

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of March 21, 2000

1. CALL TO ORDER:

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

2. ROLL CALL:

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

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Mr. Sullivan.

4. MINUTES OF PREVIOUS MEETING:

A. Regular Meeting - February 15, 2000 (Continued to 2-22-00)

This item addressed later in the meeting. See after item 6.

5. MAYOR'S REPORT: None.

6. ADDENDUM TO AGENDA:

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

Chairman Meyer read the addendum items.

Mr. Kendall moved, to add AR 200-78, regarding Beach Lake Park, to the agenda
seconded by Mr. Wuerch, under item 7.C.
and it passed without objection,

Mr. Tremaine moved, to add AR 200-79, regarding school designs, to the agenda
seconded by Mr. Tesche, under item 7.C.
and it passed without objection,

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

The Assembly then returned to item 4, Minutes of Previous Meetings.

Mr. Tesche moved, to correct the minutes of the regular meeting of February 15,
seconded by Ms. Taylor, 2000 on page 11, line 32, to reflect the correct maker of the
motion to postpone action on AM 189-2000, if necessary.

Mr. Tesche questioned whether Municipal Manager George Vakalis had the authority to make motions.

Mr. Vakalis said he did not object to the motion.

In response to Mr. Kendall, Municipal Attorney Mary Hughes said she would research whether Mr. Vakalis had the authority to make a motion in the Mayor's absence.

See further action on this item later in the meeting, after item 7.E.

7. CONSENT AGENDA:

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

A. BID AWARDS:

1. Assembly Memorandum No. AM 315-2000, recommendation of award to Potelcom and WESCO for furnishing **electrical cables and conductors** to the Municipality of Anchorage, Municipal Light and Power (ITB 20-B012), Purchasing.

2. Assembly Memorandum No. AM 316-2000, recommendation of award to Lynx Construction for **Fire Station #12 dispatch renovation** for the Municipality of Anchorage, Property and Facility Management (ITB 20-C001), Purchasing.

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

3. Assembly Memorandum No. AM 341-2000, recommendation of award to Neeser Construction, Inc. for **construction of a new Anchorage jail** for the Municipality of Anchorage, Property & Facility Management Department (ITB 99-C079), Purchasing.
 - a. Information Memorandum No. AIM 31-2000, decision of the Bid Review Board regarding protest by Gaston & Associates of the proposed award to Neeser Construction for construction of the New Anchorage Jail (ITB 99-C079), Purchasing. (**addendum**)

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

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2000-35, an ordinance of the Anchorage Municipal Assembly **continuing or reestablishing the Housing and Neighborhood Development Commission** pursuant to Anchorage Municipal Code Section 4.05.150, Municipal Clerk. public hearing 4-18-00.
 - a. Assembly Memorandum No. AM 114-2000.

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

2. Ordinance No. AO 2000-36, an ordinance of the Anchorage Municipal Assembly **continuing or reestablishing the Municipal Health and Human Services Commission** pursuant to Anchorage Municipal Code 4.05.150, Municipal Clerk. public hearing 4-18-00.
 - a. Assembly Memorandum No. AM 115-2000.

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

3. Resolution No. AR 2000-50, a resolution of the Municipality of Anchorage providing for a **revision of the 2000 General Government Operating Budget**, Office of Management and Budget. public hearing 4-25-00.
 - a. Assembly Memorandum No. AM 250-00.
4. Ordinance No. AO 2000-56, an ordinance **setting the rate of tax levy and levying taxes** for the Municipality of Anchorage Areawide General Purposes including municipal schools and all service areas of the Municipality for the Municipal Tax Year 2000, Office of Management and Budget. public hearing 4-25-00.
 - a. Assembly Memorandum No. AM 251-2000.
5. Ordinance No. AO 2000-60, an ordinance providing for the **public purpose retention and the donation of Lots 6 and 7, Block 3, McWilliams Subdivision**, Parcel Nos. 005-013-18 and 005-013-19, two vacant lots on Lane Street, Anchorage, Alaska (Exhibit A), to Habitat for Humanity, Inc., a nonprofit corporation for their program to develop affordable housing for the private sector, Real Estate Services/Heritage Land Bank. public hearing 4-18-00.
 - a. Assembly Memorandum No. AM 304-2000.
6. Ordinance No. AO 2000-61, an ordinance amending the zoning map and providing for the rezoning from B-3SL (General Business) with Special Limitations to B-3SL (General Business) with Special Limitations for **Kirchner Addition Subdivision, Lots 22 and 23**, generally located on the west side of Barbara Drive and north of Spenard Road (Spenard Community Council) (Planning and Zoning Commission Case 99-212), Community Planning and Development. public hearing 4-25-00.
 - a. Assembly Memorandum No. AM 305-2000.
7. Ordinance No. AO 2000-62, an ordinance **repealing Ordinances 80-156 and 82-201 concerning Tracts D-1, D-2, D-3 and D-4, Tudor Centre Subdivision** and amending the zoning map and providing for the rezoning from R-O/SL (Residential Office with Special Limitations) to R-O/SL (Residential Office with Special Limitations) for Tracts D-1, D-2, D-3 and D-4, Tudor Center Subdivision, generally located north of Tudor Centre Drive and east of Bragaw Street (University Community Council) (Planning and Zoning Commission Case 99-166)), Community Planning and Development. public hearing 4-25-00.
 - a. Assembly Memorandum No. AM 306-2000.
8. Ordinance No. AO 2000-63, an ordinance amending the zoning map and providing for the rezoning from R-1 (One-Family Residential District) to PLI (Public Lands and Institutions) for **Rogers Park Subdivision, Block 35**, generally located on the south side of East Northern Lights Boulevard and east of Redwood Place (Rogers Park Community Council) (Planning and Zoning Commission Case 99-210), Community Planning and Development. public hearing 4-25-00.
 - a. Assembly Memorandum No. AM 317-2000.
9. Ordinance No. AO 2000-64, an ordinance amending the Anchorage Municipal Code Sections 14.60.030, 24.30.020 and 24.30.100 to **allow the Administrative Hearing Officer to assess fines for using or working in a public place without the appropriate permit or in violation of the permit**, and to clarify the interpretation of Anchorage Municipal Code Section 24.30.100, Public Works. public hearing 4-18-00.
 - a. Assembly Memorandum No. AM 318-2000.
10. Ordinance No. AO 2000-65 an ordinance of the Municipality of Anchorage terminating the existing **Anchorage Police and Fire Retirement System**; transferring assets of the terminated system to a new Anchorage Police and Fire Retirement System; providing for distribution of certain surplus assets of the terminated system; repealing Chapter 3.85, Anchorage Municipal Code in its entirety;

enacting a new Chapter 3.85; Anchorage Municipal Code; providing for a transition of authority for management of the new retirement system, providing for severability and an effective date, Police and Fire Retirement System. public hearing 4-18-00.

a. Assembly Memorandum No. AM 319-2000.

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

11. Resolution No. AR 2000-72, a resolution of the Municipality of Anchorage **accepting the sum of \$40,000,000 from the Police and Fire Retirement System** as a contribution to the MOA Trust Fund (730), Finance. public hearing 4-18-00.
a. Assembly Memorandum No. AM 337-2000.
12. Ordinance No. AO 2000-66, an ordinance repealing Anchorage Municipal Code 16.70, **Child Care and Educational Center Food Regulations**, and amending Chapter 16.60 of the Anchorage Municipal Code, Anchorage Food Code, to incorporate regulations for food service at licensed childcare and educational facilities, Health and Human Services. public hearing 4-18-00.
a. Assembly Memorandum No. AM 338-2000.
13. Resolution No. AR 2000-67, a resolution of the Municipality of Anchorage appropriating the sum of \$110,000 from the U.S. Environmental Protection Agency and \$323,000 as a cash match from the 2000 Department of Health and Human Services Operating Budget to the Federal Categorical Grants Fund (241) for the **operation of the Anchorage Air Pollution Control Agency**, Health and Human Services. public hearing 4-18-00.
a. Assembly Memorandum No. AM 307-2000.
14. Resolution No. AR 2000-73, a resolution of the Municipality of Anchorage appropriating \$398,800 of anticipated ambulance service fees and \$27,180 of anticipated collection recoveries to the Areawide (101) Fund for **payment of associated outside contract collection costs**, Anchorage Fire Department/ Finance. public hearing 4-18-00.
a. Assembly Memorandum No. AM 339-2000.
15. Ordinance No. AO 2000-67, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Subsection 16.60.050 M., regarding the **criteria for waiving permit fees for charitable operations and organizations operating a food establishment**, Assemblymember Kendall. public hearing 4-18-00. **(addendum)**
a. Assembly Memorandum No. AM 348-2000.
16. Ordinance No. AO 2000-68, an ordinance amending Anchorage Municipal Code Title 2 by enacting a new Chapter 2.35 to **regulate lobbying in municipal legislative and administrative actions** by providing for registration of lobbyists and reporting of lobbying activities and finances and prohibiting specified activities and actions, providing penalties for violations thereof and establishing procedures and implementing provisions, Legal Department. public hearing 4-18-00. **(addendum)**
a. Assembly Memorandum No. AM 350-2000.
17. Ordinance No. AO 2000-69, an ordinance amending Title 21 of the Anchorage Municipal Code of Ordinances **amending the B-3 General Business District by adding mini-storage and vehicle storage facilities as conditional uses**, providing for conditional use standards for vehicle storage facilities, and defining vehicle storage facility, Assemblymember Kendall. **PUBLIC HEARING DATE TO BE DETERMINED. (addendum)**
a. Assembly Memorandum No. AM 351-2000.

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

18. Ordinance No. AO 2000-70, an ordinance **approving the Municipal School District's disposal by demolition of the former Muldoon Elementary School and the former Russian Jack Elementary School buildings**, Assemblymembers Clementson and Taylor. public hearing 4-18-00. **(addendum)**
19. Ordinance No. AO 2000-71, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 21 regulating **community and local interest towers**, Assemblymembers Von Gemmingen, Tremaine, and Taylor. public hearing ~~4-18-00~~ 5-23-00. **(addendum)**

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

20. Resolution No. AR 2000-77, a resolution **authorizing eminent domain proceedings and acceptance of the Decisional Document, Part III, for the construction of the 15th Avenue Safety Improvements, Ingra Street to Sitka Street, Part 2**, Public Works. public hearing 4-18-00. **(addendum)**
a. Assembly Memorandum No. AM 353-2000.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2000-49, a resolution **appointing election officials for the Regular Election of April 4, 2000**, Municipal Clerk.
2. Resolution No. AR 2000-68, a resolution of the Municipality of Anchorage providing for the appropriation of a grant totaling \$5,000 from the Rasmuson Foundation to the Miscellaneous Operational Grants Fund (261) for the **purchase of library books for the Loussac Children's Literature Collection**, Cultural and Recreational Services/Library.
a. Assembly Memorandum No. AM 308-2000.
3. Resolution No. AR 2000-69, a resolution of the Anchorage Municipal Assembly appropriating the sum of \$100,000 from **seized and forfeited monies awarded from criminal narcotics cases** by

- the U.S. Drug Enforcement Agency, to the Police Investigation Fund (0257) for use by the Anchorage Police Department.
- a. Assembly Memorandum No. AM 309-2000.
 4. Resolution No. AR 2000-70, a resolution **requesting FY 2001 Safe Communities funding** from the Department of Community and Economic Development, Office of Management and Budget.
 - a. Assembly Memorandum No. AM 310-2000.
 5. Resolution No. AR 2000-71, a resolution authorizing the Municipality to **grant an electrical easement across a portion of Tract D-1, Woronzof Tracts Subdivision, NE 1/4 and SE 1/4 of Section 29, T13N, R4W, Seward Meridian, Tax Code #010-401-36**, Public Works Department.
 - a. Assembly Memorandum No. AM 334-2000.
 6. Resolution No. AR 2000-74, a resolution of the Municipality of Anchorage appropriating \$30,970 of anticipated fire inspection fee revenue to the Anchorage Fire SA (131) fund and contributing \$17,700 to the Areawide (101) Fund to **cover the costs of collecting the fees**, Anchorage Fire Department/ Finance.
 - a. Assembly Memorandum No. AM 342-2000.
 7. Resolution No. AR 2000-75, a resolution of the Municipality of Anchorage appropriating \$33,220 from the Areawide General (101) Fund Balance to **print the public review version of the Anchorage 2020/Anchorage Bowl Comprehensive Plan**, Community Planning and Development. (**addendum**)
 - a. Assembly Memorandum No. AM 345-2000.

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

8. Resolution No. AR 2000-76, a resolution of the Anchorage Municipal Assembly **recognizing and thanking Kevin Waring for his role in planning for Anchorage's future**, Assemblymembers Taylor, Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Tesche, Tremaine, Von Gemmingen, and Wuerch. (**addendum**)

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

9. Resolution No. AR 2000-78, a resolution **finding that the value of the consideration required from the Alaska Railroad Corporation pursuant to the land exchange authorized by AO 2000-42(S) at Beach Lake Park exceeds the fair market value of the fee simple interest of the park land** to be conveyed by the Municipality, Assemblymember Kendall. (**LAID ON THE TABLE**)
 - a. Assembly Memorandum No. AM 355-2000.

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

10. Resolution No. AR 2000-79, a resolution of the Anchorage Municipal Assembly **reaffirming its authority for final approval of school designs**, Assemblymember Tremaine. (**LAID ON THE TABLE**)

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 336-2000, **Women's Commission appointment** (Vickie Glenzer), Mayor's Office.
2. Assembly Memorandum No. AM 335-2000, **Jewel Lake Pizza & Tea Garden** - Transfer of Ownership and Application for a Restaurant Designation Permit for a Restaurant/Eating Place Liquor License (Sand Lake Community Council), Clerk's Office.
3. Assembly Memorandum No. AM 311-2000, proprietary purchase of various suppliers to **support power generation plant operations** for the Municipality of Anchorage, Municipal Light and Power/Purchasing.
4. Assembly Memorandum No. AM 312-2000, recommendation of award to CRW Engineering Group for providing professional engineering services for the **Middle Fish Creek Sewer Trunk Design** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (RFP 99-P045), Purchasing.
5. Assembly Memorandum No. AM 313-2000, amendment No. 3 to the professional services agreement with GeoNorth, Inc. for 1998 term contract for professional **Geographic Information System services**, Water and Wastewater Utility.
6. Assembly Memorandum No. AM 314-2000, request approval to enter into 1% for Art agreement with Kim Brown for **artwork selected by an art selection jury for the Dempsey Anderson Ice Arena Addition**, Cultural and Recreational Services.
7. Assembly Memorandum No. AM 320-2000, change order No. 4 to purchase order 73098 to Strategic Supply for providing **Spiewak parkas and liners** to the Municipality of Anchorage, Fire Department/Purchasing.
8. Assembly Memorandum No. AM 321-2000, proprietary purchase of **computer hardware maintenance and software license renewal** from Unisys Corporation for the Municipality of Anchorage, Anchorage Police Department/ Purchasing.
9. Assembly Memorandum No. AM 322-2000, proprietary purchase of a **promotional process system** from Justex Systems, Inc. for the Municipality of Anchorage Police Department/Purchasing.
10. Assembly Memorandum No. AM 323-2000, sole source contract for providing **certified training** with PeopleSoft for the Municipality of Anchorage, Management Information Systems Department (MISD), Purchasing.

11. Assembly Memorandum No. AM 324-2000, proprietary purchase of **computer software products** from BMC Software for the Municipality of Anchorage, Management Information Systems Department (MISD), Purchasing.
12. Assembly Memorandum No. AM 325-2000, change order No. 1 to purchase order 993139 with Resource Support Associates for providing **computer consultant personnel** to the Municipality of Anchorage, Management Information Systems Department/Purchasing.
13. Assembly Memorandum No. AM 326-2000, change order No. 7 to purchase order 42576 with the United States Air Force for **lease of Tract EE** by the Municipality of Anchorage, Port of Anchorage/Purchasing.
14. Assembly Memorandum No. AM 327-2000, amendment No. 4 to purchase order 72975 with CEF, Inc. dba Sonshine Enterprises for furnishing **year round road maintenance services** for the Municipality of Anchorage, Public Works Department/Purchasing.
15. Assembly Memorandum No. AM 328-2000, change order No. 1 to purchase order 996135 with Crossroads Leadership Institute for providing **strategic planning and competitive assessment training** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility/Purchasing.
16. Assembly Memorandum No. AM 329-2000, sole source with Wilder Construction Company for the **Anchorage Loop Water Transmission Line, Phase VI, Minnesota Crossing**, for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (AWWU), Purchasing.
17. Assembly Memorandum No. AM 330-2000, change order No. 1 to the contract with GGL, Inc. for the **Fire Training Center remodel**, Property and Facility Management.
18. Assembly Memorandum No. AM 331-2000, contract amendment No. 1 to Black-Smith & Richards, Inc. for **market value appraisal services** in support of right of way acquisition on the 15th Avenue Improvements, Ingra to Orca Street, Bond Project, RFP 41-98, Public Works.
19. Assembly Memorandum No. AM 332-2000, **Eagle River Reservoir and Eagle River Water Main Improvements** - contract for professional engineering services with R&M Consultants, Inc., Amendment No. 3, Water and Wastewater Utility.

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

20. Assembly Memorandum No. AM 333-2000, amendment No. 1 to the professional services agreement with CRW Engineering Group for **1998 term contract for professional engineering**, Water and Wastewater Utility.
21. Assembly Memorandum No. AM 343-2000, amendment 1 to professional services agreement with Westin Engineering Inc., for the **update of AWWU's Information Technology Master Plan**, Anchorage Water & Wastewater.
22. Assembly Memorandum No. AM 344-2000, change order No. 2 to construction contract with Summit Paving & Construction, Inc. for **Russell's Field playfield improvements**, Cultural and Recreational Services.

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

23. Assembly Memorandum No. AM 346-2000, change order No. 1 to purchase order 200338 with Professional Colorgraphics for providing **printing services** for the Municipality of Anchorage, Department of Community Planning and Development/Purchasing. **(addendum)**

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

24. Assembly Memorandum No. AM 347-2000, change order No. 3 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)**

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 28-2000, **Election Data Processing Review Board** (David Michael Jones), Municipal Clerk.
2. Information Memorandum No. AIM 24-2000, **Internal Audit Department - 1999 Annual Report**, Internal Audit.
3. Information Memorandum No. AIM 26-2000, Internal Audit Report 2000-2 - **1999 Parts, Tires and Lubricants Inventory, Fleet Services Division, Property and Facility Management**/Internal Audit.
4. Information Memorandum No. AIM 27-2000, Internal Audit Report 2000-3 - **1999 Parts, Fuel and Lubricants Inventory, Public Transportation Department**/Internal Audit.

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

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

The Assembly then returned to item 4, approval of the minutes.

In response to Chairman Meyer, Municipal Attorney Mary Hughes confirmed the Municipal Manager had the authority of the Mayor in his absence.

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

to approve the minutes of the regular meeting of
February 15, 2000.

8. REGULAR AGENDA:

A. TIME CRITICAL ITEMS: None.

B. BID AWARDS:

1. Assembly Memorandum No. AM 316-2000, recommendation of award to Lynx Construction for **Fire Station #12 dispatch renovation** for the Municipality of Anchorage, Property and Facility Management (ITB 20-C001), Purchasing.

Mr. Tremaine moved,
seconded by Mr. Sullivan,

to approve AM 316-2000.

In response to Mr. Tremaine, Municipal Manager George Vakalis explained the Police and Fire Dispatch Centers have not been co-located for several years. The monies collected as a result of a State law go to the Police Department, who maintains the 911 system. The dispatch at Fire Station 12 was the new computer aided dispatch system, which would marry with the Police Department's system and allow incoming calls to be electronically transferred to the Fire Station. He was not sure if the new system would change staffing, but it would make the system faster.

Question was called on the motion to approve AM 316-2000 and it passed without objection.

2. Assembly Memorandum No. AM 341-2000, recommendation of award to Neeser Construction, Inc. for **construction of a new Anchorage jail** for the Municipality of Anchorage, Property & Facility Management Department (ITB 99-C079), Purchasing.
 - a. Information Memorandum No. AIM 31-2000, decision of the Bid Review Board regarding protest by Gaston & Associates of the proposed award to Neeser Construction for construction of the New Anchorage Jail (ITB 99-C079), Purchasing. (**addendum**)

Mr. Tesche moved,
seconded by Ms. Taylor,

to approve AM 341-2000.

In response to Mr. Tesche, Municipal Attorney Mary Hughes said she concurred with the recommendation of the Bidding Review Board to award the contract to Neeser Construction.

Mr. Tesche felt that restructuring the budget would bring the procurement in line with the original bid and the award should be made.

In response to Mr. Kendall, Acting Purchasing Officer Bart Mauldin noted the Code provides the latitude to negotiate with the three lowest bidders, which historically has not been done. He pointed out that it was difficult to negotiate simultaneously with multiple vendors who were proposing different solutions and value engineering. They typically try to begin with the low bidder, but if they cannot reach an agreement with the low bidder, then they move up to the second and third lowest bidders. He indicated that the simultaneous negotiation process had only been used about three times in the last fifteen years. The jail project was \$45 million, the plans and specifications paperwork was about one foot thick, and the review process was quite extensive. The project was being built for the State of Alaska, who would be the ultimate operators of the facility. He said to redesign \$5,000,000 or \$6,000,000 out of this project, rescope it, and rebid it would have taken two or three months, with an award being made in mid-summer.

In response to Mr. Sullivan, Mr. Mauldin confirmed the Bidding Review Board went through this process and about three hours worth of testimony. The decision of the Board was unanimous.

Mr. Wuerch recalled in January, Assemblymembers questioned why the three low bidders were not asked for value engineering changes that would bring this project closer to the amount budgeted. He referenced Mr. Mauldin's memo of March 7, 2000, which questioned whether award of a contract should be delayed. Mr. Wuerch took exception to the explanation that rescoping and rebidding would have taken a long time, because that was not what the Assembly had asked for. The Assembly asked for value engineering changes, which held the document in place and allowed the three qualified bidders to present value-engineering changes. He said he would support the proposed memorandum because it was legally sufficient, but he felt the judgments in the memorandum were not of the caliber that should be coming from the Administration. He felt the public deserved to see three competitive value engineering changes before it was submitted to the Assembly for approval.

In response to Mr. Kendall, Mr. Mauldin explained Gaston and Associates had been protesting since December 30 the process Purchasing was utilizing. He said the earlier protests were denied, because the Bidding Review Board can only convene based upon proposed awards that were going forth. After the March 8 award, Gaston and Associates were noticed that they had two weeks to review or renew their protest. They renewed their protest on March 16, but because the schedule needed to be maintained, the Board convened the following Monday with notices going out Friday late afternoon. The protest that they renewed on March 16 was the same protest that was levied on December 30th.

Question was called on the motion to approve AM 341-2000 and it passed:

AYES: Sullivan, Tesche, Taylor, Wuerch, Fairclough, Von Gemmingen, Clementson.

NAYS: Kendall, Tremaine, Meyer, Abney.

(A motion to reconsider this action was made later in the meeting. See after item 8.F.)

C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2000-35, an ordinance of the Anchorage Municipal Assembly **continuing or reestablishing the Housing and Neighborhood Development Commission** pursuant to Anchorage Municipal Code Section 4.05.150, Municipal Clerk. public hearing 4-18-00.
 - b. Assembly Memorandum No. AM 114-2000.

Ms. Von Gemmingen, Mr. Sullivan and Mr. Tremaine joined in introducing AO 2000-35. The public hearing was scheduled for April 18, 2000.

Ms. Von Gemmingen indicated a report from the subject board or commissions was necessary when these types of ordinances are submitted.

2. Ordinance No. AO 2000-36, an ordinance of the Anchorage Municipal Assembly **continuing or reestablishing the Municipal Health and Human Services Commission** pursuant to Anchorage Municipal Code 4.05.150, Municipal Clerk. public hearing 4-18-00.
 - b. Assembly Memorandum No. AM 115-2000.

Ms. Von Gemmingen, Mr. Tremaine and Ms. Fairclough joined in introducing AO 2000-36. The public hearing was scheduled for April 18, 2000.

Ms. Von Gemmingen indicated a report from the subject board or commissions was necessary when these types of ordinances are submitted.

3. Ordinance No. AO 2000-65 an ordinance of the Municipality of Anchorage terminating the existing **Anchorage Police and Fire Retirement System**; transferring assets of the terminated system to a new Anchorage Police and Fire Retirement System; providing for distribution of certain surplus assets of the terminated system; repealing Chapter 3.85, Anchorage Municipal Code in its entirety; enacting a new Chapter 3.85; Anchorage Municipal Code; providing for a transition of authority for management of the new retirement system, providing for severability and an effective date, Police and Fire Retirement System. public hearing 4-18-00.
 - b. Assembly Memorandum No. AM 319-2000.

In response to Mr. Tesche, Employee Relations Director Tom Tierney said it was his intention to hold a work session, and one was tentatively schedule for April 18, 2000.

Mr. Tesche, Ms. Fairclough and Mr. Tremaine joined in introducing AO 2000-65. The public hearing was scheduled for April 18, 2000.

In response to Ms. Clementson, Mr. Tierney said the Police Fire Retirement Board had asked that certain people be available on April 18, 2000 for the work session.

The worksession was scheduled 11:00 a.m. on April 18, 2000.

4. Ordinance No. AO 2000-69, an ordinance amending Title 21 of the Anchorage Municipal Code of Ordinances **amending the B-3 General Business District by adding mini-storage and vehicle storage facilities as conditional uses**, providing for conditional use standards for vehicle storage facilities, and defining vehicle storage facility, Assemblymember Kendall. **PUBLIC HEARING DATE TO BE DETERMINED. (addendum)**
 - a. Assembly Memorandum No. AM 351-2000.

Mr. Kendall, Ms. Abney and Mr. Tremaine joined in introducing AO 2000-69. The public hearing was schedule for the second meeting in July.

In response to Mr. Kendall, Don Alspach of Community Planning and Development said Planning and Zoning had a similar ordinance scheduled before them in June and they would like to add this ordinance to the same agenda.

5. Ordinance No. AO 2000-71, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 21 regulating **community and local interest towers**, Assemblymembers Von Gemmingen, Tremaine, and Taylor. public hearing ~~4-18-00~~ 5-23-00. **(addendum)**

Ms. Von Gemmingen, Mr. Tremaine and Ms. Taylor joined in introducing AO 2000-71. The public hearing was scheduled for May 23, 2000 later in the meeting. See item 16, Unfinished Agenda.

In response to Ms. Von Gemmingen, Don Alspach of Community Planning and Development said there was no time to advertise for a Planning Commission meeting between now and April 18, 2000. It could be rescinded to the Planning Commission for a recommendation without a public hearing, but there was not time to hold a public hearing.

In response to Mr. Tremaine, Mr. Alspach explained the Planning and Zoning Commission's schedule. He noted the next regular meeting to deal with zoning issues was April 3, 2000. The Planning Commission was booked with Comprehensive Plan issues through March and most of April, but with minimum notice, the public hearing could be scheduled in May. May 8th was scheduled for zoning issues and the agenda was full. May 15th was scheduled for planning issues and that agenda was not full yet.

Mr. Tremaine was concerned about the influx of towers going into residentially-zoned areas and it did not appear they could deal with this issue in a timely manner. Based on reaction to the first tower in a residential area, he felt there would be a lot of public comment. He felt there would also be many applications between now and the time the Assembly could act on this issue.

In response to Ms. Clementson, Municipal Attorney Mary Hughes said she thought the Assembly could give notice tonight to rescind the previously approved ordinance, AO 99-62, at the next meeting. That action would put the ordinance in abeyance and allow this to go through the process. However, it would negate the Assembly's action on that ordinance and reinstate the sections of the previous ordinance. She said it would not put a moratorium on anything new for the period of time that it took Planning and Zoning and the Assembly to deal with it. She said anyone could file under the existing law and assuming it was rescinded, they would be under the previous law.

Mr. Wuerch said he was worried about the process if they were to rescind ordinances that it took months of discussion and testimony to adopt. He pointed out that this section of Title 21 had been in effect for almost a year and this was the first problem that has occurred. He felt they needed to find alternative ways of solving the neighborhood problem without creating havoc with the Title 21 process.

In response to Mr. Tesche, Mr. Alspach said the old law might have prohibited the tower if there was another tower within one mile of it. The old ordinance would put many other existing towers in violation.

In response to Mr. Tesche, Ms. Hughes agreed with Mr. Alspach's analysis.

Mr. Tremaine said there had been four towers placed in residential properties since the ordinance was adopted last year. Two of the towers were illegally placed prior to the passage of the ordinance and were administratively permitted. The third tower was illegal and was being removed from the residential area. The fourth tower was the tower by Turnagain Church, which was the source of this controversy. He felt immediate action on this issue was needed.

In response to Chairman Meyer, Mr. Alspach said if a permit had been issued, the tower could be erected. The issue would be whether any additional permits could be issued from this point forward. It was his understanding that this particular tower already had its permits and could be erected. If the Assembly directed Public Works not to issue any permits for any future towers, the Assembly would have to find certain findings about a moratorium to prevent future legal problems.

In response to Chairman Meyer, Ms. Hughes said if the Assembly wanted to direct Public Works not to issue any further permits, it would have to be done as an ordinance. She indicated the Assembly would have to have excellent findings to uphold a moratorium, because of Federal directives.

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2000-75, a resolution of the Municipality of Anchorage appropriating \$33,220 from the Areawide General (101) Fund Balance to **print the public review version of the Anchorage 2020/Anchorage Bowl Comprehensive Plan**, Community Planning and Development. (**addendum**)
 - b. Assembly Memorandum No. AM 345-2000.

Ms. Taylor moved, to approve AR 2000-75.
seconded by Mr. Tesche,

In response to Ms. Taylor's concerns about the \$30.00 per-copy charge for the Comprehensive Plan, Acting Purchasing Officer Bart Mauldin said he did not know who the three low bidders were for this project offhand. He pointed out that this resolution was for the funding. The original \$24,500 appropriation produced the initial 850 copies, instead of the desired 1,500 due to the amount of photographs, cover changes and other issues. The reprint would be at a lower price, because the production run was already in place.

In response to Ms. Taylor, Executive Manager Elaine Christian suggested that the copies could be done in black and white to reduce the expense.

In response to Ms. Fairclough, Ms. Christian explained the proposed appropriation was for the actual printing and there would be an additional cost to post it on the Internet.

Ms. Taylor opposed the resolution. She said it was a beautiful document, but she felt \$30.00 per copy was too expensive for a draft document.

In response to Mr. Tremaine, Ms. Christian explained the price of \$29.03 per copy was for the total bid of the 1,500.

Question was called on the motion to approve AR 75-2000 and it passed:

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

2. Resolution No. AR 2000-76, a resolution of the Anchorage Municipal Assembly **recognizing and thanking Kevin Waring for his role in planning for Anchorage's future**, Assemblymembers Taylor, Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Tesche, Tremaine, Von Gemmingen, and Wuerch. (**addendum**)

Ms. Taylor moved, to approve AR 2000-76.
seconded by Mr. Tesche,
and it passed without
objection,

Ms. Clementson read the resolution.

Mr. Waring thanked the Assembly. He pointed out that one person could not do much in government and he shared this honor with the Planning Department, Community Council representatives, Municipal staff, and the staff of the universities and hospitals.

Ms. Taylor said she was grateful for Mr. Waring's love of east Anchorage. She had attended many council meetings where the crowds were hostile and Mr. Waring handled them beautifully. She said his leadership would be missed.

3. **Resolution No. AR 2000-78, a resolution finding that the value of the consideration required from the Alaska Railroad Corporation pursuant to the land exchange authorized by AO 2000-42(S) at Beach Lake Park exceeds the fair market value of the fee simple interest of the park land to be conveyed by the Municipality, Assemblymember Kendall. (LAID ON THE TABLE)**

b. Assembly Memorandum No. AM 355-2000.

Mr. Kendall moved, to approve AR 2000-78.
seconded by Ms. Fairclough,

In response to Mr. Kendall, Executive Manager Elaine Christian explained there was not a memorandum from Administration, because she had been out of town. She said the Railroad was aware that they have not looked at the document or had an opportunity to analyze it.

In response to Mr. Kendall, Municipal Attorney Mary Hughes said it was her impression that the resolution did not have to be approved prior to the election. She said no one in the Administration has reviewed the document and they would like an opportunity to do so.

In response to Mr. Kendall, Phyllis Johnson of the Alaska Railroad addressed the Assembly. She apologized for the delay, and explained the appraisal information was available last week. However, scheduling and illness of key parties contributed to a delay. She was concerned about the language in the ordinance adopted a month ago. She was also concerned that if the resolution is not approved prior to the election, it may introduce the possibility for a challenge to the transfer. She was willing to talk to the Municipal Attorney during a break to try to reach consensus.

Mr. Kendall moved, to postpone action on AR 2000-78 until later in the meeting.
seconded by Mr. Wuerch,
and it passed without
objection,

(See further action after item 11.A.)

E. NEW BUSINESS:

1. **Assembly Memorandum No. AM 332-2000, Eagle River Reservoir and Eagle River Water Main Improvements - contract for professional engineering services with R&M Consultants, Inc., Amendment No. 3, Water and Wastewater Utility.**

Ms. Fairclough moved, to approve AM 332-2000.
seconded by Ms. Clementson,

In response to Ms. Fairclough, Linda Barber of Anchorage Water and Wastewater Utility explained the contractor's time had not changed and the completion date was still August, 2000. The reservoir project was a two-year contract and the contractor erected the reservoir, painted the inside and put it into service. They still have some painting and landscaping to do this year. The pipeline contractor put the pipeline in the ground late in the fall. The booster stations have been under construction through the winter and they anticipated final restoration and putting it into service this year. Part of the \$4,000,000 State grant would be applied to the reservoir, as well as the original site selection that the Utility undertook four or five years ago.

In response to Ms. Fairclough, Anchorage Water and Wastewater Utility General Manager Mark Premo said that all costs not borne by the grant would be borne by Utility generated funds. Any assessments borne by the property owners on a levy-upon-connection (LUC) assessment, will be borne either by the cost of the LUC roll for the year of construction or the pro-rata cost for the transmission main, whichever is lower. The only chance these costs would be spread to the property owners on a LUC roll would be if these costs came out lower on a pro-rata basis than the LUC rate for 2000. The \$4,000,000 grant would be applied first to the reservoir and the excess would go to offset the cost on the line construction. Mr. Premo explained there were high change orders in this job for engineering, because of the extra surveillance put on the job. Changes to Title 24 have also severely impacted the cost of operations for the utilities. He was not aware of any failed tests on the job and felt the job was in good shape. One of the reasons they wanted to job to overwinter was to get good compaction in the trench before overlaying it this spring. The contractor on the job was Eastwind Construction for the line and Alaska Mechanical for the reservoir.

In response to Ms. Fairclough, Ms. Barber said that they have worked closely with Public Works and had more testing on this project than ever before. She said that if Ms. Fairclough could identify which property she was concerned about, she could provide reports on the testing in that area.

In response to Ms. Fairclough, Mr. Premo said they would be before the Eagle River Valley Community Council next month to discuss the job. He said if she had any other questions or concerns, she could contact him and he would make sure those concerned were addressed.

Question was called on the motion to approve AM 332-2000 and it passed without objection.

2. Assembly Memorandum No. AM 344-2000, change order No. 2 to construction contract with Summit Paving & Construction, Inc. for **Russell's Field playfield improvements**, Cultural and Recreational Services.

Ms. Fairclough moved, to approve AM 344-2000.
seconded by Ms. Taylor,

In response to Ms. Fairclough, Cultural and Recreational Services (CRS) Director Kathy Kingston explained the improvements were for Oberg Field, which is also referred to as Russell Field.

In response to Ms. Fairclough, John Rodda of CRS noted the actual connect for the pipes would be on Homestead Road. A feeder line would come across the north and the east side. They will run down the drainage swale trenches for each side of the three full size soccer fields. The water source will be Municipal water. All this information has been presented to the Chugiak Community Council. Mr. Rodda said CRS went through a joint training readiness exercise with the Alaska Army National Guard, which led to this project. He added one of the Council's representatives was in attendance and was the spokesperson.

Mr. Kendall noted there was discussion at the last Chugiak Community Council meeting about the waterline for the new ball fields at Loretta French Park, but he knew of no controversy about the watering system for Russell's Field.

Ms. Fairclough moved, to postpone AM 344-2000 until later in the meeting.
seconded by Ms. Taylor,
and it passed without
objection,

(See further action after item 11.A.)

3. Assembly Memorandum No. AM 346-2000, change order No. 1 to purchase order 200338 with Professional Colorgraphics for providing **printing services** for the Municipality of Anchorage, Department of Community Planning and Development/Purchasing. **(addendum)**

Ms. Taylor moved, to approve AM 346-2000.
seconded by Ms. Fairclough,

Ms. Taylor felt this was too expensive and said she would not support the memorandum.

Question was called on the motion to approve AM 346-2000 and it passed:

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

F. INFORMATION AND REPORTS: None.

Ms. Taylor moved, to reconsider action on item 8.B.2, AM 341-2000.
seconded by Ms. Fairclough,

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

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

- A. 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 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 AND 3-7-00)

Chairman Meyer requested the Assembly consider item 11.A. a little later in the meeting, to allow consideration of other Old Business items. Ms. Fairclough and Ms. Clementson objected, as citizens were promised in the past that this item would be considered first under the Old Business portion of the agenda.

(This item was considered later in the meeting. See after item 11.A.)

- 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.
 2. Information Memorandum No. AIM 29-2000, Mayor's Office.
- (POSTPONED FROM 3-7-00)

Chairman Meyer gave the history of AO 2000-34 and noted no motions were pending.

Mr. Kendall moved, to adopt AO 2000-34.
seconded by Mr. Wuerch,

In response to Mr. Tremaine, Ms. Clementson pointed out the Board submitted a justification and need analysis for continuing operation of the Board.

Question was called on the motion to adopt AO 2000-34 and it passed:

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

- C. 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.
(CARRIED OVER FROM 3-7-00)

Chairman Meyer gave the history of AM 260-2000 and noted no motions were pending.

Mr. Tremaine moved, to approve AM 260-2000.
seconded by Ms. Clementson,

Mr. Tremaine pointed out this contract started at \$100,000 and was now up to \$555,000. He understood the contract was awarded because it was the lowest unit price, but he felt if it was anticipated that it would increase to half a million dollars, a different unit price could have been obtained. He felt if the amount of a contract increased by a substantial amount, they should reconsider it. He hoped this procurement procedure would change in the future.

Question was called on the motion to approve AM 260-2000 and it passed:

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

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

- D. 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.
(CARRIED OVER FROM 3-7-00)

Chairman Meyer gave the history of AM 282-2000 and noted no motions were pending.

Mr. Wuerch moved, to approve AM 282-2000.
seconded by Ms. Fairclough,

Mr. Wuerch spoke against approval, as he did not feel government belonged in the paving business. He felt these types of services should be contracted out.

In response to Mr. Kendall, Mr. Mabry of Public works explained the asphalt distributor unit was used in the chip seal and recycled asphalt programs.

Question was called on the motion to approve AM 282-2000 and it passed:

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

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

- E. 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; CARRIED OVER FROM 3-7-00)

Chairman Meyer gave the history of AM 167-2000 and noted a motion to approve was on the floor.

Ms. Fairclough spoke in support of approval. She said her questions on this item had been answered.

Question was called on the motion to approve AM 167-2000 and it passed without objection.

Mr. Wuerch moved, immediate reconsideration.
seconded by Ms. Fairclough,

AYES: None.

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

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

Mayor Mystrom congratulated the Commission appointees.

F. Assembly Memorandum No. AM 301-2000, **Platting Board appointments** (Rick Richter, Sharen Walsh), Mayor's Office.
(CARRIED OVER FROM 3-7-00)

Chairman Meyer gave the history of AM 301-2000 and noted no motions were pending.

Mr. Tremaine moved, to approve AM 301-2000.
seconded by Mr. Tesche,

In response to Mr. Tremaine, Deputy Municipal Clerk Vickie Cantrell explained on February 15, 2000 the Assembly considered AM 140-2000. That memorandum was amended to divide Mr. Richter's name, and his appointment was postponed indefinitely.

Ms. Abney moved,
seconded by Mr. Tesche,

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

AYES: Tremaine, Tesche, Taylor, Fairclough, Abney.

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

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

Ms. Von Gemmingen returned and the vote was taken again.

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

AYES: Tremaine, Tesche, Taylor, Fairclough, Abney.

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

Ms. Clementson explained she originally had concerns about one of the appointees. However, since an ordinance was adopted regarding conflict of interest of board and commission members and the ability to remove members, she has not seen the problems she saw in the past. She referenced the Board of Adjustment appeal of the Wild Iris Subdivision and felt the individual appointed to the Platting Board had valuable comments and provided a necessary degree of expertise.

In response to Ms. Von Gemmingen, Denise Burger of the Mayor's Office said Sharon Walsh was aware of the tasks and time involved with the duties of the Board. Ms. Walsh was very enthusiastic about serving on the Board and would make every effort to attend meetings.

Question was called on the motion to approve AM 301-2000 and it passed:

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

NAYS: Tremaine.

Mayor Mystrom thanked the newly-appointed Board members.

G. Assembly Memorandum No. AM 267-2000, Y2K Liquors - Transfer of Ownership of a Package Store Liquor License (Taku/Campbell Community Council), Clerk's Office.
(CARRIED OVER FROM 3-7-00)

Chairman Meyer gave the history of the AM 267-2000 and noted no motions were pending.

Mr. Tremaine moved, to approve AM 267-2000.
seconded by Mr. Tesche,

In response to Mr. Tremaine, Chang Lee addressed the Assembly and confirmed he was the new owner of Y2K Liquors. He said the former owner was not present. Mr. Lee said he discussed various issues with the Community Council representative, including neon signs, not selling to minors, and selling certain items under a certain price. Mr. Lee agreed to all the requests of the Council representative, except the removal of all the signs. He was willing to remove some, but not all, of the signs.

In response to Mr. Wuerch, Mr. Lee explained Sun Yi Lee, who appeared on the application, was his wife.

In response to Ms. Fairclough, Mr. Lee said the former owners would be taking care of the outstanding taxes. He understood that the Assembly would protest the transfer until the outstanding taxes were paid.

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

to amend AM 267-2000 on line 38 to read: "...transfer
of ownership until taxes are paid. The Municipal Clerk..."

Question was called on the motion to approve AM 267-2000 as amended and it passed:

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

NAYS: None.

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

- H. **NOTICE OF RECONSIDERATION:** 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. (AMENDED AND FAILED 3-7-00; RECONSIDERATION WAS ENTERED ON THE MINUTES)
- a. Information Memorandum No. AIM 32-2000, Property and Facility Management. (**LAI**D ON **THE TABLE**)

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

Mr. Tesche requested the body approve reconsideration. Although the ordinance failed on March 7, he wanted the opportunity to explain events surrounding the issue that have occurred since March 7.

Question was called on whether to reconsider action on AO 99-135(S-1) and it passed:

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

NAYS: Abney, Von Gemmingen, Clementson.

Mr. Tesche moved,
seconded by Ms. Fairclough,

to postpone action on AO 99-135(S-1) indefinitely.

Mayor Mystrom referenced the memorandum distributed tonight. He explained the issues surrounding scheduling the Anchorage Aces hockey team games at the Sullivan Arena. They were able to provide 22 weekend dates for four out of the five years requested. However, this year providing 22 weekend dates was difficult, because of Christmas and New Year's that fell on a weekend, and the Special Olympics events. Thanks to Joe Beauchamp and Don Simmons of Property and Facility Management, an excellent solution was proposed, to move the RV Show to the new equipment storage facility on International Airport Road. Moving the RV Show will allow providing the Aces 22 weekend dates for this year. Mayor Mystrom noted the solution allowed the Administration to sign a five-year contract with the Aces that provided 22 weekend dates in each year. He thanked all those involved in the contract negotiations.

Mr. Tesche thanked the Mayor for his intervention and leadership in this matter. He felt the resolution was a good example of how the system worked to resolve a particular problem, while keeping an important tenant in the Arena.

Question was called on the motion to postpone action on AO 135-2000(S-1) indefinitely and it passed:

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

NAYS: None.

In response to Ms. Fairclough, Mayor Mystrom confirmed the basketball tournament would continue on for five years in the Sullivan Arena, as previously committed.

- I. **NOTICE OF RECONSIDERATION:** 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.
- (FAILED 3-7-00; NOTICE OF RECONSIDERATION WAS GIVEN BY MS. ABNEY 3-8-00)

This item was not considered, therefore the question of whether to reconsider died.

- J. 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, Heritage Land Bank/Real Estate Services.
- (APPROVED ALL EXCEPT LOTS 4-6, BLOCK 4, ABBOTT LOOP MANOR AND POSTPONED FROM 1-25-00; CARRIED OVER FROM 3-7-00)
- K. 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.

- (POSTPONED FROM 2-15-00; CARRIED OVER FROM 3-7-00)
- L. Ordinance No. AO 2000-13, an ordinance amending Anchorage Municipal Code Sections 14.60.030 and 15.70.060 to **increase the range of fines possible for noise disturbances** and to allow the Anchorage Police Department to give citations for violations of the Anchorage Noise Control Ordinance, Assemblymembers Meyer and Wuerch.
1. Assembly Memorandum No. AM 22-2000.
(POSTPONED FROM 1-25-00)
- M. 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; CARRIED OVER FROM 3-7-00)

Items 9.J. through 9.M. were carried over to April 18, 2000 due to lack of time.

10. APPEARANCE REQUESTS:

- A. **Jack Porch**, concerning sidewalk vendor license and procedures.

Mr. Porch explained he has been a sidewalk vendor for eight years and it was his primary means of support. His wife, son, and two daughters have been actively involved since 1994. Over the years, they have experienced numerous problems, including acts of retaliation. The problems began in September 1996 when he approached city council about unfair acts involving the Clerk's Office and downtown business owners. Due to his protests, changes in the vendor procedure were made. On March 1997, his daughter was removed from the vendor waiting list for no reason, which lead with a filing with Anchorage Equal Rights Commission. On August 18, 1997, there was a fact-finding conference. The next day, his son's sidewalk vending, which he had run since May 1, received the first of four tickets over the next three weeks for several violations and his cart and merchandise were confiscated. They appealed all the tickets, which were dismissed. On April 1, 1998, his wife's permit was taken for no reason. This year his son, daughter and himself have applications which have restrictions and denials. He felt that on April 1st, they might be denied. Due to these problems, and other problems, he asked the Assembly to oversee a complete and impartial investigation by an impartial party to investigate discrimination, favoritism, unjust and intentional denials and the possibility of criminal acts. The statute of limitations expires on April 1st and he asked for a continuation while the investigation was being conducted in case he was forced to file criminal or civil litigation. Mr. Porch noted this was just a short summary of intentional retaliation towards them, based on the gift store influence and the Clerk's Office cooperation with them. He said he had documented proof, tapes, police reports and witnesses to prove all his allegations and he would present them to the impartial party of the Assembly's choice.

In response to Chairman Meyer, Mr. Porch confirmed he had gone through the Ombudsman's complaint procedures, and met with Mr. Tesche and Mr. Moyer, yet there were still a lot of concerns.

In response to Ms. Fairclough, Mr. Porch said he sells handmade Alaskan gifts. His cart is located on 4th Avenue between D Street and E Street.

Mr. Tesche said he met with Mr. Moyer and several people who were concerned about the application of the sidewalk vendor's law by the Municipal Clerk's Office on behalf of the Assembly. A number of questions arose with respect to several applications. Mr. Tesche recommended that an ordinance be introduced to clarify the submittal requirements for sidewalk vendors, particularly with respect to the State business license application. He said it was not entirely clear in existing law whether applicants were required to provide a copy of their State business license application. He felt an ordinance clarifying the submittal requirements would be helpful.

- B. **Thom Varieur**, concerning sidewalk vendor license.

Mr. Varieur discussed problems with the sidewalk vending program experienced by his wife and other vendors. He requested a determination of the actual Code requirements. He and his wife submitted everything that was required by the Code, yet their application was disqualified, with no possible appeal, because of a problem that was not related to the Code. A State business license is just a license to conduct business. One may use an application as a temporary license. He felt an application was an unreliable document, because anyone could sign it. He felt the disqualification of their application was unjust and wrongfully administrated. He felt the Municipal Clerk was a civil employee who assisted citizens in difficult matters, and her staff should not be inventing ways to steal citizens' livelihoods. Mr. Varieur explained he has only eight days to comply, and requested a response as to whether his application would be denied or accepted. He added there were many other types of Municipal licenses that include pawn brokers, secondhand stores, and private detectives. All of these require a business license, but they do not require the business license application.

In response to Ms. Taylor, Mr. Varieur said the deadline was April 1, 2000. He has already been disqualified because of the business license application, which was used for his disqualification. He said he had everything that the code required turned in. Even if he filed his paperwork in eight days, he was completely left out for this year. If they discontinued asking for the application, he would be in compliance.

In response to Mr. Tesche, Mr. Varieur acknowledged he signed a statement as part of his application that he would provide a copy of his State business license application by December 1. By the time he received a copy of the application from the Juneau office, he had forgotten why he requested it and did not submit it to the Clerk's Office. He complained he was issued a disqualification after December 1, without any courtesy call from the Clerk's Office to remind him of the requirements, which he heard was done for some other vendors.

Chairman Meyer noted the vendor program seemed to be an issue every year. He thanked Mr. Tesche and Mr. Moyer for meeting with the vendors. He felt the Clerk tried to be fair to everyone. He pointed out Mr. Tesche planned on making some changes, and hopefully the program will run better next year.

- C. **Cathy Schindler**, regarding MOA Building Safety policy on installation of vinyl windows on new construction - residential homes.

Ms. Schindler's appearance was rescheduled to April 25, 2000.

11. CONTINUED PUBLIC HEARINGS:

- A. Ordinance No. AO 99-147, an ordinance amending the zoning map and providing for the rezoning from R-7 (Intermediate Rural Residential) to B-4/SL (Rural Business District with Special Limitations) for **Eklutna ANCSA 14(C)(1) Lot 2A located within the SE 1/4 of Section 24, T16N, R1W, S.M., AK**, generally located to the west of Eklutna Village Road and north of New Glenn Highway (Eklutna Community Council) (Planning and Zoning Commission Case 99-150), Community Planning and Development.
1. Assembly Memorandum No. AM 1139-99.
 2. Information Memorandum No. AIM 5-2000, AO 99-147; Rezone to B-4/SL for Eklutna ANCSA 14(C)(1) Lot 2A ... (generally located to the west of Eklutna Village Rd. and north of the New Glenn Highway), Municipal Clerk.
- (CONTINUED FROM 1-11-00)

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

CLETE COOPER said he said he and his wife were first deed of trust holders on this property. They sold 3.98 acres to Mike and Ann Curtis about three or four years ago, who bought it to prevent the Coopers from selling the property to Mrs. Cooper's sister. They did not intend to put anything on the property at the time, but since have built a greenhouse, without a permit. The president of Eklutna, Inc. felt the land now belonged to the Indians and they could do whatever they wanted. Mr. Cooper said he knew better, because he knew what the land claims settlement act said. He said they appeared before the Planning and Zoning Commission (P&Z) and got it approved for a fence and some other things. Mr. Cooper requested a requirement for the Curtises to erect an engineered fence. He asked the Assembly to mandate that the Curtises erect and maintain a six-foot, cedar fence to close it off entirely.

In response to Mr. Kendall, a representative of the Community Planning and Development (CPD) Department noted P&Z required a six-foot, sight obscuring, wooden fence along the common property lines between lot 2A and lot 2B, prior to the rezoning becoming effective. He said the type of wood was not specified, so the Assembly would have to address that issue.

In response to Mr. Kendall, the CPD staff person explained fences were generally allowed in all zoning districts up to a maximum of six feet high in a residential district. In this case, it would be approved by Public Works without any involvement from CPD. He said their division staff does not usually verify structures on-site, but Land Use Enforcement could.

In response to Mr. Kendall, Municipal Manager George Vakalis clarified the Building Safety Division of Public Works would perform verification. Some types of fences were mandated for inspection and some were not. Because this fence was mandated, the inspector would probably go out and make sure it met the requirements of the conditions put on the fence.

Ms. Von Gemmingen said she was concerned the requirements were not more specific, because a wood fence could be anything.

Ms. Fairclough referenced a letter dated October 28th indicating Michael and Ann Curtis were donating the land for a community greenhouse for Eklutna. She questioned whether it was legal to donate land without ownership.

In response to Ms. Fairclough, Assistant Municipal Attorney Dennis Wheeler said he would have to research the history of the land, title report, and the documents regarding the donation. He said whether or not they could donate the property would depend on what their written agreement was between them and the seller.

In response to Mr. Kendall, the CPD staff person pointed out that the Curtises were reflected in the Property Appraisal rolls as being the owners of record. As far as the relationship between the Curtises and the Coopers, they did not address that issue specifically, because it was outside of the rezone issue.

Mr. Cooper added the Curtises owed him about \$27,000 on the property. He said if the payments were not made, he would take the property back and he would tear down anything that was built on it.

In response to Ms. Fairclough, Mr. Cooper explained the Curtises paid the Coopers \$15,000 as a down payment on the property and they agreed to pay \$400 a month at 9 percent interest until the property was paid off. He had the document drawn up accordingly. He pointed out that if they went to court, the Coopers would be named as owners of the property and he did not understand how they could donate the property without his permission.

In response to Ms. Fairclough, Mr. Kendall felt Mr. Cooper was addressing two separate issues. One issue was his relationship with the new owners and whether or not they made payments. The other concern was about the fence and the actual rezoning. The rezoning put conditions on the fence and the Municipality had to approve the construction. He did not feel they needed to delay the rezoning, because the rezoning would not settle the relationship between Mr. Cooper and the new owners. If the land fell into default before the rezoning, Mr. Cooper could do whatever he wanted at that point.

MICHAEL CURTIS said he was the petitioner and an adjacent property owner. He donated the land to the Native Village of Eklutna. He and his wife hold the deed of trust on the property. Mr. Curtis did not put the improvement on the land; that was done by the Native Village of Eklutna. There was some jurisdictional questions concerning zoning on Indian land. The structure was a community greenhouse designed for community involvement and participation. Mr. Curtis felt Mr. Cooper was asking for a spike fence. He noted the Coopers have lived for years next door to the Eklutna Cemetery and Historical Theme Park, which sees a large number of visitors. He pointed out there has only been two people at the greenhouse in the

last year. He spoke in support of the proposed rezoning, and noted the Native Village of Eklutna has agreed to build the fence if it is required.

In response to Ms. Fairclough, Mr. Curtis said there was a letter in the file to the Native Village of Eklutna stating that if they do not comply with the conditions then the property would be repossessed. He has the deed of trust to the property and is the owner of record. He was not opposed to modifying the conditions to require a six-foot, cedar fence, but he did not feel a fence was necessary.

In response to Mr. Tremaine, Mr. Curtis said the Native Village of Eklutna did not think the greenhouse was built illegally, because they felt they had jurisdiction on Indian land. Municipal officials felt the Municipality has jurisdiction. Mr. Curtis donated the land and left those issues up to the village. The donation was for land use for ten years.

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 99-147.
seconded by Mr. Tremaine,

Mr. Kendall spoke in support of adoption. He noted P&Z has reviewed it and recommended conditions, including a six-foot, sight obscuring, wooden fence. He said there was some controversy surrounding the issue, but it did meet the intent of Title 21 of the Municipal Code.

Mr. Tremaine moved, to amend AO 99-147 on page 2, line 10 to specify that the
seconded by Mr. Tesche, fence be a cedar-sided fence constructed with the slats facing
outward from the petitioner's property.

In response to Chairman Meyer, Don Alspach of CPD explained the department did not specify design, but sight obscuring means you cannot see through the fence. P&Z did specify the fence be made of wood, but not the type of wood. He pointed out that it would have to meet the standard that you could not see through it.

Mr. Tremaine noted it was possible for the fence to be made of reused plywood and meet the standard. From the Municipality's perspective, this was an illegal greenhouse for which they were seeking after-the-fact permission, so he felt permission could be granted with a guarantee of a nice fence.

Ms. Clementson pointed out the ordinance was for a rezoning in a rural area that had little visibility. She did not feel it was appropriate for the Assembly to incorporate design and material criteria.

Question was called on the motion to amend AO 99-147 and it failed:

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

Question was called on the motion to adopt AO 99-147 and it passed:

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

The meeting recessed at 7:20 p.m. and reconvened at 7:50 p.m.

The Assembly then returned to item 8.E.2, AM 344-2000.

Assembly Memorandum No. AM 344-2000, change order No. 2 to construction contract with Summit Paving & Construction, Inc. for **Russell's Field playfield improvements**, Cultural and Recreational Services.

Ms. Fairclough said her questions on this item were resolved. She urged a "yes" vote.

Question was called on the motion to approve AM 344-2000 and it passed without objection.

The Assembly then returned to item 8.D.3, AR 2000-78.

Resolution No. AR 2000-78, a resolution **finding that the value of the consideration required from the Alaska Railroad Corporation pursuant to the land exchange authorized by AO 2000-42(S) at Beach Lake Park exceeds the fair market value of the fee simple interest of the park land** to be conveyed by the Municipality, Assemblymember Kendall. **(LAID ON THE TABLE)**
a. Assembly Memorandum No. AM 355-2000.

Mr. Kendall moved, to postpone action on AR 2000-78 until April 18, 2000.
seconded by Mr. Tesche,
and no further action was
taken,

In response to Ms. Fairclough, Deputy Municipal Attorney Bill Greene said it was not necessary to have this resolution approved by the Assembly prior to the election.

Mr. Tesche invited Phyllis Johnson of the Alaska Railroad (ARR) to speak.

Ms. Johnson read from AO 2000-42(S), adopted February 15, 2000, which placed the issue on the ballot. The ordinance also established three conditions, which needed to be met by March 21. The conditions included a land appraisal, a written engineer's estimate on the cost and value of the improvements, and a resolution by the Assembly to make a finding that the value of the consideration received by ARR exceeds the fair market value. She was concerned that the finding had to be made by March 21, 2000 or there might be problems with the ballot question. She had talked to the Municipal Attorney about it, and they had a honest difference of opinion.

In response to Mr. Tesche, Executive Manager Elaine Christian said they had no opinion about the proposed resolution, since no one in the Administration has had a chance to review or analyze the information in the document.

Mr. Tesche moved,
seconded by Ms. Fairclough,
and it passed with Mr. Kendall
objecting,

to postpone action on AR 2000-78 until later in the
meeting.

(See further action under item 16, Unfinished Agenda.)

The Assembly then returned to item 9.A, AO 99-148.

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 AND 3-7-00)

Chairman Meyer gave the history of the ordinance and noted a motion to adopt was on the floor.

Ms. Clementson pointed out the slope requirements issue was complex and difficult to understand. She suspected it was difficult for the Planning and Zoning Commission (P&Z) members also. She noted a memorandum indicated staff did not feel P&Z fully understood the implications of their action, which basically was to prohibit cluster housing. Ms. Clementson noted it was possible for P&Z to revisit the issue on April 3, its next meeting, and to clarify its position for the Assembly by April 18.

Ms. Clementson moved,
seconded by Ms. Fairclough,

to refer the ordinance to P&Z for consideration at its April 3
meeting, and request members specifically address staff
comments as to whether P&Z members understood the
implications of their decision, to clarify their decision in light
of cluster housing provisions in the Municipal Code.

Ms. Clementson noted P&Z had the ability to reconsider the issue on their consent agenda, and request presentations from the Community Council representative and the developer. Also, P&Z members could view the maps that the Assembly saw but were not available to P&Z during its prior consideration.

In response to Mr. Kendall, Don Alspach of Community Planning and Development (CPD) felt Ms. Clementson's motion provided direction. However, he encouraged the Assembly to clarify for the record the exact direction for P&Z to take, if it wished to exceed the direction in the motion. He explained the 1984 ordinance placed a restriction against development in areas exceeding 30 percent slopes. The developer has reached a point in his development where crossing areas with those slopes to build roads to access parts of the property. Mr. Alspach said CPD staff was having difficulty in interpreting when the slope restriction was applied, so they encouraged the developer to propose some amendments to the ordinance to clarify which areas may be developed in 30 percent slopes. He explained staff has interpreted the slope restrictions in the past. However, there were difficulties in interpretation when a 30 percent slope is in a very small area, such as a depression in one lot. Staff did not feel restrictions in such small areas was the intent of the original ordinance, but the ordinance was specific about absolutely no development, so clarification was desired. They felt depicting the areas on a map would be best, to be easier to understand for users. The ordinance before the Assembly would approve the map and clarify the slope; however, P&Z changed the original slope restriction to 25 percent. The map only depicts 30 percent areas, so the new boundaries based on 25 percent area are unclear. He said staff was unsure that P&Z members understood the ramifications of the change from 30 to 25 percent. It is obvious the 25 percent restriction would impact more land than was originally anticipated. Mr. Alspach responded the Comprehensive Plan had no initial impact on the zoning, because the zoning map was in place at the time. There is a policy in the Eagle River Comprehensive Plan to protect areas of 25 percent slope and greater. P&Z used that provision to craft the proposed ordinance.

Ms. Fairclough spoke in support of the motion. She noted Mr. STEINER, of the Eagle River Valley Community Council, would not be available to appear before P&Z to present the Council's position. She felt there was misunderstanding about the effect of the 25 slope restriction, which would not allow cluster housing. That was not the intent of the Council. Their intent was that housing development address the challenge of the slopes. The Chugiak/Birchwood/Eagle River Rural Road Service Area Board has said they do not approve of the proposed road configurations. The current road proposal does not allow for adequate snow storage.

Ms. Clementson moved, to adopt AO 2000-58.
seconded by Ms. Taylor,

Question was called on the motion to adopt AO 2000-58 and it passed:

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

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

- B. 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.
1. Assembly Memorandum No. AM 264-2000.

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 approve AR 2000-54.
seconded by Ms. Taylor,

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

(Clerk's Note: Mr. Tesche, Ms. Fairclough and Ms. Von Gemmingen were out of the room at the time of the vote.)

- C. 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.
1. Assembly Memorandum No. AM 268-2000.

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 approve AR 2000-55.
seconded by Ms. Abney,

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

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

- D. 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
1. Assembly Memorandum No. AM 269-2000.

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 approve AR 2000-56.
seconded by Ms. Abney,

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

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

- E. 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.
1. Assembly Memorandum No. AM 277-2000.

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 approve AR 2000-63.
seconded by Ms. Taylor,

In response to Ms. Clementson, Mr. Mabry of Public Works said this item would not require the Municipality to sweep State roads.

Question was called on the motion to approve AR 2000-63 and it passed:

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

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

- F. 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.
1. Assembly Memorandum No. AM 298-2000.

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 approve AR 2000-66.
seconded by Ms. Abney,

Question was called on the motion to approve AR 2000-66 and it passed:

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

(Clerk’s Note: Mr. Kendall, Mr. Tesche and Ms. Von Gemmingen were out of the room at the time of the vote.)

- G. 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.
1. Assembly Memorandum No. AM 125-2000.
 2. 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, Assemblymember Clementson.
 3. Assembly Memorandum No. AM 303-2000.
 4. Assembly Memorandum No. AM 349-2000, Mayor’s Office. (**addendum**)
 5. Ordinance No. AO 2000-39(S-1), 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, Assemblymember Kendall. (**addendum**)
 6. Assembly Memorandum No. AM 352-2000.
 7. Ordinance No. AO 2000-39(S-2), 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, Assemblymember Sullivan. (**addendum**)
 8. Assembly Memorandum No. AM 354-2000.

Mr. Wuerch moved, the question “does Assemblymember Tremaine have
seconded by Ms. Taylor, a substantial financial interest in the matter before the
Assembly?”

Mr. Tremaine explained his wife works for the Anchorage School District (ASD) and was one of the 70 people who received notice on March 15, 2000, which said that as a result of a pending Assembly action, her position could be eliminated. He pointed out that his participation and vote on this issue could constitute an undue influence on his income. He added funding for his wife’s position was 100 percent Federal funds that could not be used for classroom teachers. Many of the people who received the notices were in the same situation, and Federal law mandated their jobs. They could not lose their jobs without lawsuits totaling more than the savings of the reduction in force. He felt the ASD notice to employees was an act of intimidation. He asked the Assembly to excuse him from this discussion.

In response to Ms. Abney, Mr. Tremaine said his wife’s income has constituted more than half of their family income since his election to the Assembly.

Mr. Wuerch referenced a 1992 letter to Assembly Chairman Craig Campbell, pertaining to an appeal by Assemblymember James Barnett before the Ethics Board. Mr. Wuerch noted the Ethics Board determined that a conflict of interest did exist if a substantial portion of the Assemblymember’s family income came from the ASD. He added Mr. Barnett’s wife was a principal for the ASD.

Ms. Clementson indicated the Assembly has previously allowed Assemblymembers to vote if their spouses were teachers. She felt the difference in Mr. Tremaine’s situation was that the School District specifically tied the potential Assembly action to his wife’s livelihood. She felt Mr. Tremaine had a conflict.

Ms. Von Gemmingen pointed out only the general fund of the ASD would be affected by the Assembly’s vote, not grant funds. She felt since Mr. Tremaine’s wife’s salary was funded through Federal grants, he did not have a conflict of interest.

In response to Mr. Tesche, Deputy Municipal Attorney Bill Greene said he had not found any other decisions or opinions on this point. He said the Municipal Clerk’s staff provided him the past history on this issue, and the Assembly has taken several different positions on this issue. He explained it would be a judgment call within the Assembly’s purview whether or not Mr. Tremaine had a conflict of interest. Based on previous court decisions, he felt courts seem to defer to the judgment of legislative bodies.

Ms. Abney did not feel Mr. Tremaine had a conflict of interest. She was concerned that if Mr. Tremaine was not allowed to vote, their constituents would not have full representation.

Question was called on whether Mr. Tremaine has a substantial financial interest:

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

In response to Chairman Meyer, Mr. Greene said the question had to be answered with six votes, either yes or no. There was a tie vote; therefore the question had not been answered.

Ms. Fairclough moved, to reconsider the vote on Mr. Tremaine’s
seconded by Mr. Tesche, financial interest in AO 2000-39.

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

Ms. Clementson pointed out that Mr. Tremaine stated over 50 percent of his family income was related to this issue. The Code provision speaks to whether a member has a significant financial interest. His wife received a notice saying the Assembly’s action could put her out of a job. She felt the facts were clear.

Ms. Fairclough urged a yes vote to honor Mr. Tremaine’s request. If he felt he had a financial interest, she urged those who voted no to respect that.

Ms. Von Gemmingen pointed out the issue was the budget of the School District which was paid for by tax funds. Mr. Tremaine’s spouse did not receive her salary from tax supported revenues. Therefore she did not believe he had a conflict of interest.

In response to Mr. Wuerch, Mr. Tremaine read from the ASD notice authored by ASD Superintendent Bob Christal. “...however, due to financial problems which may befall us as a result of pending Assembly action, and the notice requirement contained in your applicable statute, it is necessary for me to inform you that we will eliminate your position effective July 1, 2000.”

In response to Ms. Clementson, Mr. Christal addressed the Assembly. He explained the law did not distinguish where the funding came from, but it applied to seniority. This was not an AEA position, but an Anchorage Council of Education position for a different bargaining group. They had to follow the law relative to that. There were a few exceptions related to the needs of the School District, but it was otherwise based on seniority. The letter issued had nothing to do with the spouse’s relationship to the Assembly.

Mr. Tremaine clarified when he spoke of intimidation, it was not personal. He felt the entire Assembly was being intimidated.

Mr. Tesche said he would change his vote in support of a conflict.

Question was called on whether Mr. Tremaine has a substantial financial interest and it passed:

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

Mr. Sullivan declared a potential conflict of interest in voting on the School District budget, as his wife is employed by the District.

Mr. Wuerch moved, the question “does Assemblymember Sullivan have a
seconded by Ms. Clementson, substantial financial interest in the matter before the
Assembly?”

In response to Ms. Clementson, Mr. Sullivan said his wife was a tenured second grade school teacher.

Ms. Clementson did not feel the conflict of interest rule applied. There are hundreds of teachers in the Anchorage School District and it was sufficiently broad enough for Mr. Sullivan to be able to vote. Mr. Christal stated the reduction in force was based on seniority, so tenured employees would probably not receive termination notices.

In response to Mr. Wuerch, Mr. Sullivan said there was not a letter of termination pending for his wife.

In response to Ms. Fairclough, Mr. Sullivan said he did not feel he had a conflict of interest.

Question was called on whether Mr. Sullivan has a substantial financial interest and it failed:

AYES: Taylor.

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

ABSTAIN: Sullivan, Tremaine.

Mr. Tesche declared a potential conflict and asked for a ruling. As a professional corporation, his law firm occasionally represents the Anchorage School District on select worker's compensation and liability cases. The work is not handled by him personally, but by another employee of the firm. The amount of work handled by his law firm for the School District is relatively small and makes up an extremely small portion of his personal income. He estimated that revenues for the work performed for the District by his law firm were somewhere in the neighborhood of less than \$25,000 a year.

Chairman Meyer ruled Mr. Tesche did not have a conflict of interest. There was no objection.

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

BOB CHRISTAL, ASD Superintendent, spoke on behalf of the 49,000 students, their parents, and over 5,000 school district employees, who requested the Assembly's support for their financial plan for the 2000-2001 school year as proposed. In their work sessions with the Assembly, they highlighted the budget as proposed with the increases totaling 5 percent. An increased tax was requested, totaling \$6.9 million. They believe the proposed budget would allow them to address significant needs within the District. They were actively pursuing bargaining agreements with four employee groups. Salary and benefit increases for these employees were very important issues for everyone. Of the \$14,000,000 increase to the general fund, approximately \$12,000,000 of that increase was related to the bargaining agreements. Their employees are dedicated and committed to a quality educational program for the students. Personnel costs represent about 85 percent of the budget. Reductions of the magnitude that were being discussed would impact hundreds of employees and their families. Many instructional issues were included in the proposed budget. During the worksession today, they were encouraged to seek an attorney general's legal opinion on identified issues. They asked for an opinion by the Attorney General's Office on whether the tax cap would apply to the ASD existing budget if the tax limitation passed and became effective. They also sent a request to Governor Knowles to have his office authorize this request on an expedited time frame. They realize that many Assemblymembers were concerned about the initiative, but requested the Assembly's support of the proposed budget. They asked the Assembly to work with them on a coordinated effort to avoid the drastic impacts that the approval of this initiative would have on the District and the Municipality. The Assembly did not have to cut the proposed budget. They believe they could make a case to avoid the cuts in the future and the quality of the community was directly related to the services that government provides. The education of 49,000 students was critical. If they were forced to sustain a \$16 million to \$18 million reduction in the proposed budget, they could not maintain the quality of the school system that the community deserves.

PEGGY ROBINSON, School Board president, said the handout she provided was a historical prospective that the financial staff has put together in regards to funding. Over the last 10 years the State foundation formula revenue has decreased by \$625 per student. The general fund taxes have increased only \$350, which was only about half of the State decrease. The general fund expenditures per student decreased in the last 10 years by \$120 per student. Since 1992, expenditures per student decreased, and it has only been the last couple of years that they have started to increase again. In 1990, they cut over \$50 million in staff and services from the status quo budget in order to have a balanced budget. In 1996-97, they implemented no-cost-increase employee contracts. Twelve million of the fourteen million requested increase will go toward those contracts. She was concerned with the rationale of Mr. Sullivan's version, which would prevent them from using fund balance. Cutting both the upper limit and taxes would not make a difference.

In response to Mr. Wuerch, Ms. Robinson confirmed in the last 10 years, the District's cost per student dollars has gone down \$120, but in the last few years it has started to come back up.

In response to Ms. Clementson, Mr. Christal said they had two legal opinions that said unless the bonds were sold by the effective date of the mill rate cap initiative implementation, the bonds would not be excluded from the limitation. They had identified about \$35 million in bonds that they were going to sell last fall, and are trying to sell soon. The District would be discussing with the School Board and the Assembly the potential sale for the remaining bonds. If the ASD budget is in place before the cap is passed, their budget would be impacted by it a year from now, not this year.

Ms. Clementson pointed out that if the budget was approved as is, and the cap is approved, because funds for the ASD were previously appropriated, the \$16.5 million impact would come out of the Municipal budget. The Assembly could then take it from the School District's budget in the last half of the year 2001. In the 2001-2002 school year, the School District could potentially be facing \$49.5 million reduction. She pointed out that the Assembly had to approve the amount that they could appropriate to the School District and they could not appropriate what they did not have.

In response to Ms. Clementson, Ms. Robinson noted if the 10-mill rate passed without legal challenges on Constitutional issues, they would have until early February before it would go into effect, which would give them several months to sell the bonds. If the bonds were sold early, there were potential penalties that would have to be paid. However, the effect of paying the penalties would be much less than the effect of the 10-mill cap.

Ms. Clementson said there was no guarantee that the will of the voters would be put on hold while there was a legal challenge. She felt the bonds needed to be sold before the effective date.

Mr. Wuerch was concerned about the idea that the bonds could be sold after the vote on the tax cap. If the tax cap passed, the Municipality's bond rating would probably go down, and it would be more beneficial to sell the bonds before the vote. There are penalties for earning too much interest, but there should be investment management schemes that would protect against penalties.

In response to Mr. Tesche, Mr. Christal said the School Board would decide whether the District would look to the municipal general government to makeup the shortfall necessary to complete the 2000-2001 ASD budget. They intended to carefully watch their expenditures over the next ten months. He felt they could succeed without having to take a drastic cut.

In response to Mr. Sullivan, Mr. Christal said this year's general fund budget was increasing by about \$14 million. When all four budgets were combined with local taxes, the overall was about \$20 million. This year's revenue was \$406.5 million and the balance needed for the budget would be taken from the reserves.

SANDY MINTZ said she was a member of the Central Middle School Parent Advisory Committee. Her grandfather came to Anchorage in 1915 to start a business and her grandmother came in 1920 to teach school. Her father grew up in Anchorage and she grew up in Anchorage and graduated from West High School in 1967. She left Alaska to attend college outside, but returned to Alaska. She felt the community had her best interest at heart, nurturing and challenging her, and expected her to nurture those that followed. She was sick at heart at what appeared to be a growing unwillingness to extend the same favor to others by making education a tax cap casualty. She felt there is plenty of money in this community to pay for children's education. If the 10-mill cap passes, we need to find a way to spread the tax burden over the entire population rather than compromising critically important services like education. Compared to most communities, we are barely taxed for local services. Many in the community contribute nothing toward services and continue to reap the benefits, while accepting payment for merely living here. Our children deserve some sacrifice on our part, in the form of taxes paid toward their education. We should rise to the challenge of a potential property tax cap by committing to raising the monies necessary to provide quality education for our children, which they need to fulfill their potential, as well as contribute responsibly and productively to the community as adults. She asked the Assembly to fully fund the Anchorage School District budget for 2000-2001. We must work together to defeat the tax cap initiative, but if it passes, we need to ensure alternative sources of revenue are in place before the initiative's effects were felt by the School District.

COLLEEN PATRICK RILEY, Chair of the Central Parent Advisory Committee, said she also serves as Vice-Chair of the West Anchorage High School PTSA, who passed a formal resolution that she read to the Assembly. They are opposed to the tax cap initiative and any effort to cut the ASD budget, which would severely jeopardize the quality of children's education. If a tax cap is considered, it must be accompanied by an alternative source of revenue. Any cut would mean hundreds of teachers and staff would be laid off, increased class sizes, and cuts or elimination of critical school programs. These cuts would be disasters to our community and our children. She was born and raised in Anchorage. She graduated in 1969 with an excellent education and wants the same opportunity for her children. She asked the Assembly to use all their resources to oppose the tax cap initiative and educate the public regarding the 10-mill cap impact.

REVEREND WILLIAM GREENE said he has been active in the School District since 1980 and he supports the proposed budget. He felt we must educate students. He was amazed that there was talk of decreasing education funding when we should be talking about spending more money on education. We need to invest in our children or they will fall through the cracks. Our children are worth much more than \$36 million, and we need to look at the future of Anchorage. He asked the Assembly not to cut the school budget, because they were trying to educate our children and they need the Assembly's support.

SUSAN SAMLAND said she was an elementary school teacher in the Anchorage School District. She asked the Assembly not to cut the ASD budget. She was aware of the concern on the impending vote on the property tax cap, but felt it would be shortsighted to cut the budget. The future of our community depends on the education of our children. A reduction of the ASD proposed budget would result in a reduction of educational services. Her 5th/6th grade classroom has been 28 or more students since the first day of school. Students are being required to take the Benchmark and High School Graduation Qualifying Exams, resulting in a loss of over a week of instructional time. The ASD has proposed new expenditures that would have a positive impact on student achievement, including expansion of the full day kindergarten program and elementary level summer school. These programs probably would not survive a cut in the proposed budget. Anchorage teachers put in many hours beyond their contracted workweek to meet the needs of their students, yet it has been six years since they have had a salary increase. In the same six-year period, the percentage of the budget that goes to teacher's salaries and benefits has dropped from about 47 percent to below 42 percent. Teachers are continually being asked to do more with less. Teacher morale is at an all time low and many teachers are being courted by school districts outside of Anchorage. If the budget is cut, there may not be money to retain well-qualified teachers, much less attract new ones. She asked the Assembly not to balance the Municipality's budget on the backs of community children. If the 10-mill cap passes, Municipal officials will have to do some problem solving.

TOM McGRATH said people should be reminded that the Assembly approves the total amount of the School District budget only. Courts have taken away the line item veto from the Mayor. He felt the budget should be approved by the School Board, then they would be responsible to the voters. He said the system was broken in several respects and he was disappointed that territorial issues have not allowed long-term solutions. Although some Assemblymembers agree with that, collectively they have not taken any actions to fix representation or responsibility issues while allowing this charade to continue year after year. Budget decisions should be fair, clear headed business decisions, not political decisions requiring begging for dollars. Tugging at heartstrings is a poor excuse for a systematic exploration of the needs and requirements of citizens for the education system, upon which we base our future. However, the system which the Assembly has perpetuated does just that. There are business decisions that could reduce the budget, but collaboration in the past has failed to achieve the desired results. He suggested that the Assembly defer to the School Board. He felt that if substantial cuts were not made to the approved budget, the 10-mill cap would assuredly pass.

ANGELA LISTON, a parent, said if the Assembly approved the budget cuts, they knew it would not be acceptable and it would be impossible to implement. If they decide to cut the budget, they should at least admit that they made a decision that our children are not worth what we thought they were, and children's education is expendable and not our highest priority. She grew up in a relatively poor home and there were times when major cuts were made to their household budget. As a result of those cuts, her parents often went without, but she and her seven siblings did not, because they were the priority. One of the major tests of government is how it treats those people who are in the dawn of life, our children. Realistically, there is a possibility of the 10-mill property tax cap, but the only response is to defeat the tax cap. We do not pay an income

tax and we are spoiled rotten in this State. It is the responsibility of every citizen to support the education of our youth. We cannot sacrifice that future, because we do not want to pay our fair share of taxes now. In the end, we're all going to pay for compromising the education of our children. She asked the Assembly to step forward and pledge to defeat the tax cap.

Ms. Clementson said she would do everything within her power to defeat the 10-mill cap. The Municipality would take a \$40 million cut and the School District would take a \$33 million cut. The 10-mill cap initiative will be up to the will of the voters, not the Assembly. She noted polls show that people support the tax cap, including a poll taken at this meeting.

In response to Mr. Tesche, Ms. Liston said she would help to fight this tax cut and listed her name, address and phone number on a sign-up sheet provided by Mr. Tesche.

Ms. Von Gemmingen referenced the 2000 Legislative questionnaire results from Senator Randy Phillips of Eagle River/Chugiak area. She noted the results showed 61.4 percent of citizens supported the 10-mill cap proposal.

Mr. Wuerch pointed out the 10-mill cap proposition was a Statewide issue, so citizens from all over the State would decide Anchorage's future.

DIANE ETTER, President of the Anchorage Council of PTAs, said she was speaking for the Council's Executive Board. She is already one of the charter members of the group that is fighting the tax cap. The Council opposes the tax cap. She has an 18 and a 16-year-old. When they were in first grade, they had 30 students in their class, so she got involved in PTA to advocate for school funding and smaller class sizes. PTA was elated two years ago when Senate Bill 36 passed and felt it would solve all the funding problems. Her children now have smaller classes at the high school level than they had in first grade. The PTA felt the School District was finally able to fully meet the educational needs for the next century. After hearing the ASD attorney's opinion, she could not image that the Assembly was still considering the budget cut. She felt they would be sending a strong message to the community saying you might as well vote for the tax cap because the cuts are already made. It would be smarter to publicize what people would be losing if the tax cap passed. She hoped the Assembly was working on a long list of Municipal budget cuts and would publicize them before the election. The possible budget cuts are devastating. She felt they would lose everything that they gained with SB 36. She asked the Assembly to remember that you get what you pay for and asked them to do the right thing for Anchorage children.

BLYTHE CAMPBELL, Chairman of the Anchorage Community Education Advisory Board, said she felt the community schools program would be completely eliminated if they voted to cut the budget. Even if a \$16 million cut is restored in the future, it would be too late for many programs, which would have already lost their staff, and the community schools program, which has been established for 25 years. This program has done a lot for students and a lot for schools. She asked the Assembly to provide leadership to our legislative representatives by demanding that the foundation formula be fully funded. She felt the Assembly did not stand up to the Legislature, who has taken away money from revenue sharing and the foundation formula.

Ms. Fairclough said members have been in Juneau lobbying legislators, and they needed help from citizens. Revenue sharing is another source of the Assembly's funding that has been cut substantially over the last 10 years. She recommended citizens call a member of the Finance Committee and Eldon Mulder and tell them how important full funding is.

Mr. Wuerch said every one of the five years he has been on the Assembly, he has lobbied in Juneau. He convened work sessions with the Anchorage Caucus and made as strong a pitch as possible. He felt they have represented the needs of the community and it took extraordinary efforts to get SB 36 passed.

Ms. Abney pointed out the members worked hard with the Legislature, but they did not tell very many people what they were doing so they could help. Many Assemblymembers are active with the Alaska Municipal League. Every citizen can help by contacting their legislator and telling them how they feel.

ANDREE McLEOD questioned whether it was legal to use a Municipal notepad to collect signatures regarding the 10-mill cap.

In response, Deputy Municipal Attorney Bill Greene said he did not think it was illegal for Mr. Tesche to have the sign-up sheet on the podium, because it was not using any Municipal resources.

In response to Ms. McLeod, Mr. Tesche said it was not his intent to insult or offend anyone and he apologized if she felt that way. He suggested passing the sign up sheet around the Chamber, and agreed to removed the sign up sheet from the podium.

Ms. McLeod discussed a program that brought many positive results at a negligible cost. The "Bank Within East" program was awarded a citation last week by the Legislature. Cynthia McCray, principal at East High, brought an innovative and creative idea to fruition with the help of Trudy Keller. NBA invested time and money and was rewarded with skilled workers to employ at their branches. The parents, students, teachers and community all win with this program. She was submitting this to show how the private sector stepped up to the plate. She felt we need to think outside the box to solve the budget problems.

DON DECKER said he was co-owner of the Decker Morris Gallery in the Performing Arts Center. He was on the Board of the International Gallery of Contemporary Art and coordinator for the Artisans Schools Program for the State Council on the Arts. His remarks are his own and do not represent any group. He referenced the Mayor's memorandum regarding the property tax cap where the Mayor made no recommendations. He pointed out that previous speakers had recommendations to make, which was the purpose of the public hearing. He understands the problems faced by the School Board and Assembly regarding the budget cuts. He felt everyone recognized the importance of art, music and athletic programs and how vital culture is to our quality of life, the tourism industry, and the goal of keeping our students interested, active, and involved. Every time the threat of budget cuts arise, it seems these types of programs are always treated as frills and they seem to be designated as the first to be eliminated. If we remain silent on the matter, that would be the surest way to assure that these programs were eliminated. The arts and athletic programs motivate, inspire and challenge students. The arts

develop skills that are useful in other areas of learning. Mr. Decker noted 260 people from Anchorage attended the recent mayoral debate and the candidates described the arts as a necessity to the community. Those receiving pink slips deserve better treatment from the citizens and government they serve. The art and music departments have established high quality programs that are important to the lives of thousands of our students. He wanted to remind the Assembly the key role the arts play in education. An educational system or community void of the visual arts, sports or music would be silent indeed.

JILL PASLOCK, Director of Campfire Boys and Girls, said they had 25 programs in various schools and work hand in hand with the School District, especially with the rental department. The rental department may be one of those infrastructures that appeared easy to eliminate, but they are the most efficient and effective communicators of relationships. She believes all Alaskans care about our children. If people understood what the 10-mill cap would do, they would not vote for it. As educators, it is our job to make a statement. She committed to Mr. Tesche that she would work to do that.

Ms. Von Gemmingen moved, to change the orders of the day to consider a special order,
seconded by Mr. Tesche, AO 2000-73.

Chairman Meyer announced a special meeting on April 4, 2000, at 5:00 p.m. continue the public hearing on the ASD budget.

Question was called on the motion to change the orders of the day and it failed for lack of eight affirmative votes necessary to change the orders of the day:

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

HANS BERNARD, Student Advisor to the Anchorage School Board, said the proposed ASD budget would usher both the District and students into the 21st century, effectively educating students for success in life. The proposed budget continues to lower class size, implement technology plans, expand full day kindergarten, reserve money to settle contracts with the hardworking employees of the district, and takes steps to prepare students for success in taking the state mandated Benchmark Exams and the High School Qualifying Exam. If the budget is cut, the administration will be under pressure from the community to avoid impacting students. Large or small cuts to the budget will effect the classroom. He asked the Assembly not to cut the budget and allow future students to receive a quality education. He asked the Assembly to work hard to block the 10-mill tax cap, to vote yes on the school bonds, and to vote against any cuts to the proposed budget. The Assembly has the opportunity to be politically courageous individuals and show the community that they care about the education of 49,000 students.

Ms. Von Gemmingen encouraged Mr. Bernard and other students over 18 years of age to register and vote.

Ms. Clementson moved, to extend the public hearing to 11:45 p.m. and the
seconded by Mr. Tesche, meeting to 12:00 p.m.

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

MIKE MARTENSON said he was the Music Supervisor for ASD and father of three students, and an active player with the Anchorage Symphony and several other groups. He was listening to the West High Jazz Band when he noticed some young children from Bear Valley Elementary School, who were waiting for their turn to perform, start dancing. It occurred to him that none of those students were thinking about the fact that their cognitive abilities were increasing due to their involvement with music. They did not realize that their test scores for language arts and math were going to be higher as a direct result of performing music. They were having a good time and were not thinking about the part of their brain that may become 15 percent larger as a direct result of their experience with music. The best results in teaching happen when students are motivated and do not realize that they are learning, which is what music does for our children. He felt it was no wonder these students rank at the top of national standardized tests and these are student leaders and adult leaders of the future. Music, art, and physical education has been identified as areas to cut if the budget is reduced. Like music, PE and art are extremely valuable for a whole and well-balanced education. He asked the Assembly to allow the budget to remain as proposed.

Ms. Fairclough moved, to change the orders of the day to address a special order,
seconded by Ms. Von Gemmingen, an emergency ordinance.

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

Ordinance No. AO 2000-73, an emergency ordinance of the Anchorage Municipal Assembly **prohibiting the construction and energizing of community and local interest towers and antennas in areas zoned for residential and public land uses**, Assemblymembers Von Gemmingen and Tremaine. **(LAID ON THE TABLE)**

In response to Chairman Meyer, Deputy Municipal Attorney Bill Greene noted an emergency ordinance requires adoption by three-quarters of the Assembly, nine members.

Ms. Von Gemmingen moved, to adopt AO 2000-73.
seconded by Mr. Tremaine,

Ms. Von Gemmingen explained the Assembly made an error last year by adopting an ordinance regarding antennas that did not have enough public input. She felt the Assembly did not realize the magnitude of what they were adopting. She felt they needed to put a temporary halt on the provisions in the ordinance to examine it and correct their mistakes.

In response to Ms. Fairclough, Mr. Greene said he could not address the sponsor's intent of the emergency ordinance; however, he noted there were existing towers in residential areas that were currently operating. If the ordinance stops operation of the existing towers, there is the possibility for a challenge.

Mr. Wuerch felt this was an extraordinary means to try to deal with an individual tower. He referenced line 35, and said this could cause havoc in the communications industry. It would mean that if you had an operating station, it might have to be shut off. He felt this represented an extraordinary abuse of legislative power. He took exception to doing this as an emergency ordinance without public comment on a Title 21 section that took months to go through to process last year. He said without seeing a detailed study on the ramifications of this prohibition, he would have to vote against it.

Mr. Tremaine said it was not his intent to stop any tower that was currently in operation. He felt his intent and that of other members would be adequate. He believed there were two operating towers in residential zones. They were illegal, but permitted after the fact. Mr. Tremaine said they tried to come to another solution besides an emergency ordinance. He said the current situation allowed commercial structures in residential areas with no public notice or ability to comment by affected citizens.

Ms. Taylor moved, to call the previous question.
seconded by Mr. Tremaine,

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

NAYS: Kendall, Meyer.

Question was called on the motion to adopt AO 2000-73 and it failed:

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

NAYS: Kendall, Meyer, Wuerch.

Ms. Clementson was excused and left the meeting.

The Assembly then returned to the public hearing on AO 2000-39, the Anchorage School District budget.

SUSAN LINDQUIST said she was not associated with any organization, but was a mother. When she was signing up for Community Schools, she heard that Community Schools was first on the cutting list and the entire program was going to be eliminated. The tragedy is that art, music and the finer things in life are not part of our culture, which is what the Community Schools program does for our community. Community Schools was a great community program that affected ordinary people and people who could not afford continuing education. She was concerned about the complete elimination of a program that runs well and has been established for a long time. Ms. Lindquist agreed with a previous speaker that Alaska is the most spoiled society she had ever seen. She pointed out that we do not pay anything in taxes and our government pays us almost \$2,000 a year for living here. She felt they should add a seasonal tax on taxis, rental cars and other sources. She said this was a seasonal tourist town and you could get funding from tourists who use our facilities. She asked the Assembly not to cut Community Schools.

Ms. Fairclough clarified the Assembly has never suggested cutting Community Schools. She explained the School Board decides where the District cuts are to be made. She said there was great opposition against a seasonal sales tax and the costs associated with starting, stopping and enforcing seasonal taxes made it impractical.

RACHEL PETERSON said she knew the Assembly was under pressure because of the 10-mill cap. She lives in Eagle River and bought her first home in January. She said it was a privilege to pay property taxes. What citizens receive for their taxes is astonishing. The music program at her daughter's school is wonderful and the way in which the teams work together is amazing. She does not want to see any of that cut before her younger daughter gets to the school. She pointed out that polls have been wrong in the past. She felt there were many people who did not mind paying property taxes for the kind of quality education that they wanted, demanded and needed for the people who were going to be the leaders of tomorrow.

KATE PETERSON said she was in a class of 30 children and she does not want to have a class of 40 or 50 children.

JODY VISCARTE, a Gifted Education Teacher at Bear Valley Elementary, said she was a proud graduate of the first graduating class of Dimond High School. She has always been proud to be a product of this School District, as well as a teacher. In her travels to the Lower 48, she was able to proudly quote our teachers' salaries as among the best in the nation and say that she lived in a community that valued education. Today she is unable to repeat those sentiments. She asked the Assembly to remember that the future of this city was in their hands. It is today's students that will become our future leaders and only with the best teachers will they reach their full potential. She noted research shows that the single most important factor in a child's education is the quality of his or her teacher, and teacher quality depends upon years of experience in the classroom. To retain talented teachers for the long haul, we have to pay them what they are worth. She said if the Assembly cut the budget, they would be cutting the talent of Anchorage schools. We will continue to lose our experienced educators and be unable to attract the young and talented teachers. Education is the essential service provided by government, and without education, we would not have a civilized community.

In response to Mr. Sullivan, Ms. Viscarte said the teachers felt the School District was not prioritizing spending. If there were budget cuts, either the teachers would not be paid what they were worth or positions would be cut. She said teachers needed a significant raise and she has not had a raise in eight years.

MARSHA BIRD said she was here to ask the Assembly to do something that she felt should be done in every community without anyone having to ask for it, which is to fully fund our public schools. She was born and raised in Anchorage and the great teachers and programs the Anchorage School District provided shaped her life in a profound way. The programs that contributed most to her growth are those that would probably be cut if budget reductions were made. The quality education she received in Anchorage has allowed her to flourish, but she was luckier than some students. She had a family that

provided wonderful support. Many of Anchorage's children rely on a supportive school environment not to flourish, but to survive, because they face great difficulties at home or have no home to speak of. According to the Division of Youth and Family Services, the rate of child abuse in Anchorage is higher than the national rate. In FY '99, the Anchorage Family Services offices received 5,896 reports of harm. According to the Healthy Anchorage Indicator's Website, 7.1 percent of Anchorage families live in poverty. A School District office reports that 900 students in grades K-12 are homeless this school year. Considering the lives of these children makes it very clear why public schools must be the absolute best we can offer. We need to make sure those resources are used effectively. A nationwide teacher shortage is quickly coming upon us and Anchorage is losing some of its best teachers to districts around the country that offer better compensation. She asked the Assembly provide full funding to the Anchorage School District.

CARLA GRISWALD said she was a parent of three products of the Anchorage School District and a future grandparent of Anchorage School District students. She is also a teacher. She felt it would not do any good to speak, because the Assembly had already made up their minds. There are a lot of teachers, educators, community members and parents in the audience who were concerned about the 10-mill cap and the implications it had to the budget. She knows the Assembly has a tough job, but they expect the Assembly to stand tough. Even if the budget remains the same as last year, there are rising costs and contracts that are being negotiated that require more funds. She asked the Assembly not to cut the budget.

PATRICIA HOLE said she was the mother of four children who all receive special education services. She is also a surrogate parent to 23 children throughout the Anchorage School District. She has heard people say that the School District is basically a pork barrel, but she has witnessed teachers at Whaley buying their own supplies, basic necessities for students such as staples, paperclips, pens and paper. This year Whaley hired a social worker that coordinated 204 families to receive federal or state services. For the first time ever, 43 students have transitioned out of Whaley and back into their home schools. She has seen other schools unable to provide the level of special education services and behavior modification plans, because they lack the personnel. That is the reason for an increase over last year's budget. She felt we needed to be proactive instead of reactive. Her family income is \$70,000, they have a \$50,000 trailer and her property taxes are \$1,200 a year, which she pays with pride. She works hard for that extra \$100 a month to pay her property taxes, because her child's education is important. She felt the public needed to be educated. The School District has a responsibility to let parents know what this 10-mill cap would do to our children. It's not a matter of keeping the budget the same, but budget needs to be increased.

RON McCOY said they were talking about a \$20 million increase, but as far as a tax increases, it was \$2 million. He pointed out every year, the District asks for less than the previous year, if you take inflation into account. He said Randy Phillips' survey was the least likely survey to be legitimate, because the questions are leading. Even with this limited survey, 65 percent said funding for education should not be reduced. He noted Randy Phillips did not support the 10-mill tax cap, nor did any leading contender for mayor of Anchorage.

ANITA RIPPLE said she was a concerned parent with an eight-year-old son attending Kennedy Elementary on Fort Richardson. She received a letter from the school saying that with the proposed budget cuts, there was a chance that Kennedy Elementary would lose their school nurse. A school without a nurse is like cereal without milk. A nurse is beneficial for both the students and the facility. If there were not nurses who would help the students who hurt themselves or felt ill? A nurse can be the lifeline of a person when immediate emergency care cannot be provided. A nurse's quick thinking can be the difference between life and death. Her son has diabetes and requires constant monitoring and the nurse at the school is trained to deal with these issues and provides needed medications. Teachers and other faculty do not have enough time in their day to deal with ill children. A nurse's special care and tenderness is often overlooked and taken for granted. She thanked the nurses, faculty and teachers for all they do for the students.

TODD HESS said he was a parent, taxpayer, voter and principal of Baxter Elementary School. Over the last several years, he has had the good fortune to make some pragmatic business decisions that have helped teachers do a better job. Full day kindergarten at Baxter Elementary has been implemented and progress has been made in enhancing pre-reading skills of kindergarten students. Class sizes in the primary grades have been reduced and the ability of teachers to interact with students has improved. Reading development is a key indicator of a student's success in school. At Baxter Elementary, they have made great strides in reading development over the last several years and are proud. He was amazed at the number of citizens that attended Baxter Community School. He could not project what program cuts would be made if the budget was cut, but everything he has mentioned is under review and consideration. He encouraged the Assembly to present Anchorage voters with the facts, because when they are, they make good decisions.

JAN CHRISTIANSON, principal at Chugiak High School, spoke for the senior high principals, who were at the podium with her from Bartlett, West, Chugiak, East, Service and Dimond High Schools. The principals introduced themselves. Ms. Christianson said the principals supported the Anchorage School District's requested budget. She listed the previous years' budget benefits. Some benefits at the high school level include reduced class size, reduced from 32 to 35 down to 25 students. Teachers are able to truly teach students in classes without having to just manage large classes. Each school now has a technology specialist coordinator who is linked to curricula around the world. One of the most innovative changes in educational delivery today is the computer. The technology coordinator is training teachers, staff and students to utilize this learning tool. High schools have reading specialists who help to develop individual programs and assist students who need additional help with reading. They also teach teachers to teach reading throughout the curricula. High schools have seen improved safety and security with additional counselors, security personnel, and increased hours of janitorial staff. High schools can give better services to students with more adults in the building to assist in maintaining a positive, non-violent school environment. All these programs have helped to contribute to positive school environments, which are essential for a student's success in high school. At a time when the State is mandating a high school graduation exit exam, it is imperative that the ASD budget is fully supported and funded.

SHARON LONG urged the Assembly to approve the full budget requested by the District. The proposal represents an enormous effort on behalf of the School Board, administration, rank and file employees, and the public. Reduction threats are ill conceived and possibly illegal, politically motivated, and an insult to public process. The School District, in compliance with our charter, conducts a broad based, in-depth series of committee meetings, work sessions and public hearings. The request before the Assembly is what it will take to maintain the current quality of programs. The proposed

cuts will adversely effect the quality of our schools through increased class sizes and decreased program offerings. If the Assembly does not like what the School Board presents, they should spend that energy enacting a Charter amendment that abolishes the School Board so the Assembly can approve contracts and develop the budget directly. Otherwise, they should affirm all the hard work and expertise that forged this budget by approving it as presented.

In response to Mr. Sullivan's question about why music might be cut, Ms. Long said programs are always cut first. The staff needs a raise and that is where the money is going. The cuts happen after the entitlements and the contracts are covered. She felt this budget was a bargain and pointed out that our children did not have a bargaining unit and they were relying on the Assembly to bargain for them.

JIM BAILEY said he was the principal of McLaughlin School, the Avail School Program, and the president of the Anchorage Museum Association Board of Trustees. He asked the Assembly to support the budget as presented. It is fully supportable and fully needed by the School District. He felt the community needed to work together to find some mutually acceptable ways to deal with the tax problems that were coming up. He invited everyone to go to the museum and see the Anchorage School District art exhibit. There are many talented people in Anchorage. That is an example of something we might have to give up if the budget is cut. The Avail School Program dealt with high-risk children who were attending school and achieving. Small programs like that were the most likely to be hurt by budget cuts. Last year 1,600 children took remedial classes in summer school. The last time the budget was cut, that program was eliminated for several years.

HELEN ARMSTRONG, PTSA President of the Goldenview Middle School, noted the school district she came from believed that paving roads was much more important than the education of their children. They did not have physical education, music, art, or gifted programs in the elementary schools. In high school, you could not study languages for more than two years. Her elementary school classes were 35 kids and above and in high school there were 40 kids. She grew up in a school district that did not put a priority on children and it was not nice. She was appalled that Alaska had so much money yet was not paying its teachers the highest wages in the nation. She felt there were better ways to get the money other than cutting the ASD budget.

CONNIE BENSLE, president-elect of the Anchorage Principal's Association, said she was speaking on behalf of the 121 members of their association, which are the building level principals for elementary, middle, high school, and alternative schools. She has been employed by ASD off and on since 1969 and has always been proud of that fact. She felt the District was on the cutting edge of education. Some of the things that make our schools outstanding at the primary level are: low class sizes; counselors; open optional, gifted, ABC and neighborhood schools to choose from; intensive needs programs; music, art, physical education and gifted programs. Middle schools have core teams and interdisciplinary planning and a variety of electives. Alternative schools also do a wonderful job. Those things are some of the things that could be affected if the proposed budget is reduced. She asked the Assembly to weigh this decision very carefully.

ROBERT KELLY, JR., a disciplinary dean at Dimond High, said he was a proud advocate of the Anchorage School District and the proposed budget. People do not perform at their peak levels if they do not feel supported and validated. He suggested a reduction would invalidate and minimize the importance education plays in our community. He referenced \$1,500 that goes into his Saturday school program. This funds two people to spend three hours monitoring the Saturday school program, which is provided as a disciplinary alternative. Instead of the Saturday school, the children could be suspended for three days, which would eliminate 15 hours of education from their time.

KURT GREEN, a disciplinary Assistant Principal at West High, spoke in support of full funding of the budget. He pointed out a youth center downtown is proposed to be closed, and if ASD sports programs are reduced, students will have very few choices for support.

MYRNA MOULTON, Principle at North Star Elementary, said about 70 percent of the population was on the free and reduced lunch program. They have 20 to 29 different languages represented. There are 40 bilingual students. They have a large special education population. They have children in a transition program and homeless children. She said the parents actively supported their children, but if the budget is cut it would hurt everyone and put these kids at risk. She urged the Assembly to make the difficult decision of supporting the budget.

SHARON HARRIS, Coordinator at Baxter Community School, noted the Community Schools program was the first and only consolidated service of the Municipality and the School District. She asked the Assembly to support the proposed ASD budget. The Community Schools program is not classroom-related and is sometimes seen as a frill. However, it serves everyone in the Municipality, the parents and students of the schools they are connected to, and 65 percent of the people who do not have children in the School District. She questioned the sanity of a proposal to consolidate more services.

JIM TAYLOR said he was a taxpayer, citizen of Alaska for 22 years, property owner, and an employee of the School District. His job is to educate the kids and the Assembly's job is to help finance that. We find ways to make people pay for things we do not want them to do, in the form of alcohol and tobacco taxes, so it makes sense that we should make people pay for something we ought to have. That is, our school system in the form that we have it today.

KEVIN HOYER, Principal at Bear Valley Elementary School, said he was proud to be a part of the Anchorage School District. He felt the need to reflect on what a fine school district we have. Every year the School District has to come to the Assembly for financial support. He would rather spend his time educating children and not getting the money they need. He felt there was a way, and he encouraged the Assembly to support the budget.

MARY RASMUSSEN, President of the Mears Middle School PTSA, said she was delighted to see the Assembly support the school bonds that were coming up on the April 4th ballot, which showed they truly value education. She felt they needed to take a second step by approving the proposed budget as presented. There is a strong legal opinion that this year the 10-mill cap would not affect the appropriations for the School District. Also, the cap has not yet passed and there are a lot of people who want to work to defeat the initiative. She hated to see children be used as pawns, yet they are the ones that are going to suffer. If the Assembly cuts the budget, the Assembly is saying that they do not want to give this money to the children and they do not value education. If the tax cap does pass, the cap would be directly responsible for the downfall of many services

in this city. She noted there are things like the \$45 million reserve fund or the interest earned on the proceeds from the ATU sale that could be used if needed.

LOU PONDOLFINO said he was an educator with the Anchorage School District, but he was primarily here as a parent to young children in the District and a property owner. He said a budget reduction would have a tremendous negative impact on the quality of education in Anchorage, both immediate and long range. It will also have implications regarding the teacher contract presently in arbitration. Many necessary programs would have to be cut. The teacher shortage has affected Anchorage and will be more evident in the next few years. He thanked the Assembly for their work and noted it was tremendously important and equally under-appreciated. He said he wanted a community leader who was keenly aware of economic realities, especially when the forecast is dismal. He felt those leaders should refuse to bow to that forecast when it comes to compromising the most important function that government is responsible for, which is education. Finally, he wants that leader to inspire him and his neighbors into activism. He said if the Assembly passed the budget as offered, he would be inspired and would work to defeat the tax cap initiative.

JIM HUGHES said he had been with the Anchorage School District for four years, but has been in education for 30 years. This reminded him of a time in Texas when the rumor got out that they were going to cut football. He was attracted to the District by the success of the people who teach in the District. To be able to plan an education program requires the ability and security to be able to depend on something into the future. When you lose ground and you have to replan and restaff, it is expensive and demoralizing. He encouraged the Assembly to support the budget.

HARRIET DRUMMOND, a member of the Anchorage School Board since 1994, said it the budget was cut, it would negate all the progress that the District has made in the last six years and make it difficult to recover. She asked the Assembly to delay any action tonight and wait for the third opinion from the Attorney General's office that the Superintendent has requested. She requested the members continue their deliberations in public with television coverage at a time when the public can watch or participate. The School Board believes the Assembly does not need to make a preemptive reduction. It has been frustrating to try to fashion a budget with the process changing every 10 minutes, with projections changing and with legal opinions changing. Our teachers deserve a raise, but layoffs of many people will be necessary to give them that raise if the proposed budget reduction is approved. If the Assembly insists on making these cuts and there needs to be some revenues made up when they give them back the \$16.5 million, that could come from the interest that the trust fund would generate.

DEBBIE OSSIANDER, member of the Anchorage School Board, asked the Assembly not to take what is essentially a preemptive strike against the District by approving a budget cut. She asked the Assembly to read the opinion from Jermaine, Dunnagan and Owens. She asked for the opportunity to seek further elaboration on that opinion via the Attorney General's Office. No other community in Alaska feels compelled to move forward in this fashion, although they also face the impact of the 10-mill cap. The increase in the budget was a tax increase of \$6 million. The reason for the increase is because of negotiations and an increase in staff for special education services. Funding has been relatively stable from the State, but the mandates for services continue to increase. The Board does not have the ability or the desire to step back from the offers that are on the table with the bargaining groups. If this cut occurs, it will have to be in a program area.

In response to Mr. Sullivan, Ms. Ossiander said that there has been an advisory arbitrator's opinion in the teacher's arbitration. They are working through the opinion but it is not yet public. The Board has seen the arbitrator's report and is going back into negotiations to work through the issues that came up. She did not have a date on when that would be public, but they acknowledged that there was high community interest in the subject.

DAVE WERDAL, a member of the School Board, discussed the use of the undesignated fund balance. He felt fund balances needed to be saved for emergencies, and this was an emergency. The Board is in the midst of difficult negotiations. He pointed out that people are the most important part of an organization. He said he saw that they were going to be in situation where they could not offer people raises or compensation that would attract new teachers to this District. There is a nationwide teacher shortage. Without giving teachers the compensation they deserve, there is the risk of a strike. He stressed the decision to spend undesignated funds was not made lightly.

In response to Mr. Sullivan, Mr. Werdal said if two-thirds of the undesignated fund balance was used to pay salary increases, there would be difficulties in the future. It is difficult to do long-range planning as the District is totally dependent on annual appropriations. They never know how much they will get from the State and the Municipality.

Chairman Meyer ruled a special meeting would be held on April 4, 2000 at 5:00 p.m. to continue the public hearing for AO 2000-39 and various versions.

- H. Ordinance No. AO 2000-30, an ordinance amending Anchorage Municipal Code Section 26.80.055 to **eliminate or amend the automatic termination (sunset) of reduced solid waste fees for certain recycling operations**, Municipal Clerk.
 - 1. Assembly Memorandum No. AM 85-2000.
 - 2. Assembly Memorandum No. AM 340-2000, Solid Waste Services. (**NOT SUBMITTED**)
- I. Ordinance No. AO 2000-54, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 2.30.080, **Conduct of Debate and Discussion**, to change the time limit on remarks from individuals from three minutes to five minutes, Assemblymembers Taylor, Tesche, and Tremaine.
 - 1. Assembly Memorandum No. AM 249-2000.
- J. 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.
 - 1. Assembly Memorandum No. AM 254-2000.

Items 12.H, I and J were continued until April 18, 2000.

13. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS: None.

14. SPECIAL ORDERS:

- A. Ordinance No. AO 2000-73, an emergency ordinance of the Anchorage Municipal Assembly **prohibiting the construction and energizing of community and local interest towers and antennas in areas zoned for residential and public land uses**, Assemblymembers Von Gemmingen and Tremaine. **(LAID ON THE TABLE)**

This item was addressed earlier in the meeting. See during item 12.G.

- B. A Special Assembly Meeting was set for April 4, 2000, at 5:00 p.m. in the Assembly Chambers - Loussac Library, 3600 Denali #108, limited to the continuation of the public hearing on the **annual operating budget of the Anchorage School District for its fiscal year 2000-2001**.

15. ASSEMBLY COMMENTS: None.

16. UNFINISHED AGENDA:

- A. Resolution No. AR 2000-78, a resolution **finding that the value of the consideration required from the Alaska Railroad Corporation pursuant to the land exchange authorized by AO 2000-42(S) at Beach Lake Park exceeds the fair market value of the fee simple interest of the park land** to be conveyed by the Municipality, Assemblymember Kendall. **(LAID ON THE TABLE)**
- a. Assembly Memorandum No. AM 355-2000.

Mr. Tesche said he had a chance to meet with the counsel for the Railroad and Mr. Greene. The administration has not had an opportunity to review the documents for the resolution. Mr. Greene views the matter as a housekeeping matter that could be addressed later. He suggested taking the matter up briefly on April 4, 2000, after the Administration has had a chance to review this.

Mr. Tesche moved,	to postpone action on AR 2000-78 until the special meeting
seconded by Ms. Fairclough,	on April 4, 2000.
and no further action was taken,	

In response to Mr. Kendall, Mr. Tesche said there were legal reasons to suggest that this item be addressed on April 4, 2000. The earlier ordinance approved by the Assembly required that this be addressed tonight. He suggested the Chugiak/Eagle River Parks and Recreation Board review the resolution at a special meeting before April 4.

In response to Ms. Von Gemmingen, Mr. Tesche agreed because this would be on the April 4 ballot, he would have preferred to address this issue tonight. The next alternative would be April 4.

Mr. Tesche decided to go forward with approval tonight.

In response to Mr. Tesche, Phyllis Johnson, Vice President and General Counsel for Alaska Railroad, explained the ordinance which placed the question on the ballot also required action by the Assembly no later than March 21 to, by resolution, make a finding based on the appraisal and engineer's estimate that the value of a consideration required from the Alaska Railroad Corporation exceeds the fair market value of the fee simple interest of the park land to be conveyed by the Municipality to the Railroad. That finding is necessary to assure the Assembly and the taxpayers that the Municipality is getting a fair deal on the exchange. She has examined the documents that state the values of the two parcels and this finding is supportable by the evidence. No contrary information has been given to her by the Municipal Administration.

Ms. Taylor moved,	to call the previous question.
seconded by Ms. Fairclough,	
and it passed without	
objection,	

Question was called on the motion to approve AR 2000-78 and it passed:

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

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

Mr. Kendall moved,	to spread reconsideration on the minutes
and it died for lack of a second,	

B.

Mr. Tesche moved,	to request a polling place be located at the University
seconded by Ms. Von Gemmingen,	of Alaska, Anchorage campus, to accommodate
and it passed without	voting for students and University staff, for the April 4, 2000
objection,	election.

C.

Ms. Von Gemmingen advised that item 8.C.5, AO 2000-71, would go to Planning and Zoning at its May 15, 2000 meeting and return to the Assembly for public hearing on May 23, 2000. There would not be formal minutes from P&Z, but there would be a public hearing.

- 17. AUDIENCE PARTICIPATION: None.
- 18. EXECUTIVE SESSIONS: None.
- 19. ADJOURNMENT:

The meeting adjourned at 12:00 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: May 16, 2000

LF/kron

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