

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of October 24, 2000

1. CALL TO ORDER:

The meeting was convened at 5:00 p.m. by Assembly Chair Fay Von Gemmingen in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. ROLL CALL:

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

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Mr. Tremaine.

4. MINUTES OF PREVIOUS MEETING:

A. Regular Meeting - June 13, 2000 (Continued to 6-20-00)

Ms. Abney moved, to approve the minutes of the regular Assembly meeting of
seconded by Ms. Taylor, June 13, 2000.
and it passed without
objection,

5. MAYOR'S REPORT:

Mayor Wuerch announced Health and Human Services Director Jewel Jones would be his guest on this week's Thursdays with the Mayor television program. On November 2, his guest would be Anchorage School District Acting Superintendent Carol Comeau. He asked Municipal Manager Harry Kieling discuss last week's experiment with using laptop computers at the Assembly meeting.

Mr. Kieling felt last week's experiment was successful, and signifies the Mayor's intention to embrace technology. He explained a wireless local area network (LAN) was established, so staff can access Municipal records and the Internet during Assembly meetings. He said next week during a worksession, staff will present plans for technical changes in the Assembly Chambers, which would include access to the LAN.

In response to Chair Von Gemmingen, Mayor Wuerch said he was pursuing a way to broadcast the Thursdays with the Mayor program over radio. This would provide access to the many citizens who do not have cable television service.

6. ADDENDUM TO AGENDA:

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

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

A. BID AWARDS: None.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2000-155, an ordinance amending the zoning map and providing for the rezoning from R-5 (Rural Residential District) to R-2M SL (Multiple Family Residential District) with Special Limitations for **Shelikof Subdivision, Block 5, Lot 15**; generally located on the east side of Ivan Drive and south of East 66th Avenue (Abbott Loop Community Council) (Planning and Zoning Commission Case 2000-089), Planning Department. public hearing 12-12-00.
 - a. Assembly Memorandum No. AM 961-2000.
2. Resolution No. AR 2000-299, a resolution of the Municipality of Anchorage appropriating \$1,226,944 to the State Categorical Grants Fund (231) from the Alaska Department of Labor and Workforce Development for the **PY 2000 Workforce Investment Act Title 1B Dislocated Worker Grant** within the Planning Department, Planning Department. public hearing 10-31-00.

- a. Assembly Memorandum No. AM 962-2000.
3. Resolution No. AR 2000-300, a resolution appropriating annual entitlement grants from the U.S. Department of Housing and Urban Development in the amount of \$2,263,000 for the **Community Development Block Grant**, \$971,000 for **HOME Investment Partnership Program**, and \$80,000 for **Emergency Shelter Grants** and appropriating said funds to the Federal Categorical Grants Fund (241), Planning Department. public hearing 10-31-00.
 - a. Assembly Memorandum No. AM 963-2000.
4. Resolution No. AR 2000-301, a resolution authorizing the Municipality of Anchorage, Project Management and Engineering Department to enter into a Transfer of Responsibilities Agreement (TORA) in the amount of \$245,000 with the State of Alaska, Department of Transportation and Public Facilities for the **design and construction of improvements to Rockridge Drive** and appropriating these funds to the Miscellaneous Capital Project/Pass-Thru Capital Improvement Program (CIP) Fund (409), Project No. 00-29, Office of Planning, Development, and Public Works. public hearing 10-31-00.
 - a. Assembly Memorandum No. AM 964-2000.
5. Resolution No. AR 2000-302, a resolution of the Municipality of Anchorage adopting the **2001-2006 Six Year Fiscal Program**, Office of Management and Budget. public hearing 10-31-00.
 - a. Assembly Memorandum No. AM 965-2000.
6. Ordinance No. AO 2000-157, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Subsection 21.20.120 B. related to **Assembly approval of zoning map amendments**, Assemblymembers Tremaine, Tesche, and Abney. (**LAID ON THE TABLE**)
 1. Assembly Memorandum No. AM 991-2000.

This item was introduced and referred to the Planning and Zoning Commission. The public hearing was later scheduled for ... month, day, year.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2000-317, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Anne Marie Holen**, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Van Etten, and Von Gemmingen.

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

2. Resolution No. AR 2000-314, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Susan J. Lindemuth for her 30 years of service** with the Municipality of Anchorage, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Van Etten, and Von Gemmingen.

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

3. Resolution No. AR 2000-293, a resolution of the Anchorage Municipal Assembly approving the **revised schematic design of the Chugiak High School Renewal Project, House 3**, Anchorage School District.
 - a. Assembly Memorandum No. AM 953-2000.

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

4. Resolution No. AR 2000-294 a resolution of the Anchorage Municipal Assembly approving the **revised schematic design for the Bartlett High School Renewal Project**, Anchorage School District.
 - a. Assembly Memorandum No. AM 954-2000.

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

5. Resolution No. AR 2000-303, a resolution of the Municipality of Anchorage appropriating \$49,500 from the State of Alaska Department of Military and Veterans' Affairs, Division of Emergency Services (ADES), to the State Categorical Grants fund (231) to **support Anchorage Local Emergency Planning Committee (LEPC) activities**, Office of Emergency Management.
 - a. Assembly Memorandum No. AM 966-2000.
6. Resolution No. AR 2000-310, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Lisa F. Preston for her 15 years of service** with the Municipality of Anchorage, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Van Etten, and Von Gemmingen. (**addendum**)

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

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 973-2000, **Public Safety Advisory Commission appointment** (Dwight Sam O'Connor), Mayor's Office.
2. Assembly Memorandum No. AM 974-2000, **School Budget Advisory Commission reappointments** (David Cottrell, Lynn Hammond), Mayor's Office.
5. Assembly Memorandum No. AM 967-2000, change order No. 1 to purchase order 992582 with International Cancer Screening Laboratories, Inc. for **cervical biopsy interpretation** for the Municipality of Anchorage, Department of Health and Human Services (\$45,000), Purchasing.

6. Assembly Memorandum No. AM 968-2000, recommendation of award to Coffman Enterprises, Inc. for providing **various engineering services** for the Municipality of Anchorage, Municipal Light and Power (RFP 20-P043) (\$300,000), Purchasing.
7. Assembly Memorandum No. AM 969-2000, change order No. 2 to purchase order 84558 to exercise the final option period with Coastal Crane Surveyor and Consultants to provide **crane inspection services** to the Municipality of Anchorage, Municipal Light and Power (\$11,922.50), Purchasing.
8. Assembly Memorandum No. AM 970-2000, proprietary purchase with the State of Alaska, Department of Transportation and Public Facilities, for a **utility relocation agreement** (reconstruction of Arctic Blvd., Dimond Blvd. to Raspberry Rd., DPW 93-07) for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (\$755,273), Purchasing.
9. Assembly Memorandum No. AM 971-2000, contract amendment No. 3 to Wilder Construction Company, Inc. for the **construction of the 3rd Avenue Surface Rehabilitation Project**, Project No. 97-19, (\$115,230.75), Public Works.

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 111-2000, report on **printing of the Official Municipal Election Ballots** from A.T. Publishing & Printing Company for the Municipality of Anchorage, Municipal Clerk (\$6,105), Purchasing.

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

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

Mayor Wuerch thanked the newly-appointed member of the Public Safety Advisory Commission.

8. **REGULAR AGENDA:**

- A. BID AWARDS: None.
- B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION: None.
- C. RESOLUTIONS FOR ACTION:
 1. Resolution No. AR 2000-317, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Anne Marie Holen**, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Van Etten, and Von Gemmingen.

Ms. Fairclough moved, to approve AR 2000-317.
 seconded by Mr. Meyer,
 and it passed without
 objection,

Mr. Tesche read the resolution while Ms. Fairclough presented it to Ms. Holen.

Ms. Holen thanked the Assembly. She said working in the tobacco control movement in Alaska has been very rewarding. On behalf of the American Lung Association, Ms. Holen thanked the Assemblymembers who supported the smokefree workplace ordinance. She added these members were scheduled to receive an award from the American Lung Association.

2. Resolution No. AR 2000-314, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Susan J. Lindemuth for her 30 years of service** with the Municipality of Anchorage, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Van Etten, and Von Gemmingen.

Ms. Clementson moved, to approve AR 2000-314.
 seconded by Mr. Tremaine,
 and it passed without
 objection,

Mr. Tremaine read the resolution while Ms. Clementson presented it to Ms. Lindemuth.

Ms. Lindemuth thanked the Assembly.

Mayor Wuerch added his thanks to Mr. Lindemuth. He wished her well in her new position at the Alaska Railroad Corporation.

3. Resolution No. AR 2000-293, a resolution of the Anchorage Municipal Assembly approving the **revised schematic design of the Chugiak High School Renewal Project, House 3**, Anchorage School District.
 - a. Assembly Memorandum No. AM 953-2000.
4. Resolution No. AR 2000-294 a resolution of the Anchorage Municipal Assembly approving the **revised schematic design for the Bartlett High School Renewal Project**, Anchorage School District.
 - a. Assembly Memorandum No. AM 954-2000.

Ms. Clementson moved, to approve AR 2000-293.
seconded by Ms. Taylor,

Ms. Clementson moved, to postpone action on AR 2000-293 and AR 2000-294 until
seconded by Mr. Kendall, October 31, 2000, pending a worksession on the same day.
and it passed without
objection,

5. **Resolution No. AR 2000-310**, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Lisa F. Preston for her 15 years of service** with the Municipality of Anchorage,. Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Van Etten, and Von Gemmingen. (**addendum**)

Mr. Tesche moved, to approve AR 2000-310.
seconded by Ms. Taylor,
and it passed without
objection,

Mr. Sullivan read the resolution while Mr. Tesche presented it to Ms. Preston.

Ms. Preston thanked the Assembly. She said Anchorage citizens could be proud of their police department.

- D. NEW BUSINESS: None.
E. INFORMATION AND REPORTS: None.

The meeting recessed at 5:35 p.m. and reconvened at 6:10 p.m.

9. **OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS:** None.

10. **APPEARANCE REQUESTS:**

- A. **Curtis Thayer**, to present a summary of the recent community policing public opinion survey.

Mr. Thayer, chairman of the Public Safety Advisory Commission, explained the Commission recently commissioned a public opinion poll. Commission members wanted to know how residents feel about community policing and the Police Department in general. He discussed the results of the survey, including the importance of red-light running and speeding were among the top concerns of citizens. Mr. Thayer presented the complete survey.

11. **CONTINUED PUBLIC HEARINGS:**

Mr. Tesche moved, to change the orders of the day to consider item 11.B,
seconded by Mr. Kendall, AO 2000-147.
and it passed without
objection,

- A. **Ordinance No. AO 2000-134**, an ordinance amending the zoning map and providing for the rezoning from PLI (Public Lands and Institutions District) to R-3 SL (Multiple Family Residential District) with Special Limitations for **NW 1/4 of the NE 1/4 and S 1/2, and a portion of the E 1/2 of the NE 1/4 of the NW 1/4 of Section 10, Township 11 North, Range 3 West, S.M., Alaska**, excluding proposed Preliminary Plat S-10561, Tract A; generally located between the Seward Highway and Goldenview Drive, and East 172nd Avenue and Potter Valley Road (Rabbit Creek Community Council) (Planning and Zoning Commission Case 2000-026), Community Planning and Development.
1. Assembly Memorandum No. AM 828-2000.
(CARRIED OVER FROM 9-26-00 AND 10-3-00; CONTINUED FROM 10-17-00)

This item was considered later in the meeting. See item 15, Unfinished Agenda.

- B. **Ordinance No. AO 2000-147**, an ordinance of the Municipality of Anchorage, Alaska, approving **submission by the Anchorage Wastewater Utility a proposed rate decrease and changes to nonrecurring charges for both the Anchorage Water and Wastewater Utilities (AWU, ASU)** to the Regulatory Commission of Alaska, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 897-2000.
(CARRIED OVER FROM 10-17-00)

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. Kendall moved, to adopt AO 2000-147.
seconded by Mr. Tesche,

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

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

- C. Ordinance No. AO 2000-139, an ordinance of the Municipality of Anchorage **creating Street Reconstruction Special Assessment District 4SR00 - Windsor Village Subdivision Area Street Reconstruction** and determining to proceed with proposed improvements therein, Public Works Department.
1. Assembly Memorandum No. AM 857-2000.
 2. Ordinance No. AO 2000-139(S), an ordinance of the Municipality of Anchorage creating Street Reconstruction Special Assessment District 4SR00 - Windsor Village Subdivision Area Street Reconstruction and determining to proceed with proposed improvements therein, Public Works Department. (**addendum**)
- (CARRIED OVER FROM 10-17-00)

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

In response to Chair Von Gemmingen, Municipal Engineer Howard Holtan explained the substitute version of the ordinance. He said the boundaries of the district were developed after numerous meetings with property owners. One property, near the boundary of the district at the intersection of 72nd Avenue and Altoona, is within the district because the end of the curb return fell 25 feet in front of the property. This property is the only one in the district where there is partial frontage of the lot. Mr. Holtan supported the property owner's request that the parcel be removed from the district. The boundaries could then be adjusted so there will be no construction in front of the subject property. If there is any future improvement of the road, the property would be included in another improvement district. The substitute version of the ordinance removes the property, parcel #36, from the district roll and changes the description of the district. He said the assessment for this parcel, \$671, would be a minor change to the \$2 million project, and would be redistributed among the other property owners in the district. He explained because this is the formation of the district, the district can be reconfigured and percentages recomputed without notification to the property owners. The impact will be from \$13 to \$28 dollars to other property owners.

TERESA DIETZ, a resident on West 70th Place, said there were major groundwater problems in the subdivision. The neighborhood residents went through to process to obtain 90/10 matching funds, the petition process and lots of meetings. There is support for the improvement district. Not all residents agree, but a majority of residents voted in favor of the district. Ms. Dietz explained her subdivision is 82 feet above sea level and very close to a class B wetland. She said there was no drainage in the area; she has four sump pumps in her home. She cannot have carpet in her basement, because water floods the room several times each year. Although there are two drains in the subdivision, they are inadequate to handle drainage and flooding for the whole area. Ms. Dietz said the water problem is very difficult, and it would be nice to have some relief through the proposed improvements. Street lights would also be very nice.

NINA MORRIS, a resident on Altoona Drive, spoke in support of the improvement district. She said the street was in dire need of repair. She described problems with poor drainage and frost heaves. Also, there are no street lights on the majority of Altoona. Ms. Morris said the lack of light makes it very difficult to see the road, animals and people in the road, and house numbers. She expressed concern that emergency vehicle staff would be delayed by their inability to see house numbers. Ms. Morris asked the improvement project schedule be accelerated, if possible.

In response to Mr. Kendall, Mr. Holtan said the proposed improvements are subject to approval of a bond issue planned to appear on the 2001 Municipal election ballot. If those bonds are approved, they will try to have the project completed by next summer, although it will likely be late in the summer.

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

Ms. Fairclough moved, to adopt AO 2000-139(S).
seconded by Mr. Meyer,

In response to Chair Von Gemmingen, Mr. Holtan confirmed the improvements would include roads, drainage and street lights. He noted the storm drain in the street would include lateral drains leading to the properties, to which property owners may connect to drain their crawl spaces and basements.

Question was called on the motion to adopt AO 2000-139(S) and it passed:

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

- D. Resolution No. AR 2000-247, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages for a Restaurant/Eating Place Liquor License on Sunland Subdivision, Lot 2, generally located on the west side of "C" Street and south of Benson Boulevard (Kim Young d.b.a. **Oriental Garden**) (Case 2000-177), Community Planning and Development.
1. Assembly Memorandum No. AM 808-2000.
- (CARRIED OVER FROM 10-17-00)

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. Kendall moved, to approve AR 2000-247.
seconded by Mr. Meyer,

Mr. Meyer said he knew of no reasons to deny this application, and there were no churches or schools nearby.

In response to Ms. Fairclough, Jerry Weaver of Planning Department said the issue of the required 10-foot development setback has not yet been resolved. Staff have not yet received the required as-built or parking lot layout.

Ms. Fairclough noted the applicant had not yet provided proof that employees have received required alcohol service training. She also noted the State was proposing a specific condition that Mr. Kim cannot be involved in the sale or service of alcohol. She questioned the reason for this specific condition.

Mr. Meyer agreed this restriction was unusual. He has not heard any information on the application, either positive or negative.

Mr. Van Etten moved, to postpone action on AR 2000-247 until October 31, 2000
seconded by Mr. Meyer, and invite the applicant to appear at the meeting on that date to answer questions.

Mr. Tesche requested staff provide a history of the license at this location by next week.

Question was called on the motion to postpone action on AR 2000-247 until October 31 and it passed without objection.

Ms. Clementson asked Planning Department, the Clerk's Office and the Municipal Attorney's Department to coordinate a timeline so conditional use applications are introduced on the Assembly's consent agenda. Currently, these applications do not receive the same level of notice as other public hearing items.

12. NEW PUBLIC HEARINGS:

- A. Resolution No. AR 2000-286, a resolution of the Municipality of Anchorage appropriation \$1,297,771 to the State Categorical Grants Fund (231) from the State Department of Health and Social Services, and appropriating \$270,000 and \$258,380 Assembly added funds to the State Categorical Grants Fund (231) from the General Government Operating Budget Areawide General Fund (101), Health and Human Services Department, to **fund essential health and human services in the Municipality of Anchorage**, Health and Human Services.
1. Assembly Memorandum No. AM 929-2000.

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 2000-286.
seconded by Mr. Meyer,

Ms. Clementson clarified this item represents the Municipal contribution of \$270,000 plus \$258,380 for one year. The grant itself is for two years. She noted the additional \$258,000 would fund McKinnel Shelter, Red Cross, Food Bank of Alaska and Alaska Women's Resource Center. However, at the end of the first year, there will be a problem for these recipients.

In response to Ms. Fairclough, Health and Human Services Director Jewel Jones confirmed the United Way agreed to contribute \$270,000 but that does not address the funds for the second year.

Question was called on the motion to approve AR 2000-286 and it passed:

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

Ms. Fairclough moved, to change the orders of the day to consider item 12.G,
seconded by Mr. Tesche, AO 2000-143.
and it passed without objection,

- B. **SECOND PUBLIC HEARING: Ordinance No. AO 2000-145**, an ordinance adopting and appropriating funds for the **2001 Municipal Utilities Operating and Capital Budgets** for the Municipality of Anchorage, Office of Management and Budget.
1. Assembly Memorandum No. AM 924-2000.
- C. **SECOND PUBLIC HEARING: Resolution No. AR 2000-273**, a resolution approving the **2001-2006 Municipal Utilities Capital Improvement Program**, Office of Management and Budget.
1. Assembly Memorandum No. AM 924-2000.
- D. **SECOND PUBLIC HEARING: Ordinance No. AO 2000-146**, an ordinance adopting the **2001 General Government Capital Improvement Budget**, Office of Management and Budget.
1. Assembly Memorandum No. AM 925-2000.
- E. **SECOND PUBLIC HEARING: Resolution No. AR 2000-274**, a resolution of the Municipality of Anchorage adopting the **2001-2006 General Government Capital Improvement Program**, Office of Management and Budget.
1. Assembly Memorandum No. AM 925-2000.
- F. **SECOND PUBLIC HEARING: Ordinance No. AO 2000-144**, an ordinance of the Municipality of Anchorage adopting and appropriating funds for the **2001 General Government Operating Budget** for the Municipality of Anchorage, Office of Management and Budget.
1. Assembly Memorandum No. AM 881-2000.
 2. Ordinance No. AO 2000-144(S), an ordinance of the Municipality of Anchorage adopting and appropriating funds for the 2001 General Government Operating Budget for the Municipality of Anchorage (Contingency or "B" Budget), Office of Management and Budget.

3. Assembly Memorandum No. AM 956-2000.

Items 12.B through 12.F were considered later in the meeting. See item 15, Unfinished Agenda.

- G. Ordinance No. AO 2000-143, an ordinance amending Anchorage Zoning Ordinance 94-235 (S-1) (aa), an ordinance that rezoned to PC (Planned Community) District approximately 530 acres, described as **Tract A of the Powder Reserve**, to amend the standards of development and site layout previously adopted in the Master Plan for Tract A of the Powder Reserve, generally located immediately northwest and southwest of the North Eagle River Interchange of the New Glenn Highway, in the Eagle River & Birchwood Area, located within portions of Sections 25, 26, 35 and 36, T15N, R2W, S.M., Alaska containing 530 acres more or less (Birchwood Community Council) (Planning and Zoning Commission Case 00-013), Community Planning and Development.
 1. Assembly Memorandum No. AM 880-2000.
 2. Ordinance No. AO 2000-143(S), an ordinance amending Anchorage Zoning Ordinance 94-235 (S-1) (aa), an ordinance that rezoned to PC (Planned Community) District approximately 530 acres, described as Tract A of the Powder Reserve, to amend the standards of development and site layout previously adopted in the Master Plan for Tract A of the Powder Reserve, generally located immediately northwest and southwest of the North Eagle River Interchange of the New Glenn Highway, in the Eagle River & Birchwood Area, located within portions of Sections 25, 26, 35 and 36, T15N, R2W, S.M., Alaska containing 530 acres more or less (Birchwood Community Council) (Planning and Zoning Commission Case 00-013), Assemblymember Kendall. (**addendum**)

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

DALE TURPIN, a resident on Theodore Drive in Powder Ridge Subdivision, said he supported the separated sidewalk/bikepath and tree-lined streets that are already included in the development. He was opposed to the Planning and Zoning Commission (P&Z) recommendation in the substitute version to eliminate these amenities. Mr. Turpin pointed out separated sidewalks provide a good space for snow storage when streets are cleared. If sidewalks are immediately adjacent to the curb, he doubted they would remain clear for pedestrians. He was opposed to P&Z recommendations for a 64 percent increase in density. However, he supported elimination in the substitute version of a 3 ½ acre park. He was not interested in being responsible for establishment and maintenance of a park. Mr. Turpin also opposed narrowing streets from 80 to 60 feet, especially if the proposed increased density is permitted. He was not in favor of any further P&Z changes without a review of the entire master plan. Although he has heard the developer does not intend to develop 164 units, if this ordinance is adopted that amount will be allowed and there would be no further approval necessary if the developer makes a change.

SUE GALLION, a resident on Nikolai Street, said she investigated the zoning before she purchased her home. She was content at the time with the surrounding zoning and master plan. Shortly thereafter, she learned of proposed changes to the zoning. She agreed with Mr. Turpin's objections to an increase in density mentioned in Section P of the ordinance, from 100 units to 164 units. Ms. Gallion felt that level of density was out of character with the rest of the subdivision. The existing lots, of about ¼ acre, make up a beautiful subdivision. She sympathized with Eklutna's desire to protect the interests of the people of Eklutna, but felt the proposed zoning change would not benefit anyone. If the character of the subdivision is maintained, more people would be attracted to the area. Ms. Gallion commented residents never really wanted the proposed park. Residents will not be able to maintain a park, and the Municipality will not maintain it because it would be less than 5 acres. She felt P&Z added the park as a consolation gesture.

WENDY MACKOWSKI, of Eklutna Native Corporation, said she was a licensed realtor. She has done open houses in the subject subdivision, and said it was extremely difficult to market these properties. Ms. Mackowski noted the PC zone requires 10-foot setbacks per property line, meaning 20 feet on either side and on the back of the lot cannot be disturbed. Therefore, it is difficult to add things like decks to the houses. She has also heard complaints from builders regarding the setback requirements, because they cannot install 3-car garages like most people desire. Ms. Mackowski recently learned from a Municipal employee that the streets will be maintained by the Municipality this year. However, sidewalks and bike paths will not, because of the slope and topography. There is no active homeowners association to provide a way to maintain these amenities. She added the proposed outlet mall is not in the PC zone. She noted they were asking for only 3 changes; they were not asking for a change in size for the collector entry road, just a change in size for side streets. Ms. Mackowski said they had a meeting last week with homeowners to keep everyone informed. Their intent was to improve the development, to allow 3-car garages and make the property more marketable.

In response to Ms. Clementson, Jerry Weaver of the Planning Department said the community should have a homeowners association for this development. He was not sure why the association does not exist. He said he would have to review the requirements of the PC zone, but felt a homeowners association was among them.

TIM POTTER of Dowl Engineers spoke representing Eklutna Native Corporation. He acknowledged the Eklutna Planned Community was very complex. He explained the PC zone concept, which was a way to address a large piece of property where special elements were desired. Mr. Potter noted the PC has a master plan, and within the plan is a map that identifies various parcels. Then, zoning districts are designed for each parcel, so that Municipal Code Title 21 may or may not be incorporated. He said the complex Eklutna PC was done over a number of years, and his judgement many things were missed. Over the last year or so, he has been working with Eklutna to go backwards through the PC process to come up with a two-stage solution. Mr. Potter explained one stage was to do some piecemeal adjustments and fine-tuning, which is before the Assembly. In the long term, another stage would be to fully revisit the PC and either revise it or reject it. If rejected, a master plan would be done for the property and adjoining areas that will come into the Eklutna fold, such as Alaska Railroad and military property. Then, Title 21 zoning would be overlaid over the master plan. Mr. Potter clarified the type of development in a few areas, to identify that they will be either single family or area "P" which would be single family, duplex and multi-family. Also, the goal with the proposed ordinance was to adjust the road standards. He explained they were not asking for a change to the main road, Powder Ridge Parkway, which will remain with a 78-foot wide right of way, and have separated bike trails and trees between the curb and the sidewalk every 20 feet. However, they wanted to change interior streets so their configuration would be different. Requirements for wide rights-of-ways and separated walkways did not work

in the first phase of the first completed subdivision. The separated walkways, in conjunction with slopes and topography, created dysfunctional driveways. Mr. Potter clarified that although the walkways are constructed and warranted by the developer, they are public amenities. Being public, they must have cross-slopes of no more than 2 percent, and grades no more than 5 percent. In this situation, with walkways separated 12 feet from the curb and sloped yards, the walkways must be “cut in” to the slope and are creating significant problems. He proposed that Title 21 requirements be used, so that sidewalks and trails remain. However, they would abut the curb line, or if separated be allowed to meander to and from the curb depending on the topography. Mr. Potter pointed out they have had significant discussions on this matter with Municipal officials, because this is not the only area of town experiencing similar problems. He added there is a requirement for a 20-foot undisturbed vegetative buffer at the back of each lot; they are requesting that be reduced to 10 feet to allow property owners to develop structures on their property. He felt the requested changes were minor modifications. The first phases can be developed over the next few years, and in the interim, the PC can be revisited and/or the master plan can be revised.

In response to Mr. Kendall, Mr. Potter said in the original PC district, area “N” was identified as a 10-acre open space park. The master plan said the area was a park, and the Municipality was given two years for its purchase. The Municipality did not acquire the park in that time frame. Within the structure of the ordinance, it was clear that if the Municipality did not purchase the park, it would revert to Eklutna for utilization of their master plan, without ability for the Municipality to take it through a rezoning, plat or any other way. He said their request was that the master plan be modified to allow this property to be used for single-family residential development. Mr. Potter explained the requested change in density for area “P” is from 100 units to 164 units. There would be a variety of housing types, including single family, duplexes, common-wall facility or eight-plexes. All development would occur under the R-2M zoning standards. Areas “M” and “N” also have the ability to be single family or two-family. However, they are planned to be completely single-family. Therefore some density will be lost in those areas, so the proposed increased density in area “P” would mitigate that loss.

In response to Ms. Fairclough, Mr. Potter said a one or two-week postponement of action on this ordinance would not be detrimental. He said their goal was to have the issue finalized prior to the next construction season. He said the outlet mall was eliminated from the PC about two years ago.

In response to Ms. Clementson, Mr. Potter confirmed the school site in area “H” had provisions that at a certain trigger point, the Municipality will have two years to acquire the property. Beyond that time frame, the property could be developed for residential purposes. The trigger for the two-year time frame is when tract “H” is created, subdivided and the plat recorded.

Ms. Clementson asked Mr. Potter to ask Eklutna officials to discuss this issue with the Assembly further. She was concerned that the Municipality may lose the land if purchase funds are not available.

NORA TURPIN, a resident on Theodore Drive, clarified they did not have a homeowners association. Covenants require that a certain number of homeowners be in the subdivision before the association is required to take control, and currently there are only 21 homeowners. She noted many of the existing homeowners have 3-car garages, and almost every home has a deck. They have not had any problems with the decks or the garages, and there is plenty of room. Ms. Turpin said residents enjoy and appreciate the separated sidewalks. Most residents do not have a problem with the idea of maintaining the sidewalks in winter, so the Municipality would not have to do the maintenance.

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 2000-143(S).
seconded by Ms. Fairclough,

In response to Mr. Kendall, Ms. Fairclough outlined some of the questions she had for Mr. Potter.

Mr. Potter said he briefly reviewed Ms. Fairclough’s questions at a worksession earlier today, there was a large number and variety. He felt many of them did not relate directly to the proposed rezoning, and had to do with the larger master plan. However, he felt it would be the best use of Assembly members’ time to discuss these questions with him on an individual basis.

Mr. Kendall moved, to postpone action on AO 2000-143(S) until October 31, 2000.
seconded by Mr. Sullivan,

Ms. Fairclough spoke against the motion. She and Mr. Potter discussed December as a time to return to the Assembly, which she felt was a more appropriate time frame. She felt a worksession would also be important, if six other members agree.

Ms. Clementson expressed concern about closing the public hearing. She pointed out this item was last on the agenda, scheduled after many budget public hearings. She felt many citizens may not have expected the Assembly to hold the hearing so early in the evening. She recommended the public hearing be reopened.

Question was called on Mr. Kendall’s motion to postpone action until October 31, 2000 and it failed:

AYES: Sullivan, Kendall, Meyer.

NAYS: Tremaine, Abney, Tesche, Von Gemmingen, Fairclough, Taylor, Van Etten, Clementson.

Ms. Fairclough moved, to postpone action on AO 2000-143(S) until December 19,
seconded by Mr. Tesche, 2000 and hold a worksession on the same date.
and no further action was taken,

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

to reopen the public hearing for AO 2000-143(S) and
continue it to December 12, 2000.

13. **BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:** None.

14. **SPECIAL ORDERS:** None.

15. **UNFINISHED AGENDA:**

A. Ordinance No. AO 2000-134, an ordinance amending the zoning map and providing for the rezoning from PLI (Public Lands and Institutions District) to R-3 SL (Multiple Family Residential District) with Special Limitations for **NW 1/4 of the NE 1/4 and S 1/2, and a portion of the E 1/2 of the NE 1/4 of the NW 1/4 of Section 10, Township 11 North, Range 3 West, S.M., Alaska**, excluding proposed Preliminary Plat S-10561, Tract A; generally located between the Seward Highway and Goldenview Drive, and East 172nd Avenue and Potter Valley Road (Rabbit Creek Community Council) (Planning and Zoning Commission Case 2000-026), Community Planning and Development.

1. Assembly Memorandum No. AM 828-2000.

(CARRIED OVER FROM 9-26-00 AND 10-3-00; CONTINUED FROM 10-17-00)

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

VIVIAN MENDENHALL, a biologist and land use planner, noted the petitioner wants the change to R-3 zoning because the Hillside Wastewater Management Plan (HWMP) recommends at least 3 dwelling units per acre. However, neighborhood residents are urging the Assembly to take changes in the neighborhood conditions and environmental impacts into account. Ms. Mendenhall noted planning professionals agree that plans should be revised roughly every 5 to 15 years. She pointed out the HWMP was approved 18 years ago, so it probably does not reflect neighborhood conditions or current technology. Planners also agree that implementation of plans should be adjusted when needed, especially as plans age. Plans are essential guidelines, but they should not be followed with great rigidity. Ms. Mendenhall noted that 4 to 7 small streams flow from the Mental Health Trust lands into Potter Marsh. These streams provide almost half the water that enters the marsh. She added that Potter Valley is not in the watershed at all. The Department of Fish and Game said, in the Potter Valley Use Analysis, that “strips of habitat should be left along small drainages in sub-area A. Any development of the Mental Health parcel, directly upstream, should include easements extended along those drainages.” Ms. Mendenhall noted the proposed ordinance does require location of all stream channels in appropriate setbacks. However, this does not go far enough. The petitioner has already shown they think cutting corners on protection of wildlife and wetlands is acceptable. She asked the Assembly to require that a certified hydrologist map the streams and boggy wetlands throughout the Mental Health Trust and evaluate their flow throughout the year. She also asked specific easements, at least 100 feet wide, be platted along the full length of the streams and around the bogs. Easements would give better protection than buffers from private property. Ms. Mendenhall noted Rick Sinnot of the Alaska Department of Fish and Game has been quoted as saying the Mental Health Trust lands are not valuable habitat. However, he told her that when he made that statement, he thought the land would be zoned R-6 or R-7. Moose and bears use large hillside yards freely, but no developments where most vegetation is turned into lawns or asphalt. The cumulative effect of development on Potter Marsh is approaching a critical stage. Cumulative impacts are normally considered in planning for open spaces. She noted the subject land is the last large, undeveloped tract above the Marsh. If the land is zoned R-6 or R-7 with protection for natural stream corridors, this will maintain a huge benefit for Potter Marsh.

JANEL FEIERABEND, director of Friends of Potter Marsh, encouraged Assembly members to read A Sand County Almanac by Aldo Leopold. She quoted from the work: “A thing is right when it tends to preserve the integrity, stability and beauty of the biotic community. It is wrong when it tends otherwise.” Ms. Feierabend noted Potter Marsh was Anchorage’s treasure and crown jewel. Over 68,000 people visit the Marsh every year, and a multi-million dollar wild bird rehabilitation center and Marsh museum are planned for a bluff site above the Marsh. She noted the United States Congress has approved almost \$500,000 for the planning of these facilities. The Mental Health Trust lands form much of the backdrop for the Marsh and the planned facilities. Should the Marsh fill in due to development, the treasure that it is will disappear. Ms. Feierabend pointed out in 1982, the results of a hydrology study were published by the U.S. Geological Survey and State Department of Fish and Game. It was noted several times in the report there was concern about the impact of future development above the Marsh. Ms. Feierabend felt it would behoove the Municipality and State to perform a similar study at this time, to determine the impact of recent development above the Marsh. She noted with the proposed zoning, if fire safety recommendations are respected, there would be no trees in the development, as the recommendations do not allow trees within 30 feet of a structure. She felt careful planning and patience with development is greatly needed for the mental health of all Anchorage residents.

DANNY COBB, a fire fighter with the Anchorage Fire Department, felt there was increasing danger of a major fire on the hillside. He noted the steep slope was a key factor in this danger. Defensible space was a highly desirable feature; increasing the density of homes in the proposed area would increase the likelihood of a major fire in the area. Mr. Cobb felt more hydrants were needed in the area. He pointed out the possibility of closure of the Rabbit Creek fire station further exacerbates the danger. He envisioned a fire that might start west of the Goldenview area that would run up the ridge all the way to Bear Valley. There is only one access road to the area, which would likely be crowded by residents fleeing their homes. Mr. Cobb stressed the importance of density. He urged the Assembly to consider making the density as low as possible in the subject area.

BRUCE SEPPI, a biologist and resident adjacent to the subject land, pointed out conflicts with wildlife that would result from the proposed rezoning. He noted he signed a petition in opposition to this rezoning. He received a letter from Mr. Plancheon of the Mental Health Trust which said Mr. Seppi was misinformed by false statements in the petition. Mr. Seppi clarified he was well aware of the statements in the petition, which he signed because he opposed R-3SL zoning in the subject area. He asked that Mr. Plancheon’s efforts to nullify the petition be denied; he felt citizens should have the right to

voice their opinions on land use decisions that directly affects them. Mr. Seppi added the land and surrounding neighborhoods provide seasonal travel corridors for moose, lynx, wolves, black and brown bears. Radio tracking show animals make seasonal trips from Eagle River to Girdwood, through neighborhoods and Chugach State Park. He noted these travels through low density neighborhoods result in relatively few human conflicts because vegetation and the character of the area remains intact. Housing densities allowed by the proposed zoning will remove nearly all the vegetation and transform the character of the landscape to housing and roads. Wildlife will largely be displaced, and large animals moving through the area will pose a much greater human danger. This will result in many more animals, particularly moose and bear, being destroyed in defense of life and property. Mr. Seppi acknowledged that wildlife was not a major consideration in land use decisions, but he felt it should be. He noted a Municipal-wide survey by the Alaska Department of Fish and Game showed all Anchorage residents want wildlife in the city, and think seeing wildlife makes Anchorage a more interesting place to live. He asked the Assembly represent the interests of Anchorage citizens when deciding this issue.

RANDY VIRGIN, executive director for the Alaska Center for the Environment, noted the organization has about 10,000 dues-paying members. He said there have been many incidents where high density developments have been allowed on steep or otherwise unsuitable land. The most recent tragedy was the Eagle Crossing Subdivision, which continues to degrade the water quality in the area. Mr. Virgin expressed disappointment that local government officials continue to choose the interests of the few over the interests of the many. He hoped this situation, in light of extreme public interest in the value of Potter Marsh, would be different. He asked the Assembly deny the proposed rezoning.

In response to Mr. Kendall, Mr. Virgin felt the assumption that high density is necessary to help pay for the HWMP was incorrect. He felt this assumption needed to be reevaluated. He would prefer that Municipal water and sewer be available in the area, but if large lots will not support that, then advanced septic systems can work well.

In response to Ms. Clementson, Mr. Virgin agreed he and the Center supported the Potter Valley Land Use Analysis last year, with regard to its protection of sub-area "A". However, they did not endorse every reference in the Analysis as to potential development of other adjacent parcels. He clarified he did not commit to arguing against R-3 zoning on the adjacent parcels. Also, he was not opposing development on the subject parcel, just opposing high density. He felt low density zoning would be appropriate. He argued when the Analysis was approved, no one assumed it meant the Mental Health Trust land would be developed as R-3, even though it included a statement that that land would likely be developed at 3 dwellings per acre. Mr. Virgin pointed out the HWMP, which is 20 years old, seems to be driving this debate, which he felt was inappropriate. If advanced septic systems were necessary to make R-10 zoning economically feasible, then so be it. He added the overall cost of high density development far from the center of town should be considered.

In response to Mr. Tesche, Mr. Virgin challenged the recommendation for development with a minimum density of 3 dwelling units per acre. He felt that assumption was not based on current information. He felt the HWMP should be revised as it is quite old.

CHRIS HAMRE, president of HALO, the Home and Land Owners Association, said the organization supports using on-site water and sewer systems. He said there are a number of innovative septic systems that have been approved by the Municipality and have been in service for years. He agreed the HWMP should be revised, because technology had changed so much. Mr. Hamre said HALO asks the Assembly to deny the proposed rezoning. The group is particularly sensitive to a landowners right to enjoy their property as they choose. He explained they reconciled that desire while discouraging others' rights to develop as they choose, because that is done in the community regularly. This is done through zoning, an attempt to organize the community in a manner that development of adjacent areas is compatible. Mr. Hamre noted there are no adjacent high-density urban neighborhoods to the subject property. Rather, 75 percent of the adjacent properties have minimum lot sizes of 1.25 acres, and none have public water and sewer. He added that access to the proposed development would not be from the only nearby urban density land, Potter Creek, but from the Goldenview area, with rural roads maintained by Limited Road Service Areas (LRSA's). He objected to the applicant's proposal that all Anchorage taxpayers absorb costs to build infrastructure for the benefit of the development. The proposal states that development will be delayed until a new water tower is built, at taxpayer expense, to provide normal and fire protection water needs for the property. Mr. Hamre noted if Anchorage Roads and Drainage Service Area (ARDSA) access is connected from Potter Creek, then Municipal road bonds may be used for its construction. He objected that the applicant has proposed that adjacent LRSA's maintain access roads for the development. He strongly opposed the stipulation that the proposed roads be included in ARDSA, because ARDSA service is not the method of choice in this area of town. Not only would ARDSA's poor performance be bad for the new subdivision, but it is a long way from any other ARDSA areas. Taxpayers will pay for crews to drive a long way before they get to the area to be maintained. This would be inefficient and force inferior services on citizens just to raise tax revenue. Also, the Municipal Charter protects neighborhoods from being forced to accept services without a vote of affected residents. Therefore, the language in the proposed rezoning regarding ARDSA violates the Charter. Mr. Hamre said HALO members oppose the proposed density, and believe R-6 or R-9 zoning is the appropriate and obvious choice. However, if the R-3 zoning is approved, HALO asks that the developer be made to pay for all infrastructure including water towers, roads, bridges and any other things necessary to connect to Potter Creek. Also, if R-3 is considered, the property should be split, and R-3 only allowed near the bottom of the hill, and R-6 be the standard for higher portions of the land. He felt on-site septic would work in this area.

CATHY GLEASON, a long-time west Anchorage resident, said she has spent many years trying to protect wetlands in Anchorage. She felt the subject land was an important watershed and natural open space because of its position above Potter Marsh. She pointed out the Assembly is faced with balancing economic needs and desires of landowners with less-quantitative but equal considerations. One of these considerations should be how allowing R-3 zoning on such a large block of land will affect the surrounding areas, including existing neighborhoods. Ms. Gleason felt the integrity of existing neighborhoods should be maintained when considering additional growth and development. She noted the draft Anchorage 2020 Comprehensive Plan puts a high emphasis on protecting the values, character and integrity of existing neighborhoods when considering the level of new development. She was also concerned about the impacts of R-3 development on the area's watershed, ecosystem and bird habitat. Ms. Gleason pointed out there are attributes of the area that are difficult to put a price on, but are valuable to the community. Zoning the land above Potter Marsh to R-3 will not protect these values.

SANDY MOLYNEUX, a long-time hillside resident, requested the proposed zoning be denied, and the parcel remain PLI. She felt if the parcel is to be rezoned, it should be remanded to the Planning and Zoning Commission with instructions that density not exceed R-6 or R-9, and the applicant prepare a master plan for the parcel. The master plan should include fire protection contingencies, wildlife considerations, and address enforcement of special limitations. She noted special limitations on zoning are not always well-enforced in Anchorage. Ms. Molyneux felt development would be a disaster if these issues are not addressed.

MIKE ZETIK, a resident on Virgo Avenue and surveyor and engineer, discussed the work he did on the Goldengate Bridge subdivision. He explained there was no soil logs showing rock in the area, and underground canals were installed when the sewers were installed. However, the ground was so full of gravel, water pressure caused all the manhole covers to lift up and allow gravel to enter the sewer lines. Another contract was let to fix this problem, another \$3.5 million on top of the original \$2.5 million job. Then claims ensued and a large mess resulted in about \$20 million for this sewer and water system. Mr. Zetik felt the land that was subject of the proposed rezoning was similar to Goldengate Bridge subdivision. He explained soil changes radically on slopes; there is no way to tell without soil samples. Therefore, to assume that septic will not work and sewers are the answer was unrealistic. Mr. Zetik added limited road access would create a public safety hazard when roads are impassible or there is a fire in the area. He felt R-6 zoning would be more realistic.

MCGILL ADAMS, a resident on Marijane Street near the subject parcel, said he and his family have spent a lot of time walking on the land. He shared the concerns voiced by his neighbors. However, he also had concerns for visitors. As owner of Wilderness Alaska, a natural history-oriented adventure business, he knows that tourists come to Anchorage with big expectations and open purse strings. He pointed out visitors are very impressed by the drive down the Seward Highway, including Potter Marsh. Mr. Adams felt residents take for granted that the beauty and treasures in the Marsh will always be there. However, allowing high density development directly above the Marsh will challenge the health of animals that depend on the Marsh, and will affect the attraction to tourists. Also, it may compromise the Seward Highways' status as a National Scenic Treasure. He felt since the Municipal budget is partially funded by taxes placed on tourists, it is fair to keep tourists in mind when making big decisions involving viewscapes and quality of community issues. He asked the Assembly to protect Potter Marsh and the many area streams from high density development.

KEN DUFFES, an engineer, said he was hired to investigate the development. He first investigated which scenario would best fit the property, and started with R-6. Having done test holes and walking the property, he recommended pursuing other concepts than on-site well and septic. Mr. Duffes felt the concerns heard tonight duplicated those that were voiced in Planning and Zoning Commission hearings. In an attempt to resolve these concerns, they addressed access and fire safety in the process of the development. He felt they met these concerns the best way possible. He said the special limitations were structured so issues of buffers and other concerns would be addressed. Mr. Duffes agreed that septic versus sewer was a difficult question. There are questions of whether dynamite use affects wells, and whether drilling new wells affects existing wells. Most wells in the area are located in bedrock, and are very susceptible to any changes from noise, drilling or new wells. Mr. Duffes agreed the issue of Potter Marsh was critical, but pointed out the proposed development is the furthest in proximity from the Marsh than any other development in the area. Also, the proposed development has the largest buffer than any other in the area.

In response to Mr. Kendall, Mr. Duffes said the developer would pay for water and sewer lines that would serve this project. He explained the higher elevations of the development would probably be less dense, perhaps 2.5 dwelling units per acre. Initial layouts show 1.25 acre to 2 acre parcels along the north side, in addition to a 50-foot buffer. As the development proceeds further south, it will be more clustered to be in keeping with the existing developments to the south, Viewpoint. Mr. Duffes said maintaining open spaces and protection of waterways was addressed in the special limitations; they were planning a 100-foot buffer along the creeks and there will be roughly 40 percent or more of open space.

In response to Mr. Tesche, Mr. Duffes said the question of who pays for a new water tank, if one is necessary, is yet to be resolved. He did not believe any neighborhood roads outside the proposed rezone area would have to be improved to accommodate the development. The only roads that will be used by residents in the new development is Goldenview Drive, and a new road proposed to connect with Potter's Valley to the south. They feel a new connection road is needed to alleviate an access problem for the whole area. He would not recommend increasing traffic on Goldenview Drive without addition of a new secondary access road.

In response to Mr. Sullivan, Mr. Duffes confirmed that the cost of various improvements within the subdivision, such as utilities, would be borne by the developer. He said they would be willing to consider forming a new LRSA instead of annexing the area to ARDSA; they have no preference either way.

THOMAS VAN FLEIN, a resident adjacent to the subject property, pointed out there have been assumptions by some that the Mental Health Lands Trust will remain in control of this property and will address various concerns in the future. However, the Trust director Steve Planchon, at a June 5, 2000 Platting Board meeting, said they intend to secure rezoning for the property and then sell it to developers who will submit specific plats for approval. Mr. Van Flein predicted if the proposed rezoning is approved, the new owners will approach the Assembly with the argument that they cannot afford to improve roads or install public water and sewer systems. He felt the proposed rezoning was speculative, which was acknowledged by the Planning and Zoning Commission members "we would not approve this zoning request were it anybody else, if it was a private developer, because you have no plan whatsoever for us to go on." Mr. Van Flein pointed out there has been testimony that high density zoning was expected, but there is no basis for this expectation. However, there is a memorandum of agreement dated December, 1999 and signed by Mr. Planchon and Heritage Land Bank officials, which includes several disclaimers. One of the disclaimers indicates "the Trust land office and the Heritage Land Bank make no warranties, express or implied, nor assume any liability whatsoever regarding the social, economic or environmental aspects of the exchanged properties, including the merchantability, profitability or fitness of the properties for any particular purpose." Mr. Van Flein felt the density expectation was contradicted by the disclaimer.

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

to suspend the rules to consider items 12.B through 12.F,
AO 2000-145, AR 2000-273, AO 2000-146, AR 2000-274 and
AO 2000-144.

(See after the following 5 items for continuation of the public hearing on AO 2000-134.)

- B. **SECOND PUBLIC HEARING:** Ordinance No. AO 2000-145, an ordinance adopting and appropriating funds for the **2001 Municipal Utilities Operating and Capital Budgets** for the Municipality of Anchorage, Office of Management and Budget.
 - 1. Assembly Memorandum No. AM 924-2000.
- C. **SECOND PUBLIC HEARING:** Resolution No. AR 2000-273, a resolution approving the **2001-2006 Municipal Utilities Capital Improvement Program**, Office of Management and Budget.
 - 1. Assembly Memorandum No. AM 924-2000.
- D. **SECOND PUBLIC HEARING:** Ordinance No. AO 2000-146, an ordinance adopting the **2001 General Government Capital Improvement Budget**, Office of Management and Budget.
 - 1. Assembly Memorandum No. AM 925-2000.
- E. **SECOND PUBLIC HEARING:** Resolution No. AR 2000-274, a resolution of the Municipality of Anchorage adopting the **2001-2006 General Government Capital Improvement Program**, Office of Management and Budget.
 - 1. Assembly Memorandum No. AM 925-2000.
- F. **SECOND PUBLIC HEARING:** Ordinance No. AO 2000-144, an ordinance of the Municipality of Anchorage adopting and appropriating funds for the **2001 General Government Operating Budget** for the Municipality of Anchorage, Office of Management and Budget.
 - 1. Assembly Memorandum No. AM 881-2000.
 - 2. Ordinance No. AO 2000-144(S), an ordinance of the Municipality of Anchorage adopting and appropriating funds for the 2001 General Government Operating Budget for the Municipality of Anchorage (Contingency or "B" Budget), Office of Management and Budget.
 - 3. Assembly Memorandum No. AM 956-2000.

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

to combine the public hearing for AO 2000-145,
AR 2000-273, AO 2000-146, AR 2000-274 and AO 2000-144.

Chair Von Gemmingen opened the public hearing for AO 2000-145, AR 2000-273, AO 2000-146, AR 2000-274 and AO 2000-144 and asked if anyone wished to speak.

SHERRY MCCORDER, Salvation Army division social services coordinator for Alaska, also spoke on behalf of Catholic Social Services and United Way. Ms. McCorder spoke in support of funding for human services. She explained money committed by United Way would be provided in any case, and does not replace the matching funds from the Municipality. Without funding by the Municipality, many agencies will be seriously impacted and have to reduce services significantly.

TOM MCGRATH felt the budget situation was a result of taking the easy way out. He noted it was easier to fund lots of programs with available funds than to withhold funding. He said an example of excess was operation of the Anchorage Museum of History and Art, which has not shown a profit and there was a lack of excitement or entrepreneurial spirit. He felt the Museum should be transferred to private control. Also, management of the Egan Center by Anchorage Convention and Visitors Bureau is inefficient. He felt the Alaska Center for the Performing Arts was in a similar situation. Mr. McGrath felt these programs have increased just because money was available, and it is time to transfer some services that are not the responsibility of government to private control.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one. She announced the public hearing on items 12.B through 12.F would be continued on October 31, 2000.

The Assembly then returned to the public hearing for AO 2000-134.

JESS GRUNBLAT, a resident of the Potter Valley area south of the Mental Health Trust lands, felt this issue was not one of people objecting to development in their area. Rather, it is an issue of piecemeal development and impacts on marginal lands. Mr. Grunblat questioned whether the public cost of the development were being identified. He felt the rezone request was speculative. He felt issues of road access and open spaces were a concern to area residents. He noted the market should drive this situation; the Mental Health Trust can negotiate with prospective developers without a rezoning.

TODD HAWKINS, a member of the Mental Health Trust board and long-time resident of Rogers Park, said he served as president of his community council for many years. He said the Trust has about 60,000 beneficiaries, and responds to the needs of the developmentally-disabled, the mentally ill, chronic alcoholics and people with age-related dementia. Mr. Hawkins said turning a profit on the subject land was important to fulfill the mandate of the Trust. Trust staff, made up of a portion of the State Department of Natural Resources, was charged to work closely with people in area neighborhoods and Municipal officials. They have worked hard to maximize value for their beneficiaries, and are disappointed that efforts to work with the community have not been entirely successful.

BRETT JOKELA, owner of property adjacent to Potter Marsh, spoke in opposition to the proposed rezoning. He felt the many reasons noted already were valid. He was encouraged to hear Mr. Duffes' comment that through the Planning and Zoning Commission, there is a commitment cluster development on this land. Mr. Jokela felt this would be appropriate, particularly with respect to corridors for wildlife in the area. He wanted to ensure that development does not preclude the continued use of the land by large and small animals. He felt development of PLI land for public institutions was preferable to high density development. However, since that is not likely, he suggested cluster development be considered.

Mr. Tremaine moved,
seconded by Ms. Abney,

to extend the public hearing portion of the meeting until
11:00 p.m.

Mr. Sullivan moved,
seconded by Ms. Fairclough,
and it passed with Ms. Abney
objecting,

to amend the motion to extend until 10:40 p.m.

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

STEVE PLANCHON, executive director of the Alaska Mental Health Trust Authority land office, explained he works for the State Department of Natural Resources who manages Trust lands under contract to the Trust Authority. Mr. Planchon noted the parcel was clearly part of the Mental Health Trust settlement of 1994. The settlement was very complicated; it was difficult to understand the intention of all parties throughout the State. They received the parcel with the understanding it represented value gained by the Municipality. In 1995, it was reasonable to expect the property could achieve the value assumed by all parties. He pointed out the Assembly authorized disposal with the understanding the Trust would make money from the property, and added the Municipal Code restricts disposal of Municipal property unless it is deemed surplus to the needs of local government. Mr. Planchon also acknowledged understanding neighborhood concerns in 1995. However, they based their expectations for the property on existing plans and ordinances, which indicated R-3 zoning was likely. Their 1995 expectations were confirmed over the next 3 years by a highest and best use study they commissioned by Ken Kincaid, by contractors who examined the site, and by the Potter Valley Land Use Analysis. He disagreed with those that said the proposed R-3 zoning was not anticipated in this plan. He pointed out the Assembly approved the Analysis. Also, this use was confirmed by Planning Department staff on a consistent basis and is anticipated in the Draft Anchorage 2020 Comprehensive Plan. Mr. Planchon added Tryck Nyman & Hayes, under their contract, determined that the property was not economically viable if developed under R-6 zoning. Therefore, R-6 is not an option. The options are PLI or R-3SL. If the Assembly decides the land should remain PLI, it will be tantamount to declaring the 1995 Assembly made a mistake. He asked the Assembly either approve the proposed rezoning, or postpone action to allow him to work further with the Planning staff and affected residents.

JEFF JESSE, executive director of the Alaska Mental Health Trust authority, discussed the history of the Mental Health Lands Trust settlement. He explained the State had disposed of a lot of Trust land, and the Municipality ended up with a lot of parcels scattered throughout town. The settlement was that all parties put a little of their land into the pot. It was clearly understood that the purpose of the land was to generate economic value for the beneficiaries. He was stunned to learn today about an analysis by Planning staff that indicated the land had no economic value if zoned as PLI. Mr. Jesse outlined the various projects that are supported with Mental Health Trust funds. He respected the concerns of area residents, but also worried about the quality of life for Trust recipients. He hoped the Assembly would allow more time to work on this issue, to try to resolve the concerns of all parties. He noted in other similar situations with other Trust lands in other communities, they have been able to negotiate a resolution that was satisfactory for all parties.

PETER JOHNSON, a resident on Taurus Circle, felt the community was happy to work with Trust officials to find a way to develop the land to everyone's satisfaction. He noted enough issues have been mentioned to show that more work needs to be done. He suggested the Assembly allow more time for this work to continue.

SHIRLEY EVANS, a resident on St. James Circle, said her daughter is a beneficiary of the Trust. She values the services of the Trust, on which her daughter will rely for the rest of her life. Ms. Evan also felt the subject land should be developed with low density, to be consistent with surrounding neighborhoods. Should the land remain PLI, she would support development of a facility that would directly serve the Trust beneficiaries. She added vehicle traffic on Goldenview Drive has already become quite congested due to recent developments.

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

Mr. Tremaine moved,
seconded by Ms. Abney,

to adopt AO 2000-134.

Mr. Tremaine recommended a "no" vote.

Ms. Abney felt the Assembly's decision should try to balance the needs of the Trust beneficiaries with the needs of the community at large. She felt the proposed rezoning was speculative,

In response to Mr. Kendall, Mr. Planchon said if the Assembly postpones action, the Mental Health Trust officials can try to develop a plan to show development with slightly lower density. They would do this in conjunction with the owner of the property to the south, GCI. H suggested a time frame of about two months.

Mr. Kendall moved,
seconded by Mr. Sullivan,

to postpone action on AO 2000-134 until the second meeting
in January 2001.

Ms. Clementson moved,
and it was accepted as a friendly
amendment,

to amend the motion to postpone until the end of February,
2001.

Ms. Clementson suggested GCI be involved, and encouraged to rezone their property to match the Mental Health Trust land, so there is guaranteed continuity.

Mr. Tesche spoke against postponement. However, if there is a delay he hoped it would allow consideration of various provisions in the draft Anchorage 2020 Comprehensive Plan.

Mr. Sullivan spoke in support of the motion.

Mr. Tremaine moved, to extend the meeting until midnight.
seconded by Mr. Tesche,

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

(Clerk’s Note: This motion failed for lack of nine affirmative votes required to extend the meeting beyond 11:00 p.m.)

Mr. Tremaine moved, the previous question.
seconded by Mr. Kendall,

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

Question was called on Mr. Kendall’s motion to postpone as amended and it failed:

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

(Clerk’s Note: See minutes of October 31, 2000 for further action on AO 2000-134.)

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

The meeting adjourned at 11:00 p.m.

Chair

ATTEST:

Municipal Clerk

Date Minutes Approved: February 27, 2001

VC/db

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