MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of June 13, 2000
continued to June 20, 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, Kevin Meyer (4:05 p.m.), Melinda Taylor, George Wuerch, Anna Fairclough, Pat Abney, Fay Von Gemmingen, Cheryl Clementson.
Absent: None.

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Mr. Wuerch.

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

Appeal S-10521, **BLM Lots 84 & 85, Section 15 Subdivision with Variance**, Clerk's Office.

Mr. Tremaine reviewed the issues of the appeal, the subdivision of two lots into two different lots.

Assistant Municipal Attorney Dennis Wheeler distributed copies of the applicable Municipal Code citations for the case.

Mr. Tremaine noted the petitioner requested a 50-foot vacation to the north and to the east. The Platting Board recommended a 20-foot vacation, leaving a 30-foot public easement in each direction. The petitioner did not mention the north vacation, but continues to request a 50-foot vacation to the east, on Jupiter Drive. Mr. Tremaine noted the Platting Board considered several factors, including traffic circulation. Traffic is appropriate for the north vacation, but not for Jupiter. Jupiter, a north/south street, begins on Abbott Loop Road and ends in publicly-owned property which is contiguous with Ruth Arcand Park. He said the south end of lot 85 is steep and probably will not support a developed trail, but there will be some public use; there is a game trail crossing that parcel.

Mr. Tremaine moved, seconded by Ms. Abney,	to affirm the decision of the Platting Board in Appeal S-10521.

In response to Mr. Tremaine, Mr. Wheeler confirmed the Assembly has the option of substituting its own judgement.

Mr. Tremaine felt the Platting Board may not have considered all the issues. He pointed out the petitioner requested, and the Board considered, only combining lots 84 and 85 with their vacation. However, they are two separate lots, and there was the argument that each property should have both legal and physical access. If lot 84 were fully vacated, there would be no platted access through to lot 85 that was legal. He considered the option of fully vacating lot 85 while only partially vacating lot 84, thereby allowing complete physical and legal access to lot 85. He felt that issue should have been considered, but public access to Ruth Arcand Park is probably more important than public access across lot 85. Therefore, he did not want to substitute the Assembly's judgement on this issue. He recommended support for the motion to affirm the Platting Board's decision.

Mr. Tesche noted staff made good arguments why 30 feet public easement should be retained. He felt the petitioner did not prove there is no value to the public easement. He supported the motion.

Question was called on Mr. Tremaine's motion to affirm the decision of the Platting Board in appeal case S-10521 and it passed:

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

Appeal S-10433, **Shan Gri La Subdivision**, Clerk's Office.
1. Assembly Memorandum No. AM 586-2000, supplemental information for Shan Gri La Subdivision Appeal S-10433, Community Planning and Development.
(POSTPONED FROM 5-23-00)

Chair Von Gemmingen gave the history of the Assembly's previous action on this appeal.

Mr. Kendall moved, seconded by Ms. Abney, and it passed without objection,	to incorporate the supplemental information in AM 586-2000 into the record.

In response to Mr. Kendall, Mr. Wheeler indicated the information in AM 586-2000 was provided to the community council, the appellant, and the agent for the petitioner. He said he knew of no objections to including it in the record.

Jerry Weaver of Community Planning and Development added he had not received any comment on this point, either.

Mr. Tremaine explained the information in the memorandum included a resolution from the Rabbit Creek Community Council and the Fire Department, which should prompt the Assembly to reconsider its action on question #5, regarding road access. He felt the Community Council raised some significant issues. He noted the Fire Department staff indicated they wanted a second access to the subdivision. They also wanted a road grade of no greater than 10 percent for emergency vehicle access, and never less than 20 feet wide. Mr. Tremaine noted in the current design of the neighborhood, roads are often as narrow as 8 feet during the winter months. Also, roads cannot bear loads of 80,000 pounds as recommended by the Fire Department, and the roads have some parts that exceed the recommended 10 percent grade. He felt all these points indicate a lot of roadwork would be necessary to make the access acceptable. The Council has suggested a different secondary access point, which would come around Bear Valley Elementary School and enter the subdivision from the top, across the property of the petitioner.

Mr. Tremaine moved, seconded by Ms. Abney, and it was withdrawn,	to substitute the judgement of the Board of Adjustment with respect to the question of road access, to declare that the primary access to Shan Gri La subdivision be from the north, off Rabbit Creek Road.

Mr. Meyer noted the Fire Department comments do not specify which road would be acceptable for access. He would prefer to remand the issue to the Platting Board for their review and discussion of the Community Council and Fire Department comments.

Mr. Wuerch referred to page 92 of the record, which shows that no road has been constructed in the subject area yet. He felt it would be unusual for the Assembly to specify a road design and access point without information on the ownership of the affected property.

Ms. Abney felt the alternate Rabbit Creek Road access point was good because traffic is a serious problem.

Mr. Tremaine added on page 14 of the record, Mr. Burnett testified that “the petitioner owns property immediately to the east… in the audience tonight is the gentleman that owns the next 160 acres to the east, and he’s looking to do some development.” Mr. Tremaine pointed out since so much land would eventually be developed, and the only eastern access road becomes so narrow in winter, it seems that a second road from Rabbit Creek Road will have to be built.

Chair Von Gemmingen agreed with Mr. Meyer and Mr. Wuerch. She felt the road from Rabbit Creek Road was a good idea, but it was not the Assembly’s purview to make that requirement.

Mr. Kendall felt the issue of access should be remanded.

Mr. Tremaine withdrew his motion to substitute the Assembly’s judgement. Ms. Abney concurred.

Ms. Abney moved, seconded by Ms. Fairclough,	to remand the question of road access to the Platting Board and recommend the Board ask the developer to amend his application to provide a secondary access from the northeast, off Rabbit Creek Road.

Ms. Fairclough spoke in support of the motion. She felt a secondary access point near the Huffman Fire Station would promote public health, safety and welfare. It would also mitigate the problems of traffic volume and weight on Sandpiper Drive. Also, visual and noise effects would be eased.

Question was called on Ms. Abney’s motion to remand with regard to road access and it passed:

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

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

Mr. Tremaine commented the subdivision is in a high fire danger area, so two access points would be beneficial. He felt only one access point was an invitation to disaster.

Mr. Wuerch moved, seconded by Ms. Fairclough, and it was withdrawn,	to affirm the Platting Board’s decision regarding the conditions requiring repairs to the roads, annexation to the Limited Road Service Area (LRSA) and phasing of the subdivision to allow road development.

In response to Mr. Tremaine, Mr. Weaver confirmed the plat could not be finalized until the requirement to annex to the adjacent LRSA was finalized.

Mr. Kendall pointed out if the primary access was the northeast route, the issue of access and improvements on access roads to the west becomes moot.

Ms. Fairclough pointed out when the Platting Board imposed conditions regarding repairs to the roads, they were referring to the impact of development of the subdivision. She felt their intent was not to address future maintenance, but repair of any damage that occurred during development.

Mr. Kendall noted the Platting Board could require the developer to route all construction traffic through the northeast access point. He felt it would be easier for the Platting Board to address that issue; the Assembly is looking for procedural errors.

Mr. Wuerch agreed with Mr. Kendall, and withdrew his motion. Ms. Fairclough concurred.

Mr. Kendall moved, seconded by Mr. Wuerch, to remand the issue of conditions requiring repairs to the roads, annexation to the LRSA and phasing of the development to allow road development to the Platting Board.

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

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

Mr. Tesche moved, seconded by Mr. Wuerch, to affirm the decision of the Platting Board with respect to the requirements to comply with Code requirements for on-site water and sewer through DHHS, requirements to resolve discrepancies in slope chart calculations and the requirements for resolution of drainage issues with Public Works.

Ms. Fairclough moved, seconded by Mr. Tremaine, and it passed without objection, to divide the question.

Mr. Tesche moved, seconded by Mr. Meyer, to affirm the decision of the Platting Board with respect to the condition requiring resolution of drainage issues with Public Works.

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

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

Mr. Tesche moved, seconded by Mr. Meyer, to affirm the decision of the Platting Board with respect to the condition requiring the developer to resolve discrepancies in slope chart calculations.

In response to Mr. Tremaine, Mr. Weaver explained the condition of approval requiring the developer to resolve discrepancies in slope chart calculations. He said even if the developer's calculations and staff's calculations differ, the final plat would have to comply with the slope chart requirements, both in the zoning district and the subdivision regulations to staff's satisfaction. According to staff's calculations, the development would not be able to support as many lots as is currently proposed. The change in the number of lots to comply with the slope chart calculations would be done administratively and not require a replatting process.

Question was called on Mr. Tesche's motion to affirm the decision of the Platting Board with respect to the slope chart calculation issue and it passed:

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

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

Mr. Tesche moved, seconded by Mr. Wuerch, to affirm the decision of the Platting Board with respect to the condition requiring the developer to comply with Code requirements for on-site water and sewer through DHHS.

In response to Mr. Tremaine, Mr. Weaver noted there were not soils test for each lot in the proposed subdivision.

Mr. Kendall referenced page 70 of the record, noting one of the conditions was providing DHHS information to satisfy the requirements specified by AMC 21.15 and AMC 15.65 for each lot of this proposed subdivision. He felt this condition addressed Mr. Tremaine's concerns.

In response to Mr. Tremaine, Mr. Weaver noted the soils tests requirements are for wastewater analysis; water availability is analyzed separately.

Mr. Tesche felt the issued was whether the Assembly is satisfied with the number of tests done for each lot. He noted the actual number of test wells was relatively small given the number of lots in the subdivision.

Question was called on Mr. Tesche's motion to affirm the decision of the Platting Board with respect to Code compliance for on-site water and sewer and it failed:

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

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

Mr. Tremaine moved, seconded by Ms. Abney, to remand the portion of the appeal regarding the condition for compliance with on-site water and sewer to the Platting Board, for further definition of the conditions necessary to obtain approval for on-site water and sewer.

Ms. Fairclough pointed out the soils tests in the packet indicate on certain lots, the test pits were not dug to the appropriate levels. She felt soils tests should comply with normal standards.

Mr. Tesche concurred with Ms. Fairclough, and felt additional lots should be tested. He felt the remand should be for the purpose of requiring additional test holes on additional lots.

Question was called on Mr. Tremaine's motion to remand regarding soils tests for on-site water and sewer and it passed:

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

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

The meeting recessed at 5:00 p.m. and reconvened at 5:10 p.m.

4. MINUTES OF PREVIOUS MEETING: None.

5. MAYOR'S REPORT:

Municipal Attorney Mary Hughes introduced three summer interns and clerks. She welcomed Laura Mitchell, Debra Dean and Carl Cook.

Mr. Wuerch submitted his resignation from the Assembly, effective June 26, 2000. He said his tenure on the Assembly had been a key experience in his life, and was very rewarding. He distributed farewell gifts to his colleagues, copies of a consensus-building textbook entitled *Getting to Yes*.

The Assembly members thanked Mr. Wuerch for his service to Anchorage and his gift. They congratulated him on his election to Mayor of Anchorage.

6. ADDENDUM TO AGENDA:

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

Chair Von Gemmingen read the addendum items.

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

7. CONSENT AGENDA:

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

A. BID AWARDS:

1. <u>Assembly Memorandum No. AM 608-2000</u>, recommendation of award to Alaska Truck Center and to Yukon Equipment for furnishing **water trucks and a catch basin cleaner** to the Municipality of Anchorage, Department of Property & Facility Management (ITB 20-B048), Purchasing.
2. <u>Assembly Memorandum No. AM 609-2000</u>, recommendation of award to Alaska Construction & Engineering, Inc. for **Boundary Avenue sidewalk and lighting – Oklahoma Street to Muldoon Road** for the Municipality of Anchorage, Public Works (ITB 20-C019), Purchasing.
3. <u>Assembly Memorandum No. AM 610-2000</u>, recommendation of award to Annette's Trucking, Inc. for **Benny Benson Plaza** for the Municipality of Anchorage, Cultural & Recreational Services (ITB 20-C017), Purchasing.
4. <u>Assembly Memorandum No. AM 624-2000</u>, recommendation of award to Pierce Manufacturing, Inc. for **furnishing a triple combination heavy duty rescue pumper** to the Municipality of Anchorage, Anchorage Fire Department (ITB 20-B050), Purchasing.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. <u>Ordinance No. AO 2000-102</u>, an ordinance authorizing the Municipality to **grant a telecommunications easement across a portion of Turnagain Elementary School site** located near West Northern Lights Boulevard and McKenzie Drive, Tax #010-042-26, Public Works. public hearing 6-27-00.
   a. Assembly Memorandum No. AM 611-2000.
2. <u>Ordinance No. AO 2000-103</u>, an ordinance of the Municipality of Anchorage, Alaska, **rescinding authorization to issue certain General Obligation Bonds authorized, but unissued**, pursuant to ordinance numbers AO 97-21(S), AO 97-27(S), AO 96-28, AO 96-26, AO 90-104 and AO 87-90; and related matters, Finance. public hearing 6-27-00.

a. Assembly Memorandum No. AM 612-2000.

3. Ordinance No. AO 2000-104, an ordinance of the Municipality of Anchorage **creating Street Reconstruction Special Assessment District 2SR00 – street reconstruction for Campbell Terrace Subdivision area** and determining to proceed with proposed improvements therein, Public Works. public hearing 7-18-00.
   a. Assembly Memorandum No. AM 613-2000.
4. Resolution No. AR 2000-161, a resolution of the Municipality of Anchorage appropriating $711,415 from Alaska Housing Finance Corporation (AHFC) to the State Categorical Grants Fund (231) for the **Weatherization Assistance Program**, Health and Human Services. public hearing 6-27-00.
   a. Assembly Memorandum No. AM 587-2000.
5. Resolution No. AR 2000-162, a resolution **confirming and levying special assessments for Special Assessment District No. 1G98**, which reconstructed natural gas line improvements in the East Eagle River Valley Area, and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Public Works Department. public hearing 7-18-00.
   a. Assembly Memorandum No. AM 588-2000.
6. Resolution No. AR 2000-177, a resolution of the Municipality of Anchorage appropriating $1,349,320 of 2000 tax revenues from the Chugiak, Birchwood, Eagle River Rural Road Service Area (CBERRRSA) mill levy fund (119) to the CBERRRSA Capital Improvement Program mill levy fund (419) for **road and drainage capital improvement projects**, Public Works. public hearing 6-27-00.
   a. Assembly Memorandum No. AM 614-2000.
7. Resolution No. AR 2000-182, a resolution of the Anchorage Municipal Assembly $198,710 from Areawide General Fund (101) balance to the Department of Health and Human Services to **provide for an increase in the Municipal operating funds for the Human Services Matching Grant Program**, Assemblymembers Abney and Kendall. public hearing 6-27-00. (**addendum**)
   a. Assembly Memorandum No. AM 627-2000.

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

8. Resolution No. AR 2000-183, a resolution of the Anchorage Municipal Assembly $259,380 from Areawide General Fund (101) balance to the Department of Health and Human Services to **provide for an increase in the Municipal operating funds for the Human Services Matching Grant Program**, Assemblymember Abney. public hearing 6-27-00 (**LAID ON THE TABLE**)
   a. Assembly Memorandum No. AM 628-2000.

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

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2000-172, a resolution of the Anchorage Municipal Assembly **recognizing the 34th Annual Auditing Meeting of the Christian Methodist Episcopal (CME) Church, Alaska Pacific Conference**, Assemblymember Taylor.
2. Resolution No. AR 2000-173, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Detective Terry L. Marquart for his 22 years of service** with the Anchorage Police Department, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.
3. Resolution No. AR 2000-174, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Dr. Loucrecia Collins - Year 2000 ASD PTA "Principal of the Year"**, Assemblymembers Abney and Tremaine.

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

4. Resolution No. AR 2000-175, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Presidential Scholars Erin Flynn (Dimond High School) and Andrew Jayich (Service High School)**, Assemblymembers Abney, Tremaine, Sullivan, and Von Gemmingen.

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

5. Resolution No. AR 2000-163, a resolution of the Municipality of Anchorage providing for the appropriation of $6,500 from donations to the Miscellaneous Operational Grants Fund (261) for the **purchase of library books**, Cultural and Recreational Services/Library.
   a. Assembly Memorandum No. AM 589-2000.
6. Resolution No. AR 2000-164, a resolution of the Municipality of Anchorage appropriating $7,500 from a National Park Service grant to the Federal Categorical Grants Fund (241) for Girdwood Valley Service Area for **Iditarod National Historic Trail reconstruction**, Cultural and Recreational Services.
   a. Assembly Memorandum No. AM 590-2000.
7. Resolution No. AR 2000-165, a resolution of the Municipality of Anchorage appropriating $70,000 to the Equipment Maintenance, Internal Service Capital Fund (606) as a contribution from the Anchorage Fire Service Area Operating Fund (131) for the **purchase of two new command vehicles**, Anchorage Fire Department.
   a. Assembly Memorandum No. AM 591-2000.
8. Resolution No. AR 2000-166, a resolution of the Municipality of Anchorage appropriating $20,000 of Fund Balance from the Mountain Park/Robin Hill Limited Road Service Area Fund (118) to the

Department of Public Works 2000 General Operating Budget for **summer maintenance projects**, Public Works.
a. Assembly Memorandum No. AM 592-2000.

9. Resolution No. AR 2000-167, a resolution of the Municipality of Anchorage appropriating $10,000 of Fund Balance from the Totem Limited Road Service Area Fund (124) to the Department of Public Works 2000 General Operating Budget for **summer maintenance projects**, Public Works.
a. Assembly Memorandum No. AM 593-2000.

10. Resolution No. AR 2000-168, a resolution of the Municipality of Anchorage authorizing the Administration to **amend the participation agreement with the State of Alaska Public Employees Retirement System (PERS) to exclude seasonal workers and IBEW bargaining unit employees from participation**, Employee Relations.
a. Assembly Memorandum No. AM 594-2000.

11. Resolution No. AR 2000-169, a resolution **approving the Sixth Avenue water main extension through the Muldoon Elementary school site** and providing for assessment of benefited properties at time of service connection, Water and Wastewater Utility.
a. Assembly Memorandum No. AM 595-2000.

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

12. Resolution No. AR 2000-170, a resolution authorizing the **disposal of a municipal interest (via granting an easement) within Lot 2A, Sertich Subdivision**, located in the vicinity of Abbott Loop Road and E. 88th Avenue, Water and Wastewater Utility.
a. Assembly Memorandum No. AM 596-2000.

13. Resolution No. AR 2000-171, a resolution of the Municipality of Anchorage **authorizing execution of a Consent to Easement and Consent to Revocable Use Permit** required by the United States Department of Education for road access over and revocable use permit of municipal property at the Bartlett High School site by the Alaska Native Heritage Center, Legal Department.
a. Assembly Memorandum No. AM 597-2000.

14. Resolution No. AR 2000-176, a resolution of the Anchorage Municipal Assembly **urging the Alaska Legislature to allow the public to use its Downtown parking lot for evening and weekend parking**, Assemblymembers Tesche, Kendall, and Wuerch.

15. Resolution No. AR 2000-178, resolution of the Municipality of Anchorage providing for the appropriation of a grant totaling twenty thousand, three hundred ten ($20,310) dollars from the State of Alaska, Department of Education to the State Categorical Grant Fund (231) for the **Net Lender Reimbursement Program**, Cultural and Recreational Services.
a. Assembly Memorandum No. AM 615-2000.

16. Resolution No. AR 2000-179, a resolution rescinding AR No. 2000-136 and **establishing new delinquent dates for the first and second half of yearly real property tax payments** of Tax Year 2000, Finance. (**addendum**)
a. Assembly Memorandum No. AM 625-2000.

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

17. Resolution No. AR 2000-180, a resolution of the Anchorage Municipal Assembly **accepting and approving the Municipality of Anchorage Waste Reduction and Recycling Plan**, Assemblymembers Abney, Von Gemmingen, Fairclough, Taylor, Tesche, Sullivan, Tremaine, Kendall, and Meyer. (**addendum**)

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

18. Resolution No. AR 2000-181, a resolution of the Municipality of Anchorage appropriating $3,500 from the Areawide General Fund (101) Balance to the Assembly to **pay attorney fees in the matter of Native Village of Eklutna vs. Municipality of Anchorage, Board of Adjustment and National Bank of Alaska**, Assembly Chair Von Gemmingen . (**addendum**)
a. Assembly Memorandum No. AM 626-2000.

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 616-2000, **Chugiak, Birchwood, Eagle River Rural Road Service Area Board of Supervisors appointments** (Ted Kinney, John Angel), Mayor's Office.
2. Assembly Memorandum No. AM 617-2000, **Police and Fire Retirement Board of Trustee appointments** (Everett Robbins, Bob Kniefel, Tim Rogers), Mayor's Office.
3. Assembly Memorandum No. AM 606-2000, **The Liquor Store** - Transfer of Ownership for a Package Store Liquor License (Government Hill Community Council), Clerk's Office.

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

4. Assembly Memorandum No. AM 598-2000, proprietary purchase with Baker & Taylor, Inc. for providing **library materials** to the Municipality of Anchorage, Department of Cultural and Recreational Services/Purchasing.
5. Assembly Memorandum No. AM 599-2000, proprietary purchase of an **IMO pump** from IMO Industries Inc. for the Municipality of Anchorage, Municipal Light and Power/Purchasing.
6. Assembly Memorandum No. AM 600-2000, sole source contract with Applied Analytics Associates for providing **economic dispatch software and services** to the Municipality of Anchorage, Municipal Light and Power/Purchasing.

7. Assembly Memorandum No. AM 601-2000, change order No. 3 to purchase order 73876 with Pre Cast Concrete Company, Inc. for furnishing **transformer bases and vaults** to the Municipality of Anchorage, Municipal Light and Power/ Purchasing.
8. Assembly Memorandum No. AM 602-2000, proprietary purchase of **rubber speed humps** from Recycled Technology, Inc. for the Municipality of Anchorage, Department of Public Works/Purchasing.

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

9. Assembly Memorandum No. AM 603-2000, recommendation of award to Trawver Land Services for providing **right-of-way acquisition services** for the Municipality of Anchorage, Public Works Department (RFP 20-P001), Purchasing.
10. Assembly Memorandum No. AM 604-2000, contract amendment No. 1 to **1999 professional landscape architecture services contract** with Land Design North, Inc., RFP 99-P015, Public Works.
11. Assembly Memorandum No. AM 607-2000, **expenditure of Assembly funds** - approval by Assembly (contract increase for the 1999 Independent Audit)., Assembly Chair Von Gemmingen.
12. Assembly Memorandum No. AM 618-2000, sole source **membership with Electric Power Research Institute** for the Municipality of Anchorage, Municipal Light and Power/Purchasing.
13. Assembly Memorandum No. AM 619-2000, change order No. 7 to purchase order 83530 with Glen Alps road service for **year round road maintenance services** for the Municipality of Anchorage, Public Works Department/Purchasing.
14. Assembly Memorandum No. AM 620-2000, change order No. 5 to purchase order 83858 with Glen Alps road service for **year round road maintenance services** for the Municipality of Anchorage, Public Works Department/Purchasing.
15. Assembly Memorandum No. AM 621-2000, change order no. 1 to purchase order 991623 with Union Bank of California for providing **financial trust and custodial services** for the Municipality of Anchorage, Finance Department/ Purchasing.
16. Assembly Memorandum No. AM 622-2000, amendment no. 2 to the contract for professional services with CH2M Hill, Inc. for **performing a Disinfection Alternatives Evaluation Study** for the Municipality of Anchorage, Water and Wastewater Utility.
17. Assembly Memorandum No. AM 623-2000, change order number 1 to PO 996192 with Judd Consulting Inc (**PeopleSoft**), Water and Wastewater Utility/Municipal Light and Power.

E. INFORMATION AND REPORTS: None.

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

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

8. REGULAR AGENDA:

A. TIME CRITICAL ITEMS: None.

B. BID AWARDS: None.

C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Resolution No. AR 2000-182, a resolution of the Anchorage Municipal Assembly $198,710 from Areawide General Fund (101) balance to the Department of Health and Human Services to **provide for an increase in the Municipal operating funds for the Human Services Matching Grant Program**, Assemblymembers Abney and Kendall. public hearing 6-27-00. (**addendum**)
   a. Assembly Memorandum No. AM 627-2000.
2. Resolution No. AR 2000-183, a resolution of the Anchorage Municipal Assembly $259,380 from Areawide General Fund (101) balance to the Department of Health and Human Services to **provide for an increase in the Municipal operating funds for the Human Services Matching Grant Program**, Assemblymember Abney. public hearing 6-27-00 (**LAID ON THE TABLE**)
   a. Assembly Memorandum No. AM 628-2000.

Ms. Clementson moved, seconded by Mr. Kendall, to delay introduction of AR 2000-182 and AR 2000-183 until after action on item 9.B, AM 532-2000.

Ms. Clementson explained all of these documents address the same issue, and the outcome of item 9.B. may change the necessity for the two resolutions.

Question was called on the motion to delay introduction of AR 2000-182 and AR 2000-183 until after action on item 9.B. and it passed without objection.

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2000-174, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Dr. Loucrecia Collins - Year 2000 ASD PTA "Principal of the Year"**, Assemblymembers Abney and Tremaine.

Mr. Tremaine moved, seconded by Mr. Tesche, and it passed without objection,	to approve AR 2000-174.

Mr. Tremaine read the resolution, while Ms. Abney presented it to Dr. Collins.

Dr. Collins thanked the Assembly. She stressed parental and community involvement is key in improving public schools. Having strong public schools is the main ingredient in a great city.

2. Resolution No. AR 2000-175, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Presidential Scholars Erin Flynn (Dimond High School) and Andrew Jayich (Service High School)**, Assemblymembers Abney, Tremaine, Sullivan, and Von Gemmingen.

Mr. Tremaine moved, seconded by Mr. Tesche, and it passed without objection,	to approve AR 2000-175.

Mr. Tremaine read the resolution, while Ms. Abney and Mr. Sullivan presented copies to Ms. Flynn and Mr. Jayich.

Mr. Jayich thanked the Assembly. He also thanked the many great teachers who have guided him over the years.

The Assembly then changed the orders of the day to consider item 9.A, AR 2000-154.

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.
(POSTPONED FROM 5-23-00)

Mr. Wuerch moved, seconded by Ms. Abney, and it passed without objection,	to approve AR 2000-154.

Ms. Clementson read the resolution, while Ms. Abney presented it to Ms. Mathis.

Ms. Mathis thanked the Assembly and the Mystrom Administration. She acknowledged the hundreds of Anchorage residents for their commitment and persistence in participating in the Comprehensive Plan revision process. Ms. Mathis felt there remains a need for public outreach and education about sound long-range planning principles.

3. Resolution No. AR 2000-169, a resolution **approving the Sixth Avenue water main extension through the Muldoon Elementary school site** and providing for assessment of benefited properties at time of service connection, Water and Wastewater Utility.
   a. Assembly Memorandum No. AM 595-2000.

Ms. Clementson moved, seconded by Mr. Kendall,	to approve AR 2000-169.

In response to Ms. Clementson, Bruce Robeson of the Water and Wastewater Utility, explained although a portion of the new school site is currently served by Municipal water, the expansion required additional service. The new service area was subject to an additional assessment.

Question was called on the motion to approve AR 2000-169 and it passed without objection.

4. Resolution No. AR 2000-179, a resolution rescinding AR No. 2000-136 and **establishing new delinquent dates for the first and second half of yearly real property tax payments** of Tax Year 2000, Finance. (**addendum**)
   a. Assembly Memorandum No. AM 625-2000.

Mr. Tremaine moved, seconded by Mr. Tesche,	to approve AR 2000-179.

In response to Mr. Tremaine, Chief Fiscal Officer Soren Orley said it costs the Municipality about $100,000 in lost interest for every week tax payments are delayed. He explained when the Mayor vetoed an Assembly action, they had to wait 21 days to learn the results of the Assembly action on the veto, if any, before they could determined the amount of tax bills. The soonest tax bills can be sent out is June 20th; the due date must be 30 days beyond the mail date.

Ms. Clementson requested the Administration inform the Assembly when a Mayoral veto and subsequent Assembly action will have a significant fiscal impact. With that awareness, the Assembly could then take action on a veto immediately rather than wait for the entire 21-day period allowed by law.

Mr. Tesche concurred with Ms. Clementson.

Mr. Kendall added the Assembly must take responsibility to know the law; a special meeting could have been called at any time to vote on the veto.

Question was called on the motion to approve AR 2000-179 and it passed:

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

5. Resolution No. AR 2000-180, a resolution of the Anchorage Municipal Assembly **accepting and approving the Municipality of Anchorage Waste Reduction and Recycling Plan**, Assemblymembers Abney, Von Gemmingen, Fairclough, Taylor, Tesche, Sullivan, Tremaine, Kendall, and Meyer. (**addendum**)

Ms. Abney moved, seconded by Ms. Clementson,	to approve AR 2000-180.
Ms. Abney moved, seconded by Ms. Clementson, and it passed without objection,	to postpone action on AR 2000-180 until after action on item 12.S, AO 2000-90.

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 606-2000, **The Liquor Store** - Transfer of Ownership for a Package Store Liquor License (Government Hill Community Council), Clerk's Office.

Mr. Tesche moved, seconded by Ms. Fairclough,	to approve AM 606-2000.
Mr. Tesche moved, seconded by Ms. Fairclough, and it was withdrawn,	to amend AM 606-2000 to add a condition to the license that the premises be cleaned up per the May 29, 2000 letter from the Government Hill Community Council, attached to the memorandum.

Ms. Clementson recommended action on the memorandum be postponed until June 27, to allow time for the premises to be cleaned. She felt adding a condition without notice might create a problem.

Mr. Tesche withdrew his motion. Ms. Fairclough concurred.

Ms. Fairclough noted the Council reported the property has been cleaned; she felt the issue was whether the property will remain clean.

Mr. Tesche moved, seconded by Ms. Fairclough,	to postpone action on AM 606-2000 until June 27, 2000 and verify that the property has been cleaned by that date.

In response to Ms. Clementson, the license transferee Mr. Kang Sik Ham and a friend addressed the Assembly.

Mr. Ham's friend reported the property has been cleaned, and assured the Assembly the property would remain clean.

Question was called on the motion to postpone action on AM 606-2000 until June 27 and it passed:

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

2. Assembly Memorandum No. AM 602-2000, proprietary purchase of **rubber speed humps** from Recycled Technology, Inc. for the Municipality of Anchorage, Department of Public Works/Purchasing.

Mr. Meyer moved, seconded by Ms. Fairclough,	to approve AM 602-2000.

In response to Mr. Meyer, Public Works Director Jim Fero explained six speed humps would be available through the proposed purchase. He said the new humps would be provided by the same vendor as supplied previous humps, so the parts will be interchangeable. The price for the new humps is higher. There is a long list of requests for locating the new humps in various neighborhoods. The reason for the length of time obtaining the new humps was because funding was removed from the budget, and reinstated by the Assembly at a later date.

Mr. Meyer expressed disappointment that the humps were not procured sooner, as the funding was reinstated in February. He said speeding in neighborhoods is one of the top concerns of his constituents. He was also concerned the new humps were about $7,500 each, whereas the previously-purchased humps were only $3,000 each.

In response to Mr. Meyer, Acting Purchasing Office Bart Mauldin said he was unsure of the actual price per unit. He suggested the Assembly approve the proposed memorandum, and if it is determined that the price is actually $7,500 he will not proceed with the award but rather return to the Assembly.

Mr. Fero added delivery of the humps would be approximately six weeks after approval of the purchase and order of the items.

Ms. Taylor concurred with Mr. Meyer’s concern about the length of time it has taken to order the humps. She also questioned why the new humps must match the ones already being used.

Mr. Mauldin explained the humps come in pieces, and must be assembled. If one part is destroyed or stolen, mixing and matching of pieces of other humps can be done to more efficiently utilize the materials.

Ms. Fairclough moved, to postpone action on AM 602-2000 until June 27, 2000.
and it failed for lack of a second,

In response to Ms. Abney, Mr. Mauldin said local recycling companies are not able to manufacture the humps. The humps are a re-molded product; the local company merely shreds old tires.

Mr. Meyer requested the Administration verify the price per unit of the proposed humps, so he can reconsider action tomorrow if appropriate.

Question was called on the motion to approve AM 602-2000 and it passed:

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

F. INFORMATION AND REPORTS: None.

The Assembly then considered some Special Orders.

Ordinance No. AO 2000-105 an ordinance amending Anchorage Municipal Code Chapter 3.10, General Provisions, and Chapter 3.20, Executive Organization to **reorganize the executive branch administrative structure**, Assemblymember Wuerch. public hearing 6-27-00. (**LAID ON THE TABLE**)

Mr. Wuerch, Mr. Tesche and Mr. Sullivan joined in introducing this ordinance. The public hearing was scheduled for June 27, 2000.

Ordinance No. AO 2000-106, an ordinance amending Anchorage Municipal Code Chapter 25.25 by enacting new sections to **establish definitions, procedures and requirements for the submission and assembly approval of professional school design personnel and preliminary, subsequent and revised school designs**, Assemblymember Clementson. public hearing 6-27-00. (**LAID ON THE TABLE**)

Ms. Clementson, Ms. Fairclough and Mr. Tesche joined in introducing this ordinance. The public hearing was scheduled for June 27, 2000.

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

A. 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.
(POSTPONED FROM 5-23-00)

This item was considered earlier in the meeting. See after item 8.D.2.

B. Assembly Memorandum No. AM 532-2000, **Human Services Matching Grant Awards** for Fiscal Years 2001 and 2002, Health and Human Services.
1. Information Memorandum No. AIM 58-2000. (**addendum**)
2. Assembly Memorandum No. AM 532-2000(A), Human Services Matching Grant Awards for Fiscal Years 2001 and 2002, Health and Human Services, Assemblymember Clementson. (**LAID ON THE TABLE**)

(REFERRED TO THE HUMAN SERVICES ALLOCATION TASK FORCE FOR RANKING AND POSTPONED FROM 5-16-00)

Chair Von Gemmingen gave the history of the memorandum and noted a motion to approve AM 532-2000 was on the floor.

Ms. Clementson moved, to substitute AM 532-2000(A).
seconded by Mr. Wuerch,

Ms. Clementson noted the task force met again as requested. She explained the task force has different parameters than the Assembly. There was a request for proposals, and when those proposals were accepted, they were considered to be “essential services.” The task force then ranked the essential services. When the Assembly asked the task force to clarify their definition of “essential services”, they declined for several reasons. Task force members felt that would compromise the integrity of their process, and they were operating under the Purchasing laws. Ms. Clementson pointed out this award is different from other contract or bid awards. The Assembly does have the ability to change the rankings. She felt there was a difference between essential services and prevention services. She supported prevention, but questioned whether prevention services should be considered with essential critical services. Ms. Clementson explained the substitute memorandum reflected a change in ranking, to place prevention services lower on the list, below essential services.

Mr. Meyer disclosed he was on the Board of Directors of Standing Together Against Rape (STAR).

Ms. Fairclough moved, seconded by Mr. Kendall, the question "does Assembly member Meyer have a substantial financial interest in the matter before the Assembly?"

Chair Von Gemmingen declared a conflict of interest with regard to the award to the Alzheimer's Association, and said she would abstain from voting on that issue.

In response to Mr. Kendall, Assistant Municipal Attorney Bill Greene quoted from the Municipal Code, section 1.15.030 which includes financial interest of an organization of which an Assembly member is an employee, officer, director or shareholder. He explained the financial interest of the organization would attach to the member with any of these relationships to the organization. It was up to the Assembly to determined whether the financial impact was substantial.

Ms. Taylor disclosed she was a member of the Board of the Boys & Girls Club.

In response to Chair Von Gemmingen, STAR executive director Karen Bitzer noted the proposed award for STAR was less than ten percent of the organization's annual operating budget. However, she felt the award was important, because every penny counts for a non-profit organization.

Ms. Abney felt Mr. Meyer's situation was similar to her own, as she serves on the Board of Alaska Children's Services. In the past, the Assembly has repeatedly voted she did not have a conflict of interest with regard to that relationship.

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

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

Ms. Fairclough moved, seconded by Mr. Tremaine, the question "does Assembly member Taylor have a substantial financial interest in the matter before the Assembly?"

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

Chair Von Gemmingen ruled she had a substantial financial interest with regard to the Alzheimer's Association, and said she would abstain from voting on that issue. There was no objection.

Ms. Clementson agreed, noting the Assembly has found Chair Von Gemmingen to have a substantial financial interest with regard to that organization.

Ms. Fairclough moved, seconded by Mr. Tesche, and it was withdrawn, to postpone action on AM 532-2000 and the substitute until June 27, 2000 pending a worksession on that date.

Ms. Fairclough explained she would like more information about the proposed changes to the funding allocations.

Ms. Clementson pointed out the funding deadline was July 1.

Ms. Fairclough withdrew her motion. Mr. Tesche concurred.

Ms. Fairclough moved, seconded by Mr. Tesche, and it passed without objection, to continue the meeting to June 20, 2000 to complete any items not addressed this date.

Ms. Fairclough moved, seconded by Mr. Tesche, and it passed without objection, to postpone action on AM 532-2000 and the substitute until the continued meeting of June 20, 2000.

(Clerk's Note: Further action on this item was postponed until June 27, 2000 by a motion passed under item 16 at the June 20 continuation of this meeting.)

The Assembly then returned to item 8.C.

Resolution No. AR 2000-182, a resolution of the Anchorage Municipal Assembly $198,710 from Areawide General Fund (101) balance to the Department of Health and Human Services to **provide for an increase in the Municipal operating funds for the Human Services Matching Grant Program**, Assemblymembers Abney and Kendall. public hearing 6-27-00. (**addendum**)

a. Assembly Memorandum No. AM 627-2000.

Resolution No. AR 2000-183, a resolution of the Anchorage Municipal Assembly $259,380 from Areawide General Fund (101) balance to the Department of Health and Human Services to **provide for an increase in**

the Municipal operating funds for the Human Services Matching Grant Program, Assemblymember Abney. public hearing 6-27-00 (**LAID ON THE TABLE**)
a. Assembly Memorandum No. AM 628-2000.

Mr. Kendall, Mr. Tremaine and Ms. Abney joined in introducing AR 2000-182 and AR 2000-183. The public hearing for both resolutions was scheduled for June 27, 2000.

Ms. Fairclough moved, seconded by Mr. Tesche, and it passed without objection, to combine consideration of items 9.C, 9.D. and 9.E.

C. 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 AND 5-23-00)

D. 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.
(POSTPONED FROM 5-23-00)
1. Resolution No. AR 2000-141(S), 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. (**LAID ON THE TABLE**)

E. 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.
(POSTPONED FROM 5-23-00)

Chair Von Gemmingen gave the history of the resolutions, and noted no motions were pending on AR 2000-120 and AR 2000-141. She added a motion to approve AR 2000-145, as well as a question of whether Mr. Tremaine has a substantial financial interest in this matter, was on the floor.

Mr. Tesche discussed a letter submitted to the Assembly Chair by Anchorage School District Superintendent Bob Christal, regarding Mr. Tremaine's potential conflict. Mr. Tesche noted the employment of Mr. Tremaine's wife was not dependent on the outcome of Assembly action on AR 2000-145. He felt since Mr. Tremaine's wife's income did not depend on the proposed action, and she is one of about 5,000 School District employees in the same situation, there is no financial interest on the part of Mr. Tremaine and he should vote on the issue.

Ms. Fairclough added that the history of Assembly decisions on conflicts of interest showed there was not much consistency.

Mr. Meyer agreed the Assembly should be consistent. He pointed out in this case, the Assembly voted that Mr. Tremaine had a conflict when it considered the ASD budget in March. He felt reversing that ruling at this point would be inconsistent and inappropriate. Mr. Meyer recalled in March, when the initial conflict issue arose, Mr. Tremaine stated his wife's income constituted more than half of their family income. He said another ruling would be appropriate if their income has changed since March. He added that an opinion of the Ethics Board was that a conflict exists if a substantial portion of an Assembly member's income came from the ASD. He felt unless Mr. Tremaine's income has changed, he still had a conflict.

In response to Ms. Clementson, Mr. Tremaine confirmed his wife holds a Federally-funded position.

Ms. Clementson pointed out although Mr. Tremaine's wife received a letter from the ASD stating her job may be eliminated as a result of Assembly action, the source of funding for her position was not then, or now, a local source. She was not aware of any letters in the past sent to Assembly member's spouses tying their ASD positions to Assembly action. Ms. Clementson felt the District's initial letter to Mr. Tremaine's wife was inappropriate, and now that the letter has been rescinded, she felt there might be an appearance of "buying" back a vote which was lost.

In response to Ms. Clementson, Assistant Municipal Attorney Bill Greene said under State law, the appearance of a conflict of interest gives rise to the question of whether a member should participate in an issue. He said that was a judgement that the Assembly can make.

Ms. Abney moved, seconded by Mr. Tesche, the previous question.

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

Question was called on whether Mr. Tremaine had a substantial financial interest and it failed:

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

In response to Chair Von Gemmingen, Mr. Greene said the vote, five ayes and five nays, shows there is no decision on the question.

Mr. Tesche pointed out the Municipal Code, chapter 2.30.070 provides that six affirmative votes are required for a vote to pass. He requested a ruling from the Chair, that the previous vote determined that Mr. Tremaine does not have conflict.

Mr. Meyer quoted from the minutes of March 21, 2000. He pointed out when he asked Mr. Greene this question during the meeting on that date, Mr. Greene replied “the question had to be answered with six votes, either yes or no. There was a tie vote; therefore, the question had not been answered.”

Chair Von Gemmingen ruled, according to the rules of procedure for the Assembly, that Mr. Tremaine should participate.

Ms. Clementson noted the Assembly previously voted on the issue. She suggested a more appropriate question might be “shall the Assembly rescind its previous vote in declaring Mr. Tremaine to have a substantial financial interest.”

Mr. Tesche felt the proper recourse for Ms. Clementson or Mr. Meyer would be to challenge the ruling of the Chair.

In response to Mr. Meyer, Mr. Greene explained the provisions of AMC 2.30.070 were enacted to eliminate this issue. He said the provision was designed so that if the Assembly wishes to say no, he does not have a financial interest, it takes six votes to make that decision. If the Assembly wants to say yes, he does have a financial interest, it would take six votes to make that decision.

Mr. Tesche quoted from the Code 2.30.070 a): “The only question before the assembly in making such determination shall be: Does the assembly member (name of member) have a substantial financial interest in (the named matter/question) before the assembly? If the vote on the question is in the negative, then the assembly member may fully participate in all further proceedings on the decision or matter. If the vote on the question is in the affirmative, then the assembly member shall not vote … d) A majority of all members of the assembly is required to carry any measure before the assembly unless a greater number is required by ordinance or the Charter.”

Ms. Fairclough moved, immediate reconsideration.
seconded by Ms. Abney,

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

Ms. Fairclough continued with discussion of AR 2000-145. She explained the differences between it and AR 2000-141 proposed by Mr. Kendall and Mr. Sullivan. She said AR 2000-145 would raise the upper spending limit of the School District, allowing the District to charge for programs and raise their own revenues. She encouraged a “yes” vote.

Mr. Tesche also spoke in support of AR 200-145.

Mr. Sullivan moved, to substitute AR 2000-141(S).
seconded by Ms. Clementson,

Mr. Sullivan explained this document included clarification language that was not contained in the original. He felt AR 2000-141(S) provided that the District’s spending limit was increased, so it did have the authority to access any additional monies received through grants or additional fee revenues.

Mr. Tesche felt asking the District to use its fund balance might create a problem with the District’s auditors. The auditors have already warned District officials against the very course suggested in the resolution.

Ms. Clementson pointed out the Municipality must maintain a $17 million fund balance, the amount required to cover all bonds, to maintain the Municipality’s high bond rating. The amount projected to be in fund balance at the end of the fiscal year is about $5 million. To give that to the District, who has $6 million in fund balance, would be inappropriate. The District is subordinate to the Municipality; the Municipality is responsible for using its fund balance to help the District in an emergency. Conversely, the Municipality cannot get fund balance funds from the District in an emergency.

In response to Ms. Clementson, Chief Fiscal Officer Soren Orley explained the figures presented to Ms. Clementson actually did not show a projected balance at the end of the fiscal year. The $5 million in question has already been spent. Mr. Orley said the question of where to get monies to give to the District was a policy decision for the Administration. There are several options available, including using funds from the MOA Trust Fund Reserve. The Assembly may use part of the $17 million fund balance, but using it would probably adversely affect the Municipality’s bond rating.

In response to Mr. Meyer, Mr. Orley said the Municipality is responsible for the debt of the District, which is backed by the full faith and credit of the Municipality. If the District was unable to pay its debt, the Municipality would have to pay it.

In response to Ms. Clementson, Municipal Attorney Mary Hughes responded to the question of whether the Assembly can use funds from the MOA Trust Fund Reserve. She explained the Reserve may be utilize to make up the difference if $9.4 million is not reached in the Trust Fund corpus. Reserve funds may also be used for the purpose of additional reduction in property taxes as may be determined by the Assembly.

Ms. Clementson felt it would be irresponsible to use Municipal funds to pay the District, without first identifying the source of those funds.

Ms. Fairclough moved, the previous question.
seconded by Mr. Tesche,

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

(Clerk's Note: This motion failed for lack of eight affirmative votes required to call the previous question.)

Ms. Abney and Mr. Tesche spoke against substitution.

Mr. Wuerch spoke in support of substitution. He pointed out the question was the source of the funds. There has been testimony again tonight that using the Municipality's fund balance would put the bond rating at risk. It is known there are some funds in the District's fund balance, but it is unknown how much.

Question was called on the motion to substitute AR 2000-141(S) for AR 2000-145 and it passed:

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

Ms. Clementson moved, immediate reconsideration of the motion to substitute.
seconded by Mr. Sullivan,

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

Question was called on the motion to approve AR 2000-141(S) and it passed:

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

Mr. Tesche moved, to enter reconsideration of action on AR 2000-141(S) on the
seconded by Ms. Taylor, minutes.

(Clerk's Note: See item 16, Unfinished Agenda during the June 20 continuation of this meeting for further action on items 9.A, B and C.)

F. 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.
   1. Resolution No. AR 2000-153(S), 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, Assemblymember Kendall. (**NOT SUBMITTED**)
   2. Resolution No. AR 2000-153(S-1), 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. (**LAID ON THE TABLE**)

   (CARRIED OVER FROM 5-23-00; POSTPONED FROM 5-26-00)

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

G. 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; POSTPONED FROM 5-23-00)

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, AO 2000-71; Planning and Zoning Commission Recommendation, Community Planning and Development.
   2. Assembly Memorandum No. AM 575-2000.
   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.

   (CARRIED OVER FROM 5-23-00)

I. 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; CARRIED OVER FROM 5-23-00)

J. 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, 5-16-00, AND 5-23-00)

K. 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 AND 5-23-00)

L. 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 AND 5-23-00)

M. 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 AND 5-23-00)

N. 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; CARRIED OVER FROM 5-23-00)

Items 9.G. through 9.N. were considered under item 16 during the June 20 continuation of this meeting.

10. APPEARANCE REQUESTS:

A. **Wilda Marston**, to report on hearings held by the Historical & Fine Arts Commission regarding the museum expansion.

Ms. Marston's appearance was rescheduled for June 27, 2000.

11. CONTINUED PUBLIC HEARINGS:

A. 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.
(CARRIED OVER FROM 5-23-00)

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

Ms. Abney moved, to approve AR 2000-134.
seconded by Mr. Tesche,

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

The meeting recessed at 7:25 p.m. and reconvened at 7:45 p.m.

B. 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.
(CARRIED OVER FROM 5-23-00)

C. 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 AND 5-23-00)

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, 5-16-00, AND 5-23-00)

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 AND 5-23-00)

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, Assemblymember Taylor.
2. Assembly Memorandum No. AM 421-2000, Public Works.

(CARRIED OVER FROM 4-18-00, 4-25-00 AND 5-16-00, AND 5-23-00)

G. 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 AND 5-23-00)

H. Ordinance No. AO 2000-32, an ordinance amending Anchorage Municipal Code Section 12.15.030 to **establish a method for assessment of real property entitled to federal low income housing tax credits** and/or other financing requiring legally binding rental restrictions, through long-term deed restrictions recorded against the property benefitting lower income families, Assemblymembers Tesche and Taylor.
1. Assembly Memorandum No. AM 12-2000.
2. Information Memorandum No. AIM 16-2000, S.E.E. for AO 2000-32 - Assessment of Real Properties that are in Receipt of Federal Low Income Housing Tax Credits, Finance.

(CONTINUED FROM 2-15-00)

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 AND 5-23-00)

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, 5-16-00, AND 5-23-00)

Items 11.B. through 11.J. were considered during the June 20 continuation of this meeting. See item 16, Unfinished Agenda.

12. NEW PUBLIC HEARINGS:

A. 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.
1. Assembly Memorandum No. AM 560-2000.

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. Tesche moved, to approve AR 2000-147.
seconded by Ms. Fairclough,

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

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

B. Resolution No. AR 2000-140, a resolution of the Municipality of Anchorage endorsing an agreement between Municipal Light & Power, the IBEW, and the Administration regarding the **transfer of pension plan participation for certain employees from the State of Alaska Public Employees Retirement System (PERS) to the IBEW's Pension Trust Plan**, Employee Relations.
1. Assembly Memorandum No. AM 553-2000.

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

Ms. Fairclough moved, to approve AR 2000-140.
seconded by Mr. Tremaine,

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

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

C. Ordinance No. AO 2000-89, an ordinance amending Anchorage Municipal Code Section 6.50.060 to **further define the ownership concentration allowed for individual, publicly traded companies held by the MOA Trust Fund**, Finance.
   1. Assembly Memorandum No. AM 526-2000.

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

Ms. Fairclough moved, seconded by Mr. Tesche, to adopt AO 2000-89.

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

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

D. 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.
   1. Assembly Memorandum No. AM 578-2000.

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

Ms. Abney moved, seconded by Ms. Fairclough, to approve AR 2000-155.

Chair Von Gemmingen thanked Dan and Betty Cuddy for the family's generous donation.

Question was called on the motion to approve AR 2000-155 and it passed:

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

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

Mr. Sullivan moved, seconded by Mr. Tesche, immediate reconsideration.

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

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

Mr. Tesche moved, seconded by Ms. Fairclough, to change the orders of the day to consider items 12.J, 12.K, 12.M, 12.N, 12.O, 12.P 12.R, 12.S and 12.T.

Mr. Wuerch moved, and it died for lack of a second, to substitute a motion to change the orders of the day to complete items 12.J, 12.K and 12.P.

Question was called on Mr. Tesche's motion to change the orders of the day and it passed without objection.

E. 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.
   1. Assembly Memorandum No. AM 582-2000.

F. Resolution No. AR 2000-130, a resolution **confirming and levying special assessments for Special Assessment District No. 2SR96**, which reconstructed public streets within the Foxridge Subdivision Area, and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Public Works Department.
   1. Assembly Memorandum No. AM 508-2000.
   2. Information Memorandum No. AIM 59-2000, Public Works. (**addendum**)

G. Resolution No. AR 2000-131, a resolution **confirming and levying special assessments for Special Assessment District No. 4SR96**, which reconstructed North Point Drive, North Point Circle, and Mere

Circle, and setting the date of assessment, installment, payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Public Works Department.

1. Assembly Memorandum No. AM 509-2000.
2. Information Memorandum No. AIM 60-2000, Public Works. (**addendum**)

H. Ordinance No. AO 2000-87, an ordinance of the Anchorage Municipal Assembly authorizing the long term lease between the Municipality of Anchorage as lessor and Aircraft Corporate Enterprises L.L.C. as lessee of **Lot 1, Block 4, Merrill Field Replat**, located on the south side of Runway 6-24, Merrill Field Airport.

1. Assembly Memorandum No. AM 487-2000.

I. 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.

1. Assembly Memorandum No. AM 564-2000.

Items 12.E. through 12.I were considered under item 16, Unfinished Agenda, during the June 20 continuation of this meeting.

J. Resolution No. AR 2000-138, a resolution of the Municipality of Anchorage **adopting the new Merrill Field Airport Master Plan**, Merrill Field Airport.

1. Assembly Memorandum No. AM 542-2000.

K. 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.

1. Assembly Memorandum No. AM 562-2000.
2. Information Memorandum No. AIM 55-2000.

Items 12.J and 12.K were considered later in this meeting. See item 16, Unfinished Agenda.

L. 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.

1. Assembly Memorandum No. AM 565-2000.

Item 12.L was considered under item 16, Unfinished Agenda, during the June 20 continuation of this meeting.

M. Resolution No. AR 2000-152, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Restaurant/Eating Place Liquor License) located on Anchorage Original Townsite, Block 74, generally located between West 6th and West 7th Avenues and on the west side of "A" Street (**Marx Brothers Cafe Catering**) (Case 2000-105), Community Planning and Development.

1. Assembly Memorandum No. AM 577-2000.

N. Resolution No. AR 2000-151, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Beverage Dispensary License, Duplicate) located on Hillstrand Subdivision, Tract A, Lots 6 through 12, generally located on the east side of Spenard Road and north of West 26th Avenue (Jadon, Inc. d.b.a. **Chilkoot Charlies (The Bird House)**) (Case 2000-099), Community Planning and Development.

1. Assembly Memorandum No. AM 574 -2000.

Items 12.M and 12.N were considered later in this meeting. See item 16, Unfinished Agenda.

O. Ordinance No. AO 2000-91, an ordinance of the Anchorage Assembly amending Title 16 of the Anchorage Municipal Code to add a new Chapter 16.65 to provide for the **control and elimination of smoking in work places and enclosed public places**, Assemblymembers Tesche, Abney, Taylor, Tremaine, and Von Gemmingen.

1. Assembly Memorandum No. AM 540-2000.
2. Ordinance No. AO 2000-91(S), an ordinance of the Anchorage Assembly amending Title 16 of the Anchorage Municipal Code to add a new Chapter 16.65 to provide for the control and elimination of smoking in work places and enclosed public places, Assemblymembers Tesche, Abney, Taylor, Tremaine, and Von Gemmingen. (**addendum**)
3. Assembly Memorandum No. AM 585-2000.
4. Information Memorandum No. AIM 61-2000, Assemblymember Tesche. (**addendum**)

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

Ms. PILLOW spoke in support of the ordinance. She thanked smokers who smoke outdoors and who deposit their used cigarettes in garbage containers. Ms. Pillow felt if all smokers were so considerate, the issue would be moot. She said her career as a cocktail waitress for 20 years, breathing second-hand smoke, has contributed to asthma. She was in the market for a new job, but must choose between a career she excels at and which pays a good wage, or her health.

JOE HENDRICKS, a long-time Alaska resident and downtown property owner, felt business owners should have the freedom to choose how their business is operated, and to what kind of clientele to cater. Although he is an adamant non-smoker, he feels more strongly that people should have freedom of choice. Mr. Hendricks felt people who do not want to breath smoke while eating out should visit those establishments that offer a smoke-free environment.

STEVE CONN, executive director of the Alaska Public Interest Research Group, spoke in support of the ordinance. Mr. Conn pointed out children do not have a choice of which public places they are taken to by their parents. He felt it was time the law caught up with social issues.

MARY KRALL, a non-smoker, said she was a victim of breathing second-hand smoke. She explained she had major cancer surgery recently, during which her kidney, ureter and part of her bladder was removed. She was not a smoker, but lived with one for 30 years; the cancer found on her kidney is the type normally found in smokers. Ms. Krall said she was very sensitive to tobacco smoke, but it is very difficult to avoid as so many businesses, public buildings and recreational facilities still allow smoking.

DIANE OLSON spoke against the ordinance. She said there are already many restrictions that have allowed smokers to become second-class citizens who pay higher taxes to purchase a legal product. Ms. Olson pointed out there are already many non-smoking businesses. She did not want the government to dictate which activities are allowed on private property. She felt each business should decide what smoking policy is best for their company and customers.

SHAWN STEWART, a personal trainer, said she helps people who want to get into shape after they quit smoking. However, she felt the proposed ordinance was very invasive. She felt it was not the government's place to dictate to private business owners whether they may allow smoking in their establishments. Ms. Stewart pointed out any restaurants who allow smoking would be put out of business if their customers choose to avoid them because of the smoking policy. She felt the market should determine whether smoking is acceptable in a business. She was concerned how government intrusion might expand if this law is approved.

DR. SHERRY RICHIE, a perinatologist, explained she dealt with high-risk obstetrics. Dr. Richie said it has been known for many years that pregnant women who are exposed to second-hand smoke have placentas that appear different from a normal placenta. The placenta in a pregnant woman who is exposed to smoke, even if the woman does not smoke herself, is consistent with that of a growth-restricted fetus. She strongly urged the Assembly to adopt the proposed ordinance. Although she is a proponent of personal freedom, she felt the risks to unborn babies and children were significant. Dr. Richie added some women who work in a smoky environment may not realize they are pregnant for some time, and unknowingly endanger their fetus.

BRIAN BRUNDIN spoke in opposition to the proposed ordinance. He felt its provisions were designed to restrict people, rather than tobacco products. Mr. Brundin felt the sponsors of the ordinance were seeking to use the power of the government to control other people. He did not believe, as many do, that smoking is detrimental to ones health. He is a smoker and quite healthy. Although his belief system is not the same as other people, he felt it was wrong to impose ones beliefs on other people. Mr. Brundin pointed out it is difficult to verify the truth of information and studies from the Federal government, because lies and misinformation are disseminated from the government with increasing frequency. He felt it was more important for everyone to have the right of choice.

KEN FEINMAN, a former resident of New York, pointed out every action is regulated by the government. He is a non-smoker and finds smoking obnoxious. However, he felt the proposed ordinance was fatally flawed. He felt the government does not have the right to dictate the actions of business owners. If customers do not like the policies of a certain business owner, they have the choice to spend their money elsewhere. He felt employees should work out an acceptable policy with their employer.

DICK MONSOGGER, administrator of the Alaska Native Medical Center, noted employees in the asbestos industry are protected by a great deal of regulation. Workers who work in an environment where smoking is allowed are not adequately protected. He noted hospitals, schools and many other public places are now smoke-free. Mr. Monsogger felt studies that indicate environmental tobacco smoke is damaging are convincing. He sees many children with asthma and other respiratory problems related to smoking; they live in homes where their parents make choices for them. He felt the community should protect children and others in public places. The proposed ordinance would help move toward the goal stated by former U.S. Surgeon General C. Everett Coop in 1984, where he urged we have a smoke-free society by the year 2000. Although that was not achieved in the United States, the number of smokers in this country is declining. He felt continuing efforts toward the goal was important. As a member of the Municipal Health and Human Services Commission, he reported the Commission today wrote a letter endorsing and supporting the proposed ordinance.

JOHN DAVIS pointed out in San Mateo, California, a law was passed prohibiting cigarette smoking on public streets. He noted smoking was also outlawed inside restaurants, so smokers had a dilemma. He worked as a waiter in Anchorage for ten years, and chose to work in a smoke-friendly environment even though he is a non-smoker. Mr. Davis felt his time employed at the restaurant was well worth it. He felt if someone objects so much to smoke, they should find a job in a restaurant with a no-smoking policy. He added freedom was the issue, and felt freedom should be protected in Alaska.

MARSHA WOOLSTON spoke in support of the ordinance. She is subject to breathing second-hand smoke in her workplace, and is looking forward to relief from that situation. Ms. Woolston was troubled that minors are allowed in the smoking area in her workplace. She has approached the management, but they lack concern or are more interested in smokers' rights. She demanded that a law be passed to protect her from addicts who impact her health with their habit.

DR. ANN MORRIS, a pulmonary specialist practicing in Anchorage for 25 years, recalled in 1975 smoking was declared to be a public nuisance and limited in certain areas. After more education, in 1984, more laws were passed. At those times, many of the same arguments were heard about infringement on individual rights, problems with expense and enforcement. Despite these arguments, everyone has learned to live with the 1984 laws that allow smoke-free establishments. Also, she felt the laws have made a difference to her patient population. People with asthma or heart disease now have the choice to attend smoke-free events such as those in the Sullivan Arena, but should have a wider choice. Dr. Morris noted the proposed law could be good for businesses, because of lower insurance costs, lower health care costs and lower employee absenteeism. She pointed out some employees cannot simply leave a job to seek alternate employment if smoking in their workplace is a problem; many people have to support families and cannot afford to quit their jobs.

SCOTT ANDERSON, owner of the local Village Inn restaurants, clarified he has not been approached by any group or organization affiliated with the tobacco industry. He opposed the ordinance on a personal level. Even though he is a non-smoker, he felt the freedom to smoke was more important. Mr. Anderson felt business owners should have the right to operate their businesses as they choose.

In response to Chair Von Gemmingen, Mr. Anderson said Village Inn has chosen to offer non-smoking hours, on weekends from 6:00 a.m. to 3:00 p.m.

JAY SUTHERLAND, owner of the local Wendy's franchise, said he has not been approached by the tobacco industry. He said his restaurants have been smoke-free for almost seven years, in response to customer requests. Mr. Sutherland added his office is located in a building that is also smoke-free. However, that decision was made by the landlord in conjunction with tenants and customers. He felt because the proposed ordinance is flawed, he would have a security problem if it is adopted. Restaurant doors are closed at 10:00 p.m., but the drive-through is open until midnight or later in the summer months. Most of his employees, about 65 to 70 percent, are smokers, so after 10:00 p.m., they will not be able to leave the building for smoke breaks, as late-night security is very important.

KEVIN TEMPLE, a smoker, said he was trying to quit because he hates smoking. However, he opposed the ordinance because if adopted it would interfere with the God-given rights to liberty and the pursuit of happiness. When he was employed in various restaurants, he made a choice to work in an environment where smoking was allowed. He felt choice was important to maintain our liberties and freedom.

KAREN ROGINO, representing the Alaska Hospitality Alliance, explained the group represents hotels, motels, restaurant and beverage operations across the State. She said the Alliance was in favor of clean air. However, they disagree with some on the method to achieve the goal of clean air. The Alliance opposes the ordinance, and instead favors operator and consumer choice. She felt hospitality establishments must be able to choose to be smoke-free or not, based on client and employee preference. The impact on business of implementing the proposed ordinance was much more complex than some may realize. Ms. Rogino urged the Assembly to form a task force to study the implications on the business community. She added there was concern about enforcement

SUSANNE FARVEN, an employee in a large retail store which has a smoking room in the break room, said the smoking room was separate with a door, but smoke can be smelled when the door is opened and closed. Also, the door is propped open by cleaning crews at night, which impacts her when she has to close the store at night. Ms. Farven felt the existence of a workplace smoking room encourages people to smoke. Also, the room is not monitored to restrict it to people over the age of 19. She pointed out the store has not always had a smoking room; it was installed a few years ago by a store manager who was a smoker.

JOHN LOPEZ, president of Denali Gaming Supply, Inc., said he was a non-smoker. He noted adults have the choice to frequent or avoid locations that are smoke-friendly. Until tobacco is determined to be an addictive drug or a lethal weapon and is legislated as such, he felt the Assembly would be acting inappropriately by adopting the proposed ordinance. He urged the Assembly to amend the proposed ordinance to exclude charitable gaming facilities. Mr. Lopez explained these locations are, for some non-profit organizations, the only source of funds to serve their organizations purpose. The ordinance, as presented, will impact those activities. If 75 percent of patrons of charitable gaming operations are affected by the ordinance, they will likely seek an alternative way to smoke and gamble. Those alternatives could include the numerous unregulated after-hours gambling establishments or Internet gambling, neither of which will help the non-profit groups that benefit our community. He asked why charitable gaming establishments should be given the same exclusion as proposed for bars, as the gaming establishments also abide by regulations which prohibit under-age people from the premises. Therefore, no minors need to be protected from smoke in these establishments.

MIKE POLNICHECK pointed out while the ordinance addresses the rights of non-smokers to breath clean air, it does not consider the rights of a smoker to be able to enjoy a substance that is currently legal. He felt it should be the choice of the business owner whether to have a smoking or non-smoking establishment; the customers will decide for themselves which establishment to patronize. He felt it should not be up to the government to regulate legal activities in a business.

RICHIE ROWE, manager of Dimond Bowl, said he was a non-smoker, but operates a business that allows smoking for employees and customers. He said if the proposed ordinance is adopted, his business will be jeopardized. Most people on leagues, and who participate in open bowling, are smokers. He said it was a choice for people to enter a smoking facility.

In response to Mr. Meyer, Mr. Rowe explained it would be difficult to physically separate the bar area from the bowling lanes, because most drinkers want to bring their drinks to the lanes to bowl and be with their family. He said there were six employees in the bowling alley.

BETH MARRIAGE, a care coordinator for the Alzheimer's Association, works often with people who have respiratory problems. However, she spoke as a wife and mother of three young children. She commended the Assembly for considering the proposed ordinance. She grew up in a home where both parents smoked heavily; her mother died of lung cancer at age 56. When she left home, she was diagnosed with lung cancer herself, and also with breast cancer with a rare cell structure usually found in lung cancer. As a lung cancer survivor, she must take extra care to find smoke-free environments in which to work, recreate and worship. Ms. Marriage said she had to change churches because her pastor was a smoker who did not want to eliminate smoking in the church hall. She has had to turn down jobs because of the work environment. She has not bowled or played bingo in many years, and eats at only the few smoke-free restaurants. She urged the Assembly to adopt the proposed ordinance.

JOE MEEHAN, a biologist, noted second-hand smoke has had a profound impact on his life. He grew up in a home where both parents smoked, and worked his way through college in restaurants. He felt years of breathing second-hand smoke was the reason he has suffered from asthma since childhood. Mr. Meehan said he cannot tolerate the presence of any smoke, as it triggers respiratory problems that last for days. He did not advocate criminalizing tobacco, but felt the deadly fumes of cigarette smoke should not be allowed in any public place where it would contaminate the air that others breathe. Mr. Meehan said the facts are clear that cigarette smoking, and breathing second-hand smoke kills people. He felt this was a public health issue, and asked the Assembly to support the ordinance.

ASHLEY, HANNA AND MATTHEW, students at East High School, asked the Assembly to vote in support of the proposed ordinance. They pointed out in an open room, if one person smokes, everyone has to smoke.

ALICE BREWER spoke against the ordinance. She pointed out smokers have been persecuted and taxed enough. She would like to continue to have the option of having coffee and a cigarette after enjoying a meal at a restaurant.

MARION DANIEL questioned the definition of "common areas" in the ordinance. He pointed out common areas in apartment areas can be enclosed or outdoors. Mr. Daniel added that harmful chemicals are present in cigarette smoke, but not in pipe smoke. He quoted report 1103 from the U.S. Surgeon General which indicate death rates for pipe smokers are no higher than for non-smokers.

In response to Mr. Daniel, Mr. Tesche said the ordinance referred to enclosed areas inside a building.

ALEXIS DUCHER, a member of the March of Dimes, Alaska Chapter, spoke in favor of the ordinance. She noted the March of Dimes exists to fight and prevent birth defects and infant mortality. She agreed the issue was indeed one of life, liberty and the pursuit of happiness. Ms. Ducher pointed out when liberties collide, officials must make decisions that are best for the greatest number of the population. Second-hand smoke is very dangerous for pregnant women, who are at risk of delivering premature babies as a result of breathing smoke. Ms. Ducher urged the Assembly to vote to protect the liberty to have healthy babies.

PAUL WOMACK, an employee of a well-known restaurant in Anchorage, spoke against the ordinance. He felt smoking should be a matter of personal freedom. He pointed out his restaurant provides smoking and non-smoking seating areas. He was concerned about losing income if the proposed ordinance is adopted. Mr. Womack said he was a smoker, and is tired of being made to feel like a second-class citizen. He felt the issue should be subject to a public vote.

MIKE GORDON felt the proposed ordinance was an example of the creeping tyranny of the well-intentioned. He was glad the proposal did not affect his business, Chilkoot Charlie's Saloon. Mr. Gordon felt the proposal was obviously a divide and conquer strategy. Although he no longer smokes cigarettes, he was not willing to give up any more personal freedoms to advance this idea. He urged the Assembly to defeat the ordinance.

JESSICA POPE, of the American Heart Association, said one of the Association's missions was to advocate for public policies that are known to save lives. One of these policies is elimination of tobacco smoke from the indoor air environment. She mentioned several of the studies which link second-hand smoke exposure with lung cancer and cardiovascular disease. Second-hand smoke is now the third leading preventable cause of death in the United States. Although the danger of tobacco smoke in not in debate, it has not been eliminated from public places because of lobbying by the tobacco industry. She pointed out the only business that would suffer as a result of the proposed law is the tobacco business, and the benefits will be improved public health. She urged the Assembly to adopt the ordinance.

MIKE LEWIS supported the proposed ordinance. He noted even smokers do not like to smell cigarette smoke while they are eating; they usually smoke after eating. Mr. Lewis said he frequents a smoke-free restaurant, Lucky Wishbone. He pointed out it is always crowded and it is always difficult to find a seat. He felt businesses and restaurants would realize a gain if they were smoke-free, as the public would patronize these establishments more often.

BERRY GREEN, a non-smoker, appreciated smoke-free environments. However, he did not support the proposed law. He pointed out Alaska law already mandates that non-smokers be protected from breathing smoke. He suggested the focus should be on greater enforcement of that law. Mr. Green felt it was not the place of government to regulate private entrepreneurs and how they choose to operate their business.

RITA ABLECUFF, a waitress at three local restaurants, felt the proposed law would greatly impact these businesses. She felt the public would not be able to accept the changes, and would not frequent restaurants as often. Ms. Ablecuff felt it was wrong to dictate to a business owner how they can operate that business.

MARJEAN DUNNAWAY, a non-smoker, noted she survived two instances of breast cancer which was caused by second-hand smoke. She mentioned her friend, also a non-smoker, worked for thirty years with heavy smokers. Her friend is now battling lung cancer. She asked the Assembly to adopt the proposed ordinance.

ARLISS STURGULEWSKI observed that the people most impacted by a particular public policy issue are the most motivated to become knowledgeable and involved in that issue. She and her family have been impacted by several deaths and illnesses because of smoking. Ms. Sturguwlewski believed in individual rights, as many others do. She acknowledged this issue is very difficult, but pointed out individual rights cease when they impact the rights of other individuals. She recalled during development of the Anchorage Municipal Charter, Article 2 of the bill of rights was included, which in her opinion provides justification and direction for a clean air law. She encouraged the Assembly to adopt the ordinance.

CHERIE RUIZE spoke in support of the ordinance. Because she is pregnant, she avoids many public places and restaurants because of the risk to her baby. She agreed that individual rights must be limited when they infringe on the rights of other people.

CANDY BONHAM, an ex-smoker who suffers from asthma, said her workplace is smoke-free. She cannot be around smoke without having to visit the hospital. She acknowledged she chose to smoke, and did not blame anyone for her medical condition. However, she would like to be able to bowl or play bingo again. Ms. Bonham encouraged the Assembly to adopt the proposed ordinance.

BOB MASON, of the Tobacco Cache, pointed out there is debate on the health effects of second-hand smoke. He noted there are many other chemicals in the air we breathe that can contribute to lung and health problems. Mr. Mason opposed the ordinance because he felt it would infringe on individual freedoms.

FRED ROSENBERG felt there had been a lot of misinformation provided by both sides of the issue. He distributed a study done by the Beverage Institute, which was not supported or funded by the tobacco industry or health organizations. The study indicated a negative impact for restaurants and bars under the proposed law. On occasion, there was a minor increase in business, but in every instance there was a loss of employment and customers. Mr. Rosenberg pointed out people have a right to patronize places where smoking is prohibited by choice. He felt there was not a health issue, because people have the right to avoid smoke. Also, businesses will be adversely impacted.

MICHAEL FEUCHS pointed out handicapped parking spaces and other disabled accommodations exist because legislators decided they could make laws that regulated every aspect of establishments, to ensure that people are safe, satisfied and healthy. Mr. Feuchs noted the Americans With Disabilities Act provided that access is available at every public building, when the majority of people are not disabled. Therefore, the proposed law was appropriate, as it would help a majority of people rather than a minority.

DR. NELSON ISADA, a perinatologist, spoke about the health risks of second-hand smoke to the unborn fetus. He urged the Assembly to adopt the proposed law.

JOHN KASPAR, president and manager of a national club, discussed the outcome when smoking was banned in public places in his community. After the ban, business at the club increased, and many patrons were appreciative to have the encouragement to reduce and/or quit smoking. The economic impact on the club was very positive.

ELISE KANTIL, coordinator of pulmonary rehabilitation and asthma programs at Providence Hospital, reiterated that second-hand smoke is a trigger for asthma attacks. She noted the average stay in the hospital for an adult with an asthma exacerbation incident was 3.7 days, at a cost of $6,700. Ms. Kantil noted minority people without health insurance usually have the largest percentage of asthma attacks. She pointed out there are certain members of the population, especially children, who need the protection that this ordinance would provide.

DOUGLAS MEYERS, owner of a local smoke shop, pointed out bars would be exempt from the new law, but not smoke shops. He questioned the equity of the exceptions, and felt smoke shops should be exempted.

RALPH NIX, a long-time Alaskan resident, said he was strongly in favor of the proposed ordinance. He felt existing State laws regulating smoking were not effective.

JERRY KRUG spoke in support of choice. He asked the Assembly to defeat the proposed ordinance because it would limit the choice of smokers. He did not dispute the fact that second-hand smoke was dangerous, but felt non-smokers already have the option to choose non-smoking restaurants to patronize. Mr. Krug felt some restaurants should be preserved where smokers could enjoy a meal.

VIC FISCHER, a geologist, spoke in support of the ordinance. He pointed out cigarette smoke produces various chemicals that are known carcinogens. When these chemicals are found in the field, there are requirements for immediate clean-up measures.

DON SKEWIS, vice president of CHAR, felt there were some flaws in the ordinance which would hurt some alcoholic beverage license holders. He noted a bar in the Airport has lost business since smoking was outlawed. Mr. Skewis pointed out it would also impact business owners when employees leave the premises for a smoke break. He recommended a task force be formed to perform a closer inspection of the ordinance and potential impacts.

DAVID J. PREE felt the issue was one of right and wrong. He pointed out smoking is a nuisance and a public health hazard according to State law. He urged the Assembly to adopt the proposed ordinance in order to protect the rights of non-smokers.

JACK POWERS, operator of Tudor Road Bingo, said he had mixed feelings about the ordinance. He pointed out about half of the patrons of bingo halls are smokers. Bingo parlors produce much-needed funds for non-profit organizations. Mr. Powers said about three years ago, he established a smoke-free bingo night, which was a failure. He noted the percentage of bingo players who are smokers is declining; smoke-free rooms have been installed as a result. He felt the issue was gradually correcting itself. When customers and clients demand smoke-free establishments, they will be provided. Mr. Powers added bingo halls are off-limits to minors, and asked bingo halls be exempted from the law.

Vice Chairman Meyer assumed the Chair.

NELSON BLEWETT spoke in support of the ordinance. He pointed out children do not have the choice to eat in non-smoking sections in restaurants or in non-smoking restaurants.

NIKKI HARS, a non-smoker, said she was exposed to second-hand smoke throughout her life, primarily in the workplace. Four years ago she was diagnosed with lung cancer. Through the grace of God, she survived, but must now choose between her health and employment. She urged the Assembly to adopt the proposed ordinance.

JED WHITAKER reiterated that individual rights only extend to the point where they infringe on the rights of others. Everyone shares the same air. He felt it was wrong to force someone to breath second-hand smoke. Mr. Whitaker felt economic development would be enhanced when Anchorage residents can say they are healthier. Businesses will realize more productivity as a result of healthier employees. He felt the exemption for bars was the only flaw in the law. He pointed out a ban on smoking, including bars, is working well in California and the state's economy is booming.

Chair Von Gemmingen returned to the Chair.

MIKE NOLAN spoke against the ordinance. He felt government existed to protect the rights of the minority against the tyranny of the majority. He pointed out there are State laws in existence which could address the concerns of non-smokers, and those laws should be enforced. Mr. Nolan felt if this law were adopted, the next step would be to expand it to bars, hotels, automobiles and other areas which would infringe on people's rights.

PHIL MATLOCK spoke in favor of the ordinance. He said it was not easy to find restaurants with adequate non-smoking sections.

DAVE MANNING pointed out local government officials often wish State and Federal legislators would allow local issues to be addressed on a local level. He felt this issue was similar; the question was not appropriate for the government to decide. Market forces or public outcry should determine the number of smoke-free establishments.

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

Mr. Tesche moved, seconded by Ms. Fairclough,	to adopt AO 2000-91(S).
Mr. Meyer moved, seconded by Mr. Tesche, and it passed without objection,	to extend the public hearing portion of the meeting until 11:00 p.m.

Mr. Tesche spoke in support of the substitute version of the ordinance. He noted the great volume of information provided to the Assembly on the issue contains overwhelming evidence of the hazards of second-hand smoke. He felt arguments that other laws, objectionable to some, would result if this ordinance were passed were fallacious.

Mr. Wuerch moved, seconded by Mr. Sullivan,	to postpone action on AO 2000-91(S) until June 20, 2000.
Mr. Tesche moved, seconded by Ms. Fairclough, and it passed without objection,	to substitute a motion to defer action on AO 2000-91(S) until after consideration of other time-sensitive public hearing items.

Question was called on the motion to postpone discussion on AO 2000-91(S) until later in the meeting and it passed:

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

(Clerk's Note: Due to lack of time, further action on this item was delayed until the June 20 continuation of this meeting. See item 16, Unfinished Agenda.)

P. 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.
   1. Assembly Memorandum No. AM 563-2000.

Q. 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 use of surplus equipment from the Anchorage Police Department**, Assemblymembers Taylor, Abney, and Tesche.
   1. Assembly Memorandum No. AM 572-2000.

R. Ordinance No. AO 2000-92, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 15.80, Vehicle Inspection and Maintenance Program, to **change the requirement for a windshield sticker to a front-plate sticker**, Assemblymember Kendall.
   1. Assembly Memorandum No. AM 541-2000.

S. Ordinance No. AO 2000-90, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 26 by enacting a new Chapter 26.75 regarding **recycling**, Assemblymember Abney.
   1. Assembly Memorandum No. AM 536-2000.

T. Ordinance No. AO 2000-93, an ordinance amending Anchorage Municipal Code Section 28.60.030, Absentee Voting In Person, to **provide for absentee polling places and an election day absentee polling place on the University of Alaska, Anchorage campus**, Assemblymember Sullivan.

U. Ordinance No. AO 2000-55, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 21.45.110, regarding the **maximum allowable height of fences in Rural Residential Districts**, Assemblymembers Abney and Tremaine.
   1. Information Memorandum No. AIM 57-2000, AO 2000-55; Planning and Zoning Commission recommendation , Community Planning and Development.

V. Ordinance No. AO 2000-83, an ordinance amending the zoning map and providing for the rezoning from R-3 (Multiple-Family Residential) to PLI (Public Lands and Institutions) for **Georgeville Estates Subdivision, Block 1, Tract A**, generally located on the northeast corner of West 88th Avenue and Jewel Lake Road (Sand Lake Community Council) (Planning and Zoning Commission Case 2000-012), Community Planning and Development.
   1. Assembly Memorandum No. AM 475-2000.

W. Ordinance No. AO 2000-84, an ordinance repealing Ordinance 92-12 and amending the zoning map and providing for the rezoning of approximately 0.98 acres from I-1/SL (Light Industrial District) with Special Limitations to I-1/SL (Light Industrial District) with Special Limitations for **Schroeder Subdivision East,**

Block 6, Lots 1 and 2, generally located on the west side of Spring Brook Drive and east of Prince of Peace Drive (Eagle River Community Council) (Planning and Zoning Commission Case 99-230), Community Planning and Development.

1. Assembly Memorandum No. AM 476-2000.
2. Ordinance No. AO 2000-84(S), an ordinance repealing Ordinance 92-12 and amending the zoning map and providing for the rezoning of approximately 0.98 acres from I-1/SL (Light Industrial District) with Special Limitations to I-1/SL (Light Industrial District) with Special Limitations for Schroeder Subdivision East, Block 6, Lots 1 and 2, generally located on the west side of Spring Brook Drive and east of Prince of Peace Drive (Eagle River Community Council) (Planning and Zoning Commission Case 99-230), Assemblymember Clementson. (**LAID ON THE TABLE**)

X. Ordinance No. AO 2000-85, an ordinance amending the zoning map and providing for the rezoning of approximately 17 acres from PC (Planned Community) to I-2 SL (Heavy Industrial) with Special Limitations for **Chugiak Industrial Park Subdivision, Tracts G & H**, and removing said Tracts from the Chugiak Industrial Park Master Plan as set forth in AO 89-160, generally located southeast of New Glenn Highway and south of Jewel Street (Chugiak Community Council) (Planning and Zoning Commission Case 99-229), Community Planning and Development.
   1. Assembly Memorandum No. AM 477-2000.

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

Y. Ordinance No. AO 2000-86, an ordinance amending the zoning map and providing for the rezoning from R-O/SL (Residential Office District with Special Limitations) to B-3/SL (General Business District with Special Limitations) for the **west 273+/- feet of Tract B-8, Australaska Subdivision**, generally located on the north side of DeBarr Road and west of Delasala Place (Russian Jack Springs Community Council) (Planning and Zoning Commission Case 2000-014), Community Planning and Development.
   1. Assembly Memorandum No. AM 478-2000.

Z. Ordinance No. AO 2000-88, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 3 by enacting a new Chapter 3.98 regarding **municipal publications**, Assemblymembers Taylor, Meyer, and Tesche.
   1. Assembly Memorandum No. AM 525-2000.

Items 12.Y and 12.Z were continued to June 27, 2000.

13. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:

A. Appeal S-10433, **Shan Gri La Subdivision**, Clerk's Office.
   1. Assembly Memorandum No. AM 586-2000, supplemental information for Shan Gri La Subdivision Appeal S-10433, Community Planning and Development.

   (POSTPONED FROM 5-23-00)

B. Appeal S-10521, **BLM Lots 84 & 85, Section 15 Subdivision with Variance**, Clerk's Office.

These items were considered earlier in the meeting. See after item 3.

14. SPECIAL ORDERS:

The Assembly considered special orders elsewhere in the meeting. See after item 8, and also under item 16, Unfinished Agenda.

15. ASSEMBLY COMMENTS: See item 16, Unfinished Agenda, during the June 20 portion of the meeting.

16. UNFINISHED AGENDA:

A. Resolution No. AR 2000-138, a resolution of the Municipality of Anchorage **adopting the new Merrill Field Airport Master Plan**, Merrill Field Airport.
   1. Assembly Memorandum No. AM 542-2000.

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

JOE MCKINNON, an Airport Heights resident, said he has become accustomed to “business as usual” at Merrill Field. He pointed out the subject plan proposes a fundamental change in the operation of the Airport. He felt the plan was a request to establish a dusty, gravel runway in the middle of a residential area. Mr. McKinnon asked the Assembly carefully consider whether a gravel airstrip is really needed. He pointed out there is already a gravel airstrip in Anchorage, near Lake Hood. He did not think Airport officials’ justification for the gravel strip were adequate. Mr. McKinnon pointed out pending dust and noise studies are not yet completed, and these studies will not measure the impact on surrounding neighborhoods.

In response to Mr. Sullivan, Mr. McKinnon noted one alternative to a gravel runway would be for bush planes to use turf for landing.

KEITH SILVER, chair of the Municipal Airports Aviation Advisory Commission, noted many public hearings were held on the proposed Master Plan. He said the viewpoints of many people were used in developing the Plan. He urged the Assembly to approve the resolution.

In response to Mr. Sullivan, Mr. Silver said there were very few discussions with residents from adjacent neighborhoods during the public hearings, despite an exhaustive effort to involve the public.

In response to Mr. Sullivan, Merrill Field Airport manager Dave Lundeby said he knew of no resolutions passed by affected community councils on this topic.

TONY SEZNICK, an Airport Heights resident and business owner at Merrill Field, said a lot of work went into the Master Plan process. He said numerous meetings were held with open and candid discussion. He felt there was no reason to defeat the plan, as the process was done properly and the full impact was disclosed to everyone involved. Mr. Seznick added before a gravel runway can be built, it will have to go through all the necessary permitting activities.

BONNIE BODECKER, resident of a neighborhood adjacent to Merrill Field, felt there was something missing in the proposal to build a new runway. She pointed out the proposal is to build a third runway without any strategies on neighborhood dust or noise control, and without discussion of the impact on quality of life for area residents. Ms. Bodecker noted many people living in the flight pattern are not aware of the proposed Plan. She felt Merrill Field officials had not been sensitive to neighbors; there have been several touch-and-go activities over her neighborhood between 11:30 p.m. and 5:30 a.m. earlier this spring. She was told there is no prohibition against student pilots practicing touch-and-gos in the middle of the night. Ms. Bodecker added although newer aircraft are more quiet, the users of the proposed gravel runway would be Cessna 180 models, which are small and noisy. The Plan says the gravel strip would not be intended for touch-and-go practice, but she felt it was unlikely that pilots could be stopped from this activity if they are allowed to practice on existing runways. She pointed out the Planning and Zoning Commission did not feel the needs of the neighborhood were as important as expanding Merrill Field; one commissioner suggested aircraft noise should not be measured because it might make it difficult for residents to sell their homes. Another commissioner suggested that by living the in that neighborhood, people have consented to accept whatever noise is generated in the future. She asked the Assembly not approve a new runway without a discussion of neighborhood impacts. If a new runway is built, she asked for enforcement of noise pollution and restriction of operating hours.

DAN SADLER, a pilot and member of the Alaska Airmen's Association, spoke in favor of the proposed Master Plan. He noted the Plan acknowledges the important role aviation plays in the Anchorage and Alaska economy. Mr. Sadler felt the Plan would protect Merrill Field's role in Anchorage, at a time when general aviation airports are under threat across the country because the land is viewed as potential shopping centers, RV parks and housing. He felt the question of the gravel strip could be addressed; turf could be a good compromise. He asked the Assembly not to let that small concern delay the entire Plan.

BARBARA WEINIG noted the presentations by Merrill Field officials were very good. However, there were remaining questions. She felt it might be worthwhile to allow more time for questions and responses from Airport officials. Ms. Weinig added that touch-and-go maneuvers can be very noisy, as they occur at low altitudes. She suggested that flight school qualifications could be moved to another time of year so the required lighting conditions would exist earlier in the day.

PAUL FUHS, a resident of the Eastridge Condominiums, said he was not concerned greatly with noise impact. His concern was dust from a gravel runway. Dust is enough of a problem now, but an additional runway without pavement would exacerbate the problem. He felt the runway should be paved.

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

Mr. Tesche moved, seconded by Mr. Sullivan,	to approve AR 2000-138.
Mr. Tremaine moved, seconded by Ms. Abney,	to amend AR 2000-138 to add a condition that a noise and dust control plan be developed and implemented based on studies and public input.

In response to Chair Von Gemmingen, Mr. Lundeby commented on the motion. He explained the Plan was just a plan document; required environmental assessments are ongoing for the new runway. He pointed out the proposed resolution would not authorize any construction activity.

In response to Mr. Sullivan, Mr. Lundeby explained the gravel runway proposal. The aircraft that would utilize the runway in summertime would be smaller craft with tundra tires. It is difficult to land these aircraft on paved surfaces. He acknowledged pavement does cause extra wear of the tires, but the tires also operate better on gravel surfaces. Originally, the runway was to be used in winter for aircraft with skis, at the request of users. Currently, the asphalt runways are maintained in winter so that no snow or ice remains on the pavement. Although larger aircraft are often equipped with wheel skis and can land on pavement, smaller aircraft use straight skis, which cannot be used to land on pavement.

Ms. Fairclough moved, seconded by Mr. Tesche, and it passed without objection,	to extend the public hearing portion of the meeting until 11:15 p.m. to consider items 12.J, 12.K, 12.M, 12.N, 12.P, 12.R, 12.S and 12.T.
Mr. Tesche moved, and it was accepted as a friendly amendment,	to amend the amendment by making adoption of the Plan subject to the conditions stated in Planning and Zoning Commission Resolution No. 00-033, with the addition of another condition that a noise and dust control plan will be developed and implemented based on studies and public input.

(Clerk's Note: P&Z Resolution 00-033 is attached as Exhibit A.)

Question was called on Mr. Tremaine's motion to amend as amended and it passed:

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

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

Question was called on the motion to approve AR 2000-138 as amended and it passed:

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

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

B. 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.
   1. Assembly Memorandum No. AM 562-2000.
   2. Information Memorandum No. AIM 55-2000.

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

Ms. Fairclough moved, seconded by Mr. Tesche, to approve AR 2000-149.

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

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

C. 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.
   1. Assembly Memorandum No. AM 563-2000.

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, seconded by Mr. Tesche, to approve AR 2000-150.

Municipal Manager George Vakalis noted negotiations on all of the properties in question had been resolved, with the exception of one. However, the proposed eminent domain authorization was needed in case of any changes.

Ms. Fairclough questioned whether the unresolved property was the same as one located at the mall, that has parking problems.

Public Works Director Jim Fero responded that was the case. He said the only thing still under negotiation with the owner of the property in the mall was the fee for taking some of the snow storage space. The owner has plenty of parking to meet Code requirements.

Ms. Fairclough noted the owner had reported to her he would lose six parking spots in addition to the snow storage space.

Mr. Fero said his interpretation of the Code is that there will be the required number for the business even after the necessary taking. Current negotiations were over the parking places that will be taken, which the owner uses in the winter for snow storage. He felt certain the issue will be resolved. He explained although the demand for parking may be greater than the spaces available, the number of spaces does meet the requirements of the Code. If the owners of businesses in the mall wish to provide extra parking to meet demand, they must address that issue themselves. However, the Municipality may not direct construction of more parking spaces than are required by Code.

Ms. Fairclough moved, seconded by Mr. Tesche, and it passed without objection, to amend AR 2000-150 to substitute the revised Exhibit A for the original.

(Clerk's Note: The revised exhibit is attached as Exhibit B.)

Ms. Fairclough moved, seconded by Mr. Meyer, to postpone action on AR 2000-150 until June 20, 2000.

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

(Clerk's Note: Ms. Clementson was out of the room at the time of the vote. See further action under the June 20 continuation of this meeting.)

Mr. Wuerch moved, seconded by Ms. Fairclough, and it passed without objection,	to extend the meeting until 11:30 p.m. to consider items 12.M, 12.N and 9.F.

D. Resolution No. AR 2000-152, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Restaurant/Eating Place Liquor License) located on Anchorage Original Townsite, Block 74, generally located between West 6th and West 7th Avenues and on the west side of "A" Street (**Marx Brothers Cafe Catering**) (Case 2000-105), Community Planning and Development.
1. Assembly Memorandum No. AM 577-2000.

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

JED WHITAKER expressed concern about the Assembly's apparent lack of sensitivity to the public will, and the delay of action on the smoking ordinance, AO 2000-91.

JACK AMON explained the premises was located at the Anchorage Museum of History and Art. The catering operation provides beer and wine regularly for various events. The current method is to use the existing Marx Brothers license, which requires obtaining a caterer's permit for each event. The proposed license would simplify the process. Mr. Amon said he has owned a beer and wine license in the Municipality for over 21 years and has never had a notice of violation. He felt the additional license would not create a public nuisance; it would rather provide a needed service for the community.

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

Mr. Tesche moved, seconded by Ms. Fairclough,	to approve AR 2000-152.

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

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

E. Resolution No. AR 2000-151, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Beverage Dispensary License, Duplicate) located on Hillstrand Subdivision, Tract A, Lots 6 through 12, generally located on the east side of Spenard Road and north of West 26th Avenue (Jadon, Inc. d.b.a. **Chilkoot Charlies (The Bird House)**) (Case 2000-099), Community Planning and Development.
1. Assembly Memorandum No. AM 574 -2000.

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

MIKE GORDON, president of Jadon Inc., offered to answer questions. He noted the Community Planning and Development (CPD) staff agreed the proposal is acceptable. He pointed out item #3 in the recommendations may be outdated. Mr. Gordon explained a few years ago when the Roosevelt Café went through the conditional use process, all parking and traffic issues were resolved. He knew of nothing that remains undone from that project that should be considered in the current permit.

In response to Mr. Sullivan, Mr. Gordon confirmed the Bird House addition to Chilkoot's would actually decrease the capacity of the bar. Therefore, there should be a corresponding decrease in the impact of traffic on the adjacent neighborhoods. He anticipated parking capacity needs would likewise decrease.

In response to Mr. Kendall, Don Alspach of CPD explained with each building permit application, a process is automatically required which includes resolving parking and landscaping issues.

CHRIS CONQUERGOOD, a resident in the neighborhood near Chilkoot's, spoke in opposition to the conditional use. She explained the extra efforts taken by the management are not adequate to mitigate the impact of the bar's clientele on area residents. She noted loud conversations by exuberant customers, loud revving of vehicle engines and the noise from motorcycles without mufflers, and the disturbance from automobile collisions are very disruptive in the middle of the night. Ms. Conquergood felt the proposed addition to Chilkoot's would indeed increase traffic in the area.

JAMES GALL, a resident in Woronzof Towers near Chilkoot's, recommended the Assembly deny the application. He felt the new addition to the bar would increase the number of people who are attracted to the establishment. Mr. Gall added parking is a problem also; Chilkoot's customers park everywhere in the area, including in front of Woronzof Towers. Beer bottles and trash are the by-product of these parking areas. He noted the evening hours between 10:00 p.m. and 2:00 a.m. are often unpleasant for residents of Woronzof Towers.

Mr. Meyer moved, seconded by Mr. Sullivan, and it passed without objection,	to extend the meeting to allow time to complete this item and item 9.F, AR 2000-153.

BAXTER GAMBEL, owner of the property north of Chilkoot's, said he has owned The Printer business for about 12 years. He was very familiar with the bar's operation and activities of the clientele. He acknowledged the management does run one of the better large, rowdy bars in town. However, the operation is a terrible burden to the community. A lot of taxpayer monies are spent addressing problems directly associated with the bar's operation, in the form of police, fire, ambulance and community service patrol responses. Mr. Gambel found it difficult to understand how the addition would decrease the number of patrons at the bar.

SUSAN DELAK, owner of the former Bird House, said she was pleased with Mr. Gordon's proposal. She noted the original Bird House was a colorful part of Alaskan history, and although she chose not to rebuild the establishment, she was glad someone will attempt to keep it alive. Ms. Delak pointed out the clientele at the Bird House was very different from that at most other bars. She seldom kept the bar open past 11:00 p.m. During the day, and spring and fall months, customers were mostly tourists and families. She felt this type of clientele would also visit the new Bird House, and a similar atmosphere would transfer to the new establishment.

In response to Mr. Meyer, Ms. Delak estimated her percentage of revenues from alcohol at the original bar was at least 90 percent. She added Mr. Gordon owned the Bird House until 1968 when he sold it to Dick Delak.

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

Mr. Wuerch moved, seconded by Mr. Sullivan,	to approve AR 2000-151.

Chair Von Gemmingen suggested Mr. Gordon meet with residents of the Woronzof Towers, to attempt to mitigate their concerns.

In response to Ms. Fairclough, Tom McGrath of the Spenard Community Council addressed the Assembly. He explained since the proposed license would be a duplicate of Chilkoot's license, it would not be an additional license and fall under the moratorium against new licenses that the Council supports. Mr. Gordon appeared twice before the Council; the Council voted in favor of the proposal, although the vote was not unanimous.

Mr. Gordon noted during his first appearance before the Council on this matter, there was no opposition. Because he was not listed on the agenda that evening, he agreed to return on a second date. At the second meeting, someone from Woronzof Towers appeared and spoke, however there was no change to the motion and vote which was held at the previous meeting. He said he did not visit the North Star Community Council on this occasion.

In response to Ms. Fairclough, Mr. Gordon said he intended to operate the Bird House portion of the bar during the same hours of operation as the rest of the establishment.

Question was called on the motion to approve AR 2000-151 and it passed:

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

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

F. 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.

1. Resolution No. AR 2000-153(S), 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, Assemblymember Kendall. (**NOT SUBMITTED**)
2. Resolution No. AR 2000-153(S-1), 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. (**LAID ON THE TABLE**)

(CARRIED OVER FROM 5-23-00; POSTPONED FROM 5-26-00)

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. Tremaine moved, seconded by Ms. Abney,	to approve AR 2000-153(S-1).
Mr. Tremaine moved, seconded by Mr. Meyer, and it passed without objection,	to amend AR 2000-153(S-1) on line 38 to read: "…prior to 5:00 p.m. on June 26, 2000 shall be forwarded…" and on page 2, line 7 to read: "…or special meeting on June 27, 2000. Balloting…"

There was a discussion of scheduling a worksession on June 27, 2000 for the purpose of reviewing the applications.

Question was called on the motion to approve AR 2000-153(S-1) as amended and it passed:

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

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

The meeting recessed at 11:55 p.m.

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of June 13, 2000
continued to June 20, 2000

1. CALL TO ORDER:

The meeting was reconvened at 5:00 p.m. on June 20, 2000 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, Kevin Meyer, George Wuerch, Anna Fairclough, Pat Abney (5:05 p.m.), Fay Von Gemmingen, Cheryl Clementson.
Absent: None.

The Assembly continued with **Unfinished Agenda** items.

G. Ordinance No. AO 2000-91, an ordinance of the Anchorage Assembly amending Title 16 of the Anchorage Municipal Code to add a new Chapter 16.65 to provide for the **control and elimination of smoking in work places and enclosed public places**, Assemblymembers Tesche, Abney, Taylor, Tremaine, and Von Gemmingen.
1. Assembly Memorandum No. AM 540-2000.
2. Ordinance No. AO 2000-91(S), an ordinance of the Anchorage Assembly amending Title 16 of the Anchorage Municipal Code to add a new Chapter 16.65 to provide for the control and elimination of smoking in work places and enclosed public places, Assemblymembers Tesche, Abney, Taylor, Tremaine, and Von Gemmingen. (**addendum**)
3. Assembly Memorandum No. AM 585-2000.
4. Information Memorandum No. AIM 61-2000, Assemblymember Tesche. (**addendum**)

Chair Von Gemmingen noted a motion to adopt AO 2000-91(S) was on the floor.

Mr. Tesche spoke in support of the substitute version of the ordinance.

Mr. Tremaine moved, seconded by Mr. Tesche, to amend AO 2000-91(S) on page 2, line 47 to read: "…any lighted tobacco product."

In response to Mr. Kendall, Mr. Tremaine explained he recently attended a funeral, where incense was used. He wanted to avoid making the burning of incense illegal. Also, he knew of a local restaurant which uses authentic pizza ovens to cook their food. He felt this practice would also be illegal under the definition as proposed. In response to whether he intended to exempt marijuana by the amendment, he pointed out marijuana use is currently illegal.

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

Ms. Clementson expressed concern about the ability to enforce the proposed law. She questioned whether the Police Department was the enforcing agency with regard to the violations and penalties listed in Section 1.

Mr. Tesche pointed out the law affects public places, where police normally circulate as part of their normal duties. He did not feel the law would require an additional commitment of police presence. Also, he noted Section 3 of the ordinance provides for a review of the ordinance within two years, so any problems with enforcement can be addressed at a later date.

In response to Ms. Clementson, Assistant Municipal Attorney Dennis Wheeler confirmed staff of the Health and Human Services Department could issue citations under the proposed law. If a fine is included in the schedule in Municipal Code Title 14, then the Administrative Hearing Officer could hear appeals to citations. If a fine is not included in Title 14, the Administrative Hearing Office would not have jurisdiction and appeals would proceed directly to the Court. Mr. Wheeler added under the proposed ordinance, if the Health Department staff is the enforcing authority, it would be a civil penalty. If the violation is pursued by the Police Department, they may choose to pursue a criminal penalty. He said a private citizen cannot direct the Municipality to expend its resources on enforcement actions; the Municipality reserves to itself the ability to allocate its enforcement resources.

In response to Mr. Kendall, Mr. Tesche said it was the intent of the ordinance to provide notice on affected premises of the non-smoking policy. Failure to post the signs would be a violation of the ordinance, but he felt confident that enforcing officers would not pursue a jail sentence for this violation.

Mr. Kendall moved, seconded by Mr. Sullivan, to amend AO 2000-91(S) on page 5 to delete 16.65.035 paragraph A (lines 42 through 46.)

In response to Ms. Fairclough, Mr. Kendall said signs may be a burdensome cost to some small business owners.

Mr. Tesche spoke against the amendment.

Mr. Wuerch spoke in support of the amendment. He felt adding more sign clutter would be contrary to goals for beautification and improvement of aesthetics in general. He pointed out if the law is adopted, there would be no need for signs because everyone would know that public buildings were smoke-free.

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

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

In response to Mr. Meyer, Mr. Tesche addressed the definition of "bar" in the ordinance. He said it was his intent that an establishment with a bar and restaurant, separated by a door, would not be in violation if the door opened and smoke escaped from the bar area, if the operator keeps the door closed as a matter of practice and if there is a separate air-handling system for the two uses. He said Health and Human Services staff could perform inspections and verify that a separate air-handling system does exist, upon receiving any complaints.

Mr. Meyer moved, seconded by Mr. Tesche, and it passed without objection, to amend AO 2000-91(S) on page 3, line 48 to read: "…including bowling facilities and pool halls."

In response to Mr. Meyer, Mr. Tesche said the requirement for employers to adopt a written smoking policy would be enforced, as many other laws, upon complaint. He explained the exemption for places of employment with four or less employees was a policy judgement, and the Assembly could reduce that number to three or two. He said the number "four" was chosen as a result of complaints from family businesses of two and three people, who said they smoke and would prefer that type of environment.

Mr. Meyer moved, seconded by Mr. Tesche, and it passed without objection, to amend AO 2000-91(S) in Section 3, to add an item number 6 to read: "6. Overall economic impact."

Mr. Sullivan moved, seconded by Mr. Kendall, to amend AO 2000-91(S) on page 5, under 16.65.030 to add an item number 7 to read: "7. Bingo halls and pull tab establishments where a partitioned non-smoking section is also offered to its patrons." and on page 4, line 21 to delete item # 15, "Bingo games."

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

In response to Ms. Fairclough, Mr. Sullivan explained the intent of his amendment was to affect pull tab establishments devoted to that activity.

Mr. Meyer moved, seconded by Ms. Fairclough, to amend AO 2000-91(S) on page 5, 16.65.030A.2. to replace the words "four (4) or less" with the words "two (2) or less".

Mr. Meyer felt providing an exemption for businesses with four or less employees would create a loophole in many situations.

Ms. Clementson objected. She felt an appropriate way to address this situation would be to add language to negate the exemption for uses cited in AMC 16.65.015. She felt four was a more reasonable number; if the will of the body was to include all restaurants, that wording can be included. Family businesses could be negatively impacted if all family members smoke, and there are only two or three people in the business.

Mr. Tremaine noted an exemption of businesses with four or less employees would provide a greater choice.

Ms. Clementson moved, and it was accepted as a friendly amendment, to amend the amendment to read: "…with four (4) or less employees. For the purpose of this exception, the four (4) or less employee limit includes on-site business owner(s) with the exception that in all uses cited in AMC 16.65.015 smoking shall not be permitted."

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

Mr. Meyer moved, seconded by Mr. Sullivan, to amend AO 2000-91(S) on page 5, under 16.65.030 to add an item number 8 to read: "8. Restaurants located on premises licensed under AS 4.11.090 (beverage dispensary), provided that they are in operation as of the effective date of this chapter, and smoking is permitted only in the bar area of the restaurant."

Mr. Meyer explained the amendment would mean existing restaurants with full dispensary licenses may continue to allow smoking in the bar area only. However, new restaurants with a full dispensary license must comply with the proposed law. He said restaurant and bar owners typically pay $150,000 to $200,000 for a full dispensary license. He felt it was unfair that restaurants that have a bar would be subject to the law, while bars that have a restaurant would not.

Ms. Clementson noted the intent of the ordinance was to protect the public. She felt an exemption for restaurants built before a certain date would be unfair.

Mr. Tesche concurred with Ms. Clementson.

Mr. Sullivan moved, seconded by Mr. Kendall, and it passed without objection,	to extend debate on this item for 15 minutes.

Mr. Kendall said he was troubled by the focus of the ordinance, for instance the provision that ashtrays shall be removed from areas where smoking is prohibited. He felt the existence of an ashtray should not be illegal, as the focus should be on smoking activities. He supported Mr. Meyer's motion.

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

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

Mr. Meyer moved, seconded by Ms. Clementson,	to amend AO 2000-91(S) in Section 4 to read: "…shall be effective 180 days from and after the date…"

Mr. Meyer noted a longer delay would help restaurants that need to make major and expensive renovations to comply with the law. He added the next 120 days are typically very busy for restaurant owners.

Mr. Kendall moved, and it was accepted as a friendly amendment,	to change the effective date to December 31, 2000.

Question was called on Mr. Meyer's motion to amend as amended and it passed:

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

In response to Ms. Taylor, Mr. Sullivan explained his intent with the earlier amendment regarding an exemption for bingo hall and pull tab establishments. He said he intended to leave the details of the type of non-smoking section to the discretion of the establishment owner. Whether or not the non-smoking section is totally or partially separate from the remainder of the establishment would be the decision of the owner.

Ms. Taylor said her understanding of the amendment was that the non-smoking section would be completely enclosed. She would support the amendment only if the non-smoking area would be fully enclosed.

Ms. Clementson moved, seconded by Ms. Fairclough, and it passed without objection,	to amend AO 2000-91(S) on page 5, item #7 to read: "…establishments where a non-smoking section which is an enclosed area is also offered…"

In response to Ms. Abney, Ms. Clementson said the enclosed area would follow the definition of such in the definitions section of the ordinance.

Mr. Meyer moved, seconded by Mr. Wuerch,	to amend AO 2000-91(S) on page 7, Section 3 to read: "Within one year after the initial implementation…"

Mr. Meyer felt there would be an economic impact, primarily to restaurant owners who will be compelled to make expensive modifications. He felt a one-year check would be best, so any changes necessary could be made before irreparable damage is done to any businesses.

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

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

Mr. Wuerch felt there was no doubt that smoking is bad; the question is really how government exercises its power. He felt the public dialogue on this issue had been inadequate. Mr. Wuerch noted in many other communities, the question of public smoking has been resolved by voters in an election context. He felt it would be more appropriate to allow the public to make the decision on this issue, rather than the Assembly. He said he would vote against the ordinance on this principle, although he was not opposed to the concept of smoke-free air.

Mr. Meyer felt society should focus on smoking prevention, especially for young people, and on enforcement of current laws. He supported the ordinance, although he felt it was not perfect. He felt re-visiting the ordinance and it effects in one year would be a benefit.

Mr. Kendall agreed there was public demand for less smoking in Anchorage. He was concerned with the process surrounding this ordinance, and with certain provisions in the ordinance. He felt the goal of a smoke-free town could be accomplished on a cooperative basis. He agreed with Mr. Meyer that the ordinance did not create a level playing field for restaurant owners.

Mr. Tremaine noted most people who contacted him supported strengthening no-smoking laws in Anchorage. He would support the ordinance.

Mr. Tesche spoke in support of the ordinance.

Ms. Abney also spoke in support. She noted most community councils in south Anchorage voted overwhelmingly to support the ordinance.

Chair Von Gemmingen announced the results of some surveys on this issue. The Chamber of Commerce survey of its members showed 66 percent in favor of the ordinance. An Ivan Moore public opinion survey showed about 76 percent in favor of the ordinance.

Ms. Fairclough noted the issue was presented to community councils early this year, and there was much dialogue among councils. She supported the ordinance.

Question was called on the motion to adopt AO 2000-91(S) as amended and it passed:

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

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

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

The meeting recessed at 6:35 p.m. and reconvened at 7:10 p.m.

H. Assembly Memorandum No. AM 532-2000, **Human Services Matching Grant Awards** for Fiscal Years 2001 and 2002, Health and Human Services.
   1. Information Memorandum No. AIM 58-2000. (**addendum**)
   2. Assembly Memorandum No. AM 532-2000(A), Human Services Matching Grant Awards for Fiscal Years 2001 and 2002, Health and Human Services, Assemblymember Clementson. (**LAID ON THE TABLE**)

Ms. Abney moved, seconded by Mr. Tesche, to postpone action on item 9.B, AM 532-2000 regarding Human Services Matching Grant Awards, until June 27, 2000, pending a public hearing on the issue of adding additional funding.

Ms. Clementson pointed out the addition of funds would be possible anytime in the future. However, affected agencies need to know what funding they will receive as soon as possible, because the end of the fiscal year is June 30, and the grants will take effect on July 3. She urged the Assembly to take action quickly.

Mr. Tesche pointed out Ms. Abney and Mr. Kendall's resolution proposed a slightly different approach to the issue. He felt the memorandum should be considered at the same time as the resolution, next week.

Question was called on the motion to postpone action on AM 532-2000 until June 27 and it passed:

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

I. Resolution No. AR 2000-184, a resolution **approving and ratifying a five year collective bargaining agreement between the Municipality of Anchorage and the International Association of Fire Fighters (IAFF), Local No. 1264**, Employee Relations. public hearing 6-27-00. (**LAID ON THE TABLE**)

Mr. Kendall, Mr. Tesche and Ms. Abney joined in introducing this resolution. The public hearing was scheduled for June 27, 2000.

J. 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.
(POSTPONED FROM 5-23-00; AR 2000-141(S) WAS APPROVED 6-13-00; RECONSIDERATION WAS ENTERED ON THE MINUTES)
   1. Resolution No. AR 2000-141(S), 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. (**LAID ON THE TABLE**)

K. 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.
(POSTPONED FROM 5-23-00)

L. 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 AND 5-23-00)

Mr. Tesche withdrew his motion to enter reconsideration of AR 2000-141(S) on the minutes. There were no objections.

Mr. Tesche moved, seconded by Mr. Sullivan, and it passed without objection,	to postpone action on AR 2000-145 indefinitely.
Ms. Fairclough moved, seconded by Mr. Tremaine, and it passed without objection,	to postpone action on AR 2000-120 indefinitely.

M. 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; POSTPONED FROM 5-23-00)

Chair Von Gemmingen gave the history of the ordinance and noted no motions were pending.

In response to Mr. Kendall, TIM POTTER of Dowl Engineers addressed the Assembly. He explained his proposed amendment to the ordinance was a result of comments by Assembly members following the last meeting. He said the petitioner met with members of the affected neighborhood and the Community Council, who have seen the proposed amendment. Mr. Potter said the neighbors are willing to accept the amendment. He explained the amendment would leave Tract D-4, most proximate to the neighborhood, with the existing uses. Uses that concerned residents, such as public or parochial schools, would be allowed on the other three tracts, but would be subject to a conditional use process.

Mr. Sullivan moved, seconded by Mr. Tesche,	to adopt AO 2000-62.
Mr. Sullivan moved, seconded by Mr. Tesche, and it passed without objection,	to amend AO 2000-62 on page 1, line 27 to read: "6) Family residential care and day care facilities; a) 24-hour child care only on Tracts D-1, D-2 and D-3; 7) Public, private and parochial academic schools on Tracts D-1, D-2 and D-3 subject to a public hearing site plan review…"

Question was called on the motion to adopt AO 2000-62 as amended and it passed:

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

N. 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, AO 2000-71; Planning and Zoning Commission Recommendation, Community Planning and Development.
2. Assembly Memorandum No. AM 575-2000.
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.
(CARRIED OVER FROM 5-23-00)

Chair Von Gemmingen gave the history of the ordinance and noted a task force was reviewing the issue and planned to discuss it on June 27, 2000.

Mr. Tremaine moved, seconded by Mr. Tesche, and it passed without objection,	to postpone action on AO 2000-71 until June 27, 2000.

O. 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 AND 5-23-00)

Chair Von Gemmingen gave the history of the memorandum and noted no motions were pending.

Ms. Clementson moved, seconded by Ms. Fairclough, and it passed without objection, to approve AM 453-2000.

Ms. Clementson noted her questions on this item had been answered.

P. 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 AND 5-23-00)

Chair Von Gemmingen gave the history of the memorandum and noted a motion to accept was on the floor.

Ms. Clementson recalled the Clerk was asked to send letters to some of the licensees who had violations for serving minors, requesting information on the licensees' policies to prevent such sales in the future.

Further action on this item was postponed until June 27, 2000.

Q. 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 AND 5-23-00)

Chair Von Gemmingen gave the history of the ordinance and noted a motion to adopt was on the floor.

Ms. Taylor spoke in support of the ordinance. She explained the purpose was to address situations where timely access to the Assembly is important to constituents. She was aware of frustrations by citizens about the lack of timely access.

Mr. Meyer appreciated Ms. Taylor's goal. However, he recalled logistic difficulties, while he was recently Assembly Chair, in trying to accommodate citizens wishing to appear on the next available agenda. He pointed out although many citizen concerns are legitimate, he was aware of many situations where the citizen had not yet pursued administrative channels of resolution or even contacted their Assembly representative prior to filing the Appearance Request. Mr. Meyer felt it was challenging for the Chair to accommodate requests within 14 days; a change to 7 days would be even more difficult. He noted Mr. Sullivan planned to introduce an ordinance to increase access via the Audience Participation item on the agenda.

Mr. Tesche spoke in support of the ordinance. He felt making citizens wait until the end of the meeting to comment under Audience Participation was poor customer service and would invite a public relations disaster. One good thing about local government is direct, unimpeded access of citizens to Assembly members, which is enhanced by the Appearance Request feature on the agenda.

Ms. Clementson also praised the goal of enhancing access to the Assembly. However, she felt the Assembly should consider the reason for the existing 14-day time frame was to allow time for review by the Administration, to ensure there is not a more appropriate solution. She pointed out Appearance Requests were intended for citizens with no other administrative remedy, and for people who are not involved in litigation or other processes with the Administration. Ms. Clementson added the 14-day time frame was important, as the citizen and their issue may be published in the agenda. She reminded her colleagues that important public hearing items are scheduled for each meeting; to become involved in solving problems of citizens who speak under Appearance Requests without prior knowledge of the issue can create unnecessary delays. She added the Chair has the discretion to allow persons to appear at any time if warranted in a particular situation.

Mr. Wuerch concurred with Mr. Meyer's comments. He reiterated the fact that the Chair has discretion to alter the acceptance process if necessary. With the proposed 7-day time frame, the Chair and the Clerk might be overwhelmed by requests submitted on Mondays or Tuesdays, which would have to be heard at the Tuesday meeting because delay until the following Tuesday would violate the 7-day rule. He felt that complication would not serve the Assembly or the public.

Ms. Taylor commented the intent of the ordinance was to improve customer service. There are some situations, such as Cheney Lake, where citizens have critical concerns to discuss with the Assembly. She felt the convenience of constituents should outweigh the convenience of the Assembly.

Ms. Fairclough agreed with Ms. Taylor's goal, and acknowledged the situation with Cheney Lake was important. She pointed out the Municipal Clerk, in her comments about the ordinance, requested the Assembly clarify the definition of "accept" with regard to Appearance Requests.

Mr. Meyer requested comments from the Clerk.

Municipal Clerk Jane Ferguson explained when an Appearance Request is received in her office, she begins the review process mandated in the Code by forwarding the request to the Municipal Manager, the Ombudsman, the Director of the Assembly Office and the Municipal Attorney.

Municipal Manager George Vakalis noted there is no formal procedure in his office for addressing Appearance Requests.

Assistant Municipal Attorney Bill Greene added upon receipt of an Appearance Request from the Clerk, the Attorney's staff reviews records to determine if there is pending litigation regarding the requestor or the subject matter. Staff also reviews records of the Administrative Hearing Office, the Board of Adjustment and Code Enforcement to determine any pending cases. Staff then notifies the Municipal Manager and Municipal Clerk of their findings.

Question was called on the motion to adopt AO 2000-53 and it failed:

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

R. 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.
(CARRIED OVER FROM 5-23-00)

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

Ms. Abney moved, to adopt AO 2000-78.
seconded by Mr. Tremaine,

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

S. 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 AND 5-23-00)

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

Ms. Taylor moved, to adopt AO 2000-63.
seconded by Ms. Fairclough,

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

T. 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, 5-16-00, AND 5-23-00)

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. Tremaine moved, to adopt AO 2000-54.
seconded by Mr. Tesche,

Ms. Taylor spoke in support of the ordinance. She recalled a number of occasions when citizens wished to testify a little longer than the three minutes currently allowed by Code. She pointed out although the Assembly hears many issues during a meeting, when a citizen speaks their issue is the most important thing in their life at that point.

Ms. Clementson appreciated Ms. Taylor's intent. She pointed out there was a great deal of discretion among Assembly members to allow citizens to complete their remarks. She could not recall any instance where a citizen had more comments to add after three minutes expired when an Assembly member did not request the person to continue or complete their remarks. Ms. Clementson added in the case of controversial legislation, the proposed time extension could significantly affect the Assembly's ability to act on an issue in a timely manner. She felt the Assembly's discretion and courtesy was adequate to accommodate citizens.

Mr. Meyer pointed out some issues before the Assembly are very time-sensitive, such as ballot issues. He felt allowing five minutes of testimony may affect the Assembly's ability to act. He also could not recall any instance when a citizen who had more information to present after three minutes was not requested to continue by an Assembly member. Mr. Meyer added currently, many items are carried over to future meetings because of lack of time. This is not fair to citizens who come to testify or watch the public process. Extending the testimony time limit may exacerbate this situation.

Mr. Tesche spoke in support. He recalled citizen comments during his campaign that the Assembly seemed indifferent to the public, and complaints about the short time people are allowed to testify. He acknowledged the ability of Assembly members to solicit more information from a citizen after the three-minute time limit has expired. However, he felt that system could be inequitable if a citizen is unpopular or speaking on an unpopular topic. Also, he felt it was unfair for a three-minute limit to apply to representatives of groups. Mr. Tesche felt adoption of the ordinance would be a good way for the Assembly to send a message that it cares about the opinions of the public.

Ms. Abney felt extending the time limit to five minutes might actually shorten the overall length of public hearings. She pointed out the longer time frame might encourage group representatives to speak more often, thus reducing the number of individual speakers. She noted the perception of customer disservice was as bad as the reality.

Ms. Fairclough supported Ms. Taylor's intent. However, she noted the Assembly has received several letters from various community councils opposing the ordinance. She would like to see large groups such as community councils given five minutes to speak, but allowing five minutes for individuals may slow the public process.

Mr. Tremaine said he intended to do everything he can to strengthen the public process. He felt five minutes was not unreasonable; three minutes has been unreasonable on occasion.

Ms. Taylor acknowledged opposition by the Bayshore/Klatt Community Council. However, she noted the Assembly received letters of support from other community councils: Northeast, Scenic Foothills and University Area.

Chair Von Gemmingen opposed the ordinance. She felt people can comment within three minutes. She added members often solicit more information from citizens who exhaust the three minutes allotted yet have more to say.

Question was called on the motion to adopt AO 2000-54 and it failed:

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

U. 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.
1. Assembly Memorandum No. AM 582-2000.

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

ROD PFLEIGER, representing the Anchorage Downtown Partnership, explained the Partnership was dedicated to providing supplemental cleaning and safety services using funds from the downtown business improvement district. He noted a report had been submitted quantifying results of the program. Results were based on a survey of district members regarding the value of the program, collaboration in the community and property owner petitions. Mr. Pfleiger said 92 percent of respondents agreed with the success of cleaning services. Respondents valued the security ambassador program at 75 percent. The survey also indicated 78 percent of respondents feel the quality of downtown has improved since the program began. Mr. Pfleiger said he was told by people in other cities with similar programs that if these areas are well-received by property owners and residents, more property improvements will occur, employment will improve and occupancy rates will rise. He noted the district staff works well with police and community councils. Eight community councils have written letters in support of continuing the district: Downtown, Fairview, Government Hill, Mountain View, North Star, Sand Lake, South Addition and Spenard. District staff is cooperating with Municipal agencies, private organizations and property owners to sponsor the Downtown Development Framework which will take place on June 23, 2000. He asked the Assembly to adopt the ordinance.

In response to Mr. Tesche, Mr. Pfleiger said the membership of the District included 800 individual property owners, representing about 400 properties.

In response to Mr. Tremaine, Assistant Municipal Attorney Bill Greene said the Assembly has the authority to change the boundaries of the district by reducing the area, as long as the percentage required by the Charter remains in effect. If the Assembly wishes to increase the boundary area, the question would have to be re-petitioned.

In response to Mr. Wuerch, Mr. Pfleiger discussed the issue of incorporating the western edge of Downtown into the assessment district. He recalled the western end of town was originally included in the district boundaries, but was removed from the district by the Assembly. He said the Board has decided to work with the established district, and then address the issue of adjoining neighbors to determine if they would be interested in joining. He felt there was a high level of interest to explore this possibility, but they have not yet identified which neighbors would be targeted.

In response to Ms. Fairclough, Mr. Pfleiger said a property owner who is unhappy with the service of the district may exempt themselves from the district at the time the petition is distributed, if the property is their primary place of residence. He did not feel there was an exemption provision in the current law if the property is not the owner's primary place of residence. Mr. Pfleiger felt better education of property owners using their properties as rental property as to the benefits of the district was important. The Partnership is working on ongoing education.

Tim Rogers of the Executive Manager's Office added the owner may opt out of the district if the property is owner occupied, even if the property is not the primary place of residence.

ROBERT HAMILTON objected to being included in the improvement district. He asked the area north of 3rd Avenue and east of Cordova Street be excluded from the district, as his properties are in this area. Mr. Hamilton noted other properties in this area are exempt because they are owned by the Municipality, the State of Alaska or non-profit organizations. He said the owner of lots 5A and 4A, Mr. Beard, also wishes to be excluded from the district. Mr. Hamilton added most of the properties on Denali are owner-occupied and thus exempt, so he and Mr. Beard are bearing the brunt of the assessment. He did not need any help cleaning the sidewalks around his property, and there are no alleys. He felt he was not receiving a benefit equal to the cost of the assessment.

In response to Ms. Fairclough, Mr. Rogers said the Municipality did not cast votes on its properties.

BOB NEWMAN, a member of the Board of the Anchorage Downtown Partnership, clarified the formula for the assessment. He said the goal was to ensure each property owner receives value proportional to their assessment. The formula takes into account that the first floor of a building receives the most value from services; a ten story building has the same sidewalk space as a one-story building. Therefore, a cap was placed on the assessment rate. Also, the formula was designed to be easy to understand for property owners and easy to administer. The residential exemption was included so residential development in the downtown core would not be discouraged. Mr. Newman said although no formula can be perfect, he felt the one for this district worked well and was simple to understand. The Partnership has received feedback from other communities with improvement districts indicating they preferred the Anchorage formula. He said the formula and the mill rate will be reviewed in five years, and in ten years the property owners will be petitioned again for continuation. He urged the Assembly to adopt the ordinance.

DOUG KERNEY, supervisor of the district's security ambassadors, said the goal was to provide fair and equitable service for everyone in the district. He explained the various zones in the district, which are patrolled by security ambassadors. Bicycle patrols enhance response times. Concerns from members in the east part of the district have been addressed with the bicycle patrols and rotation of ambassadors every hour. Mr. Kerney explained ambassadors provide many services such as welcoming tourists, helping lost persons, finding lost and stolen property and getting service for chronic inebriates. He felt very proud of his team and the improvements to downtown as a result of the district.

In response to Ms. Fairclough, Mr. Kerney said during the summer schedule, one staff member is on duty from 8:00 a.m. to 5:00 p.m., and the rest of the ambassadors are on duty from 10:00 a.m. to 7:00 p.m. every day. He said the first staff to arrive does a quick review of the entire district on bicycle first thing in the morning. He invited Assembly members to accompany security ambassadors on their rounds.

SEAN HALLORAN, a downtown property owner, said he owns many different properties within the district. His properties are located on the outskirts of the district. He sees security ambassadors performing patrols regularly during the day, in all parts of the district. Mr. Halloran said he was skeptical about the benefit of the district at first, but after experiencing the operation he changed his mind. The district has improved the quality of downtown considerably. Security ambassadors perform a myriad of duties; he has seen them saving lives and performing small acts of kindness and courtesy. He has several owner-occupied buildings, but does not apply for the exemption. He and his partners are happy to pay the assessment on these properties because they see the value of the district services. Mr. Halloran commented that the formula for the assessment was quite elegant and works well. It is well-tailored to the downtown Anchorage area. He felt it was perfect for this community at this time. As times change, there is the ability to reevaluate the formula in five years to make any necessary adjustments.

RON THORELSON, manager of the Clean and Safe program for the Anchorage Downtown Partnership, said they try very hard to provide services on an equal basis. However, any special concerns about safety or clean-up are addressed immediately, and there are very few calls of that nature. Therefore, he felt either the service was acceptable or ambassadors are not sufficiently visible. Mr. Thorelson pointed out ambassadors do a lot of work early in the morning before the neighborhoods "wake up" which might account for lack of visibility. He stressed if any district members have concerns about their level of service, he must be notified. Without those comments, he cannot respond to concerns.

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

Mr. Tesche moved, seconded by Ms. Taylor,	to adopt AO 2000-98.

Ms. Fairclough felt there should be some way to make assessments more equitable, so properties closer to the outskirts which do not receive as much benefit could pay less than properties in the core.

Mr. Tesche said residential development must be maintained and encouraged in order for the downtown area to thrive. He would be concerned if the assessment policies in the district in any way deter residential development and use. He supported the proposed ordinance, but would also welcome investigation of the effects of the formula on residential uses.

Mr. Tremaine supported the ordinance. He noted over 50 percent of the respondents voted in support of continuing the district. He pointed out no tax is universally accepted.

Mr. Tesche moved, seconded by Mr. Tremaine, and it passed without objection,	to amend AO 2000-98 in Section 8 to read: "…District shall be petitioned with the simultaneous option of either continuing or dissolving Assessment District 1SD97 and a report of the results of said petition and an ordinance for continuance or dissolution shall be presented to the Assembly…"

Ms. Taylor spoke in support of the ordinance. She commended the Anchorage Downtown Partnership for their hard work in keeping the downtown area in good order.

Ms. Fairclough also supported the ordinance.

Chair Von Gemmingen commended the Partnership for the "clean and safe" part of the program.

Ms. Abney said she would support the ordinance. She still had concerns about the equity of assessments, but overall felt the services provided by the district have been positive for downtown.

Question was called on the motion to adopt AO 2000-98 and it passed:

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

V. Resolution No. AR 2000-130, a resolution **confirming and levying special assessments for Special Assessment District No. 2SR96**, which reconstructed public streets within the Foxridge Subdivision Area, and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Public Works Department.
1. Assembly Memorandum No. AM 508-2000.
2. Information Memorandum No. AIM 59-2000, Public Works. (**addendum**)

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, seconded by Mr. Meyer,	to approve AR 2000-130.
Mr. Kendall moved, seconded by Ms. Fairclough, and it passed without objection,	to amend AR 2000-130 to incorporate the information in AIM 59-2000.
Mr. Kendall moved, seconded by Ms. Fairclough, and it passed without objection,	to amend AR 2000-130 on page 1, line 22 to read: "…Public Hearing on June 20, 2000…" and on line 32 to read: "…before the 1st day of October of each year…" and on line 33 to read: "…being payable on October 1, 2000."

Question was called on the motion to approve AR 2000-130 as amended and it passed:

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

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

W. Resolution No. AR 2000-131, a resolution **confirming and levying special assessments for Special Assessment District No. 4SR96**, which reconstructed North Point Drive, North Point Circle, and Mere Circle, and setting the date of assessment, installment, payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Public Works Department.
1. Assembly Memorandum No. AM 509-2000.
2. Information Memorandum No. AIM 60-2000, Public Works. (**addendum**)

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

BRANDT MCGEE spoke on behalf of his parents, owners of property on North Point Circle. Mr. McGee pointed out his parents' assessment is between three and eight times the amount of other assessments in the district. He explained the formula inequity was a result of the access to his parents' property. The property is accessed by a dirt road built by his parents. North Point Drive is not used as a road nor does it provide vehicular access to his parent's property. Mr. McGee added the road project did not enhance the value of the property. Since the road improvement did not benefit his parents, he asked the Assembly to find an assessment formula which would provide equity. He felt between ten and twenty percent of the proposed assessment would be fair.

In response to Mr. Tremaine, McGee said his parents would be willing to accept a plat note declaring their property may never access the road.

THERESA NANGLE OBERMEYER concurred with the comments of the previous speaker.

JOHN DAVIS also concurred with Mr. McGee's comments.

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. Meyer,	to approve AR 2000-131.

Ms. Fairclough questioned whether a plat note could be added to defer 80 percent of the assessment for the McGee property until such time as the property is subdivided.

Assistant Municipal Attorney Bill Greene explained that scenario would have to be explored during the platting process, not during this proceeding. He felt there were no provisions in the Municipal Code to address the scenario.

Mr. Tremaine moved, seconded by Ms. Fairclough, and it passed without objection, to amend AR 2000-131 to incorporate AIM 60-2000, the final corrected assessment roll.

In response to Mr. Tremaine, Howard Holtan of Public Works explained when the assessment district was formed, the entire property was not included in the roll, just the first 150 feet of depth. He noted only ten percent of the cost of the improvements are assessed in this case. Because of these points, he felt the property owner had already been granted some relief. If the Assembly wishes to pursue more relief, the platting process in an avenue.

In response to Chair Von Gemmingen, Mr. Holtan said if one assessment is reduced, the reduced amount is paid for by taxpayers, rather than spread among the remaining property owners in the assessment district.

Mr. Tesche moved, seconded by Mr. Kendall, to postpone action on AR 2000-131 until July 18, 2000 to allow the property owner to return with a recommendation of how to implement a promise that they will not use or derive benefit from the road in question.

Ms. Clementson requested a memorandum from the Administration explaining who would pay the difference if an exemption is granted for the property. Also, she asked information be included as to whether a plat note or other solution would be binding.

Mr. Tesche requested a written comment from the Administration on whether there would be any benefit to the property in the event that some binding legal commitment is recorded that would preclude use of the roadway.

Question was called on the motion to postpone action until July 18, 2000 and it passed:

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

X. 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, 5-16-00, AND 5-23-00)

Ms. Clementson moved, seconded by Ms. Fairclough, to postpone action on AM 396-2000 indefinitely.

Ms. Clementson explained the State Alcoholic Beverage Control Board met earlier today and approved this license. Therefore, any action by the Assembly would be moot.

Question was called on the motion to postpone action indefinitely and it passed without objection.

Y. 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; CARRIED OVER FROM 5-23-00)

Ms. Clementson moved, seconded by Ms. Fairclough, and it passed without objection, to approve AM 519-2000.

The meeting recessed at 9:40 p.m. and reconvened at 10:00 p.m.

Z. Ordinance No. AO 2000-87, an ordinance of the Anchorage Municipal Assembly authorizing the long term lease between the Municipality of Anchorage as lessor and Aircraft Corporate Enterprises L.L.C. as lessee of **Lot 1, Block 4, Merrill Field Replat**, located on the south side of Runway 6-24, Merrill Field Airport.
1. Assembly Memorandum No. AM 487-2000.

Municipal Manager George Vakalis requested this item be postponed indefinitely. He explained the issue would return in a few months with substantial changes.

Mr. Tesche moved, seconded by Mr. Kendall, and it passed without objection, to postpone action on AO 2000-87 indefinitely.

AA. 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.
1. Assembly Memorandum No. AM 564-2000.

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

JOHN DICKENSON, assistant vice president of Finance for the University of Alaska, Fairbanks, spoke in support of the ordinance. He said the lease, in place for almost 20 years, has allowed the aviation programs to grow in quantity, quality and complexity. Mr. Dickenson said they are looking forward to even more expansion in the near future.

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,	to adopt AO 2000-94.

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

BB. 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.
1. Assembly Memorandum No. AM 565-2000.

Municipal Manager George Vakalis requested the public hearing for this item be continued to July 18, 2000.

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

Ms. Clementson moved, seconded by Mr. Kendall, and it passed without objection,	to continue the public hearing for AO 2000-95 until July 18, 2000.

CC. 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.
1. Assembly Memorandum No. AM 563-2000.

Chair Von Gemmingen gave the history of the resolution and noted a motion to approve was on the floor.

In response to Ms. Fairclough, Municipal Manager George Vakalis said there was a tentative agreement with all parties, but it has not been signed. He urged the Assembly to approve this document so the project can proceed.

In response to Chair Von Gemmingen, Mr. Vakalis said the parking issues with one party have been resolved.

Question was called on the motion to approve AR 2000-150 as amended and it passed:

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

DD. 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 use of surplus equipment from the Anchorage Police Department**, Assemblymembers Taylor, Abney, and Tesche.
1. Assembly Memorandum No. AM 572-2000.

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

Ms. Taylor said members of the community patrols requested the public hearing be continued, because they were unable to attend this evening.

Ms. Taylor moved, seconded by Mr. Tesche, and it passed without objection,	to continue the public hearing for AO 2000-96 until June 27, 2000.

Ms. Clementson asked for more information by June 27, to clarify whether the Patrols would gain "first right of refusal" over Municipal departments.

EE. Ordinance No. AO 2000-92, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 15.80, Vehicle Inspection and Maintenance Program, to **change the requirement for a windshield sticker to a front-plate sticker**, Assemblymember Kendall.
1. Assembly Memorandum No. AM 541-2000.

Mr. Kendall announced his intent to continue the public hearing on this item.

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

BARBARA KALBACH said she was easily distracted when driving by obstructions or reflections on her windshield. She felt the new I/M sticker required to be placed on windshields would be a safety hazard. Ms. Kalbach would be willing to pay for the right to place the sticker on her license plate. She felt others would find the windshield obstruction to be a danger.

Mr. Kendall pointed out the issue involves the State as well as the Municipality, so he encouraged Ms. Kalbach to forward her concerns to State officials.

BARBARA WEINIG noted when the sticker was placed on her windshield, it blocked her vision when driving. Therefore, she paid another $18 fee to have a new emission test, so she could have the sticker removed and replaced in an area that did not block her vision. She felt she was typical of other drivers. The sticker is much larger than it needs to be. A revised size and a placement location other than the front windshield would be appropriate.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one.

Mr. Kendall moved, seconded by Mr. Sullivan, and it passed without objection,	to continue the public hearing for AO 2000-92 until June 27, 2000.

FF. Ordinance No. AO 2000-90, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 26 by enacting a new Chapter 26.75 regarding **recycling**, Assemblymember Abney.
  1. Assembly Memorandum No. AM 536-2000.

GG. Resolution No. AR 2000-180, a resolution of the Anchorage Municipal Assembly **accepting and approving the Municipality of Anchorage Waste Reduction and Recycling Plan**, Assemblymembers Abney, Von Gemmingen, Fairclough, Taylor, Tesche, Sullivan, Tremaine, Kendall, and Meyer. (**addendum**)

Ms. Abney noted the Recycling Task Force has recommended approval of the resolution.

Chair Von Gemmingen opened the public hearing for AO 2000-90 and asked if anyone wished to speak.

DAVID WIGGLESWORTH, co-chair of the Anchorage Waste Reduction Recycling Task Force, spoke in support of the resolution. He noted the Plan would enhance Anchorage's excellent solid waste disposal system. It is the result of three years of work by the Task Force in coordination with Solid Waste Services staff, local businesses and citizen groups. He noted the Plan does not mandate recycling, but does create recycling incentives. He felt the Plan has reasonable goals and sets forth realistic tools to achieve those goals in a fiscally-responsible manner. Existing resources and recycling revenue would pay for the Plan. Mr. Wigglesworth urged immediate implementation of the Plan, especially hiring a Waste Reduction Recycling Coordinator, who will work with the Administration, the Assembly and the community to implement the Plan.

In response to Ms. Taylor, Mr. Wigglesworth explained why the Task Force supports the resolution rather than the ordinance. He said approval of the ordinance would require more Code changes for any changes in the Plan that arise during implementation.

Ms. Fairclough moved, seconded by Mr. Tremaine, and it passed without objection,	to extend the public hearing portion of the meeting until 11:00 p.m.

ROSEMARY AUSTIN, a member of Citizens for Recycling Solutions, felt recycling was an important way to save and reuse valuable resources. She has found that many Anchorage residents support and participate in recycling, and want it to be more convenient. Ms. Austin felt members of the Task Force and Solid Waste Services staff should be commended for their hard work and drafting a Plan with achievable goals that will not require additional revenue for implementation. She asked the Assembly to approve the Plan.

SUSAN HUGHES, a member of the Task Force, said there was an overwhelming desire for recycling in Anchorage. She felt the Plan was sound and fiscally conservative. Ms. Hughes clarified that recycling is not mandated in the Plan. She urged the Assembly to approve the Plan, and begin immediate implementation.

MELANIE RICK asked the Assembly to support the Plan. She felt having a state-of-the art landfill, as well as an exceptional recycling program will allow the landfill to be used for garbage only. Ms. Rick felt the best part of the Plan was hiring a Recycling Coordinator, who would provide leadership and resources as well as develop educational programs for the community. She felt it was fair and an economic incentive to have garbage collection rates based on volume.

DAN LUND spoke in support of the Plan. He noted the Plan represented countless hours of hard work by many people. He thanked everyone involved.

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. Meyer,	to approve AR 2000-180.

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

Ms. Abney moved, seconded by Mr. Tremaine, and it passed without objection,	to postpone action on AO 2000-90 indefinitely.

HH. Ordinance No. AO 2000-55, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 21.45.110, regarding the **maximum allowable height of fences in Rural Residential Districts**, Assemblymembers Abney and Tremaine.

1. Information Memorandum No. AIM 57-2000, Planning and Zoning Commission recommendation, Community Planning and Development.

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

JOE GRIFFO noted current zoning laws allow for a maximum height of four feet for fences on front lot lines. He said presently in R-6, 8 and 9 zones, almost every fence is in violation of this law. Mr. Griffo pointed out one factor is uneven ground; when a six-foot fence is in a hollow it may only be one foot above the surface of a road. Also, snowfall often reduces the height of a fence by three or four feet. A fifty-foot setback for fences over four feet is not practical or desirable, because many properties in the subject area have dense tree cover. Mr. Griffo noted the proposed ordinance was approved unanimously by the Planning and Zoning Commission. He urged support by the Assembly.

In response to Mr. Tesche, Mr. Griffo said snow accumulation near his home on the hillside is typically three to four times the amount as near his office on Denali Street. He said lots in his R-6 neighborhood are usually large, between 1 ½ and 2 acres.

BROCK SHAMBURG, a resident on R-6 zoned land on the lower hillside, noted there are eight-foot fences all over the DeArmoun Road area. He supported the ordinance for many reasons including better protection from moose, greater snowfall in the area and greater scale of lot size. However, he was especially interested because of his DeArmoun Greenhouse business. The business is located on R-6 zoned land because one of the principal uses is cultivation of plants and vegetables. A four-foot fence is not sufficient protection for cultivated areas, and a fifty-foot setback would take a significant portion of the property, effectively denying use of the property for cultivation.

BARBARA WEINIG noted this issue has come before the Rabbit Creek Community Council many times when people apply for a variance. She noted the Planning and Zoning Commission supported the proposed ordinance. She felt there was a need for the change as snowfall is greater and lasts longer in many of the subject areas. Also, most lots in these zones are very large and a taller fence is warranted. Ms. Weinig said she would not object to allowing eight-foot fences if necessary in certain circumstances, as long as the fence would not block views of vehicular traffic.

JANICE SHAMBURG concurred with the previous speakers. She requested the Assembly amend the ordinance to allow eight-foot fences in some circumstances where visibility and safety are not jeopardized.

AUDREY SCHEFFERS, owner of R-6 property on DeArmoun Road, spoke in support of the ordinance.

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. Meyer,	to adopt AO 2000-55.
Mr. Tesche moved, seconded by Ms. Abney, and it passed without objection,	to amend AO 2000-55 as indicated in AIM 57-2000, to replace the words “rural residential” with “zoning” except in the title

Mr. Tesche spoke in support of the ordinance.

Ms. Clementson moved, seconded by Mr. Tremaine, and it passed without objection,	to extend the public hearings until 11:40 p.m., and the meeting until midnight.
Mr. Tremaine moved, seconded by Ms. Abney, and it was withdrawn,	to amend AO 2000-55 on line 21 to read: “…six feet in height. Variances may be granted for eight-foot transparent fences.” and on line 29 to read: “…and R-9, although variances may be granted for eight-foot transparent fences, shall not be constructed…”

Mr. Tremaine explained a chain-link fence was an example of a transparent fence.

In response to Ms. Clementson, Don Alspach of Community Planning and Development said normally a variance requires review by a board such as the Zoning Board of Examiners and Appeals. He questioned which board would grant the relief mentioned in the amendment. He felt “non-sight obscuring” might be a better term than “transparent.”

Ms. Clementson suggested adopting the ordinance without the amendment, and working on the variance issue at a later date.

Mr. Tremaine withdrew his amendment. Ms. Abney concurred.

Question was called on the motion to adopt AO 2000-55 as amended and it passed:

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

II. Ordinance No. AO 2000-83, an ordinance amending the zoning map and providing for the rezoning from R-3 (Multiple-Family Residential) to PLI (Public Lands and Institutions) for **Georgeville Estates Subdivision, Block 1, Tract A**, generally located on the northeast corner of West 88th Avenue and Jewel Lake Road (Sand Lake Community Council) (Planning and Zoning Commission Case 2000-012), Community Planning and Development.
1. Assembly Memorandum No. AM 475-2000.

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

TIM POTTER offered to answer questions.

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

Mr. Wuerch moved, to adopt AO 2000-83.
seconded by Ms. Clementson,

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

JJ. Ordinance No. AO 2000-85, an ordinance amending the zoning map and providing for the rezoning of approximately 17 acres from PC (Planned Community) to I-2 SL (Heavy Industrial) with Special Limitations for **Chugiak Industrial Park Subdivision, Tracts G & H**, and removing said Tracts from the Chugiak Industrial Park Master Plan as set forth in AO 89-160, generally located southeast of New Glenn Highway and south of Jewel Street (Chugiak Community Council) (Planning and Zoning Commission Case 99-229), Community Planning and Development.
1. Assembly Memorandum No. AM 477-2000.

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

JOE STIMSON, of Stimson Consulting, spoke on behalf of the petitioner. He noted the Planning and Zoning Commission and Community Planning and Development staff supported the rezoning. Mr. Stimson explained that the current zone allows I-2 uses, but PC is difficult for some people to recognize. The petitioner has agreed to the proposed special limitations and will provide a letter to confirm that agreement.

In response to Ms. Fairclough, Mr. Stimson addressed concerns of the Chugiak Community Council. He explained the proposed zoning is more restrictive than the existing zoning, as there are special limitations added. He said the Municipal law regarding noise emissions does not apply in the PC zone, but it will apply to the proposed I-2 zone.

CLYDE ARMISTEAD, one of the owners of the property, noted the property has been zoned industrial for over 30 years. He intended to comply with Municipal noise ordinances.

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

Mr. Kendall moved, to adopt AO 2000-85.
seconded by Ms. Fairclough,

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

KK. Ordinance No. AO 2000-93, an ordinance amending Anchorage Municipal Code Section 28.60.030, Absentee Voting In Person, to **provide for absentee polling places and an election day absentee polling place on the University of Alaska, Anchorage campus**, Assemblymember Sullivan.

LL. 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; CARRIED OVER FROM 5-23-00)

Chair Von Gemmingen opened the public hearing for AO 2000-93 and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Mr. Sullivan moved, to adopt AO 2000-93.
seconded by Mr. Kendall,

Mr. Sullivan spoke in support of the ordinance. He felt it accomplished the intent of the Assembly to provide an absentee polling place at the University of Alaska, Anchorage.

Mr. Tesche moved, seconded by Ms. Fairclough, and it passed without objection,	to postpone action on AO 2000-93 until July 18, 2000 pending review by the Election Ad Hoc Committee.
Mr. Tesche moved, seconded by Mr. Tremaine, and it passed without objection,	to postpone action on AO 2000-76 until July 18, 2000.

LL. Ordinance No. AO 2000-84, an ordinance repealing Ordinance 92-12 and amending the zoning map and providing for the rezoning of approximately 0.98 acres from I-1/SL (Light Industrial District) with Special Limitations to I-1/SL (Light Industrial District) with Special Limitations for **Schroeder Subdivision East, Block 6, Lots 1 and 2**, generally located on the west side of Spring Brook Drive and east of Prince of Peace Drive (Eagle River Community Council) (Planning and Zoning Commission Case 99-230), Community Planning and Development.

1. Assembly Memorandum No. AM 476-2000.
2. Ordinance No. AO 2000-84(S), an ordinance repealing Ordinance 92-12 and amending the zoning map and providing for the rezoning of approximately 0.98 acres from I-1/SL (Light Industrial District) with Special Limitations to I-1/SL (Light Industrial District) with Special Limitations for Schroeder Subdivision East, Block 6, Lots 1 and 2, generally located on the west side of Spring Brook Drive and east of Prince of Peace Drive (Eagle River Community Council) (Planning and Zoning Commission Case 99-230), Assemblymember Clementson. (**LAID ON THE TABLE**)

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

Ms. Clementson moved, seconded by Ms. Fairclough,	to adopt AO 2000-84(S).

Ms. Clementson explained the substitute version did not contain any changes; it clarified language and makes it consistent with other zoning ordinances.

Don Alspach of Community Planning and Development said staff examined the substitute version and had no objections.

Question was called on the motion to adopt AO 2000-84(S) and it passed:

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

MM. 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 AND 5-23-00)

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. Sullivan moved, seconded by Ms. Abney,	to adopt AO 2000-82.
Mr. Sullivan moved, seconded by Mr. Kendall, and it passed without objection,	to postpone action on AO 2000-82 and the substitute version indefinitely.

Mr. Sullivan explained the Assistant Municipal Attorney pointed out some technical language that should be included. Because that information was not included in the ordinance title, he intended to introduce a new piece of legislation for consideration.

NN. 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, Assemblymember Taylor.
2. Assembly Memorandum No. AM 421-2000, Public Works.

(CARRIED OVER FROM 4-18-00, 4-25-00 AND 5-16-00, AND 5-23-00)

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

Ms. Taylor acknowledged there was a speeding problem in many neighborhoods, specifically Wesleyan and Checkmate Drive. She would like to find some long-term solution.

Mr. Wuerch moved, seconded by Mr. Kendall,	to adopt AO 2000-59.

Mr. Wuerch felt it was dangerous to implement a system of placing traffic signs to address individual neighborhood problems. He felt it would be more appropriate to work with the Administration to find solutions. He recommended a "no" vote on the ordinance.

Ms. Abney was pleased that the Mayor-elect was willing to work toward a solution. She pointed out Assembly members are often frustrated by comments by Public Works staff that there is no solution. She felt a solution was possible.

Ms. Fairclough moved, seconded by Mr. Tremaine, and it passed without objection,	to postpone action on AO 2000-59 indefinitely.

Ms. Clementson agreed a creative solution to the problem of speeding was necessary, and encouraged research about how other communities deal with the issue.

In response to Ms. Abney, Municipal Manager George Vakalis addressed questions about rubber speed humps discussed under item 8.E.2 earlier in the meeting. He explained the current humps being used are not long enough, allowing drivers to go around instead of over the humps. The new humps approved earlier are longer, which adds to the cost. Also, eleven humps will be ordered.

OO. 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 AND 5-23-00)

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

Mr. Tesche moved, seconded by Ms. Clementson, and it passed without objection,	to continue the public hearing until July 18, 2000 to allow Ruth Moulton to testify and discuss amendments that would reflect changes recommended by the Planning and Zoning Commission.

PP. Ordinance No. AO 2000-32, an ordinance amending Anchorage Municipal Code Section 12.15.030 to **establish a method for assessment of real property entitled to federal low income housing tax credits** and/or other financing requiring legally binding rental restrictions, through long-term deed restrictions recorded against the property benefitting lower income families, Assemblymembers Tesche and Taylor.
1. Assembly Memorandum No. AM 12-2000.
2. Information Memorandum No. AIM 16-2000, S.E.E. for AO 2000-32 - Assessment of Real Properties that are in Receipt of Federal Low Income Housing Tax Credits, Finance.

(CONTINUED FROM 2-15-00)

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. Tesche felt the ordinance was no longer necessary, because the State Legislature passed a law earlier in the year.

Mr. Tesche moved, seconded by Mr. Tremaine, and it passed without objection,	to postpone action on AO 2000-32 indefinitely.

QQ. 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 AND 5-23-00)

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

Mr. Meyer moved, seconded by Mr. Kendall,	to adopt AO 2000-72.

Mr. Meyer noted House Bill 69 passed and it allows municipalities to enforce conditions placed on problem establishments. In the past, the Assembly has relied on the State Alcoholic Beverage Control Board, who is not able to adequately monitor and enforce Assembly conditions. He said the ordinance would allow Municipal enforcement, and the Anchorage Police Department would be the enforcing agency.

In response to Mr. Meyer, Assistant Municipal Attorney Bill Greene explained the ordinance clarifies the State Statute, primarily that a public hearing before the Assembly is necessary before conditions can be imposed.

In response to Mr. Tesche, Mr. Greene confirmed that regarding renewal of a liquor license, a public hearing is not required unless the Assembly wishes to protest the license. The proposed ordinance would require a public hearing on a renewal if the Assembly wished to impose conditions. He felt that under the State law HB 69, the Assembly would be required to hold a noticed public hearing in order to impose conditions on a license.

Mr. Tesche supported the ordinance. However, he wanted to ensure it would not impose any additional procedural requirements on the Assembly in order to exercise its rights under HB 69.

Mr. Tesche moved, seconded by Ms. Clementson, and it passed without objection, to postpone action on AO 2000-72 until July 27, 2000 pending an analysis of whether HB 69 requires a public hearing prior to imposition of conditions on a liquor license.

RR. Resolution No. AR 2000-192, a resolution of the Anchorage Municipal Assembly **authorizing the Heritage Land Bank to make a portion of the Girdwood Industrial Park available for overnight camping** in conjunction with the 2000 Girdwood Forest Fair, Assemblymembers Abney and Tremaine. (**LAID ON THE TABLE**)

Ms. Abney moved, seconded by Mr. Tremaine, and it passed without objection, to approve AR 2000-192.

SS. Resolution No. AR 2000-191, a resolution **authorizing a special election to fill Assembly Seat 4F** due to the election of George Wuerch to the office of Mayor, Assemblymember Meyer. (**LAID ON THE TABLE**)

Mr. Meyer moved, seconded by Mr. Tremaine, and it passed without objection, to approve AR 2000-191.

TT. Assembly Memorandum No. AM 629-2000, **Chilkoot Charlie's (The Bird House)** - New Beverage Dispensary Duplicate Liquor License (Spenard Community Council), Clerk's Office. (**LAID ON THE TABLE**)

Mr. Sullivan moved, seconded by Mr. Kendall, and it passed with Mr. Tesche objecting, to approve AM 629-2000.

UU. Assembly Comments.

1. Ms. Clementson, Mr. Tesche, Mr. Meyer and Ms. Fairclough thanked Mr. Wuerch for his tenure on the Assembly, and wished him the best while serving as mayor.

2. Chair Von Gemmingen reminded everyone to attend the Spenard Doo Dah Parade on June 24.

17. AUDIENCE PARTICIPATION:

THERESA NANGLE OBERMEYER noted she was facing her fifth and sixth trials. She asked the Assembly to indemnify her with regard to Bob Christal. She felt Anchorage was not a suitable place to raise children.

18. EXECUTIVE SESSIONS: None.

19. ADJOURNMENT:

The meeting adjourned at 11:55 p.m. on June 20, 2000.

____
Chair

ATTEST:

____
Municipal Clerk

Date Minutes Approved: October 24, 2000

LF/db

MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 00-033
A RESOLUTION APPROVING THE MERRILL FIELD AIRPORT MASTER PLAN.

(Case 00-053)

WHEREAS, a petition was received from the Municipality of Anchorage, Merrill Field Municipal Airport requesting approval of the Merrill Field Airport Master Plan; and,

WHEREAS, the plan updates the 1991 Merrill Field Airport Master Plan and serves as a guide for development of the airport over the next twenty years; and,

NOW THEREFORE BE IT RESOLVED, by the Municipal Planning and Zoning Commission that:

A. The Commission makes the following findings of fact:
   1. The current boundaries of the airport will remain largely the same with some additional acquisitions planned, primarily lots immediately east of Orca Street which are planned for non-commercial hangers.
   2. Total annual operations are projected to reach 286,800 by year 2020. This projection is lower than year 2010 projections given in the 1991 master plan. Airfield capacity is expected to be adequate to year 2020.
   3. The current plan proposes a new gravel/ski runway on the southern portion of the airport site.
   4. Access points into the airport will largely remain the same as at present. The proposed location of non-commercial hangers east of Orca Street is not expected to create significant traffic impacts on the adjoining neighborhood.
   5. Projected high noise contours (65+ DNL) for year 2020 are located almost entirely within airport boundaries. The projected 60 DNL noise contour for year 2020, which extends outside of airport boundaries, encompasses a smaller area than was projected in the 1991 master plan. Federal Aviation Administration guidelines consider many land uses, including residential uses, to be compatible within the 60 DNL noise level.
   6. The plan generally maintains the current scope of the airport while improving it functionally and aesthetically.
   7. The plan addresses the needs of Orca Street and provides for the needs of aircraft that have difficulty landing on paved runways without affecting the existing approach and departure paths.
   8. Notices were published and mailed, and a public hearing was held on April 10, 2000.

B. The Commission approves the Merrill Field Airport Master Plan, subject to the following conditions:
   1. A ten-foot wide screening landscaping corridor should be reserved along the proposed boundary of the airport site, east of Orca Street. Landscape materials should be used in this area to screen views of proposed hangers and security fencing from the adjoining neighborhood to the west.
   2. The following proposed projects are recommended to be submitted to the urban design commission for public facility project landscaping review and approval: non-commercial hangers and perimeter landscaping east of Orca Street; public terminal; and campground expansion.
   3. Costs of landscaping plan preparation and review, and purchase and installation of landscaping materials should be factored into the projected costs of perimeter landscaping east of Orca Street, the proposed public terminal, and the proposed campground expansion.
   4. Municipal policies regarding land uses occurring within the 60+ DNL contours of Merrill Field should be evaluated for consistency with policies applied to similar areas affected by Anchorage International Airport.
   5. A new height zone map should be prepared, including height contours for proposed runway 3-21, and presented to the Assembly for adoption.
   6. Merrill Field, Public Works, and Cultural & Recreational Services should coordinate proposed projects in the airport area, such as the proposed 15th Avenue Safety Improvements Project.
   7. Consider Transportation Planning Division recommendations to:
      a. develop a joint access between Merrill Field and Alaska Regional Hospital onto DeBarr Road via Merrill Field Drive; and,
      b. postpone decisions regarding the closing off of the Reeves entrance and proposed lease lot development on the northeast corner of Merrill Field until the State's Major Investment Study for the Glenn Highway is completed.

PASSED AND APPROVED by the Anchorage Planning and Zoning Commission this 10th day of April, 2000.

BUSINESS BOULEVARD PEDESTRIAN SAFETY IMPROVEMENTS PROJECT

EMINENT DOMAIN EXHIBIT A - REVISED

PARCEL	LEGAL DESCRIPTION	OWNER	RIGHTS*
E-1/P-1A, P-1B, P-1C	Tr. A-1, Regional Park Unit #1	CGF Properties	PUE/TCP
E-6/P-6	Tr. B-1, Regional Park Unit #1	CGF Properties	PUE
E-7/P-7A, P-7B	Tr. P-1A, Regional Park Unit #2	Hickel Investments	PUE/TCP
E-16/P-16A, P-16B	Tr. L, Regional Park Unit #2	Hickel Investments	PUE/TCP
E-21/P-21A, P-21B, P-21C, P-21D	Tr. K, Regional Park Unit #2	Hickel Investments	PUE/TCP
E-27/P-27A, P-27B, P-27C	T-1, Regional Park Unit #2	Panagis/Giannulis	PUE/TCP

*PUE = Public Use Easement
TCP = Temporary Construction Permit

REVISED EXHIBIT A

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