

# MUNICIPALITY OF ANCHORAGE

## ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of May 23, 2000

### 1. CALL TO ORDER:

The meeting was convened at 4:00 p.m. by Assembly Chair Fay Von Gemmingen in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

### 2. ROLL CALL:

Present: Dan Kendall, Dan Sullivan, Dick Tremaine, Allan Tesche, Melinda Taylor (5:40 p.m.), Kevin Meyer (4:15 p.m.), Anna Fairclough, Pat Abney, Fay Von Gemmingen.  
Absent: George Wuerch (excused), Cheryl Clementson (excused.).

### 3. PLEDGE OF ALLEGIANCE:

The pledge was led by Mr. Kendall.

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

Appeal S-10433, Shan Gri La Subdivision, Clerk's Office.

Chair Von Gemmingen explained the Assembly's choices were to affirm or reverse in whole or in part, to remand in whole or in part, or substitute its own judgement, which would require eight affirmative votes to approve.

Mr. Tremaine discussed whether the community council received proper notice of the public hearing. He questioned staff as to where that information was in the record.

Jerry Weaver of Community Planning and Development (CPD) said the council was noticed regarding the November 3 meeting.

Mr. Tremaine said there was no evidence in the record the November 3 meeting notice was actually mailed to the council. However, it was mailed to at least one person on October 12, which is noted on page 210 and 211 of the packet. That notice showed the new plat including 22 lots. He added on page 198, there is evidence of notice of the October 6 meeting, but it does not indicate which lots were included in the notice. Therefore, he could not determine which notices were mailed on which dates, nor what information was contained in the notices.

In response to Mr. Tesche, Assistant Municipal Attorney Dennis Wheeler noted on pages 38 through 41 of the record, there is testimony by Scott Sell of the Rabbit Creek Community Council, as well as discussion between Mr. Sell and the Platting Board members.

Mr. Tesche felt the record indicated the Council received proper notice of the public hearing.

In response to Mr. Tremaine, Mr. Weaver said usually, an application will not be increased with regard to the number of lots. However, the number of lots could be reduced. If the number of lots increases, that information should be re-noticed to affected parties. Mr. Weaver said an increase would require an additional application.

Ms. Abney said she could not find any evidence of notices after the change in the number of lots.

In response to Mr. Tremaine, Mr. Weaver said notice was required to be posted on the property 21 days in advance of the hearing.

Ms. Fairclough noted she found no evidence of notice of the November 3 meeting. She said on page 158 there was a preliminary plat application for ten lots, but she could not find an **application for 22 lots**.

Mr. Kendall noted there were responses to public hearing notices in the record, on pages 198 through 210. He said both the October and November public hearings were noticed. He said the community council would normally be included in the mailing list, but he has not yet found a specific reference to that in the record.

Mr. Tremaine discussed the second issue, which was the appropriateness of the condition of approval requiring the developer to comply with Code requirements for on-site water and sewer through the Health and Human Services (HHS) Department. He questioned the typical requirements.

Mr. Weaver explained soils information must be submitted for the HHS staff to make a decision on the capability of the lot to sustain an on-site septic system. Typically, the information is reviewed in detail by HHS staff, and general information is given to the Platting Board. HHS staff makes the final determination.

Ms. Abney referenced pages 160 through 166, regarding the test pit logs. Of 22 lots, only 7 have been tested. Of those 7, some had hard-pan at 13 feet. She noted 16 feet was the minimum necessary for percolation. Ms. Abney suggested this is inadequate information to determine the lots will support septic systems.

Mr. Tremaine agreed the record did not demonstrate that the ground can percolate.

Mr. Weaver noted the **application for 22 lots was in the record on page 140**. He reiterated HHS would make a final determination on suitability of the soils.

Mr. Tesche agreed with the appellant that the degree of soils tests may be inadequate. If the other 14 lots cannot be developed because of lack of percolation, it could have a substantial impact on the design and configuration of the subdivision. He suggested soils tests of each lot might be an appropriate condition of plat approval.

Mr. Kendall referenced page 61, conditions of the development. He felt the Platting Board acted as usual, and added conditions for final design to address its concerns. He felt the conditions were appropriate.

Mr. Tremaine questioned the inference that staff calculations of the slope chart were in excess of those allowed under the Code. He noted when 1/3 or more of the required soil borings reveal bedrock at a depth of less than 16 feet, which is the case with this property, lot and site requirements shall be determined as if the average slope were in the next steeper percentage range. He felt this would change the development to 2.5 acres per lot, rather than 1.25 per lot. He requested clarification.

Mr. Weaver agreed with Mr. Tremaine's analysis.

Mr. Tremaine felt that the plat as submitted is improper and unacceptable. He felt the case should be remanded.

Chair Von Gemmingen referred to item 6A on page 61.

Mr. Tesche noted Municipal Code 21.15.110 (4)(b)(4)(1) seems to say that soil or percolation tests shall be conducted in accordance with standards in AMC 15.65.060(b) for each of the proposed lots in areas most likely to be used for on-site wastewater disposal systems, and such additional soil and percolation tests as HHS may reasonably require. It appeared to him that without a percolation test for each of the 22 lots, the application may be inadequate.

Ms. Fairclough referred to page 99 and 100, where the developer was asked to provide soils tests in specific months, either April or May and October. This request was made on April 15, 1999. However, she could not find information in the record about the test results.

Mr. Kendall pointed out the zoning for the property was R-10.

Ms. Fairclough quoted AMC 21.15.100, where the developer is required, in the pre-application form, to submit a plan of the entire development drawn to scale. However, on page 61 of the packet, it appears this drawing is being required as a condition. She asked for comments.

Mr. Weaver clarified the plat application was the drawing. On page 61, a notation was made to correct a minor drafting error.

Mr. Tremaine discussed another issue, which was whether there was substantial evidence supporting the conditions of approval regarding the adequacy of area roads for traffic, including emergency vehicle access. He noted a Fire Department opinion is referred to in the record, but the opinion itself is not included in the record. The discussion indicated the Fire Department strongly wanted two access points for the subdivision, which is in a high wildfire danger area. Mr. Tremaine noted the record, on page 59, speaks to resolving constructing interior and access streets to rural standards. However, recommendations of staff on page 112 were to construct interior and access streets to rural standards. He felt given the fire danger, lack of dual access and staff's specific recommendations, this may need a modification by the Assembly.

Mr. Tremaine continued with another issue, whether the condition of approval requiring resolution of drainage issues with Public Works was appropriate. He found nothing in the record regarding drainage, and questioned standard practice.

Mr. Weaver said the drainage analysis is typically done by engineers in the final stage of the Platting process. The first stage, which is general information, would not contain detailed information about drainage. Traffic studies are typically not required, unless Traffic Engineering staff determines an impact would require an analysis. He said drainage was discussed before the Platting Board, but the predominant discussion was surrounding road access to the property.

Chair Von Gemmingen pointed out information on page 59 and 60 of the record referred to drainage.

Mr. Tremaine moved,	to remand appeal case S-10433 to the Platting Board,
seconded by Mr. Tesche,	based on insufficient evidence regarding the number of lots
and it was withdrawn,	which are feasible.

Chair Von Gemmingen suggested the issues be addressed one at a time.

Mr. Tremaine withdrew his motion. Mr. Tesche concurred.

Ms. Fairclough moved,	to find that there was proper mailed notice.
seconded by Mr. Meyer,	

Ms. Fairclough noted there were responses to mailed notices in the record, received from three property owners in the area.

Mr. Kendall added pages 198 through 208 contain the responses.

Question was called on Ms. Fairclough's motion to find there was proper mailed notice and it passed:

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

NAYS: None.

(Clerk's Note: Ms. Taylor had not arrived at the time of the vote.)

Ms. Abney moved, to find that proper posting was not included for the  
seconded by Mr. Tremaine, November hearing.

Ms. Abney referenced page 178 of the record, which was the only evidence of an affidavit of posting.

Ms. Fairclough agreed there was only evidence of the first posting, not the posting for the November hearing of 22 lots.

Mr. Kendall argued the property was originally posted on March 30, 1999, which satisfies the requirement for on-site posting 21 days prior to the public hearing. The Code does not specify which public hearing. Since the notice was posted, people were alerted to potential changes on the property. It is not uncommon for issues to linger for up to six months before various government bodies.

Chair Von Gemmingen pointed out the notice included the language "I acknowledge this notice must be posted in plain sight and displayed until all public hearings have been completed.

In response to Chair Von Gemmingen, Mr. Weaver said it was not necessarily so that notices are posted prior to each public hearing. Sometimes there are multiple public hearings, but he noted the original posting was done a long time before the November hearing. He felt there could be a question of whether the original posting remained on the property until the second hearing.

Question was called on Ms. Abney's motion to find there was a lack of an affidavit of posting and it failed:

AYES: Tremaine, Von Gemmingen, Fairclough, Abney.

NAYS: Kendall, Sullivan, Tesche, Meyer.

(Clerk's Note: Ms. Taylor had not arrived at the time of the vote.)

Mr. Tremaine moved, to remand regarding the condition of approval requiring the  
seconded by Mr. Tesche, developer to comply with Code requirements for on-site water and sewer.

Mr. Tremaine noted three of the seven pits that were tested were inadequate.

Mr. Tesche asked his earlier remarks be incorporated.

Ms. Fairclough reiterated Municipal Code 21.15.110 required testing of all lots, not merely an average of the lots.

Mr. Kendall said the requirement for test holes on each lot is not in force until the final submittal of the plat. He felt the representative test was appropriate at this stage. He did not feel the Platting Board erred on this point.

Mr. Tesche felt the Code requirement was very clear in this regard. Although a sample of the lots could be adequate, he felt the Code did not allow that discretion. He felt a remand on this issue was necessary.

Mr. Kendall questioned whether the submitted soils tests were for road construction or on-site septic requirements.

Mr. Tesche felt information from staff indicated the tests were for on-site septic systems.

Mr. Tremaine referenced page 163, which indicated the site of the test pit was 60 feet south of Lot 5, center. He guessed that location would not be in the road bed, but on the lot and therefore, would be for septic.

Question was called on Mr. Tremaine's motion to remand and it failed:

AYES: Tremaine, Tesche, Von Gemmingen, Fairclough, Abney.

NAYS: Kendall, Sullivan, Meyer.

(Clerk's Note: Ms. Taylor had not arrived at the time of the vote.)

Mr. Tremaine moved, to declare there is not substantial evidence supporting the  
seconded by Mr. Tesche, adequacy of the soils information provided by the developer.

AYES: Tremaine, Tesche, Von Gemmingen, Fairclough, Abney, Meyer.

NAYS: Kendall, Sullivan.

(Clerk's Note: Ms. Taylor had not arrived at the time of the vote.)

Mr. Tremaine moved,  
seconded by Mr. Tesche,

to remand and find that the condition of approval requiring the developer to resolve discrepancies in slope chart calculations was not an appropriate condition and, in fact, should have been done prior to approval.

Ms. Fairclough moved,  
seconded by Ms. Abney,

to postpone action on the appeal until later in the meeting, to allow time for Ms. Taylor to arrive.

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

(Clerk’s Note: Ms. Taylor had not arrived at the time of the vote.)

Mr. Kendall noted the property was zoned R-10, and the slope chart does apply. He felt the Platting Board correctly noted that discrepancies with the slope chart should be cleared up, and felt the condition was appropriate.

Mr. Tremaine said it was possible that lot size could double, which would be a loss of more than two lots. He felt it was important they have final calculations when they consider this issue again.

Question was called on Mr. Tremaine’s motion to remand regarding the slope chart calculations and it failed:

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

(Clerk’s Note: Ms. Taylor had not arrived at the time of the vote.)

Mr. Sullivan moved,  
seconded by Mr. Kendall,

to affirm the findings of the Platting Board for the conditions of approval regarding the adequacy of area roads for traffic, including emergency vehicle access, and that the conditions requiring repairs to the roads, annexation to the LRSA, and phasing of the subdivision to allow road development are appropriate and resolve concerns about the roads.

Ms. Abney pointed out members of a Limited Road Service Area (LRSA) must accept new members from another area, before that area can be annexed into the LRSA. There is no way the Assembly can ensure the LRSA members would accept an annexation. She felt the conditions regarding roads were not adequate.

In response to Mr. Tremaine, Mr. Weaver said the annexation would have to be resolved before the final plat could be recorded.

Ms. Abney added the Fire Department’s opinion was referred to in the record, but was not included. The concern that emergency vehicles would not be able to access the development is not addressed.

Ms. Fairclough noted on page 7 of the record, Ms. Chambers said the site is highly impacted by slope, and the slope calculations directly impact the minimum required lot size. The roads for the proposed subdivision have since been redesigned. Ms. Fairclough said she was uncomfortable with Board member Deáks response, on page 8 of the record, when he said “we assume that the road grades can be worked out... The Department of Public Works will find a solution to make sure that they are...” She said that was about the only information on how the roads would be handled. Ms. Fairclough added the record showed the road could not handle 80,000 pounds, yet the Fire Department specified they desired a road that could handle 80,000 pounds of weight.

Mr. Kendall referred to page 60, where there are conditions to “construct streets to rural standards as described in AMC 21.85 Table C” and “repair of construction related damage to East 162<sup>nd</sup> Avenue, Wind Song Drive and Sandpiper Drive.” He felt the Platting Board addressed interior and access road to ensure they were adequately repaired and constructed.

Ms. Fairclough said she was unsure if rural road specifications include ability to bear an 80,000-pound fire truck. She added the documentation shows a woman had to be evacuated by helicopter because the road was impassible in winter, as a result of drainage, glaciation and snow. Ms. Fairclough added testimony of Ms. Weinig on page 36 was the source of the Fire Department’s wishes regarding the road weight capabilities.

Question was called on Mr. Sullivan’s motion to affirm the conditions of approval regarding roads and it failed:

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

(Clerk’s Note: Ms. Taylor had not arrived at the time of the vote.)

Mr. Meyer moved,  
seconded by Mr. Sullivan,  
and it was withdrawn,

to remand the issue of roads to the Platting Board, regarding the adequacy of area roads for traffic, including emergency vehicle access, and conditions requiring repairs to the roads, annexation to the LRSA, and phasing of the subdivision to allow road development.

Mr. Meyer moved, to remand the issue of resolution of drainage issues with  
seconded by Mr. Tremaine, Public Works to the Platting Board.

Mr. Kendall felt the Platting Board adequately addressed drainage issues, by requiring construction of drainage and by resolving the need for a oil and grease separator.

Question was called on Mr. Meyer’s motion to remand regarding drainage and it failed:

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

(Clerk’s Note: Ms. Taylor had not arrived at the time of the vote.)

Mr. Tremaine moved, to remand appeal S-10433 to the Platting Board, with respect  
seconded by Mr. Tesche, to the adequacy of area roads for traffic, including emergency  
vehicle access.

In response to Ms. Abney, Mr. Wheeler quoted AMC 21.30170, which says the Assembly may reconsider a decision on an appeal, if there is allegation of a substantial procedure error, if the Assembly acted without jurisdiction or the decision was based on fraud or misrepresentation. He said anyone who makes one of these three allegations has 15 days in which to request reconsideration in writing to the Municipal Clerk.

Question was called on Mr. Tremaine’s motion to remand with respect to roads and it failed:

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

(Clerk’s Note: Ms. Taylor had not arrived at the time of the vote.)

Mr. Tremaine moved, to postpone action on Appeal S-10433 until June 13, 2000.  
seconded by Mr. Tesche,

Mr. Tesche questioned whether the Assembly was required to decide all six issues in this appeal.

Mr. Wheeler noted AMC 21.30.100 provides that when the Board of Adjustment reverses or modifies a decision of a lower body, that action shall finally dispose of a matter in appeal. When the Board of Adjustment remands a decision, it must find there was insufficient evidence and describe any issue upon which further evidence should be taken and include further direction for the lower body.

Mr. Tesche felt the Assembly was not required to decide all the issues. However, to remand on any issue, it would require six affirmative votes.

Ms. Fairclough noted Ms. Taylor had arrived, but had not entered the Chambers because she had not heard the entire discussion.

In response to Ms. Fairclough, Mr. Wheeler said the Assembly could reconsider.

Mr. Meyer moved, to reconsider action on Mr. Tremaine’s motion to find there  
seconded by Mr. Kendall, was not substantial evidence supporting the adequacy of the  
soils information provided by the developer.

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

Ms. Fairclough moved, to ask all members to appear.  
seconded by Mr. Tremaine,

Ms. Taylor arrived at 5:40 p.m. She did not feel comfortable voting after hearing only a partial discussion. However, she said if the matter is postponed, she would review recordings of the discussion.

Question was called on Mr. Tremaine’s motion to postpone action until June 13, 2000 and it passed:

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

The meeting recessed at 5:41 p.m. and reconvened at 6:00 p.m.

**4. MINUTES OF PREVIOUS MEETING:**

- A. Special Meeting #1 - April 4, 2000
- B. Special Meeting #2 - April 4, 2000
- C. Special Meeting - April 14, 2000

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

to approve the minutes of the special Assembly meetings  
of April 4 and 14, 2000.

5.     **MAYOR'S REPORT:** None.

6.     **ADDENDUM TO AGENDA:**

Mr. Tesche moved,  
seconded by Ms. Taylor,

to amend the agenda to include the addendum items.

Chair Von Gemmingen read the addendum items.

Mr. Tesche requested Ordinance AO 2000-99, regarding the use of municipal rights-of-way for landscape improvements including trees and at-grade improvements, be added to the addendum under Ordinances and Resolutions for Introduction. He asked the ordinance be forwarded to the Planning and Zoning Commission for its recommendation prior to public hearing before the Assembly. There was no objection.

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

7.     **CONSENT AGENDA:**

Mr. Sullivan moved,  
seconded by Mr. Kendall,

to approve all items on the consent agenda as amended.

A.     **BID AWARDS:**

1.     Assembly Memorandum No. AM 557-2000, recommendation of awards to Anchorage Sand & Gravel Company, Inc. and to Central Paving Products for **furnishing various aggregates and asphalt** to the Municipality of Anchorage, Public Works Department and Port of Anchorage (ITB 20 B047), Purchasing.
2.     Assembly Memorandum No. AM 558-2000, recommendation of award to Christensen Builders, Inc. for **Fire Station #11 (Eagle River)** for the Municipality of Anchorage, Property & Facility Management (ITB 20-C010), Purchasing.

Mr. Tremaine requested this item be considered on the Regular Agenda. See after item 10.

3.     Assembly Memorandum No. AM 559-2000, recommendation of award to Western Peterbilt of Alaska for **furnishing a front-load refuse truck** to the Municipality of Anchorage, Solid Waste Services (ITB 20-B049), Purchasing.
4.     Assembly Memorandum No. AM 581-2000, recommendation of award to Alaska Construction & Engineering, Inc. for **Eagle River Commons Park – Phase 1 improvements** for the Municipality of Anchorage, Cultural and Recreational Services (ITB 20-C022), Purchasing. (**addendum**)

B.     **ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:**

1.     Ordinance No. AO 2000-94, an ordinance of the Anchorage Municipal Assembly **authorizing renewal of the lease between the Municipality of Anchorage as lessor and University of Alaska as lessee of Lots 6 & 7, Block 4, Merrill Field Replat**, located between Runway 6-24 and Merrill Field Drive, Merrill Field Airport. public hearing 6-13-00.
  - a.     Assembly Memorandum No. AM 564-2000.
2.     Ordinance No. AO 2000-95, an ordinance **amending the Municipal Penal Code**, Title 8, to redefine child abuse, child neglect, family violence, and contributing to the delinquency of a minor; to make the act of disabling a telephone a separate domestic violence offense; to add harassment by electronic communication, failure to remand, and abuse of a third party appointment as offenses; redefining resisting or interfering with an officer; and defining and criminalizing the sale or possession of drug paraphernalia; and modifying the applicable penalties, Legal Department. public hearing 6-13-00.
  - a.     Assembly Memorandum NO. AM 565-2000.
3.     Resolution No. AR 2000-138, a resolution of the Municipality of Anchorage **adopting the new Merrill Field Airport Master Plan**, Merrill Field Airport. public hearing 6-13-00.
  - a.     Assembly Memorandum No. AM 542-2000.

Ms. Taylor requested this item be considered on the Regular Agenda. See after item 10.

4.     Resolution No. AR 2000-139, a resolution **confirming and levying assessments for the sewer special improvements within Levy-Upon-Connection Roll 2000-S-3**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility. public hearing 6-27-00.
  - a.     Assembly Memorandum No. AM 543-2000.
5.     Resolution No. AR 2000-145, a resolution of the Municipality of Anchorage providing for a **revision of the Anchorage School District Budget for FY 2000-2001 by setting the upper limit of the Budget at \$421,230,474**, Assemblymember Fairclough. **THE PUBLIC HEARING DATE IS CALLED FOR 5-23-00 AT THE REQUEST OF THE ANCHORAGE SCHOOL DISTRICT.**

6. Resolution No. AR 2000-147, a resolution of the Municipality of Anchorage appropriating \$790,000 from the State of Alaska Department of Education and Early Development to the State Categorical Grants Fund (231) for the **Day Care Assistance Program** in the Department of Health and Human Services. public hearing 6-13-00.
  - a. Assembly Memorandum No. AM 560-2000.
7. Resolution No. AR 2000-148, a resolution of the Anchorage Municipal Assembly **naming the soccer fields at Oberg Road and West Homestead Road in Eagle River** the “Russell Oberg Field” in recognition of Russell Oberg for his major contributions to youth recreation, Cultural and Recreational Services. public hearing 6-27-00.
  - a. Assembly Memorandum No. AM 561-2000.
8. Resolution No. AR 2000-149, a resolution **adopting the 2000-2002 Housing and Community Development Consolidated Plan and the 2000 Action Plan** of the Municipality of Anchorage, which constitutes the application to the U.S. Department of Housing and Urban Development for the Community Development Block Grant, the HOME Investment Partnership grant and the Emergency Shelter grant, Community Planning and Development. public hearing 6-13-00.
  - a. Assembly Memorandum No. AM 562-2000.
  - b. Information Memorandum No. AIM 55-2000.
9. Resolution No. AR 2000-150, a resolution authorizing eminent domain proceedings and acceptance of the decisional document for the **construction of the TEA-21 pedestrian safety improvements for Business Boulevard in Eagle River**, Public Works. public hearing 6-13-00.
  - a. Assembly Memorandum No. AM 563-2000.
10. Ordinance No. AO 2000-96, an ordinance of the Anchorage Municipal Assembly enacting a new section to the Anchorage Municipal Code Chapter 7.10, **giving Anchorage Neighborhood Community Patrols first right of refusal to obtain non-lethal, surplus equipment from the Anchorage Police Department**, Assemblymembers Taylor, Abney, and Tesche. public hearing 6-13-00. **(addendum)**
  - a. Assembly Memorandum No. AM 572-2000.
11. Ordinance No. AO 2000-97, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Subsection 21.15.005 B. regarding **public hearing notices for Title 21 provisions**, Assemblymember Sullivan. public hearing 8-15-00 **(addendum)**
  - a. Assembly Memorandum No. AM 573-2000.

Mr. Sullivan requested this item be considered on the Regular Agenda. See after item 10.

12. Resolution No. AR 2000-155, a resolution of the a resolution of the Municipality of Anchorage appropriating \$300,000 from Dan and Betty Cuddy to the Heritage Land Bank Capital Fund (421) for the **purchase of approximately 9.5 acres of vacant land commonly known as Tract A, Cook Subdivision**, Plat No. 82-57, Anchorage Recording District for public open space in Midtown Anchorage, Heritage Land Bank. public hearing 6-13-00. **(addendum)**
  - a. Assembly Memorandum No. AM 578-2000.

Mayor Mystrom requested this item be considered on the Regular Agenda. See after item 10.

13. Ordinance No. AO 2000-98, an ordinance **extending Assessment District 1SD97 as a special assessment district** for services within the area of downtown Anchorage established by Anchorage Ordinance 97-51 more specifically shown on the Special Assessment District 1SD97 map attached to this ordinance; authorizing said district to continue to provide specified safe and clean services and establishing the basis and method of assessing, allocating and apportioning the costs of services and the rules and procedures for assessment calculations, billings, penalties, interest, costs, application of payments and enforcement of assessments and determining to proceed, Legal Department. public hearing 6-13-00. **(addendum)**
  - a. Assembly Memorandum No. AM 582-2000.
14. Resolution No. AR 2000-159, a resolution of the Municipality of Anchorage **naming the softball complex at East 48th Avenue and Bragaw Street the "Chuck Albrecht Softball Complex"** in recognition of Chuck Albrecht for his major contributions to the Anchorage softball community, Cultural and Recreational Services. public hearing 6-27-00. **(addendum)**
  - a. Assembly Memorandum No. AM 580-2000.
15. Ordinance No. AO 2000-99, an ordinance of the Anchorage Municipal Assembly enacting a new section of the Anchorage Municipal Code and amending AMC 21.80.330, AMC 24.30.202(A) **to allow the use of municipal rights-of-way for landscape improvements including trees and at-grade improvements**, Assemblymembers Tesche, Clementson, Taylor, Abney, and Tremaine. **(LAID ON THE TABLE – referred to Planning and Zoning Commission for review)**

#### C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2000-143, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Carol L. Smith for her 26 years of service** with the Municipality of Anchorage, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

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

2. Resolution No. AR 2000-144, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Inge D. Nelsen for her 31 years of service** with the Municipality of Anchorage, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

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

3. Resolution No. AR 2000-146, a resolution of the Anchorage Municipal Assembly **recognizing "Buckle Up America!" Week**, May 22-29, 2000, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

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

4. Resolution No. AR 2000-153, a resolution of the Anchorage Municipal Assembly **establishing a process for the Assembly's appointment of a new member to temporarily fill Assembly Seat 4F** upon the resignation of Assembly Member and Mayor-Elect George Wuerch until said Assembly Seat may be filled by the voters at a special election within sixty days after said resignation becomes effective, Assembly Vice-Chair Meyer. (**addendum**)
  - a. Assembly Memorandum No. AM 576-2000.

Mr. Meyer requested this item be considered on the Regular Agenda. Due to lack of time, this item was not considered. See minutes of Special meeting of May 26, 2000 for further action.

5. Resolution No. AR 2000-154, a resolution of the Anchorage Municipal Assembly **recognizing and thanking Caren L. Mathis for her contributions to the Municipality of Anchorage**, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch. (**addendum**)

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

6. Resolution No. AR 2000-156, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Alaska State Finalists for "We the People ... Project Citizen 2000"**, Assemblymembers Tremaine, Abney, Fairclough, and Kendall. (**addendum**)

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

7. Resolution No. AR 2000-157, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Chief Mike Nolan** for his 27 years of service to the Municipality of Anchorage upon his retirement, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch. (**addendum**)

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

8. Resolution No. AR 2000-158, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Rear Admiral Jan H. Nyboer**, upon his retirement, for his 35 years of naval service, Assemblymembers Wuerch, Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, and Von Gemmingen. (**addendum**)

#### D. NEW BUSINESS:

1. Assembly Memorandum No. AM 554-2000, **School Budget Advisory Commission appointment** (Kevin Waring), Mayor's Office.

Mr. Tesche requested this item be considered on the Regular Agenda. Due to lack of time, this item was not considered. See minutes of Special meeting of May 26, 2000 for further action.

2. Assembly Memorandum No. AM 555-2000, **Totem Limited Road Service Area Board of Supervisors appointments** (Hugo Dietrich, Richard Applegate), Mayor's Office.
3. Assembly Memorandum No. AM 544-2000, change order No. 2 to vendor contract 82500 to extend the option period with Young's Firehouse for providing **uniform shirts and pants** to the Municipality of Anchorage, Fire Department/ Purchasing.
4. Assembly Memorandum No. AM 545-2000, change order No. 7 to purchase order 82944 with RCC Consultants, Inc. for **additional needs analysis and recommendations for the Mobile Data System** for the Municipality of Anchorage, Fire Department/Purchasing.
5. Assembly Memorandum No. AM 546-2000, recommendation of award to Mobex Managed Services Company for providing a **turn-key Mobile Data Communications System** to the Municipality of Anchorage, Anchorage Police Department (RFP 99-P023), Purchasing.

Mr. Tesche requested this item be considered on the Regular Agenda. Due to lack of time, this item was not considered. See minutes of Special meeting of May 26, 2000 for further action.

6. Assembly Memorandum No. AM 547-2000, proprietary purchase of **computer software maintenance and telephone technical support** from Tiburon, Inc. for the Municipality of Anchorage, Anchorage Police Department (APD), Purchasing.
7. Assembly Memorandum No. AM 548-2000, proprietary purchase of **computer software maintenance** from Environmental Systems Research Institute, Inc. (ESRI) for the Municipality of Anchorage, Management Information Systems Department/Purchasing.
8. Assembly Memorandum No. AM 549-2000, change order No. 1 to purchase order 994131 to Alaska Archives and Mailing Services for furnishing **printing and mail services** to the Municipality of Anchorage, Municipal Light and Power/Purchasing.



9. Assembly Memorandum No. AM 550-2000, change order No. 3 to purchase order 83348 with H & R Management for performing **miscellaneous building repairs, upgrades and special custodial services** at City Hall for the Municipality of Anchorage, Department of Property and Facility Management/ Purchasing.
10. Assembly Memorandum No. AM 551-2000, change order No. 1 to vendor contract 99CRS350 for furnishing **portable toilet rental** to the Municipality of Anchorage, Purchasing Department/Purchasing.
11. Assembly Memorandum No. AM 552-2000, **animal control services contract**; change order No. 4 to existing purchase order No. 991368, Health and Human Services.
12. Assembly Memorandum No. AM 566-2000, change order no. 4 to purchase order 993012 with the Anchorage School District, McLaughlin High School, for the **cleaning of bus shelters** for the Municipality of Anchorage, Public Transportation Department, Purchasing.
13. Assembly Memorandum No. AM 567-2000, change order no. one (1) to the **36<sup>th</sup> Avenue Storm Drain Rehabilitation, Scarlet Place to Wisconsin Street Project**, Summit Paving & Construction, Inc., Contract No. C-991894, DPW Project No. 95-10, Public Works.
14. Assembly Memorandum No. AM 568-2000, change order No. 7 to **Anchorage Loop Water Transmission Main – Phase V** contract with Construction Unlimited, Inc., Water and Wastewater Utility.

Mr. Meyer requested this item be considered on the Regular Agenda. Due to lack of time, this item was not considered. See minutes of Special meeting of May 26, 2000 for further action.

15. Assembly Memorandum No. AM 569-2000, Municipality of Anchorage **matching grant for UAA Logistics Management Program**, Mayor's Office.

Mr. Tremaine requested this item be considered on the Regular Agenda. Due to lack of time, this item was not considered. See minutes of Special meeting of May 26, 2000 for further action.

16. Assembly Memorandum No. AM 579-2000, sole source contract with e Terra, LLC for providing **satellite imagery of the Anchorage Area** for the Municipality of Anchorage, Management Information Systems Department (MISD), Purchasing. (**addendum**)

Mr. Tremaine requested this item be considered on the Regular Agenda. Due to lack of time, this item was not considered. See minutes of Special meeting of May 26, 2000 for further action.

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 43-2000, Internal Audit Report 2000-6 - **Vendor Payments**, Finance Department/Internal Audit.
2. Information Memorandum No. AIM 53-2000, waiver of formal procedures for **15th Avenue safety improvements and demolition projects** (Ingra Street to Sitka Street) for the Municipality of Anchorage, Public Works Department/ Purchasing.
3. Information Memorandum No. AIM 54-2000, first five year **review of the operation of the Police and Fire Retiree Medical Funding Program**, Employee Relations.

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, Von Gemmingen, Fairclough, Abney, Meyer.  
NAYS: None.

8. REGULAR AGENDA:

- A. TIME CRITICAL ITEMS: None.
- B. BID AWARDS: See after item 10.
- C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION: See after item 10.
- D. RESOLUTIONS FOR ACTION:
  1. Resolution No. AR 2000-143, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Carol L. Smith for her 26 years of service** with the Municipality of Anchorage, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

Ms. Taylor moved, to approve AR 2000-143.  
seconded by Mr. Tesche,  
and it passed without  
objection,

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

Ms. Smith thanked the Assembly. She said her time as a Municipal employee was fulfilling and enjoyable. She was proud the programs she was responsible for were done because they were philosophically correct, not because they were the law. Ms. Smith was convinced that government is something to be proud of, because of her association with Municipal employees and elected officials.

2. Resolution No. AR 2000-144, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Inge D. Nelsen for her 31 years of service** with the Municipality of Anchorage, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

Ms. Abney moved, to approve AR 2000-144.  
seconded by Mr. Tesche,  
and it passed without  
objection,

Chair Von Gemmingen read the resolution, while Ms. Abney presented it to Ms. Nelsen.

Ms. Nelsen thanked the Assembly. She said she would miss the many wonderful people she has worked with while serving as a Municipal employee.

3. Resolution No. AR 2000-146, a resolution of the Anchorage Municipal Assembly **recognizing "Buckle Up America!" Week**, May 22-29, 2000, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

Mr. Tesche moved, to approve AR 2000-146.  
seconded by Ms. Taylor,  
and it passed without  
objection,

Mr. Tesche read the resolution, while Mr. Kendall presented it to Ron Perkins, director of the Alaska Injury Prevention Center.

Mr. Perkins pointed out the best way to protect oneself in an automobile crash is buckling the seatbelt. He appreciated the Assembly's efforts to support the organization.

Tricia Lillibridge, a trauma nurse at a local hospital, distributed "Buckle Up" water bottles to Assembly members. She also distributed an observation survey performed by the University of Alaska in 1999. The survey results showed of 10,251 vehicles observed during the months of July, August and September, only 63 percent of drivers were buckled. Also, 62 percent of passengers were buckled and only 59 percent of vehicles had all riders buckled. Ms. Lillibridge hoped everyone would make her job easier this year by buckling their seatbelts, their children's seatbelts, and following traffic laws.

4. Resolution No. AR 2000-154, a resolution of the Anchorage Municipal Assembly **recognizing and thanking Caren L. Mathis for her contributions to the Municipality of Anchorage**, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch. **(addendum)**

Ms. Abney moved, to approve AR 2000-154.  
seconded by Mr. Kendall,

Executive Manager Elaine Christian explained Ms. Mathis was not in attendance.

Ms. Abney moved, to postpone action on AR 2000-154 until June 13, 2000.  
seconded by Ms. Taylor,  
and it passed without  
objection,

5. Resolution No. AR 2000-156, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Alaska State Finalists for "We the People ... Project Citizen 2000"**, Assemblymembers Tremaine, Abney, Fairclough, and Kendall. **(addendum)**

Ms. Abney moved, to approve AR 2000-156.  
seconded by Ms. Fairclough,  
and it passed without  
objection,

Mr. Tremaine read the resolution, while Ms. Abney presented it to student representatives.

Pam Collins, the We The People Project Citizen State coordinator, applauded the Assembly's desire to recognize the program and student efforts. She encouraged members to visit the students' exhibits in the lobby of the Assembly Chambers.

6. Resolution No. AR 2000-157, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Chief Mike Nolan** for his 27 years of service to the Municipality of Anchorage upon his retirement, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch. **(addendum)**

Mr. Tesche moved, to approve AR 2000-157.  
seconded by Mr. Kendall,  
and it passed without  
objection,

Mr. Sullivan read the resolution, while Mr. Tesche presented it to Chief Nolan.

Dan Hobert, a fire fighter, presented Chief Nolan with a gold fire ax. He explained every retiring fire fighter receives a gold ax, and Chief Nolan served many years as a fire fighter in Anchorage Fire Fighters Union Local 1264 before moving on to an administrative position.

Chief Nolan thanked the Assembly. He said he has enjoyed his career, and working with Anchorage citizens and various Municipal Administrations.

Mr. Tesche added Chief Nolan's contribution to the Police and Fire Retirement Board was a significant factor in the success of the Police and Fire Retirement System fund. Mr. Tesche said he was proud to have served with Chief Nolan on the Police and Fire Retirement Board in the early 1980's.

E. NEW BUSINESS: See May 26, 2000 Special Assembly meeting minutes.

F. INFORMATION AND REPORTS: None.

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

- A. Resolution No. AR 2000-129, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Dwayne Aldridge for his 31 years of service** with the Municipality of Anchorage, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.  
(POSTPONED FROM 5-16-00)

Mr. Kendall moved, to approve AR 2000-129.  
seconded by Mr. Tremaine,  
and it passed without  
objection,

Mr. Sullivan read the resolution, while Mr. Kendall presented it to Mr. Aldridge.

Mr. Aldridge thanked the Assembly. He said he had enjoyed his time working for the Municipality and the Borough of Anchorage.

- B. Assembly Memorandum No. AM 519-2000, 2000/2001 Liquor License Renewal: **Northern Lights Hotel** - Beverage Dispensary-Tourism (Spenard Community Council), Clerk's Office.  
(POSTPONED FROM 5-16-00)
- C. Assembly Memorandum No. AM 396-2000, **The Raven** - Transfer of Ownership and Transfer of Location for a Beverage Dispensary Liquor License (Fairview Community Council), Clerk's Office.  
(POSTPONED FROM 4-18-00; CARRIED OVER FROM 4-25-00 AND 5-16-00)
- D. Assembly Memorandum No. AM 453-2000, 2000-01 Liquor License Renewal: **Last Frontier Bar** - Beverage Dispensary Liquor License (Northeast Community Council), Clerk's Office.  
(POSTPONED FROM 4-25-00; CARRIED OVER FROM 5-16-00)
- E. Information Memorandum No. AIM 40-2000, **Bar Violations/Quarterly Reports** (1st Quarter 2000: Alaska Club (E. Tudor Rd. Location); Alyeska Sitzmark Bar and Grill; Anna's Place; Hooters Restaurant; Jen's Restaurant, Bodega, and Gallery; Long Branch Saloon; Oaken Keg Spirit Shop #54 (Huffman Store); Office Lounge; Spenard Paradise Inn and Lounge; Spirits of Alaska #2 (International Airport Rd.); Spirits of Alaska #3 (Old Seward Hwy.); Tesoro Northstore Company (2 Go Mart #007); Value Liquor #3 (Jewel Lake Store)), Anchorage Police Department.  
(POSTPONED FROM 4-18-00, 4-25-00; CARRIED OVER FROM 5-16-00)
- F. Ordinance No. AO 2000-53, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 2.30.040, **Appearance Request**, to change the deadline requirement for placement before Assembly after acceptance from 14 days to seven days, Assemblymember Taylor.  
1. Assembly Memorandum No. AM 248-2000.  
(CONTINUED FROM 3-7-00 AND 4-18-00; POSTPONED FROM 4-25-00; CARRIED OVER FROM 5-16-00)
- G. Resolution No. AR 2000-120, a resolution of the Municipality of Anchorage providing for a **revision of the Anchorage School District Budget for FY 2000-2001** by appropriating the sum of \$8,000,000 from the Areawide General Fund to the Anchorage School District, Assemblymembers Abney, Taylor, and Tesche.  
1. Assembly Memorandum No. AM 485-2000.  
(POSTPONED FROM 5-16-00)
- H. Ordinance No. AO 2000-76, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 28.50 by adding a new Section 28.50.085 authorizing the **establishment of additional polling places to receive questioned ballots** voted under AMC 28.50.080, Assemblymembers Tesche and Tremaine.  
(APPROVED 4-25-00; NOTICE OF RECONSIDERATION WAS GIVEN BY MR. SULLIVAN 4-26-00; RECONSIDERED AND POSTPONED FROM 5-16-00)

Action on items 9.B. through 9.H. was continued until June 13, 2000 due to lack of time.

## 10. APPEARANCE REQUESTS:

- A. **Kay M. Linton**, to offer an invitation to the dedication of the Soroptimist Plaza at Z.J. Loussac Library.

Ms. Linton announced the Soroptimist International Plaza at the Library would be dedicated by the Mayor on Tuesday, June 6, 2000. She invited and encouraged everyone to attend. She noted the Plaza, located around the fountain at the Library, replaces the 1976 Bicentennial Soroptimist Plaza which was displaced by construction of the Alaska Center for the Performing Arts. Ms. Linton added the 1976 time capsule will be opened and placed in a new time capsule at the dedication ceremony. She noted also at the dedication ceremony, another time capsule will be opened, which was buried nearly 30 years ago at the former Greater Anchorage Area Borough building, 3500 Tudor Road.

The Assembly then returned to items 8.A. and 8.B.

Assembly Memorandum No. AM 558-2000, recommendation of award to Christensen Builders, Inc. **for Fire Station #11 (Eagle River)** for the Municipality of Anchorage, Property & Facility Management (ITB 20-C010), Purchasing.

Mr. Tremaine moved, to approve AM 558-2000.  
seconded by Mr. Tesche,

Mr. Tremaine said his questions on this item had been answered.

Question was called on the motion to approve AM 558-2000 and it passed without objection.

Resolution No. AR 2000-138, a resolution of the Municipality of Anchorage **adopting the new Merrill Field Airport Master Plan**, Merrill Field Airport. public hearing 6-13-00.  
a. Assembly Memorandum No. AM 542-2000.

Ms. Taylor, Mr. Tesche and Mr. Sullivan joined in introducing this resolution. The public hearing was scheduled for June 13, 2000.

In response to Ms. Taylor, Mike Byington of Merrill Field explained the seasonal noise study was not complete. He estimated it would be completed sometime this fall. He added there is a lot of Federal funding for this fiscal year contingent upon adoption of the Master Plan, so delaying adoption of the Plan until after the noise study is complete would be problematic. Mr. Byington said the purpose of a gravel strip was to accommodate certain types of aircraft. Those craft with large tundra tires lose a lot of rubber from the tires when they land on asphalt runways. The gravel strip provides a place to land without damaging the tires. During the winter, the strip would be groomed to allow aircraft with skis and no wheels to land.

Ordinance No. AO 2000-97, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Subsection 21.15.005 B. regarding **public hearing notices for Title 21 provisions**, Assemblymember Sullivan. (**addendum**)  
a. Assembly Memorandum No. AM 573-2000.

Mr. Sullivan, Mr. Kendall and Chair Von Gemmingen joined in introducing this ordinance. It was referred to the Planning and Zoning Commission for review, and the Assembly public hearing was scheduled for August 15, 2000.

Resolution No. AR 2000-155, a resolution of the a resolution of the Municipality of Anchorage appropriating \$300,000 from Dan and Betty Cuddy to the Heritage Land Bank Capital Fund (421) for the **purchase of approximately 9.5 acres of vacant land commonly known as Tract A, Cook Subdivision**, Plat No. 82-57, Anchorage Recording District for public open space in Midtown Anchorage, Heritage Land Bank. public hearing 6-13-00. (**addendum**)  
a. Assembly Memorandum No. AM 578-2000.

Mayor Mystrom commented on this item, as he would not be present for the public hearing. He said the subject land would be a significant contribution to Midtown Park. He explained during the past several years, the Administration has been working on acquisition of land for expansion of the Park. The expansions so far have been relatively small, but the Cuddy's contribution would be an important catalyst for the project. Mayor Mystrom thanked the Cuddy's for their generous gift, and the Midtown Park Committee who has put so much work into the Park effort.

Mayor Mystrom, Mr. Kendall and Mr. Sullivan joined in introducing this resolution. The public hearing was scheduled for June 13, 2000.

## 11. CONTINUED PUBLIC HEARINGS:

- A. 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.  
1. Assembly Memorandum No. AM 306-2000.  
(CONTINUED FROM 4-25-00; CARRIED OVER FROM 5-16-00)

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

TIM POTTER of Dowl Engineers spoke representing the property owner. He explained the Tudor Centre has gone through many changes since it was developed in the early 1980's. Some of the original anticipated uses have not been realized. Instead of mainly office buildings, there are many medical buildings. Therefore, the applicant is requesting a modification of the special limitations, to allow an additional five uses be included in the list of permitted principal uses. Mr. Potter

explained the uses proposed to be added were family and residential care and 24-hour child care and day care facilities; public, private and parochial academic schools; private employment agencies, placement services and temporary personnel services; headquarters or administrative offices for charitable or masonry organizations; and veterinary clinics, provided their activities be conducted in a completely enclosed building. Mr. Potter requested the Assembly carefully review the Planning and Zoning Commission's resolution, which provided significant detail on the various uses, and their findings and need for the five uses.

In response to Mr. Tesche, Mr. Potter confirmed in the case of veterinary clinics, dogs would not be kenneled outdoors.

There was discussion between Mr. Tesche and DICK RAPP, representing the Tudor Fund, regarding the placement of day care facilities.

In response to Mr. Tesche, Don Alspach of Community Planning and Development confirmed family residential care facilities were allowed on property zoned R-2A and R-1 as a permitted use. In the R-1 and R-2A zones, 18-hour day care is a conditional use.

Mr. Tesche asked the applicant if he would object to allowing the family residential care/24-hour child care facilities as conditional uses.

Mr. Rapp said he would prefer the facilities be allowed.

Mr. Potter suggested a requirement for a public hearing site plan review would ensure the project to be compatible with adjacent residential areas.

Ms. Fairclough expressed concern that day care facilities could be used for detention facilities for children. She asked if that type of use would be allowed under the proposal.

In response, Mr. Potter said such a facility was a possibility, as was adult care facilities to serve the aging population of Anchorage.

Mr. Rapp added there is a current interest in a facility which is classified as quasi-institutional, which is a conditional use.

GEORGE LYLE, former president of the University Area Community Council, spoke as an individual resident of a neighborhood near the subject property. He reiterated his comments to the Planning and Zoning Commission (P&Z) regarding the process. He felt the proposal was a speculative rezoning. The owner has made assurances there are no specific plans for the property involving the five additional uses. Mr. Lyle noted the fifteen allowed uses were established after a year and a half effort between the Tudor Centre and the local community council. He felt the agreement should not be changed without a specific use for the property. He suspected there was a hidden agenda by the property owner; he asked if there is a specific use in mind for one of the subject properties, that use be revealed to the public.

TOM HAMILTON, a resident at 3918 Wesleyan Drive, spoke in support of the University Area Community Council's position that the Assembly retain the special limitations on the Tudor Centre property. Mr. Hamilton felt the Assembly acted wisely in the 1980's in placing those special limitations on the tracts, because of the tracts' close proximity to residential neighborhoods. He noted the easternmost parcel of the property is only 500 feet from 24 occupied residential lots. Mr. Hamilton pointed out the map did not show the design of homes along Wesleyan, which have living areas toward the street-side of the house, and bedrooms at the rear of the house facing the Tudor Centre, which was more quiet. He added several of the homes on Wesleyan were within 100 feet of the subject property. He noted the current limitations on the property are not very restrictive; they allow businesses limited to normal working hours and those that would generate moderate traffic, little noise, dust or pollution. He was concerned there has not been much evidence of willingness to compromise so far. Mr. Hamilton pointed out there is a great difference between the four subject lots; the western-most lot is more than 500 feet from the nearest home. He requested the developer propose specific uses for specific lots, to allow potential for some compromise. A 24-hour day care facility is of the greatest concern to neighbors.

In response to Mr. Tesche, Mr. Hamilton said rumors exist that a 24-hour day care facility is being considered for the property. He said if that use was allowed by a conditional use, he would still have concern, because the Planning and Zoning Commission has been somewhat hostile to the Council's position.

In response to Mr. Sullivan, Mr. Lyle commented that the hotel/motel use already allowed on the property is restricted to frontage on Class 1 roads listed on the Official Streets and Highways Plan.

TERRY BURRELL noted the map did not reflect the fact that the western portions of the R-OSL property is divided into six lots, which may be used in any manner under the zoning. Tracts D1 through D4, the subject property, have restrictions. Therefore, the Council is not proposing the property owner be limited in their development. The owner has proposed to use the property closest to the existing residences, and is ignoring the western lots. She noted one of the western lots, which would be suitable for various uses, is for sale. Ms. Burrell felt a school on Tract D1 would have the most impact on area residents.

MILO MUAJIC said last week, he was awoken at 5:00 a.m. by excavation work that has already begun. He objected that the developer has never presented a specific plan for the project. He opposed the ordinance.

In response to Mr. Tesche, Mr. Muajic said the excavation was being done on Tract D-4, directly behind his house.

In response to Mr. Tremaine, Mr. Alspach said there were many permitted uses allowed in this zoning district that do not require a site plan review. There may be requirements by Public Works for a building permit, depending on the kind of permit applied for in this case.

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

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

to postpone action on AO 2000-62 until June 13, 2000 to  
allow Ms. Clementson and Mr. Wuerch to be present.

The meeting recessed at 7:45 p.m. and reconvened at 8:15 p.m.

Mr. Tremaine moved,  
seconded by Mr. Tesche,

to change the orders of the day to consider item 12.H,  
AO 2000-71.

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

NAYS: Taylor.

- B. 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.
1. Assembly Memorandum No. AM 317-2000.  
(CONTINUED FROM 4-25-00; CARRIED OVER FROM 5-16-00)

Action on this item was continued until June 13, 2000.

- C. Resolution No. AR 2000-111, a resolution **confirming and levying sanitary sewer assessments for Old Girdwood Sanitary Sewer Improvement District 60-9**, including date of payment, penalties and interest in the event of delinquency, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 460-2000.  
(CARRIED OVER FROM 5-16-00)

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

- D. 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.  
(CARRIED OVER FROM 4-25-00 AND 5-16-00)
- E. Ordinance No. AO 2000-82, an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Section 2.30.030 I. regarding the **order of business at regular assembly meetings**, Assemblymembers Sullivan, Abney, Fairclough, Meyer, Taylor, Tesche, and Tremaine.
1. Assembly Memorandum No. AM 583-2000.
  2. Ordinance No. AO 2000-82(S), an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Section 2.30.030 I. regarding the order of business at regular assembly meetings, Assemblymembers Sullivan, Abney, Fairclough, Meyer, Taylor, Tesche, and Tremaine.
  3. Assembly Memorandum No. AM 556-2000.  
(CARRIED OVER FROM 5-16-00)
- F. Ordinance No. AO 2000-59, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Sections 9.18.030 regarding **stop or yield signs** at through streets, and Section 9.18.040 regarding stop or yield signs at other intersections to allow for placement of signs at the request of community councils in residential zoning districts, Assemblymembers Taylor, Abney, Tesche, and Tremaine.
1. Assembly Memorandum No. AM 358-2000.
  2. Assembly Memorandum No. AM 421-2000, Public Works.  
(CARRIED OVER FROM 4-18-00, 4-25-00 AND 5-16-00)

Items 11.D. through 11.F. were continued until the June 13, 2000 meeting.

- G. Resolution No. AR 2000-113, a resolution of the Anchorage Assembly adopting recommendations on the Anchorage Metropolitan Area Transportation Study (AMATS) **FFY 2001-2003 Transportation Improvement Program (TIP)**, Community Planning and Development.
1. Assembly Memorandum No. AM 462-2000.  
(CARRIED OVER FROM 5-16-00)

See minutes of the special meeting of May 26, 2000 for further action on this item.

- H. Ordinance No. AO 99-137, an ordinance amending Anchorage Municipal Code of Ordinances Title 21 concerning **publicly owned and operated outdoor recreation facilities** such as athletic fields, tennis courts, parks and playgrounds and publicly owned and operated buildings and uses in residential zoning districts, Assemblymember Tesche.
1. Assembly Memorandum No. AM 946-99.
  2. Information Memorandum No. AIM 4-2000, AO 99-137; Planning and Zoning Commission recommendation, Community Planning and Development.  
(CONTINUED FROM 1-11-00; CARRIED OVER FROM 5-16-00)
- I. Ordinance No. AO 2000-72, an ordinance amending Anchorage Municipal Code Chapter 2.30 to provide **procedures for Assembly recommendation of conditions for State imposition on the issuance, renewal,**

**transfer, relocation and continued operation of alcoholic beverage licenses**, and designation of the Anchorage Police Department as the agency responsible for monitoring licensees for compliance with such conditions, Assemblymember Meyer.

1. Assembly Memorandum No. AM 356-2000.

(CARRIED OVER FROM 5-16-00)

- J. 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.

1. Assembly Memorandum No. AM 350-2000.

(CARRIED OVER FROM 4-18-00, 4-25-00, AND 5-16-00)

Items 11.H. through 11.J. were continued until June 13, 2000.

## 12. NEW PUBLIC HEARINGS:

- A. Resolution No. AR 2000-121, a resolution of the Municipality of Anchorage appropriating \$145,730 of unappropriated prior year operating budget contributions and \$270,000 received from the U.S. Department of Justice to the Girdwood Fire Apparatus Capital Improvement Fund (406) for the **purchase of new fire apparatus**, Anchorage Fire Department.
1. Assembly Memorandum No. AM 479-2000.
- B. Resolution No. AR 2000-125, a resolution of the Municipality of Anchorage reappropriating \$259,211 from the Alaska Department of Labor and Workforce Development for **PY98 Title III Dislocated Worker Program** 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 488-2000.
- C. Resolution No. AR 2000-141, a resolution of the Municipality of Anchorage providing for a revision of the Anchorage School District Budget for FY 2000-2001 by **appropriating the sum of \$5,000,000 from the Anchorage School District Fund Balance to the Anchorage School District Budget**, Assemblymembers Sullivan and Kendall.
- D. Resolution No. AR 2000-145, a resolution of the Municipality of Anchorage providing for a revision of the Anchorage School District Budget for FY 2000-2001 by **setting the upper limit of the Budget at \$421,230,474**, Assemblymember Fairclough.

Items 12.A. through 12.D. were considered later in the meeting. See item 16, Unfinished Agenda.

- E. Resolution No. AR 2000-134, a resolution of the Municipality of Anchorage **accepting and appropriating State of Alaska Legislative Grants per Senate Bill 192**, Office of Management and Budget.
1. Assembly Memorandum No. AM 527-2000.
- F. Ordinance No. AO 2000-78, an ordinance of the Municipality of Anchorage **creating Street Reconstruction Special Assessment District 1SR00 - reconstruction for Bonnie Jean and a portion of Pettis Road** and determining to proceed with proposed amendments therein, Public Works.
1. Assembly Memorandum No. AM 425-2000.

Items 12.E. and 12.F. were continued until June 13, 2000.

- G. Ordinance No. AO 2000-77, an ordinance **authorizing the sale of properties foreclosed** by the Municipality for delinquent taxes and/or special assessments, Real Estate Services/ Heritage Land Bank.
1. Assembly Memorandum No. AM 424-2000.

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

- H. Ordinance No. AO 2000-71, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 21 regulating **community and local interest towers** (Planning and Zoning Commission Case 2000-077), Assemblymembers Von Gemmingen, Tremaine, and Taylor.
1. Information Memorandum No. AIM 56-2000, Community Planning and Development. **(addendum)**
2. Assembly Memorandum No. AM 575-2000. **(addendum)**
3. Ordinance No. AO 2000-71(S), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 21 regulating community and local interest towers, Assemblymembers Von Gemmingen and Tremaine. **(LAID ON THE TABLE)**

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

DONALD COOK, vice president of engineering for Alaska Digitel, felt the “reasonable compensation” language in the ordinance was vague. He said there were also concerns about taking of property by the Municipality. Mr. Cook pointed out the exposure standards were much more onerous than those imposed by the FCC. The FCC is the governing body on these issues for the United States of America; while local government should require compliance with FCC rules, it should not impose rules more strict than those of the FCC. He added the equipment required to perform the study is very expensive, and requires significant training. Larger companies may be able to afford the equipment, but for a smaller company like his, it would be cost-prohibitive. Mr. Cook addressed the removal bond, which he felt was unfair to newcomers in the industry. He pointed out a new landowner may want to take possession of a tower and rent it to someone, so the requirement to remove the tower may not suit the new landowner. He felt the issues of visual and environmental pollution depend on individual tastes. He was concerned the Assembly would hear testimony mainly from the few people who are angry about a tower, and not

from people who were dissatisfied with service in a particular area. Mr. Cook noted there would be a cost associated with the proposed requirements, not only for private industry but also for customers and the Municipality from lack of competition.

In response to Mr. Tremaine, Mr. Cook said Alaska Digital said two towers are attached to condominium buildings, and a site near Chapel by the Sea.

CHARLIE REYNOLDS, a homeowner in the Turnagain area, said he received notice last November that a tower would be placed within 500 feet of his home. He discovered there was no opportunity for input on the decision to place the tower. Mr. Reynolds noted studies are still ongoing about the health effects of Electro-Magnetic Fields (EMF's). He noted there is a school and a daycare facility also within close proximity to the location of the tower. He wanted to ensure these types of towers could not be located in residential areas or close to schools and day care facilities. He pointed out these towers are a part of for-profit companies. He was not opposed to cellular phones or associated towers, only to placement of the towers within residential areas as opposed to commercial and industrial areas. Mr. Reynolds felt there should be a public process associated with placement of the towers.

In response to Mr. Kendall, Mr. Reynolds pointed out cellular phones are a new technology, and risks are not yet known. He pointed out when DDT insecticide was new, it was declared safe, a finding that was reversed after many years of testing. Mr. Reynolds felt there should be some type of process to arrange for removal of existing towers from sensitive areas, and no new towers should be allowed in these areas. He pointed out competing studies show that there are, and are not, health risks. He felt the Assembly should err on the side of caution.

GARY O'GLENN, assistant chief engineer at KTUU, recalled the Code of Federal Regulations provides that "no state or local government or instrumentality thereof may regulate the placement, construction and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the commissions' regulations concerning such missions." Mr. O'Glenn understood the public's concern about potential health hazards, but he felt this was not the same issue. He explained the FCC and Environmental Protection Agency performed studies which show there are no harmful effects. The towers must meet Federal regulations in order to obtain a FCC license. He felt since the Federal government has said there are no harmful health effects, that should not be an issue.

SHAWN BRADLEY, vice president of broadcast Channel 13, spoke representing the Anchorage Broadcast Television Consortium. He said the Consortium, including KTUU, KTBV, KYES, KAKM, KTVA and KIMO, was formed about five years ago to better serve viewers through joint participation in technical, regulatory and legal issues affecting the television broadcasting industry. Mr. Bradley said the Consortium concurred with many of the findings of the Planning and Zoning Commission (P&Z) and opinions of Municipal staff. He pointed out the Consortium has worked on various P&Z tower subcommittees to help create the current laws. Although the current laws may not be perfect, they take into consideration the need for additional towers for the industry as it converts to digital television. The proposed change would place undue hardship on public and private broadcasters. Mr. Bradley noted the FCC has mandated that over the next two to six years, television broadcasters in markets these size convert to analogue to high-definition television. The expense and short-term transition timeline created by the FCC has often required the Federal government to supercede any local or state tower regulations. The Consortium was unsure if the Assembly sponsors of the proposed ordinance recognize the technical challenges facing broadcasters and consumers, and therefore questions whether they understand the far-reaching impact of the ordinance. Mr. Bradley pointed out none of the existing radio or television towers in Anchorage would comply with the proposed setback requirements. He requested the Assembly table the ordinance until P&Z, staff and affected parties can agree.

In response to Mr. Tesche, Mr. Bradley said his interpretation was that the ordinance would affect his industry.

In response to Mr. Tremaine, Mr. Bradley said while he felt it would be reasonable for the public to be able to comment on placement of towers in residential areas, he could not imagine anyone would have positive comments on location of a 200-foot tower.

In response to Mr. Kendall, Mr. Bradley elaborated on the need for high-definition television antennas. He said they found there was no optimal site that would not generate a lot of public comment. He said the ultimate solution would be for a tower field to be established.

DON MCCLINTOCK spoke on behalf of AT&T Wireless. He distributed a letter to the Assembly including comments to the substitute version of the ordinance. He spoke about unintended consequences of legislation that was well-intentioned. Mr. McClintock pointed out the existing cellular site located on the 6<sup>th</sup> and G parking garage downtown, a B-2B zoned property, would be required to go through a conditional use permit process if the proposed ordinance was adopted. He felt there has not been enough time for a thorough review of the ordinance. He pointed out under the ordinance, AT&T could not place a new tower on their campus on Government Hill without a conditional use process, although the campus is already bristling with towers and antennas. Mr. McClintock added a tower on the British Petroleum property would be likewise impacted, because of the on-site day care facility for BP employees. He felt the proposed ordinance was seriously flawed. He noted there was no distinction between conventional towers and stealth towers, which are not visible. He felt the ordinance was not directed at aesthetics, but health concerns. Health concerns are preempted from consideration by the Telecom Act.

In response to Ms. Fairclough, Mr. McClintock said he did not feel direct satellite service was an option anytime in the near future.

MARTIN WEINTSTEIN, counsel for GCI, submitted written comments. He said they have not had time to review the substitute ordinance and provide adequate comments. Mr. Weinstein felt the ordinance went far beyond the stated goal of improving public process. He pointed out the ordinance provides for EMF reporting requirements, co-location requirements, setback requirements and bond requirements. The industry has expressed the desire to work with the Assembly and community councils to attempt to provide some type of site plan, but this would take time. He asked the Assembly to delay this issue to allow time for more input and discussion.



In response to Ms. Fairclough, Municipal Attorney Mary Hughes said there were provisions for placing a moratorium on permit applications pending further review of the ordinance, but there must be a special circumstance and findings must be very specific.

DAN COFFEY, on behalf of GCI, said the company felt a moratorium would be appropriate in residential areas. He felt further discussion among interested parties would be good in the interim.

JOHN LAU, director of engineering operations for Enstar, felt the proposed ordinance would impinge on the company's ability to provide safe, reliable and inexpensive gas service to the community. Mr. Lau explained the co-location requirements in the ordinance may require Enstar to allow other companies' facilities in locations where the Federal Department of Transportation regulations regarding pipeline activities require special training and restriction of access for safety reasons. He added the field measurement requirements are a needless and unreasonable addition to Federal requirements for calculated power densities. In addition to the cost to make these calculations, there will be review expenses. The alternative analysis required opens any new installation to scrutiny options which may have no limit on cost and no criteria for reliability or safety. For Enstar, this would include Supervisory Control And Data Acquisition (SCADA) installations, which bring vital field data into its data control center. Mr. Lau noted the removal bond would add a tremendous cost to establish gas facilities that include any radio terminals. Also, the setback requirements will require a conditional use permit for every one of Enstar's facilities that require SCADA radios for monitoring and control. He asked the Assembly to reject the proposed ordinance.

In response to Mr. Tremaine, Mr. Lau said the ordinance's impact on Enstar would not include layoffs.

KIM MCKEE, a long-time resident of Turnagain, felt it was absurd the Federal government stipulates that health concerns cannot be addressed with this issue. She noted AT&T has a rather one-sided contract with a church. AT&T was asked to back out of the contract, but they will not agree. The Turnagain Community Council has voted against the tower three times, and area residents are also opposed. Ms. McKee said the fact the public was not allowed an opportunity to comment on placement of the tower so close to a school and day care facility was very difficult for people to handle. She said the tower was ugly, resulted in the destruction of a lot of trees, and the destruction of the noise buffer that was provided by those trees. She felt there were appropriate places in Anchorage to locate towers that will service cellular phone users.

JASPER HILL, a member of the Turnagain Community Council and Community Patrol, felt very uncomfortable that the antenna has been located in his neighborhood. He objected that there had been no due process regarding the tower, and this was his only opportunity to voice his opinion. Mr. Hill pointed out the opportunity to voice an opinion was important for most people.

Two students of Turnagain Community School said they opposed having the tower near their school.

BRIAN HICKEY, director of Technical Services for Chugach Electric Association, noted Chugach operates an extensive microwave and multiple-address radio system in the Anchorage bowl, Kenai Peninsula and Matanuska-Susitna Borough. There are about 26 towers and 43 antennas in the area, which are utilized for supervisory control and data acquisition. Mr. Hickey was mainly concerned with the co-location requirements in the ordinance. Although Chugach supports and participates in co-location currently, many of their towers are within high-voltage sub-stations. They cannot allow untrained people inside the sub-stations without qualified staff accompaniment. Therefore, anytime someone from another company needed access to the station, a Chugach employee would have to be present which would require hiring more staff. He also said part of the co-location requirements, that mention interconnection, were confusing. Mr. Hickey added the 500-foot setback requirement may cause problems, as most of Chugach distribution sub-stations are located within residential areas.

MICHELE CZAJKOWSKI, a resident in the Abbott Loop Community Council area, felt it was ironic that some of the tower owners have complained about the lack of public process with this ordinance. Also, she pointed out television and cellular phones are actually luxury items, rather than necessities. She worked in the area of public health, and knew of no studies that indicate a health risk from towers, but pointed out the perception of a risk can often be worse than the risk itself. Ms. Czajkowski felt in order to make the community happy, the issues that are important to people must be addressed. She supported the suggestion to delay action for 60 days, to allow time for parties to discuss the issue further.

DAVID LEE, project manager with BP/AMACO's digital business group, spoke as an individual. He discussed the future of wireless technology in the area of digital business. The technology is rapidly evolving, and will be a very large factor in the business world soon. The nimble movement of business in this environment is key; the reason the technology is being used more in Alaska versus other areas of the United States is because the market and environment is friendly here. He felt as a community, the technology and associated businesses should be encouraged. Mr. Lee felt the benefits from resulting economic growth outweighed the disadvantages of having towers located throughout the community.

TOM MCGRATH pointed out the ordinance provisions may affect more areas than is immediately apparent. He felt the ordinance should be referred to Planning and Zoning for further review and consideration of the many companies and utilities that might be affected. Without such a thorough review, more problems may be created than are solved.

In response to Mr. Tremaine, Mr. McGrath said he supported the public process, and has been following this issue for many years. However, as a result of this ordinance, he discovered they had only begun to scratch the surface of the issue.

LARRY CRAWFORD, representing Anchorage Economic Development Corporation (AEDC), said their executive committee met and reviewed the proposed ordinance. He read a position statement, which indicated AEDC features Anchorage's extensive modern telecommunications infrastructure in their marketing materials, and would like to continue to do so. Industry has made a compelling argument that should the ordinance be adopted, the ability to keep pace with rapidly changing technology would be negatively affected. The direction of telecommunications is clearly going toward more wireless instruments. AEDC recognizes the need to protect neighborhoods against unwelcome intrusions, but did not feel the proposed ordinance is the proper solution. Mr. Crawford proposed sending the ordinance to the Planning and Zoning

Commission for further review and analysis, so a solution to provide more public access can be achieved without seriously impairing the industry's ability to keep pace with technological advancements. He pointed out the protection of neighborhoods is important to our quality of life, which is a major element in attracting and retaining businesses. A favorable business climate is also key in this goal. There must be a way to resolve this issue without serious degradation to either of these important community values.

In response to Mr. Tesche, Mr. Crawford felt a moratorium on construction of new towers, pending review and additional work on the ordinance, would be acceptable if it could be done without a hardship on companies trying to keep up with technological advancements.

STEVEN ARDLAND, of the Coalition for Responsible Tower Placement, pointed out scientists are in disagreement about the existence of health risks associated with EMF's. He noted a recent British report discouraged children from using wireless telephones, and a doctor from the American Cancer Society recently said the Society is looking forward to results of larger studies which will be available in the next few years. Dr. George Carlo, former head of research for the cellular industry, claims not enough research has been done, and most research that has been done is not relevant. Mr. Ardland felt the Federal government has precluded the discussion of health concerns in this area because the telecommunications industry has a very powerful lobby who do not want the issue to be discussed. He said property values are negatively impacted by public perceptions. Whether health reports are accurate or not, they impact property values. Setback requirements are one way to avoid impact on property values. He said there was no other recourse for property owners who will be impacted by towers in their neighborhood.

JOHN TRAUTNER asked one issue be studied if action on the ordinance is delayed. He pointed out cellular phones are not allowed to be used in hospitals, because they affect electronic instruments and pacemakers. He suggested barriers or warnings be used to keep people with pacemakers a certain distance from the towers. Otherwise, large lawsuits may be the result if someone is hurt or killed because of exposure to towers.

MARK VASCONI, director of regulatory affairs for AT&T Alascom, expressed concern that the setback requirements in the proposed ordinance will effectively halt the development of advanced wireless services in Anchorage. The proposed setback requirements would limit cellular towers to commercial areas. Newer forms of wireless services are focused on residential applications, such as high-speed internet service. There is no question the ordinance would chill cellular development and competition. Mr. Vasconi pointed out although the ordinance purports to promote public involvement, public involvement has been woefully lacking in the development of the ordinance. He added the Oceanview Community Council has passed a resolution which supports the development of wireless service. AT&T would like to be able to voluntarily adopt a moratorium, that is not possible because its efforts to bring fixed wireless services to Anchorage would be halted for this season and placed in jeopardy over the long run.

In response to Ms. Fairclough, Mr. Vasconi said they have found, during their advertisement about their proposed fixed wireless service, that most people are willing to tolerate some aesthetic drawbacks to receive the benefits of the service. He felt that kind of communication to residents can be done without the requirements in the proposed ordinance. He said the notion of site plan review might be worthy of additional exploration.

ROBERT SUTHERLIN, a member of Turnagain United Methodist Church, said he used a cellular phone and television, but would not want to enjoy those luxuries at the expense of anyone in the community. He pointed out there has been a lot of discussion about the cost to these companies, but not about the cost to neighborhoods. Mr. Sutherlin suggested the Assembly consider the concerns of affected homeowners. He asked the Assembly to delay action pending further review of the ordinance.

ROBIN TAYLOR, a resident of the Turnagain area and AT&T shareholder, noted her children attend the day care facility which is 17 feet away from the AT&T cellular tower. She pointed out aesthetics is an important issue, and urged the Assembly to adopt the proposed ordinance. Ms. Taylor asked the Assembly to protect citizens from the hasty decisions made by these telecommunication companies. She pointed out after the existing law was adopted, the Mayor wrote a letter to the Assembly saying "although all parties believe we have a good ordinance here, only time will tell. Further debugging of the ordinance may be required once we have some actual projects under consideration." Ms. Taylor pointed out the existing law gives total control to the industry, with no input allowed by concerned citizens. Aesthetics is an important issue, and the new tower near the church and day care has replaced a lovely wooded view with a chain link fence and the constant sound of fans. The community does not matter to these companies; she asked the Assembly to help change that reality.

BIANCA ROCK, a Turnagain resident with children who attend the daycare center, urged the Assembly to adopt the proposed ordinance. She noted industry representatives, at a meeting with citizens at Butterfly Daycare Center, complained about increased costs associated with proposed changes. She was not concerned about the cellular industry being able to absorb these costs; they are financially able to meet them.

DENNIS KNAPP said he purchased a home in Turnagain in 1992, after thorough research. Since then, Municipal law was changed to take unfair advantage of the Telecommunications Act of 1996. This action opened the floodgates to cellular tower construction. Soon after the law was changed, residents began to see the visual blight on the scenic corridors of Anchorage. He said there was no prioritization of site selection, and no co-location of towers to his knowledge. He felt his quality of life and property value were at risk. Mr. Knapp said he spent a lot of time recently educating himself about cellular towers and their electro-magnetic radiation. He and his neighbors discussed these issues and presented their views to the Turnagain Community Council, and the Turnagain community overwhelmingly opposed AT&T Wireless constructing a tower in their neighborhood. The Turnagain United Methodist Church has asked at least twice to be released from its contract, but AT&T refused. He asked the Assembly to correct this problem that was thrust on the community, and ask AT&T to place their towers in a responsible location. He also supported the 500 to 800 foot setback provisions, because the highest power densities occur at distances from 100 to 800 feet from a tower.

TOM BOSEY, president of AT&T Alascom, felt they had a great opportunity to bring some exciting new technology to Anchorage, which would greatly enhance the Municipality's reputation. However, they are also members of the community

and want to be communicative and cooperative. Mr. Bosey said a moratorium might jeopardize their business plan, but if that was necessary to get something workable for everyone, he would try to accommodate one. He said a shorter time frame, such as 30 days, would be most appealing, but 45 days would also be workable.

In response to Mr. Kendall, Don Alspach of Community Planning and Development said if someone applied for a conditional use permit tomorrow, it would likely be heard before the Planning and Zoning Commission sometime in August. Application for a site plan review under the proposed substitute ordinance, if made tomorrow, would be heard about 50 days hence.

KATHY POWELL questioned how a 500-foot setback requirement could hinder the cellular industry. She noted for the past six months, every entity in the Turnagain community has communicated that responsible tower placement does not include placing a tower without consulting anyone. Ms. Powell appreciated business plans, especially when they incorporate all impact on the community. She noted property owners pay taxes and help build the community. She felt it might scare away property owners by allowing them to purchase homes and find out only after the fact that towers can be located less than 200 feet away. Most people expect that in the R-1 zone, they will see enhancements such as churches, playgrounds, schools, museums and parks. They do not expect to see commercial entities piggybacking their interests on these enhancements.

BARBARA WEINIG noted she cautioned the Assembly when the existing law was drafted, to include some sort of review process for towers that were adjacent to residentially-zoned property or there would be problems. She worked on the existing law for over three years as a representative of the Federation of Community Councils. She felt the proposed ordinance should have included encouragement of the use of “stealth” towers, so they would not pose such a visual blight. The ordinance has other problems, such as the co-location provisions. She felt co-location would occur when it was economically beneficial. Ms. Weinig questioned the definition of “prompt” regarding failure to cure a violation of the terms or conditions of the permit. She felt the major companies have done many things that are not consistent with being a good community neighbor, and the best solution was to require a conditional use or site plan review with public input.

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

(Clerk’s Note: See minutes of June 13, 2000 for further action on this item.)

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

A. Appeal S-10433, Shan Gri La Subdivision, Clerk's Office.

This item was considered earlier in the meeting. See after item 3, Pledge of Allegiance.

**14. SPECIAL ORDERS:** None.

**15. ASSEMBLY COMMENTS:** None.

**16. UNFINISHED AGENDA:**

Mr. Kendall moved, to change the orders of the day to consider item 11.C,  
seconded by Mr. Sullivan, AR 2000-111.

AYES: Kendall, Sullivan, Tremaine, Tesche, Abney, Meyer.

NAYS: Taylor, Von Gemmingen, Fairclough.

(Clerk’s Note: This motion failed for lack of eight affirmative votes necessary to change the orders of the day.)

Ms. Fairclough moved, to continue the public hearing portion of the meeting until  
seconded by Ms. Taylor, 11:15 p.m., to consider items 11.C, 12.A, 12.B, 12.C, 12.D,  
12.G. and the remaining consent agenda items.

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

NAYS: None.

- A. Resolution No. AR 2000-121, a resolution of the Municipality of Anchorage appropriating \$145,730 of unappropriated prior year operating budget contributions and \$270,000 received from the U.S. Department of Justice to the Girdwood Fire Apparatus Capital Improvement Fund (406) for the **purchase of new fire apparatus**, Anchorage Fire Department.
1. Assembly Memorandum No. AM 479-2000.

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

Mr. Kendall moved, to approve AR 2000-121.  
seconded by Ms. Fairclough,

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

NAYS: None.

- B. Resolution No. AR 2000-125, a resolution of the Municipality of Anchorage reappropriating \$259,211 from the Alaska Department of Labor and Workforce Development for **PY98 Title III Dislocated Worker Program** 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 488-2000.

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

Mr. Kendall moved, to approve AR 2000-125.  
seconded by Ms. Fairclough,

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

NAYS: None.

- C. Ordinance No. AO 2000-77, an ordinance **authorizing the sale of properties foreclosed** by the Municipality for delinquent taxes and/or special assessments, Real Estate Services/ Heritage Land Bank  
1. Assembly Memorandum No. AM 424-2000.

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

Mr. Kendall moved, to adopt AO 2000-77.  
seconded by Mr. Sullivan,

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

NAYS: None.

- D. Resolution No. AR 2000-111, a resolution **confirming and levying sanitary sewer assessments for Old Girdwood Sanitary Sewer Improvement District 60-9**, including date of payment, penalties and interest in the event of delinquency, Water and Wastewater Utility.  
1. Assembly Memorandum No. AM 460-2000.  
(CARRIED OVER FROM 5-16-00)

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

JOHN TRAUTNER, a long-time Girdwood resident and business owner, discussed problems he saw with the sewer assessment. He said the Water and Wastewater Utility (AWWU) has proposed to double the charges for sewer connects. Mr. Trautner noted the ballot for the improvement district did not include disclosure of the separate connect charge. Also, AWWU staff failed to include all the assessable property, belonging to the Mental Health Trust, in the district. Mr. Trautner added the entire process has been fraught with lack of responsiveness. AWWU staff did not respond to his June 16, 1998 letter of comment until August 31, 1999 and that was only a partial response. He also spoke to trunk improvement district J-2, saying sewer stubs have been placed on property that has been declared to be not developable by the U.S. Army Corps of Engineers. Mr. Trautner complained residents have been charged for contamination clean-up in the right-of-way, which he felt was the responsibility of the Municipality per State Department of Environmental Conservation regulations. He added the trunk boundaries have been changed to accommodate Heritage Land Bank and Mental Health Trust land transfers. He asked this issue be tabled until the cost inequities can be resolved.

BILL SCHWARTZ noted the original sewer assessment for the district, dated 1998, was \$11,007. There was a public meeting after that date during which many questions were raised. In May of 2000, another assessment was distributed, that had been reduced to \$8,200. He felt there was something very wrong at the Utility regarding this assessment district. Mr. Schwartz said he originally thought the \$2,000 sewer connect charge was part of the assessment that he voted on, but later discovered that was not the case. A private contractor quoted a price of \$30 per linear foot, and as his stubouts are 20 feet, the total would be \$600. He questioned the reason for \$1,400 extra charged by AWWU. Mr. Schwartz added the issue of the road was a problem also.

In response to Ms. Abney, Mr. Schwartz explained some roads were over-improved, while others were not improved at all and did not allow access.

TOM CROSSON reiterated the concerns of his neighbors in Old Girdwood. He questioned why the roads that were upgraded were chosen for the work, and why the south end of Dawson was left with nothing but a manhole. He noted Public Works made a determination that Gold Avenue between Dawson and East needed to be built to give a secondary access point. He questioned why there was not a primary access point to the south end of Dawson, which would provide access to six lots currently ready for sewer assessments.

GEORGE HANSON was very disturbed about AWWU's handling of the sewer project in Old Girdwood. He noted when Utility staff was asked if the laterals could be placed in the alley instead of the street, to require three instead of four, they refused without giving a satisfactory justification. The alley placement would have saved residents more than 25 percent of the cost for the laterals. The engineer and contractor on the project said the alley scheme would not be a problem, and in fact there were lots of cases where alleys were used in Anchorage. Still, AWWU staff refused the alley suggestion. Mr. Hanson said there are no services on the west side of West Street or the east side of East Street. He said another thing which needs to be addressed are the new roads that did not need to be installed and had nothing to do with the sewers. His understanding was that most of Gold Avenue and Dawson Street are being paid for by all of the people in the sewer lateral improvement district. He felt it was unjust that only people on East Street to pay for improvements to property along that road when the time comes. Mr. Hanson added the amount of the charge for sewer stubouts at the property lines was outrageous. Not only were property owners not consulted about the stubouts, but AWWU staff did not obtain bids on the project; the work was given to the contractor on a sole source basis. Their justification was that the work could be done cheaper during construction of the laterals. However, he found some local contractors would have done the work for between one-half and one-third of the cost, even after the sewer work was completed.

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

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

to postpone action on AR 2000-111 until June 27, 2000,  
and to schedule a worksession on the topic that same day.

Anchorage Water and Wastewater Utility General Manager Mark Premo requested the Assembly members submit any specific questions they may have so staff could prepare for the worksession.

The meeting recessed at 10:50 p.m. and reconvened at 10:55 p.m.

- E. Resolution No. AR 2000-141, a resolution of the Municipality of Anchorage providing for a revision of the Anchorage School District Budget for FY 2000-2001 by **appropriating the sum of \$5,000,000 from the Anchorage School District Fund Balance to the Anchorage School District Budget**, Assemblymembers Sullivan and Kendall.
- F. Resolution No. AR 2000-145, a resolution of the Municipality of Anchorage providing for a revision of the Anchorage School District Budget for FY 2000-2001 by **setting the upper limit of the Budget at \$421,230,474**, Assemblymember Fairclough.

Chair Von Gemmingen opened the public hearing for AR 2000-141 and AR 2000-145 and asked if anyone wished to speak.

BOB CHRISTAL, Anchorage School District (ASD) Superintendent, requested the Assembly appropriate an additional \$5 million of local revenues to the ASD. He also requested the Assembly find a way to raise the upper limit of the ASD spending authority to \$421,230,474. Mr. Christal noted District staff has worked with the Assembly and the community in the last two months to identify ways to deal with the revenue shortfall. He added District staff also worked hard with State legislators to obtain matching bond funds.

PEGGY ROBINSON, president of the Anchorage School Board, concurred with Mr. Christal's remarks. She added that at the absolute minimum, the Assembly raise the upper limit of the ASD budget. She said the additional \$5 million was also very important. Ms. Robinson said while they raised student fees, they also anticipate bringing in additional non-tax revenues such as grants. If they receive more grants than anticipated, they must be able to spend them, which is the reason the budget upper limit must be raised.

JAN EDWARDS, president of the Service High School Swim and Dive Club, spoke in support of restoring funding to the ASD budget. She explained the importance of sports programs, and pointed out swimming was unique among them. Swimmers compete on all levels, and have only themselves to praise or blame, which builds character. Boys and girls are treated equally, and swimmers are generally healthier. Healthier students often do better in academic areas.

ROSALIE NADO felt there was no greater feature to attract business and commerce to a city than quality schools. She felt quality schools should be the priority when considering the ASD budget. She noted many of the sports that were proposed to be eliminated are those that primarily generate fees to the Municipality, such as swimming and hockey, which indicated to her the political strain between the Municipality and the District. She would like to see this political strife ended. Ms. Nado said the community would benefit most if the upper level of the ASD budget was raised, and some additional fund be restored to the District budget.

MICHELLE GREGORY spoke in support of children. She agreed the District needs more money, but felt that money could be better spent in areas to benefit children, especially safety for children. She was surprised the District was asking for money to fund sports programs, when safety items such as cameras and protection services are in need of funding. Ms. Gregory felt safety of children should be a higher priority than funding for District administrative personnel.

SHANNON O'CONNOR, a Chugiak High graduate and former gymnastics coach, implored the Assembly to restore funding to the District. She noted the money was necessary for sports programs, and sports encourage attendance in school. She felt school attendance would suffer if sports programs are eliminated.

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

to extend the public hearing to complete testimony on these  
two items.

SHERRY RUIZ, a certified teacher with the ASD, noted money was needed for teaching positions and teachers aids. Although sports are important, she wanted the public to understand the existing budget would also result in reductions in other areas that will also affect students, such as class size and bus maintenance.

GREG KING, parent of a high school swimmer, encouraged the Assembly to not only restore \$8 million to the ASD budget, but to also fund the remaining \$4 million differential. This would allow the entire ASD program to be maintained. He felt this could be accomplished by accessing the Municipality's reserve funds. The ASD reserve fund is woefully depleted at this point. Mr. King pointed out the value of sports in the total education experience. Although academics are most important, sports add certain qualities to the development of children such as teamwork, self-discipline and self-confidence. For many students, sports provide a connection to the school community that otherwise may not be made in the classroom setting. He asked the Assembly to take action now. Inaction will only force the District to cut programs, perhaps unnecessarily. The existing budget will only punish students. He asked the Assembly, as the responsible party in this matter, end the game of political volleyball that has persisted with the ASD budget. Mr. King suggested the Assembly schedule a special meeting dedicated solely to this issue, which is so important to the future of this community.

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

Ms. Fairclough moved, to approve AR 2000-145.  
seconded by Mr. Tesche,

Mr. Tremaine pointed out the Assembly has determined in the past he has a conflict of interest on this item. He noted yesterday, his wife was informed that her job with the ASD would continue next year. Therefore, his family income would not be affected by his participation in the ASD budget issue.

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

Mr. Meyer felt it would be a disservice to allow Mr. Tremaine to participate at this point, because he was not allowed to participate in the budget issue in the past.

Mr. Kendall noted the perception of collusion with the District, to preserve Mrs. Tremaine’s job to allow Mr. Tremaine to vote, was possible. He agreed with Mr. Meyer that changing Mr. Tremaine’s status in the middle of the process could be inappropriate.

Ms. Taylor recalled Mr. Sullivan was determined not to have a conflict, although his wife also is employed by the ASD, because Ms. Sullivan had not received a termination notice and Ms. Tremaine had. She felt to deny Mr. Tremaine’s participation, now that the termination issue is mute, would be inconsistent with the Assembly’s original ruling.

Mr. Tremaine reiterated his wife’s position was funded with Federal money.

Ms. Fairclough conceded Mr. Meyer’s point. However, the only issue before the Assembly was AR 2000-145, introduced this week. She recommended a “no” vote on the motion.

Mr. Tesche agreed that consistency was important. However, the matter before the Assembly was different than the original ASD budget. He felt neither Mr. Tremaine or Mr. Sullivan’s incomes would be affected by the outcome of the matter before the Assembly.

Ms. Fairclough moved, to extent the meeting until midnight, to complete this item and  
seconded by Mr. Tremaine, consider items 12.C, 12.D, 12.H. and the remaining consent  
agenda items.

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

(Clerk’s Note: This motion failed for lack of nine affirmative votes required to extend the meeting past 11:00 p.m. See minutes of June 13, 2000 meeting for further action on AR 2000-145 and AR 2000-141.)

17. AUDIENCE PARTICIPATION: None.

18. EXECUTIVE SESSIONS: None.

19. ADJOURNMENT:

The meeting adjourned at 11:30 p.m.

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Municipal Clerk

Date Minutes Approved: August 15, 2000

VC/db

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