce taxes. In addition to that, they have not even touched the reserve fund, which has about \$16.9 million. If things continue on this course, the fund earnings for the next year would be about \$19.2 million. He felt the situation was very good, and there will be more details after the 1<sup>st</sup> quarter budget revision.

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

to accept AIM 23-2000.

17. AUDIENCE PARTICIPATION: None.

18. EXECUTIVE SESSIONS: None.

19. ADJOURNMENT:

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

to adjourn.

The meeting adjourned at 11:09 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: May 16, 2000

LF/kron

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