

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of August 29, 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, Anna Fairclough, Melinda Taylor, Wilda Hudson, Cheryl Clementson.
Absent: Kevin Meyer (excused).

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Ms. Clementson.

4. MINUTES OF PREVIOUS MEETING: None.

5. MAYOR'S REPORT:

Mayor Wuerch said the Administration has started adding the dollar cost in parentheses following each of the consent agenda items to provide a clearer view of the dollar impact of the agenda items. He hoped this would facilitate an understanding of the significance of issues that are before the Assembly. Mayor Wuerch advised that the Administration would request agenda item 12.L. be postponed indefinitely. Lastly, Mayor Wuerch invited everyone to the budget work session on Thursday, August 31. He noted that the effort of hundreds of people on this year's budget cycle was unprecedented, and a snapshot of where the A and B budgets were in the process would be provided at the work session.

6. ADDENDUM TO AGENDA:

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

Chair Von Gemmingen read the addendum items.

Mr. Tesche requested, and there was no objection, to include a substitute version of AR 2000-253, item 7.C.7., Statewide Ballot Measure No. 4. Mr. Tesche said a copy of the substitute version had been distributed to the Assemblymembers.

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

7. CONSENT AGENDA:

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

A. BID AWARDS:

1. Assembly Memorandum No. AM 809-2000, recommendation of award to Ocean Terminals, Inc. for providing **liquid chlorine** to the Municipality of Anchorage, Water and Wastewater Utility (ITB 20-B079) (\$436,594), Purchasing.
2. Assembly Memorandum No. AM 816-2000, recommendation of award to Chenega Management, LLC for **Horrell Tract site improvements** to the Municipality of Anchorage, Water and Wastewater Utility (ITB 20-C050) (\$447,100), Purchasing.
3. Assembly Memorandum No. AM 834-2000, recommendation of award to Stark Lewis LLC for **roof replacement at ML&P Transformer Shop** for the Municipality of Anchorage, Municipal Light and Power (ITB 20-C048) (\$353,382), Purchasing. (**addendum**)

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. 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 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. public hearing 9-26-00.
 - a. Assembly Memorandum No. AM 828-2000.

2. Ordinance No. AO 2000-135, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 21.45.110 to **allow for front yard fences to be up to eight feet in height in Zoning Districts R-6, R-8, and R-9 when the fencing material is non-sight obscuring**, Assemblymembers Tremaine and Abney. **PUBLIC HEARING DATE TO BE DETERMINED.**
 - a. Assembly Memorandum No. AM 833-2000.
3. Ordinance No. AO 2000-136, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 10.45.050 regarding **surcharges on tickets sold at the George M. Sullivan Sports Arena**, Assemblymember Fairclough. public hearing ~~9-12-00~~ 9-26-00.
 - a. Assembly Memorandum No. AM 789-2000.

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

4. Ordinance No. AO 2000-137, an ordinance of the Anchorage Municipal Assembly amending Regulation 25.11 of the Anchorage Municipal Code and pertaining to the **facility use policy for the George M. Sullivan Arena**, Assemblymember Fairclough. public hearing ~~9-12-00~~ 9-26-00.
 - a. Assembly Memorandum No. AM 789-2000.

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

5. Resolution No. AR 2000-248, a resolution of the Municipality of Anchorage appropriating the sum of \$175,000 from the State of Alaska, Department of Public Safety, Highway Safety Planning Agency and \$4,090 as a contribution from the 2000 Anchorage Metropolitan Police Service Area Operating Budget (Fund 151), to the State Categorical Grants Fund (231), Anchorage Police Department for the **Traffic Enforcement Program**, Anchorage Police Department. public hearing 9-12-00.
 - a. Assembly Memorandum No. AM 810-2000.
6. Resolution No. AR 2000-252, a resolution of the Municipality of Anchorage appropriating \$586,698 from the U.S. Department of Housing and Urban Development to the Federal Categorical Grants Fund (241) and \$195,565 from Alaska Housing Finance Corporation to State Categorical Grants Fund (231) for the purpose of providing a one year renewal grant to **fund an innovative homeless prevention project**, Health and Human Services. public hearing 9-12-00.
 - a. Assembly Memorandum No. AM 817-2000.
7. Resolution No. AR 2000-255, a resolution of the Anchorage Municipal Assembly appropriating \$584,319 from the U.S. Department of Justice, Office of Justice Programs, Local Law Enforcement Block Grant and \$64,924 as a contribution from the Anchorage Metropolitan Police Service Area Fund (151), Anchorage Police Department 2000 Operating Budget, to the Federal Categorical Grants Fund (241), Anchorage Police Department, for the purpose of **underwriting projects to reduce crime and improve public safety**, Anchorage Police Department. public hearing 9-12-00. **(addendum)**
 - a. Assembly Memorandum No. AM 835-2000.
8. Resolution No. AR 2000-256, a resolution of the Municipality of Anchorage appropriating \$436,906 from Alaska Housing Finance Corporation (AHFC) to the State Categorical Grants Fund (231) for the **Weatherization Assistance Program** in the Department of Health and Human Services. public hearing 9-12-00. **(addendum)**
 - a. Assembly Memorandum No. AM 836-2000.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2000-240, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Robert E. Mathis for his 20 years of service with the Anchorage Police Department**, Assemblymembers Abney, Clementson, Fairclough, Hudson, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, and Von Gemmingen.

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

2. Resolution No. AR 2000-242, a resolution of the Anchorage Municipal Assembly **approving the schematic design of the East Anchorage High School renewal project**, Anchorage School District.
 - a. Assembly Memorandum No. AM 802-2000.
3. Resolution No. AR 2000-243, a resolution of the Anchorage Municipal Assembly **approving the preliminary design for the Bartlett High School renewal project**.
 - a. Assembly Memorandum No. AM 803-2000.
4. Resolution No. AR 2000-249, a resolution of the Municipality of Anchorage appropriating the sum of \$51,587 from the State of Alaska, Department of Public Safety, Division of State Troopers and \$17,196 as a contribution from the 2000 Anchorage Metropolitan Police Service Area Operating Budget (Fund 151), to the State Categorical Grants Fund (231), Anchorage Police Department, for the **Methamphetamine Enforcement Program**, Anchorage Police Department.
 - a. Assembly Memorandum No. AM 811-2000.
5. Resolution No. AR 2000-250, a resolution authorizing the **granting of tax refund as a result of manifest clerical error on Real Property Account 014-313-46**, Finance.
 - a. Assembly Memorandum No. AM 812-2000.

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

6. Resolution No. AR 2000-251, a resolution authorizing the Municipality to **grant a 20 foot wide electrical easement within Loretta French Park, Lots 4, 5, 7, 8, 9, 11 12, 13 and 14, Section 16, T15N, R1W, S.M., Tax Nos. 051-194-03, -04, -05, -06, -08, -09, -10, -11, and -12**, generally located on the west side of Old Glenn Highway and south of North Birchwood Loop Road, Public Works.
 - a. Assembly Memorandum No. AM 813-2000.
7. Resolution No. AR 2000-253, a resolution of the Anchorage Assembly **opposing Statewide Ballot Measure 4: (Bill Limiting Property Assessment and Taxation)** to be presented to the voters of Alaska at the November 7, 2000 General Election, Assemblymembers Von Gemmingen and Tesche.
 - a. Resolution No. AR 2000-253(S), a resolution of the Anchorage Assembly opposing Statewide Ballot Measure 4: (Bill Limiting Property Assessment and Taxation) to be presented to the voters of Alaska at the November 7, 2000 General Election. **(LAID ON THE TABLE)**

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

8. Resolution No. AR 2000-254, a resolution of the Municipality of Anchorage accepting the **Anchorage Senior Study 2000 Report** and authorizing the Senior Citizens Advisory Commission to distribute the report, Health and Human Services. **(addendum)**
 - a. Information Memorandum No. AIM 91-2000.

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

9. Resolution No. AR 2000-257, a resolution of the Anchorage Municipal Assembly **recognizing, honoring and thanking the NorthEast Community Patrol for their service to the East Anchorage community**, Assemblymembers Taylor, Abney, Clementson, Fairclough, Hudson, Kendall, Meyer, Sullivan, Tesche, Tremaine and Von Gemmingen. **(addendum)**

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

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 830-2000, Ozone - Transfer of Ownership to **Snow Goose Restaurant** and Transfer of Location for a Beverage Dispensary Liquor License (Downtown Community Council), Clerk's Office.
2. Assembly Memorandum No. AM 831-2000, **Snow Goose Restaurant & Brewery** - New Brewpub Liquor License and Application for a Restaurant Designation Permit (Downtown Community Council), Clerk's Office.
3. Assembly Memorandum No. AM 814-2000, contract amendment No. 1, **Mountain View Transportation Improvements Phase I and Phase II**, DPW Nos. 98-16 and 99-29 (\$49,900), Public Works.
4. Assembly Memorandum No. AM 815-2000, sole source contract with Forty-Niner Remediation & Oil Spill Group for providing **emergency response clean-up services** for the Municipality of Anchorage, Municipal Light and Power (\$250,000), Purchasing.
5. Assembly Memorandum No. AM 818-2000, change order No. 1 to purchase order 200296 with United Fire Service, Inc. for the **maintenance and repair service of Emergency One (E-1) fire apparatus** for the Municipality of Anchorage, Fire Department (\$10,000), Purchasing.
6. Assembly Memorandum No. AM 819-2000, recommendation of award to Animal Licensing and Placement Services for providing **animal control services** to the Municipality of Anchorage, Department of Health and Human Services (RFP 20-P030) (\$1,879,000), Purchasing.

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

7. Assembly Memorandum No. AM 820-2000, recommendation to provide a short-term lease of storage/shop space from Bruno Rebmann and Sonya Rebmann/Roth for the **Eagle River/Chugiak Parks & Recreation Division** for the Municipality of Anchorage, Department of Property and Facility Management (\$6,480), Purchasing.

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

8. Assembly Memorandum No. AM 821-2000, recommendation of award to Interiors by Horst for **installation of Endura SRT floor tiles at Ben Boeke Arena** for the Municipality of Anchorage, Department of Property and Facility Management (RFQ 20-Q191) (\$35,950), Purchasing.
9. Assembly Memorandum No. AM 822-2000, proprietary purchase with H & R Management, Inc. for **miscellaneous building repairs at City Hall** for the Municipality of Anchorage, Department of Property and Facility Management (\$75,000), Purchasing.

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

10. Assembly Memorandum No. AM 823-2000, amendment No. 3 to professional services contract with CRW Engineering Group for **Campbell Creek Trail Connection to Tudor Road Crossing** (\$70,000), Cultural and Recreational Services.
11. Assembly Memorandum No. AM 824-2000, change order #6 to 1997-1999 contract with Trena Heikes, Attorney, to provide **legal services in the area of workers' compensation** (\$50,000), Finance.

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

12. Assembly Memorandum No. AM 825-2000, change order No. 4 to the contract with DBS Enterprises for the **Kincaid Bunker improvements**, Contract No. 99-C019 (\$21,647), Property and Facility Management.
13. Assembly Memorandum No. AM 826-2000, **Anchorage Jail Progress Report** and request for approval of Amendment No. 7 to the contract with Neeser Construction, Inc. (\$324,890), Property and Facility Management.
14. Assembly Memorandum No. AM 827-2000, **Kincaid Park Access Road, Phase 1** - Bus Access and Bus Facilities, Chalet to NSC Bunker, DPW Project #94-29, Utility Extension Agreement with ENSTAR Natural Gas Company (\$105,000), Public Works.
15. Assembly Memorandum No. AM 829-2000, change order No. 2 to construction contract with Alaska Construction & Engineering Inc. for **Eagle River Commons Park Phase I Improvements** (\$76,992.92), Cultural and Recreational Services.
16. Assembly Memorandum No. AM 832-2000, change order No. 2 to purchase order No. 0000992596 with Alaska Soil Recycling to **thermal remediate petroleum contaminated soil generated from fuel tank removal projects** at the Anchorage Police Department, Transit Warm Storage and Northwood Street Maintenance (\$7,357.61), Property and Facility Management.

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 87-2000, **contracts awarded between \$30,000 and \$100,000 through formal competitive processes** for the month of July 2000, Purchasing.
2. Information Memorandum No. AIM 88-2000, **Sole Source Procurement Report** for the month of July 2000, Purchasing.
3. Information Memorandum No. AIM 89-2000, **Geneva Woods Subdivision R.I.D. Phase I Improvements** - Notice of pending contract amendment to Summit Roads, DPW No. 98-11, Public Works.

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

4. Information Memorandum No. AIM 90-2000, intent to award a project to RIM Architects to provide **consultant services to assess the feasibility of a new Anchorage Convention Center** (RFP 20-P019) (\$100,000), Purchasing.

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

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, Fairclough, Taylor, Hudson, Clementson.
NAYS: None.

8. REGULAR AGENDA:

A. BID AWARDS: None.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2000-136, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 10.45.050 regarding **surcharges on tickets sold at the George M. Sullivan Sports Arena**, Assemblymember Fairclough. public hearing ~~9-12-00~~ 9-26-00.
 - a. Assembly Memorandum No. AM 789-2000.

Ms. Fairclough, Mr. Tesche, and Mr. Tremaine joined in introducing this ordinance. The public hearing was scheduled for September 26, 2000.

Mr. Tesche requested he be listed as a co-sponsor on this ordinance.

2. Ordinance No. AO 2000-137, an ordinance of the Anchorage Municipal Assembly amending Regulation 25.11 of the Anchorage Municipal Code and pertaining to the **facility use policy for the George M. Sullivan Arena**, Assemblymember Fairclough. public hearing ~~9-12-00~~ 9-26-00.
 - a. Assembly Memorandum No. AM 789-2000.

Ms. Fairclough, Mr. Tesche, and Mr. Tremaine joined in introducing this ordinance. The public hearing was scheduled for September 26, 2000.

Mr. Tesche requested he be listed as a co-sponsor on this ordinance.

Ms. Hudson pointed out that line 14 on page 4 should be amended to read, "...rate increases or decreases," adding the words "or decreases."

Ms. Fairclough said it was her intent that any contracts already entered into with the current Administration would be honored by the new Administration. She said the Department of Law would assist her in preparing a modification to state that the terms would not be changed in any contracts that have already been negotiated

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2000-240, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Robert E. Mathis for his 20 years of service with the Anchorage Police Department**, Assemblymembers Abney, Clementson, Fairclough, Hudson, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, and Von Gemmingen.

Mr. Tesche moved, to approve AR 2000-240.
seconded by Ms. Clementson,
and it passed without
objection,

Mr. Tremaine read the resolution, while Mr. Tesche presented it to Mr. Mathis.

Mr. Mathis said he had had 20 good years with the Department, and he thanked the Assembly for the recognition.

2. Resolution No. AR 2000-250, a resolution authorizing the **granting of tax refund as a result of manifest clerical error on Real Property Account 014-313-46**, Finance.
 - a. Assembly Memorandum No. AM 812-2000.

Ms. Hudson moved, to approve AR 2000-250.
seconded by Ms. Taylor,

Ms. Hudson moved, to amend AR 2000-250 at line 27 of Section 1 to read: "The
seconded by Mr. Tremaine, amount of taxes to be refunded is \$926.25 plus interest at
and it passed without 8.0% per annum."
objection,

Ms. Clementson moved, to amend AR 2000-250 at lines 23 and 27 of Section 1 to read:
seconded by Mr. Tremaine, "\$926.95."
and it passed without
objection,

Question was called on the motion to approve AR 2000-250 as amended and it passed without objection.

3. Resolution No. AR 2000-253, a resolution of the Anchorage Assembly **opposing Statewide Ballot Measure 4: (Bill Limiting Property Assessment and Taxation)** to be presented to the voters of Alaska at the November 7, 2000 General Election, Assemblymembers Von Gemmingen and Tesche.
 - a. Resolution No. AR 2000-253(S), a resolution of the Anchorage Assembly opposing Statewide Ballot Measure 4: (Bill Limiting Property Assessment and Taxation) to be presented to the voters of Alaska at the November 7, 2000 General Election. **(LAID ON THE TABLE)**

Mr. Tesche moved, to postpone action on AR 2000-253 indefinitely and substitute
seconded by Mr. Tremaine, AR 2000-253(S).
and it passed without
objection,

Mr. Tesche moved, to amend AR 2000-253(S) on line 30 to replace the word
seconded by Ms. Fairclough, "require" with the word "force."
and it passed without
objection,

Ms. Hudson moved, to amend AR 2000-253(S) to replace the "Whereas" paragraph
seconded by Mr. Tremaine, starting on line 22 with a new paragraph to read, "Whereas,
and it passed without Proposition 4 applies to taxes levied or pledged to pay for
objection, bonds issued after January 1, 2001, would have a devastating
effect on future bonding for construction of schools, fire
stations, roads, and other public facilities; and...."

Ms. Hudson moved, to amend AR 2000-253(S) to replace the word "after" with the
seconded by Ms. Clementson, word "beginning" in the third "Whereas" starting on line 22.
and it passed without
objection,

Mr. Sullivan said it was the Assembly's role to provide information to the public regarding what the results would be if the tax cap passed, but he was not comfortable advocating opposition to the ballot measure. He said although this item had the best of intentions, he would not support it.

Mr. Kendall pointed out if not for the Anchorage School District budget, for which the citizens of Anchorage pay 15 to 17 mills, general government could easily remain within the confines of a 10-mill cap, even paying for bonds for community services and facilities. He said the important question this issue raises is how education will be funded in the future. He felt it was the Assembly's role to solicit and generate information on the impact of the 10-mill tax cap should it pass, but it would not be appropriate for them to tell voters how to vote on this issue. Mr. Kendall said he would not support this resolution.

Mr. Tesche said if the tax cap initiative passed, it would not be possible to force the State of Alaska to assume the entire responsibility of funding education. He said it would be risky to hope that passage of the tax cap would bring the Legislature to its senses and millions of dollars would flow throughout the State for education. He said a little less than half of the mill levy was for general government, and a little more than half was for the school district, but the two could not be separated. Under the Municipality's structure, the School District and the Municipal government are one entity, subject to the tax cap, and voting for the tax cap would have no impact whatsoever on educational funding. With respect to the question regarding the proper role of elected officials in an issue such as this, Mr. Tesche said he felt it was not only the Assembly's responsibility to inform the public of the options and let voters decide, but he felt he was elected to lead and to provide his opinion regarding important issues, particularly an issue that could have a significant impact on the Municipality's financing, its structure, and the entire course of Municipal government. He felt he owed it to his constituents to let them know his position on this and other important issues, and he hoped other Assembly members agreed.

Ms. Clementson said she did not support the 10-mill tax cap. However, she said it was still early enough before the election, the Assembly should pass a resolution to encourage the public to involve themselves in both the School District and the Municipal budget processes, and to educate the public regarding how the budget cuts would impact all facets of the community.

Mr. Tremaine concurred with Mr. Tesche's comments regarding the leadership position of Assembly members. He said while constituents knew they would not agree with their Assembly person all the time, that was the person they selected to represent their community, to be informed on the issues, to be vocal, and to advocate for the good of the community. Mr. Tremaine said he would vote in favor of this resolution as a way of expressing his opposition to the tax cap initiative and that he joined with other municipal government representatives from around the State who had passed similar resolutions.

Ms. Fairclough said by supporting this resolution, she in no way meant to tell voters how they should vote. She concurred with Mr. Kendall that it was the Assembly's and Administration's job to help educate the voters. However, she said Assembly members were knowledgeable of the Municipal budget process, while many voters were not, and the Assembly members were aware of what a \$20 million cut would do to the budget. Ms. Fairclough also felt it was her responsibility to ensure that her constituents knew her position on this issue and others of importance. Ms. Fairclough said she would vote against the tax cap.

Mr. Tesche moved, to amend AR 2000-253(S) to replace the words at line 39,
seconded by Ms. Clementson, "urges voters to vote against" with the word "opposes."

Mr. Sullivan said this motion addressed the problem he had with the resolution. As currently worded, the resolution told voters how to vote, but as worded in Mr. Tesche's amendment, it simply stated the Assembly's position on the issue.

Ms. Hudson pointed out the amendment now made the paragraph labeled "Section 1" read awkwardly.

Ms. Clementson suggested replacing "at the general election" with "scheduled for the general election." Mr. Tesche accepted the friendly amendment.

Question was called on the motion to amend AR 2000-253(S) as amended and it passed without objection.

Question was called on the motion to approve AR 2000-253(S) as amended and it passed:

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

NAYS: Kendall.

4. Resolution No. AR 2000-254, a resolution of the Municipality of Anchorage accepting the **Anchorage Senior Study 2000 Report** and authorizing the Senior Citizens Advisory Commission to distribute the report, Health and Human Services. (**addendum**)
 - a. Information Memorandum No. AIM 91-2000.

Ms. Hudson moved, to approve AR 2000-254.
seconded by Ms. Taylor
and it passed without
objection,

Ms. Hudson commented she had only received a partial copy of the report.

Chair Von Gemmingen requested the Administration provide Ms. Hudson the full report.

5. Resolution No. AR 2000-257, a resolution of the Anchorage Municipal Assembly **recognizing, honoring and thanking the NorthEast Community Patrol for their service to the East Anchorage community**, Assemblymembers Taylor, Abney, Clementson, Fairclough, Hudson, Kendall, Meyer, Sullivan, Tesche, Tremaine and Von Gemmingen. (**addendum**)

Ms. Taylor moved, to approve AR 2000-257.
seconded by Ms. Clementson,
and it passed without
objection,

Ms. Clementson read the resolution, while Ms. Taylor presented it to the NorthEast Community Patrol representative.

The NorthEast Community Patrol representative thanked the Assembly for this great honor. She said the NorthEast Community Patrol would celebrate its first anniversary on Halloween of 2000. She noted the NorthEast Community Patrol

was responsible for the largest area in Anchorage, its boundaries being east and north to the military installations to Northern Lights and Boniface.

Ms. Abney requested a point of personal privilege to introduce her brother, Sam Abney, who was visiting from southern Illinois.

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 819-2000, recommendation of award to Animal Licensing and Placement Services for providing **animal control services** to the Municipality of Anchorage, Department of Health and Human Services (RFP 20-P030) (\$1,879,000), Purchasing.

Mr. Sullivan said he had received numerous calls favorable to this contractor. He said the actual bid information provided to the Assembly members was sparse.

Chair Von Gemmingen explained that information would not be included because this was a Request for Proposal.

Bart Mauldin, Acting Purchasing Officer, advised there were three proposals, but he was unable to provide the proposal data as that was proprietary information.

Mr. Sullivan moved, to approve AM 819-2000.
seconded by Mr. Tesche,
and it passed without
objection,

2. Assembly Memorandum No. AM 820-2000, recommendation to provide a short-term lease of storage/shop space from Bruno Rebmann and Sonya Rebmann/Roth for the **Eagle River/Chugiak Parks & Recreation Division** for the Municipality of Anchorage, Department of Property and Facility Management (\$6,480), Purchasing.

Mr. Tremaine moved, to approve AM 820-2000.
seconded by Ms. Fairclough,

Mr. Tremaine noted the lease of \$600 per month was reasonable, but the utilities were \$120 per month, which seemed high.

Acting Purchasing Director Bart Mauldin said the shop facility utilities were projected at \$120 per month, although they would pay the actual cost for the utilities. He said they run a lot of power tools in the shop, but the estimate was a little high to ensure the actual cost was covered.

Question was called on the motion to approve AM 820-2000 and it passed without objection.

3. Assembly Memorandum No. AM 822-2000, proprietary purchase with H & R Management, Inc. for **miscellaneous building repairs at City Hall** for the Municipality of Anchorage, Department of Property and Facility Management (\$75,000), Purchasing.

Ms. Clementson moved, to approve AM 822-2000.
seconded by Ms. Taylor,

In response to Ms. Clementson, Acting Purchasing Director Bart Mauldin said a provision could be included which stated that the proprietary contract with H & R Management, Inc., was valid only through the life of the current lease.

Ms. Clementson moved, to amend AM 822-2000 to incorporate a clause at the end of
seconded by Mr. Tesche, the last sentence to read, "in an amount not to exceed \$75,000
and it passed without for a one-year period or until expiration of the current lease,
objection, whichever occurs first."

Question was called on the motion to approve AM 822-2000 as amended and it passed without objection.

4. Assembly Memorandum No. AM 824-2000, change order #6 to 1997-1999 contract with Trena Heikes, Attorney, to provide **legal services in the area of workers' compensation** (\$50,000), Finance.

Mr. Tremaine moved, to approve AM 824-2000.
seconded by Mr. Tesche,

Mr. Tremaine said the original contract was for a term of three years, not to exceed \$50,000 per year, or \$150,000 aggregate over a three-year term, and this addition would bring the total for this contract to \$225,000. He said it was his recollection they had approved \$50,000 for this contract in 2000, with the assurance from the Mystrom Administration that they would pay no more and this amount would suffice for the work remaining to be done. Mr. Tremaine said he had submitted an information request earlier in the day and had received information that these were all 1996 Worker's Compensation cases, 15 of which remained unresolved at this time. He said he was not inclined to approve additional funding for an attorney who has been working on 1996 cases for four years, especially since they had allocated \$150,000 in the last several months for this contract. Mr. Tremaine expressed his belief that the Municipality had in-house attorneys who could handle Worker's Compensation cases.

Glenn Smith, Director of Risk Management, explained the contract was awarded in 1996 with an expiration of date of January 21, 1997 and two one-year renewals that extended it through December 1999. He said six of the fifteen outstanding cases were currently in the Superior Court, two were at the Supreme Court. He noted the Municipality is not refunded its fees if they prevail at the Supreme Court level on Worker's Compensation cases, but they pay the fees if they do not prevail. He said there were some serious compensation issues as well as rules for travel to and from work. Mr. Smith said this law firm had been selected out of five bidders through the RFP process for a new contract to commence in January 2000. He said he had selected the winning bidder based on the firm's experience in Worker's Comp cases, and this firm had three attorneys who handle Worker's Comp cases specifically.

Municipal Attorney Bill Greene discussed the inadvisability of switching attorneys mid-case. He said while qualified attorneys could learn Worker's Comp law, none of the attorneys in the Municipality's Law Department have extensive experience in this area. He said they would either have to hire attorneys with that specific experience or spend considerable time and funds to train Municipal in-house attorneys to be proficient in this area of law.

Mr. Tesche asked if Patricia Huna-Jines, Municipal Attorney, who was previously Chair of the Alaska Worker's Compensation Board and served as a Hearing Officer, was not qualified to work on these cases.

Mr. Greene said her present assignment was in the employee relations field, and Ms. Huna-Jines had not worked in the Worker's Comp field for some time.

In response to Mr. Tesche, Mr. Smith said the extensions of the current contract were allowed under Municipal Code Title 7 change order procedures. Mr. Smith said new referrals were made to the law firm under the new contract that commenced in January 2000.

In response to Chair Von Gemmingen, Mr. Smith clarified the change order under discussion was for the 1997-1999 contract that expired in December 1999.

Mr. Tremaine said he viewed this as a holdover problem from the Mystrom Administration. He said he realized changes were being made and bidding practices were being reviewed. He said this may be an incentive to implement legal bidding practices on a fixed fee rather than an hourly basis. He reiterated that the Mystrom Administration had assured the Assembly the last \$50,000 appropriation would be the last one requested on this contract, and his no vote indicated he felt the past Administration should be held to its promise.

Mr. Tesche said he had reservations, but would vote in favor of this item in light of the discussion. He said based on his own experience in this area, he understood the Risk Manager's comments that once these cases get to the Superior and Supreme Court levels, they tend to be literally beyond the control of any person. He also realized that the expense of additional public funds and the time that would be involved to train in-house legal counsel to represent the Municipality in these cases would be substantial. However, he reiterated that they should review and revise their competitive bidding procedures and that the Municipal Attorney may wish to review the potential for in-house counsel handling of these types of cases in the future. He pointed out the appellate process was much slower, and at some point, it may be possible to manage these cases effectively in-house for less money than contracting out for these services.

Question was called on the motion to approve AM 824-2000 and it passed:

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

NAYS: Tremaine.

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 89-2000, Geneva Woods Subdivision R.I.D. Phase I Improvements - Notice of pending contract amendment to Summit Roads, DPW No. 98-11, Public Works.

Mr. Tremaine moved, to accept AIM 89-2000.
seconded by Mr. Tesche,

Mr. Tremaine said this amendment was to increase a road improvement contract in Geneva Woods Subdivision by \$30,000 for the purpose of excavating organic material found that had not been anticipated prior to the commencement of the contract.

In response to Mr. Tremaine, Howard Holtan, Municipal Engineer, said excavators would be required to remove many cubic yards of material, and the cost to remove all of the material would be substantially in excess of \$30,000.

Mr. Tremaine said it would be prudent to ensure that projects are done right the first time because future expenditures to remedy problems on a project were extremely expensive. He said he hoped the Administration was taking this process into consideration as it reviewed the Municipality's construction and inspection procedures.

Question was called on the motion to accept AIM 89-2000 and it passed without objection.

2. Information Memorandum No. AIM 90-2000, intent to award a project to RIM Architects to provide **consultant services to assess the feasibility of a new Anchorage Convention Center** (RFP 20-P019) (\$100,000), Purchasing.

Mr. Sullivan moved, to accept AIM 90-2000.
seconded by Mr. Kendall,

In response to Mr. Sullivan, Greg Carson of Management Information Systems advised this study was scheduled for completion six months from notice to proceed.

Question was called on the motion to accept AIM 90-2000 and it passed without objection.

There was a suggestion to change the orders of the day to consider item 9.B., AR 2000-131. There was no objection.

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

- A. Resolution No. AR 2000-111(S), a resolution **confirming and levying sanitary sewer improvements for Old Girdwood Lateral Sewer Special Improvement District (LID) 60-9**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 754-2000.
(POSTPONED FROM 8-15-00)

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

- B. 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.
 3. Information Memorandum No. AIM 76-2000.
 4. Information Memorandum No. AIM 86-2000.
(CARRIED OVER FROM 6-13-00; AMENDED 6-20-00; POSTPONED FROM 6-20-00 AND 7-18-00)

Chair Von Gemmingen said the Department of Law had advised that Mr. McGee and Mr. Wheeler had met and discussed this property and were working toward drafting a mutual agreement regarding access to North Point Drive. Mr. McGee had requested the Assembly to postpone action on this item until September 12, 2000.

Ms. Hudson moved, to postpone action on AR 2000-131 until September 12, 2000.
seconded by Ms. Fairclough,

Ms. Clementson noted this would set a precedent for a very serious change in Municipal policy that may have far-reaching implications beyond the scope of this particular project. She said they could anticipate a substantial increase in residents who would dispute assessments by promising not to use the improvement that was the subject of the dispute. She cautioned the Assembly to carefully consider this item, and she advised the Department of Law not everyone on the Assembly thought approval of this resolution would be a prudent move. She reminded everyone of the Northeast Turnagain project where residents had promised to add items to their plats and to never access the improvement, and it had cost the Municipality thousands of dollars. She suggested a work session to discuss this further before final action was taken.

Municipal Attorney Bill Greene assured the Assembly the Department of Law was not negotiating with Mr. McGee. They were simply reviewing his proposal at the Assembly's request for the purpose of advising the Assembly of the feasibility of the proposal.

Question was called on the motion to postpone action on AR 2000-131 and it passed without objection.

There was a suggestion to change the orders of the day to consider item 10, Appearance Requests. There was no objection.

- C. Ordinance No. AO 2000-97, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Subsection 21.15.005 B. regarding **public hearing notices for Title 21 provisions** (Planning and Zoning Commission Case 2000-121), Assemblymember Sullivan.
1. Assembly Memorandum No. AM 573-2000.
 2. Information Memorandum No. AIM 92-2000, Community Planning and Development.
(addendum)
(POSTPONED FROM 8-15-00)
- D. 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, 6-13-00, 6-20-00, AND 7-18-00; POSTPONED FROM 7-25-00 AND 8-15-00)

Items 9.C and 9.D were considered later in the meeting. See item 15., Unfinished Agenda.

10. APPEARANCE REQUESTS:

- A. **Stuart H. Grenier**, to request the planned development of Centennial Park/Pena Field be stopped and recognized as a valued wooded area.

Chair Von Gemmingen advised Mr. Grenier withdrew his appearance request earlier and would reschedule at a later date.

- B. **Johnny Grames**, concerning road work by Summit Roads on 11th and 'N' Street.

Mr. Grames described the bedlam, noise, and blocked access that has been caused at 11th and N Street from 7:00 in the morning for the past three weeks due to the construction project in that area. He explained how his son, a disabled golfer, had to dodge new asphalt, barricades, and hedges to get out to the street from his front door so a friend could pick him up to go somewhere. On top of that, the steamroller driver who was working between N and P Streets rudely displayed impatience while his son, who only has one leg, was getting his stuff and Mr. Grames was saying hello to the friend who was picking up his son. He said they have had to endure this construction and bedlam surrounding their home for two months, and the steamroller operator couldn't even wait two minutes for his disabled son to gather up his gear and get it into the vehicle when his friend came to pick him up. Mr. Grames said AWWU was working for Summit Alaska, Inc., on this project, and he felt very few companies could afford to bid on these construction projects and this adds a considerable amount of cost to the projects.

Melvin Reynolds, Superintendent for Summit on the construction project described by Mr. Grames, said he had gone to the job site before the project started and introduced himself to the homeowners, discussed the upcoming project with them, and pointed out his vehicle so he would be easily identifiable. He had explained this would be a property owner's job. He said no trees or shrubbery had been removed, and the job had been put on an accelerated schedule. Mr. Reynolds said Mr. Grames had called him on the phone and he had listened patiently to his complaints. When he started to reply, Mr. Grames hung up. Mr. Reynolds said the neighborhood had thrown a block party in honor of the crew doing the job, something that had never occurred in his 33 years doing this type of work. He said that spoke for itself about how the rest of the neighborhood felt about the crew working on this project.

In response to Mr. Sullivan, Mr. Reynolds said they had been scheduled to pave today but were rained out. The only things left to be done were the paving and hydro-seeding.

The meeting recessed at 6:35 p.m. and reconvened at 7:05 p.m.

There was a suggestion to change the orders of the day to consider item 11.B., AO 2000-69. There was no objection.

11. CONTINUED PUBLIC HEARINGS:

- A. Ordinance No. AO 2000-119, an ordinance amending Chapter 21.05, adding Chapter 21.06, **adopting the Anchorage 2020 Anchorage Bowl Comprehensive Plan**, directing codification thereof and providing an effective date, Legal Department/Community Planning and Development.
1. Assembly Memorandum No. AM 663-2000.
 2. Information Memorandum No. AIM 81-2000.
- (CONTINUED FROM 7-25-00, 8-15-00, AND 8-23-00)

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

- B. Ordinance No. AO 2000-69, an ordinance amending Title 21 of the Anchorage Municipal Code of Ordinances **amending the B-3 General Business District by adding mini-storage and vehicle storage facilities as conditional uses**, providing for conditional use standards for vehicle storage facilities, and defining vehicle storage facility (Planning and Zoning Commission Case 00-095), Assemblymember Kendall.
1. Assembly Memorandum No. AM 351-2000.
- (CONTINUED FROM 7-25-00 AND 8-15-00)

Ms. Clementson asked if this item had been before the Planning and Zoning (P&Z) Commission. She noted the Assembly had not received a packet on it. She felt the Assembly could not take action until they received the packet.

Assistant Municipal Attorney Dennis Wheeler said he and Mr. Kendall would meet with Planning staff and mini-storage representatives early next week, and Mr. Kendall would like to postpone action on this item as they are currently working on a substitute version of this ordinance. He said it would take a couple of weeks to complete the (S) version, which may then have to be reviewed by the Planning and Zoning Commission.

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 postpone action on AO 2000-69 indefinitely.
seconded by Mr. Tesche,

Mr. Kendall said he would submit a new ordinance at a later date. In response to Chair Von Gemmingen, Mr. Kendall said the Assembly could disregard the letter from Spreng Associates as he had discussed the issue with Mr. Spreng and would be working with him to come up with a different solution. In response to Ms. Fairclough, Mr. Kendall said P&Z's comments would be included in the new ordinance.

Question was called on the motion to postpone action on AO 2000-69 indefinitely and it passed without objection.

Mr. Tesche moved, to change the orders of the day to consider items 12.F,
seconded by Ms. Taylor, AO 2000-80, 12.G, AR 2000-187, and 12.L, AO 2000-133.
and it passed without
objection,

Ordinance No. AO 2000-80, an ordinance of the Anchorage Assembly amending the zoning map and providing for the **rezoning from I-2 (Heavy Industrial) to (I-2) (Heavy Industrial) with Special Limitations and from MC (Marine Commercial) to MC (Marine Commercial) with Special**

Limitations of certain real property generally located northwest and east of Government Hill
(Planning and Zoning Commission Case 2000-108) (Government Hill Community Council),
Assemblymembers Tesche, Taylor, Tremaine, and Abney.

Mr. Tesche moved, to postpone action on AO 2000-80 indefinitely.
seconded by Ms. Taylor,

Mr. Tesche explained that staff had provided recommendations for a thorough substitute for this ordinance and it would be introduced at a later time as a completely new ordinance.

Question was called on the motion to postpone action on AO 2000-80 indefinitely and it passed without objection.

Resolution No. AR 2000-187, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Package Store Liquor) located on Chester H. Lloyd Subdivision, South 1/2, South 1/2, Lot 14, generally located on the east side of Jewel Lake Road and north of West Dimond Boulevard (MRT, Inc. dba **C&D Liquor #4**) (Case 2000-125), Community Planning and Development.

1. Assembly Memorandum No. AM 605-2000.
2. Information Memorandum No. AIM 79-2000, information from public regarding transfer of ownership and location of a package store liquor license, Municipal Clerk.
3. Assembly Memorandum No. AM 741-2000, Transfer of Ownership and Location of a Package Store Liquor License (Jewel Lake Community Council), Clerk's Office.
4. Information Memorandum No. AIM 93-2000, information from public regarding transfer of ownership and location of a package store liquor license, Municipal Clerk. (**addendum**)
5. Information Memorandum No. AIM 94-2000, application for a conditional use permit and transfer of ownership and location of a package store liquor license, Municipal Clerk. (**addendum**)

Mr. Sullivan moved, to postpone action on AR 2000-187 indefinitely.
seconded by Mr. Tesche,
and it passed without
objection,

Ms. Taylor commended the Schrages for listening to the wishes of the community and being responsible business owners. She said it was apparent by the withdrawal of their application the Schrages wanted what was best for the community.

Mr. Sullivan moved, to postpone action on AM 741-2000 indefinitely.
seconded by Mr. Tesche,
and it passed without
objection,

Ordinance No. AO 2000-133, an ordinance amending Anchorage Municipal Code Chapter 4.40 to enact a new Section 4.40.160 **creating the Firearm Registration Review Board** to review and determine applicant eligibility of federal "Application for Tax Paid Transfer and Registration of Firearm" (Alcohol, Tobacco and Firearm Form 4) and setting out the Board's duties, responsibilities and procedures, Legal Department.

1. Assembly Memorandum No. AM 799-2000.
2. Ordinance No. AO 2000-133(S), an ordinance amending Anchorage Municipal Code Chapter 4.40 to enact a new Section 4.40.160 creating the Firearm Registration Review Board to review and determine applicant eligibility of federal "Application for Tax Paid Transfer and Registration of Firearm" (Alcohol, Tobacco and Firearm Form 4) and setting out the Board's duties, responsibilities and procedures, Legal Department
3. Assembly Memorandum No. AM 804-2000.

Mayor Wuerch moved, to postpone action on AO 2000-133 and AO 2000-133(S)
seconded by Mr. Tremaine, indefinitely.
and it passed without
objection,

12. NEW PUBLIC HEARINGS:

- A. Resolution No. AR 2000-218, a resolution of the Anchorage Municipal Assembly **naming the Midtown Park site that includes Tract 3 ZJ Loussac Library Subdivision, Lot 2 Primera Subdivision, and Tract "A" Cook Subdivision as "The Cuddy Family Mid-Town Park"** in recognition of the long years of community support, generous and visionary contributions to the Municipality of Anchorage, Cultural and Recreational Services.
1. Assembly Memorandum No. AM 737-2000.

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

ROBERT HAYES noted that parking within the area of the park was already almost filled to capacity, and available parking areas within the city were limited as well. He said the Anchorage 2020 Comprehensive Plan should take into consideration providing additional parking in Anchorage in correlation with the projected future population growth of the city.

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

Ms. Fairclough moved, to approve AR 2000-218.
seconded by Ms. Hudson,

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

Mayor Wuerch advised the dedication ceremony would be held Thursday, August 31, 2000, at 6:00 p.m., and former Mayor Mystrom and the Cuddy family would be co-presiding with the assistance of Administration staff. He extended the Administration's appreciation to the Assembly for approving the resolution and to the Cuddy family for their substantial donation that had made this park possible.

- B. Resolution No. AR 2000-228, a resolution of the Municipality of Anchorage appropriating \$418,604 to the State Categorical Grants Fund (231), Department of Public Transportation from the Alaska Commission on Aging to **assist in the funding of coordinated transportation services for senior citizens and for people with disabilities within the Municipality of Anchorage**, Public Transportation Department.
1. Assembly Memorandum No. AM 758-2000.

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

ROBERT HAYES said he hoped the current Administration did a better job than the last of maintaining bus stops in the wintertime. He said improvements would make the bus stop areas safer for elderly people to use the City bus system.

DARRELL NELSON said he worked for Access Alaska in the Anchorage office, and he had been appointed to the Public Advisory Board by Mayor Wuerch. He said a 10-percent budget cut to the People Mover system would be very detrimental to handicapped persons who use the system. Route 76, which services Chugiak, would be cut, not to mention the adverse impact to people who use the Anchor Rides and Share Rides services. Mr. Nelson said many handicapped persons use the services to go to work, school, and medical appointments, and provision of these essential transportation services was a necessity in the everyday lives of these people.

GEORGE JORDAN said he lived in Eagle River. He said he was on dialysis and used Anchor Rides to get to Providence Hospital five days a week for amputation therapy. In addition, his driver's license was medically revoked in August of 1997 due to blindness. Mr. Jordan said he had multiple disabilities, and he depended on Anchor Rides as his mode of transportation. He said he was unable to work due to his medical conditions and had two children in college. He said his wife shared rides, and he used the services of friends for transportation on the weekends when he needed to go somewhere and Anchor Rides was not available. He expressed serious concerns regarding budget cuts for transportation services to the Eagle River area.

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

Mr. Kendall moved, to approve AR 2000-228.
 seconded by Ms. Taylor,

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

- C. Resolution No. AR 2000-230, a resolution **authorizing the application for and acceptance and appropriation of State of Alaska, Department of Environmental Conservation (ADEC) grant funds** under the ADEC Matching Grant Program (Senate Bill 192) (\$2 million), Water and Wastewater Utility.
1. Assembly Memorandum No. AM 760-2000.

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

Mr. Kendall moved, to approve AR 2000-230.
 seconded by Mr. Sullivan,

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

- D. Resolution No. AR 2000-231, a resolution of the Municipality of Anchorage accepting when tendered \$468,750 from the Federal Aviation Administration Airport Improvement Program grant, and \$15,625 from the Alaska State Department of Transportation and Public Facilities grant; and appropriating said grants and \$15,625 from Airport Retained Earnings to Merrill Field's Capital Improvement Fund for **installing barrier gates and signage on Taxiways Golf and Quebec**, Merrill Field Airport.
1. Assembly Memorandum No. AM 761-2000.

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

Mr. Kendall moved, to approve AR 2000-231.
 seconded by Ms. Taylor,

In response to Ms. Fairclough, Mike Byington, Merrill Field Assistant Airport Manager, said Merrill Field administrators work very closely with the Federal Aviation Administration (FAA) to coordinate projects and funding. He said these projects were in the design phase, and this resolution was intended to permit Merrill Field to receive the funding for them. He said this grant project was projected for completion in one and a half to two years, and funding would be settled at the end of the project. He said they normally return small amounts of grant money upon completion of such projects.

Question was called on the motion to approve AR 2000-231 and it passed:

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

- E. Resolution No. AR 2000-232, a resolution of the Municipality of Anchorage revising the 2000 General Government Operating Budget to **provide for an increase of salaries and benefits in accordance with the International Association of Fire Fighters (IAFF), Local No. 1264 contract agreement**, Office of Management and Budget (\$1,568,230).
1. Assembly Memorandum No. AM 762-2000.

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

ROBERT HAYES said it was good to pay our fire fighters well, but when he had problems with the School District's fire alarm systems, he felt the Fire Marshal and Fire Chief did not do their job and investigate the problems. As a result, a couple of fire fighters almost lost their lives in the Russian Jack School fire. He felt fire fighter salary increases are totally justified when they are unnecessarily put at such risk.

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

Ms. Fairclough moved, to approve AR 2000-232.
 seconded by Ms. Taylor,

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

Mr. Tremaine requested a point of personal privilege to introduce his mother, Mrs. Dorothy Tremaine, visiting from Florida. The Assembly welcomed Mrs. Tremaine.

- F. Ordinance No. AO 2000-80, an ordinance of the Anchorage Assembly amending the zoning map and providing for the **rezoning from I-2 (Heavy Industrial) to (I-2) (Heavy Industrial) with Special Limitations and from MC (Marine Commercial) to MC (Marine Commercial) with Special Limitations of certain real property generally located northwest and east of Government Hill** (Planning and Zoning Commission Case 2000-108) (Government Hill Community Council), Assemblymembers Tesche, Taylor, Tremaine, and Abney.
- G. Resolution No. AR 2000-187, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Package Store Liquor) located on Chester H. Lloyd Subdivision, South 1/2, South 1/2, Lot 14, generally located on the east side of Jewel Lake Road and north of West Dimond Boulevard (MRT, Inc. dba **C&D Liquor #4**) (Case 2000-125), Community Planning and Development.
1. Assembly Memorandum No. AM 605-2000.
 2. Information Memorandum No. AIM 79-2000, information from public regarding transfer of ownership and location of a package store liquor license, Municipal Clerk.
 3. Assembly Memorandum No. AM 741-2000, Transfer of Ownership and Location of a Package Store Liquor License (Jewel Lake Community Council), Clerk's Office.
 4. Information Memorandum No. AIM 93-2000, information from public regarding transfer of ownership and location of a package store liquor license, Municipal Clerk. (**addendum**)
 5. Information Memorandum No. AIM 94-2000, application for a conditional use permit and transfer of ownership and location of a package store liquor license, Municipal Clerk. (**addendum**)

Items 12.F and G were considered earlier in the meeting. See after item 11.

- H. Ordinance No. AO 2000-132, an ordinance of the Anchorage Municipal Assembly **authorizing the Municipality of Anchorage to consolidate and amend existing leases by City Hall**, to extend the leases for a term to expire no earlier than September 30, 2025, adjust the rent, provide for an option to purchase and amend other provisions, for the purpose of continuing the lease thereof for municipal offices, Assemblymember Tesche.
1. Assembly Memorandum No. AM 797-2000.
- I. Ordinance No. AO 2000-101, an ordinance amending Anchorage Municipal Code Section 3.30.172 to **classify executive positions**, Legal Department.
1. Assembly Memorandum No. AM 757-2000.
- J. Ordinance No. AO 2000-131, an ordinance amending Anchorage Municipal Code Chapter 1.35 by enacting an ordinance **delineating which principal executive personnel and members of boards and commissions shall take and subscribe an oath of office**, Legal Department.
1. Assembly Memorandum No. AM 791-2000.
- K. Ordinance No. AO 2000-130, an ordinance amending Anchorage Municipal Code Sections 9.06.090 and 9.48.130 to include **double fines for traffic offenses occurring in highway work zones** and to authorize the Traffic Engineer to establish such zones, Legal Department.
1. Assembly Memorandum No. AM 798-2000.

Items 12.H, I, J and K were considered later in the meeting. See item 15, Unfinished Agenda.

- L. Ordinance No. AO 2000-133, an ordinance amending Anchorage Municipal Code Chapter 4.40 to enact a new Section 4.40.160 **creating the Firearm Registration Review Board** to review and determine applicant eligibility of federal "Application for Tax Paid Transfer and Registration of Firearm" (Alcohol, Tobacco and Firearm Form 4) and setting out the Board's duties, responsibilities and procedures, Legal Department.
1. Assembly Memorandum No. AM 799-2000.

2. Ordinance No. AO 2000-133(S), an ordinance amending Anchorage Municipal Code Chapter 4.40 to enact a new Section 4.40.160 creating the Firearm Registration Review Board to review and determine applicant eligibility of federal "Application for Tax Paid Transfer and Registration of Firearm" (Alcohol, Tobacco and Firearm Form 4) and setting out the Board's duties, responsibilities and procedures, Legal Department
3. Assembly Memorandum No. AM 804-2000.

This item was considered earlier in the meeting. See after item 11.

13. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS: None.

14. SPECIAL ORDERS:

- A. **Motion to cancel the November 7, 2000 Regular Assembly Meeting.**

This item was considered later in the meeting. See after item 16.

15. UNFINISHED AGENDA:

- A. Ordinance No. AO 2000-119, an ordinance amending Chapter 21.05, adding Chapter 21.06, **adopting the Anchorage 2020 Anchorage Bowl Comprehensive Plan**, directing codification thereof and providing an effective date, Legal Department/Community Planning and Development.
 1. Assembly Memorandum No. AM 663-2000.
 2. Information Memorandum No. AIM 81-2000.
 (CONTINUED FROM 7-25-00, 8-15-00, AND 8-23-00)

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

JOYCE PALMER said she had been a property owner in Vallivue Estates Subdivision for 29 years. She supported installation of sewer systems in certain hillside subdivisions with smaller lots, including her subdivision. She said there were 229 homes in Vallivue Estates, 161 of which were on lots of less than one-half-acre in size. Ms. Palmer advised that the Vallivue Estates Property Owners Association had passed a motion earlier this month supporting a feasibility study to assess the cost of bringing Municipal sewer service to the Vallivue hillside area. She said information packets had been provided to the Assembly members that included a color-coded plat map reflecting Vallivue onsite septic improvements over the past 30 years. She briefly summarized the plat map, and pointed out that the aging septic systems in the 30-year-old subdivision would present difficulties for property owners to find an MOA-acceptable site for future improvements on their small lots. She stressed the importance of addressing this looming public health threat for the Vallivue Estates Subdivision in the Anchorage 2020 Comprehensive Plan as it may undermine the Municipality's visions and goals as outlined in Chapter 3. Ms. Palmer recommended the following: (1) that the Assembly take action to approve the Hillside Wastewater Management Plan as part of the expanded Hillside District Plan; (2) that adequate funding be provided to complete the process in the first three years; (3) to carefully develop the definitions of "urban" and "rural"; (4) to allow small-lot subdivisions such as Vallivue to be placed in a category with larger lots of two or more acres, such as Prospect Heights; and (5) to listen to the collective voice of Vallivue residents and residents of other related small-lot Hillside subdivisions as the Anchorage 2020 Plan moves into implementation to ensure optimum health, safety, and future for Vallivue and other hillside residents.

MICHAEL KEAN felt an economic analysis of the Plan should be conducted prior to adoption so any flaws could be corrected prior to implementation. He asked what would happen if the proposed tax cap passed and there was inadequate funding to implement the plan. Mr. Kean said private versus public transportation was also a major issue, and public transportation was a necessity for the Anchorage bowl. He said he would like to see better east/west and north/south access across town, as well as improved access to the Port of Anchorage, the Anchorage International Airport from within the bowl area, and into and out of the bowl area north and south of Anchorage. Mr. Kean said the transportation infrastructure was vital to the economic development of Anchorage and the state of Alaska. He felt a review was needed for green and open space areas, with a view toward consolidating small, relatively unusable areas into larger multi-use areas available for use by a broad segment of the community. He suggested that light industry, value-added assembly firms, manufacturing plants, call centers, and return and repair operations be grouped together in an industrial park type setting, and that neighborhood commercial centers be encouraged but not mandated under the Plan. He said the final Plan should provide broad guidance for the future, not a directive for mandatory requirements. Mr. Kean commended everyone involved in the drafting of the Anchorage 2020 plan for their hard work, and he requested the Assembly to consider the issues he had addressed. He submitted a copy of his comments to the Assembly.

CHERYL RICHARDSON said she worked for the Alaska Center for the Environment, typically on transportation and air quality issues. She said the Center had held a series of publicly advertised meetings three years ago to develop a vision for Anchorage that could be contributed to the comprehensive planning process. Ms. Richardson complimented the current plan and said it was very close to the vision the Center established in 1997. She said the Center urged the Assembly to adopt the Plan, and she pointed out that it would provide the following benefits: (1) Residents could continue to enjoy the wildlife and pristine beauty of Alaska; (2) Jobs would be sustainable and not dependent on the whims of multi-national resource extraction industries; (3) Major streams and waterways would be devoted to greenbelts and bike trails, and wetlands would be protected from airport industrial expansion; (4) Air quality standards would be maintained at a healthy level; (5) Residents would be provided with safe pedestrian walkways and public transportation; (6) Roads and businesses would be landscaped and parking lots visually screened; (7) Downtown would be strengthened with expanded residential and commercial sectors, and surrounding neighborhoods would be linked to parks, trails, and mass transportation; (8) Economic growth of the community would be based on non-polluting, sustainable, and diverse commerce that would not threaten established neighborhoods; (9) They would have design standards that respect Anchorage's sub-Arctic location and give a true northern sense of place, incorporating solar orientation, wind exposure, and viewshed protection. She closed by stating Anchorage could become a great place again, a city we can be proud of, and the Center urged adoption of the Plan.

ROBERT HAYES said his observations as a University Area Community Council member seemed to indicate neighborhood roads are congested during rush hours but have normal traffic flow at non-rush-hour times. He felt this issue should be addressed in the Plan. He suggested that building shoulders on our roads would provide room for expansion and snow removal. He felt additional parking and recreational facilities for youth should be considered in the Plan. He said automobile exhaust pollution should be addressed, and wastewater discharge into the inlet should be reviewed to ensure public health and safety standards are being met and will continue to be met in the future.

ROBERT MILLER, a Potter Valley resident, spoke on behalf of the Miller family, who, along with Fortune Properties, owned most of the vacant land in the Potter Valley area. As a land use group participant in the 2020 Plan, a Rabbit Creek Community Council Board member, and a landowner, he stressed the importance to area residents of low-density development. He said although high-density development had been planned for the area in the early '80s, the development that had occurred had been market-limited to medium-density, and the balance of the property that remained was vacant land. He pointed out that the community, along with the developer, was responsible for extending sewers and roads into the R-3 and R-1 areas. Mr. Miller said many generalized references and vague phrases in the Anchorage 2020 Plan, especially in Chapters 4 and 5, caused him great concern as a property owner. He said the lack of specificity in the 2020 Plan must be corrected to address questions such as, Who pays for and builds trails? Who pays for open space and corridors? When amenities are dedicated but never developed, whose responsibility does it become in the future to develop them, the developer or the residents? Mr. Miller also noted that reference in the Plan to the "Hillside District Land Use Plan" implies that the hillside is not included in the 2020 Plan, and the reader is referred to the individualized Hillside Plan instead, and he had been advised by staff there were no current plans to include the Hillside in the comprehensive planning process. He questioned the population projections of 100,000, and he asked how the Plan could anticipate the projection of a major loss of tax base in the Matanuska-Susitna Valley but reflect little concern when revenue was an essential ingredient to the success of the Plan. He said the Plan offered public transportation, trails, and pedestrian access to public facilities and services, but mentioned roads only sparsely throughout the document, yet roads are Anchorage's most serious deficiency at the present time. Also, he said large retail outlets are not mentioned in the Plan, and the only alternative is small neighborhood shops. In addition, Mr. Miller said Title 21 should be reviewed and revised by a competent land use law firm and brought into compliance with recent land use case law.

GEORGIA FORSYTHE commended the Planning Department staff and citizen task forces for their hard work and dedication to development of the 2020 Anchorage Bowl Comprehensive Plan. Ms. Forsythe said she and her husband homesteaded one-half of the land in the O'Malley Road/Birch Road area 51 years ago. Later, when they sold parcels of their land, they tried to ensure that what the land was to be used for would enhance the area for everyone. She said commercial development of this area would be prohibitively costly, and there was little need for it. Ms. Forsythe said the Plan specifically states that neighborhood commercial centers, if wanted, would be determined through a neighborhood district planning process in response to the needs and character of the area and the traffic patterns. Therefore, it was inappropriate for the red dots and Xs indicating the locations of neighborhood commercial centers to remain in the Plan, and she respectfully requested they be deleted from the Plan and removed from the map.

CHRIS HAMRY, said he represented the Home And Land Owners Organization (HALO) in southeast Anchorage, which was organized in 1974 and currently has 700 members. He said HALO's original charter provided the organization would promote a rural way of life with low-density development, where water would be available for residents' needs, and where the character of the community experience would remain. Their charter was also to promote policies that would postpone or eliminate inappropriate development that would result in the need for expensive utilities and services. Mr. Hamry said HALO supported the Comp Plan statements regarding preserving the natural features of the rural residential areas on the hillside and that public services, such as water and sewer, would only be provided in the urban service areas of town. However, he asked where the line was drawn to separate the urban and rural service areas. He said the gray boundary line on page 20 of the original Comp Plan loosely defined the proposed urban/rural boundary, and HALO opposed its implications, i.e., that the residents of that area should surrender all of the lower Hillside and much of the mid hillside, as well as some of the upper Hillside, to urban services. He said the boundary line in the Plan substantially expands public water and sewer high-density on the Hillside as a policy goal. HALO requested the gray line be removed from the Plan and that the Hillside District Land Use Plan proposed in the Comp Plan be developed based on what is appropriate to the local area and the desires of the affected residents. Mr. Hamry said HALO supported the Hillside District Land Use Plan, and a comprehensive approach to population densities and infrastructure that can specifically address the specific geographic conditions, services, facilities, and unique challenges of the hillside should be taken into consideration. He said the District Plan was currently scheduled for development in the seven- to nine-year time frame, and HALO requested the Hillside Plan be brought forward to be developed within the next three years because development is occurring quickly in this area at the present. HALO urged the Assembly to delete the "no net loss of residential density policy," the urban/rural services gray boundary line, the three-DUA policy, and the red dots and/or Xs indicating neighborhood commercial centers for the hillside. He said overwhelmingly, hillside residents do not want commercial centers in their neighborhoods. HALO also urged that the Assembly prioritize the Hillside District Land Use Plan to a three-year time frame and requested that a moratorium be placed on the current Hillside Wastewater Management Plan and that no further amendments be incorporated to expand the water/sewer service areas until the Hillside District Land Use Plan is completed. He said in the conflict between neighborhood quality or high-density development to accommodate growth, hillside residents would always choose neighborhood quality as the highest priority.

Mr. Tremaine clarified that the new map was the Planning and Zoning Commission's (P&Z) recommendations to the Assembly and was not generally available to the public.

Office of Planning, Development and Public Works Director Craig Campbell added that the newest map was now on the Web site at www.muni.org.

In response to Ms. Abney, Thomas Nelson of Planning Department said copies of the Comp Plan and P&Z's recommendations were available to the public in their office. He said Planning also notifies the community councils of revisions and updates.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one. The public hearing was continued to September 12, 2000.

Chair Von Gemmingen advised the Tischler & Associates presentation was scheduled for a public meeting in the Wilda Marston Theater at Loussac Library from 6:30 to 8:00 p.m. and was supposed to precede the Assembly's public comment period on September 12.

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

to begin the public comment period on the 2020 Anchorage Bowl Comprehensive Plan at 8:00 p.m. instead of 7:30 p.m. at the September 12, 2000 meeting.

Chair Von Gemmingen advised that two special meetings were scheduled for public hearing on AO 2000-119, one on September 13 at Chugiak High School Auditorium at 7:00 p.m. and the other on September 14 at Alyeska Prince Hotel at 7:00 p.m. The special meeting to be held at the Alyeska Prince Hotel would also include a public hearing on the Girdwood Transportation Plan. She said the final public hearing on the 2020 Comprehensive Plan was scheduled for 7:30 p.m. at the Assembly's regular meeting of September 26, 2000. She stressed the importance of public comment on the Plan and invited everyone to attend.

- B. Ordinance No. AO 2000-132, an ordinance of the Anchorage Municipal Assembly **authorizing the Municipality of Anchorage to consolidate and amend existing leases by City Hall**, to extend the leases for a term to expire no earlier than September 30, 2025, adjust the rent, provide for an option to purchase and amend other provisions, for the purpose of continuing the lease thereof for municipal offices, Assemblymember Tesche.
1. Assembly Memorandum No. AM 797-2000.

Mayor Wuerch said one of the obligations of this transaction was to obtain an independent appraisal, and they had selected the appraiser, Frank King, who was in the audience. Mayor Wuerch said Mr. King would not be able to attend the Assembly meeting on September 12, and requested Mr. King be allowed to address the Assembly tonight.

Mr. King, independent real estate appraiser and consultant, said he had been practicing in the Anchorage area since 1973. Mr. King provided a broad overview of the analysis made during the appraisal process. He said he had been asked to review the proposed lease and, as a part of that, to consider future prospects for the Municipality as they relate to the Hill Building. Mr. King said the current lease expires in approximately seven years, and he had reviewed the proposed lease, particularly the financial aspects, with what they anticipated was a reasonable forecast for the market over the proposed lease period. He said two forecasts were made for comparison purposes to determine the financial impact to the Municipality. Based on his analysis, it appeared that under the terms of the proposed lease, the Municipality could accumulate between \$13 million and \$17 million in savings over the proposed 25-year lease term. He said this conclusion was based on a number of assumptions, of which the major ones were outlined in his letter. He said he believed the assumptions used in his analysis were reasonable and were based on the best data currently available from Anchorage and national market trends information. Mr. King described in more detail his analyses of the two forecasts and reiterated that the results of the comparison reflected a savings of between \$13 million and \$17 million.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one. The public hearing was continued to September 12, 2000.

In response to Ms. Abney's question, Mayor Wuerch said no analysis had been done regarding the feasibility of an option to purchase the Hill Building. He said the seller had indicated they desired to complete the transaction promptly, and the first opportunity to put that issue before the public as a ballot issue would be April 2001. He added that owning may not necessarily be the most fiscally prudent decision.

Chair Von Gemmingen pointed out that if the Municipality did purchase the Hill Building, it would be taken off the tax rolls, and that was a large-dollar item that would need to be taken into consideration should the Municipality look into the possibility of purchasing in the future.

- C. Ordinance No. AO 2000-101, an ordinance amending Anchorage Municipal Code Section 3.30.172 to **classify executive positions**, Legal Department.
1. Assembly Memorandum No. AM 757-2000.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one. The public hearing was continued to September 12, 2000.

- D. Ordinance No. AO 2000-131, an ordinance amending Anchorage Municipal Code Chapter 1.35 by enacting an ordinance **delineating which principal executive personnel and members of boards and commissions shall take and subscribe an oath of office**, Legal Department.
1. Assembly Memorandum No. AM 791-2000.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one. The public hearing was continued to September 12, 2000.

- E. Ordinance No. AO 2000-130, an ordinance amending Anchorage Municipal Code Sections 9.06.090 and 9.48.130 to include **double fines for traffic offenses occurring in highway work zones** and to authorize the Traffic Engineer to establish such zones, Legal Department.
1. Assembly Memorandum No. AM 798-2000.

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

ROBERT HAYES asked the Administration to ensure that gravel or salt was spread on the roads and to have police officers citing offenders note in the citation pertinent road and/or weather conditions, particularly icy road conditions.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one. The public hearing was continued to September 12, 2000.

- F. Resolution No. AR 2000-111(S), a resolution **confirming and levying sanitary sewer improvements for Old Girdwood Lateral Sewer Special Improvement District (LID) 60-9**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 754-2000.
(POSTPONED FROM 8-15-00)

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

In response to Ms. Abney, Anchorage Water and Wastewater Utility General Manager Mark Premo said the cost, from a construction standpoint, to remove contaminated soil for this project was \$15,200. He said ancillary costs of related professional services were incurred as well, bringing the total cost to approximately \$108,826.

Referring to page 13 of the July 26, 1994 Anchorage Assembly meeting minutes, Ms. Abney said Mr. John Trautner, Girdwood Board of Supervisors, had stated the property was owned by the Municipality, and a fuel bladder had been stored on the ground, so if the ground was contaminated, it was the Municipality's responsibility. She said that statement had never been refuted. Ms. Abney said it was her belief that these were Class B wetlands, which were developable.

Mr. Premo concurred and added they could be determined to be developable on a case-by-case basis. He confirmed that the owner of Lot 5 had written a letter to the Municipality requesting that his property be included in the improvement project after the he had consulted with the Corps of Engineers.

Ms. Abney said the Mayor's veto of April 2, 1993 indicated that at that time, the Heritage Land Bank property was approximately 13 acres, and they were not willing to be part of the TID/LID unless they could replat their property because it was wetlands and they were unwilling to pay the full amount.

Mr. Premo also confirmed Ms. Abney's statements that the road improvements were determined by Public Works and the public was not provided the opportunity to vote on the road improvement issue. He said the road construction was part of the cost balloted when the district was created, and the residents of that area were aware they had voted for it. He said the issue had been discussed in meetings held to create the district, and the information was subsequently provided in presentations to the Girdwood Board of Supervisors on more than one occasion before the project was put out for bid.

Don Keefer of the Water and Wastewater Utility offered to provide the project records documenting the discussions between in-house project engineers and external consultants for the project with the Board of Supervisors and meeting attendees regarding the road condition and how project costs would be allocated. He said those project records even included the discussion of in-the-alley versus in-the-roadway at the prison itself. He said all those discussions with the Board of Supervisors were public record.

Ms. Abney pointed out the conclusions in the Ombudsman's report reflected that it was not clearly established with the public that they were voting on it.

In response to Ms. Abney, Mr. Premo said the square footage being assessed on the lateral improvement district was 597,197 square feet. The sanitary sewer trunk benefited area assessed through this particular assessment role was 670,739 square feet.

<p>Ms. Abney moved, seconded by Mr. Tremaine,</p>	<p>to amend AR 2000-111(S) to deduct the cost of \$108,826 for removal of the contaminated soil from the overall cost of the project.</p>
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In response to Ms. Fairclough, Mr. Premo elaborated on his and Ms. Abney's discussion regarding the 1994 documents to which she had referred. He said they had received Ms. Abney's fax early that afternoon, and they had had time to draft the history of the project up to the present time. He summarized the history.

In response to Mr. Tremaine, Mr. Keefer stated the soil was contaminated with hydrocarbons. He said the total cost for professional services, which included preliminary engineering for environmental work, the geotechnical investigation, the environmental assessment report, and the environmental work plan as negotiated with the Alaska Department of Environmental Conservation (ADEC) for cleanup of contaminated materials that may be identified during construction, was approximately \$93,626.

In response to Mr. Tremaine, Mr. Premo said they had not researched the documentation to determine specifically what type of refined hydrocarbon product(s) had caused the contamination, but that information could be provided.

Mr. Tremaine said the reason he asked was because if the allegation was the contamination was caused by stored fuel, he would expect the petroleum chromatograph signature identifying the type of petroleum-based contamination would be delineated in a report of that scale.

Mr. Premo said the third page of the Information Memorandum containing the overview discussed the total certified project costs, and he explained the allocation of the costs.

Chair Von Gemmingen called a point of order and said Ms. Abney's motion on this item was out of order as there was an existing motion on the floor from the previous meeting to amend to deduct the cost of contaminated soil removal. She restated the motion on the floor.

Ms. Abney withdrew her motion from the previous meeting to amend AR 2000-111(S) by amending the roll to exempt Property No. 38, i.e., Lot 5, Block 5, from the assessment until access was provided to the area. Mr. Tremaine concurred.

Ms. Abney moved,
seconded by Mr. Tremaine,
and it was withdrawn,

to amend AR 2000-111(S) to deduct the cost of \$108,826 for removal of the contaminated soil from the overall cost of the project.

Ms. Fairclough said while she agreed it would be proper to subtract the cost of removing the contaminated soil and correct the paperwork if the Assembly felt it was the Municipality's responsibility, it seemed futile since AWWU had a 110-percent cost overrun on the project, with \$136,000 to be paid by Anchorage, so they would simply be shuffling paperwork for the same amount of money.

Ms. Abney withdrew her motion with the consent of Mr. Tremaine.

Mr. Tremaine said he reluctantly agreed to withdraw the motion, but as Ms. Fairclough pointed out, the project cost to area homeowners and landowners would be reduced by an amount more or less equal to the cost to remove the contaminated soil. He still expressed concern regarding the depth of the investigation conducted by CH2M Hill for the amount of money paid for it and said he hoped it did not happen again in the future.

Ms. Abney expressed grave concern that only when Assembly members ask questions are they able to obtain more, or all, of the information regarding an issue that should have been available to them in the first place. She asked that all available materials and data be provided for all controversial cases in the future.

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

to amend AR 2000-111(S) at line 22 to insert "May 23."

Ms. Fairclough requested the assessment roll be attached to AR 2000-111(S). She expressed the desire to ensure that a paper trail be established on this issue so the Assembly's intent was clearly reflected, specifically with respect to the reduction of the \$108,826 from the assessment roll and allocation of the \$136,000 to the Anchorage ratepayers.

Mr. Premo said the CH2M Hill report was very specific that the identity of the responsible party for the contamination at Gold and Main was never identified. Furthermore, legal research of property ownership reflected the Municipality of Anchorage had never conducted any activity on the property that could have caused the contamination. That was not to say a leaseholder or lessee may not have caused it, but there was no evidence to suggest that had occurred either. He said had they been able to determine the party responsible for the contamination, they would have worked with ADEC to clean up the area, and the responsible party would have borne the full cost of the cleanup. He said Municipal legal counsel had been consulted and had advised that, in this situation, the cost of contamination cleanup was to be borne by the project, in this case a Municipal special assessment district project. Mr. Premo added that in the 10 years doing assessment districts before the Assembly, this was one of the more complicated issues. He said his staff had always been frank and honest with the Assembly, but the Assembly should keep in mind it was difficult to answer questions in this forum since their three file cabinets full of project data were back at their offices and not available at the Assembly meetings. He invited the Assembly members to simply call or stop by his office, and the staff would readily assist them and answer their questions. He said in anticipation of a work session or public hearing, if Assembly members were concerned regarding any AWWU projects, he would request them to call or stop by to discuss it with AWWU staff.

Question was called on the motion to approve AR 2000-111(S) as amended and it passed:

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

NAYS: Tremaine.

G. Ordinance No. AO 2000-97, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Subsection 21.15.005 B. regarding **public hearing notices for Title 21 provisions** (Planning and Zoning Commission Case 2000-121), Assemblymember Sullivan.

1. Assembly Memorandum No. AM 573-2000.
2. Information Memorandum No. AIM 92-2000, Community Planning and Development.

(addendum)

(POSTPONED FROM 8-15-00)

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

Mr. Sullivan said he had introduced this item at the request of the Community Council Federation so they would have adequate time to review items of interest. He stated a memo from the Mayor and minutes of the Planning and Zoning Commission (P&Z) meeting of July 10, 2000, could be found in the packets. He noted P&Z had suggested this item be amended to incorporate an effective date at least 90 days from the date of passage so that items currently up for review could be cleared through the process prior to implementation of the ordinance. With that amendment, he said the P&Z would support adoption of the ordinance.

Office of Planning, Development and Public Works Director Craig Campbell said the Administration was concerned about this ordinance, and he asked the Assembly to consider the balance between the public process and economic development in our community. He said while the Federation's suggestion would improve the public process from their perspective, he asked

the Assembly to consider the repercussions to the process of incorporating their suggestion. He noted the numerous steps in a large development project and said two weeks would be added for each step in the process. With the short season in Anchorage for construction and development, it was very important that the Assembly carefully consider the long-term cumulative impact to developers if the Federation's suggestion was implemented. He said there was a need for more opportunities to provide jobs in Anchorage, which was key to the future of the city, and extending the process of public notices to five weeks would put a damper on economic development in the community. Mr. Campbell noted that while most community councils meet once a month, and the Federation claimed the councils did not have enough time to review issues before the Assembly, some community councils meet less than once a month. He said when issues before the Assembly were of interest to community councils, perhaps it would be prudent for the community councils to hold special meetings specifically to review those items of interest. He said the Public Works Department encourages and facilitates the councils' ability to schedule special meetings by ensuring widespread notice in printed, published, and electronic forms. With that framework in mind, Mr. Campbell asked Susan Fison, Planning Director, to elaborate on how Anchorage would compare with other cities' provisions for public notice should this ordinance pass.

Ms. Fison said it was not only economic development projects that would be affected. Some of the projects that would be slowed down the most would be public projects because many have to go through additional reviews, including site plan reviews before the Urban Design Commission. She said in an attempt to be objective about the issue, the Department of Law had researched the codes of several cities to review their public notice provisions for similar projects. She said none of the cities provide as much time as Anchorage does, i.e., Seattle and Salt Lake City, 14 days; San Diego, 10 business days; and Eugene, Oregon, between 10 and 20 days depending on the process. She said the Planning Department has a routine procedure to notice the community councils when new projects are submitted. Ms. Fison said the cities she had researched typically only provides mail-out notices to property owners who are within a 100- to 300-foot range from the subject property. She said the Municipality's ordinance provides for 500 feet or the closest 50 parcels, which was much greater than any of the communities they had researched. She said while they want to do everything possible to provide notice to the public and opportunity for community input, she did not want to slow down the process, especially in light of the short construction season.

Mr. Campbell asked that the Assembly not approve the 35-day notice period. He said the 21-day public notice period was the most aggressive public process that they had found on the West Coast.

In response to Chair Von Gemmingen, Ms. Fison said they have a standard process for providing public notice to the community councils, and perhaps this was an area where improvement could be made to ensure adequate notice to the appropriate persons on the councils. In response to a question regarding whether e-mail notification was currently being used, Ms. Fison said it was not to her knowledge. She noted the problems inherent with continually updating an e-mail listing of the community councils and members in order to ensure that the appropriate persons would receive e-mail notices.

Mr. Campbell said they were willing to work with the Assembly and the Federation to improve any aspects of the public notice process that may be deficient.

Chair Von Gemmingen responded that her concern was ensuring notice was provided promptly and directly to the appropriate persons.

Ms. Fison added that it was also her goal to post issues on the Internet in a more timely manner so people could routinely check the Web site to review the status of projects with information that was up to date and complete.

Ms. Fairclough advocated the use of e-mail to disseminate public notices and other information regarding projects. She noted that the Federation's e-mail list included the entire membership, as well as Assembly members and other interested parties. She said an e-mail with attachment to the Federation would be an effective and economical way to provide information quickly and on a widespread basis to the community councils.

Ms. Clementson concurred with the Administration's position on this item. She said she could envision developers requesting Assembly members to introduce their projects earlier than normal at the Assembly level so approval could be obtained to get their projects started on time instead of working their way through the process in the normal manner. She noted that the Administration mails notices to impacted community councils every two weeks, and full project packets are mailed four weeks before an item is due for hearing. This means the community councils receive their packet, complete with drawings, before they get the public hearing notice, so councils that are active will have adequate time to review and prepare their comments on issues of interest. Ms. Clementson pointed out the Assembly should also take into consideration how passage of the Federation's suggestion would impact school projects, which are complex projects that require a significant amount of time to go through the process. She said if two weeks were added every time a school project had to go before another commission, this could seriously impact the project completion schedule. Ms. Clementson reminded Assembly members that when the Heritage Land Bank ordinance had been rewritten a few years ago, they had lengthened the time required for public notice for parcels that come up for public hearing, and there had not been any increase in people providing public comment because they had more time to become aware of the issue through the extended public notice time period. Ms. Clementson cautioned the Assembly to use discernment in balancing both sides of this issue.

Mr. Tesche said he would take Mr. Campbell and Ms. Fison at their word to update and enhance their use of e-mail notification for public notice purposes in order to provide widespread notice of Municipal activities. He said if they proceed aggressively with the expansion of e-mail usage for this purpose, many of the issues would disappear. He said he was convinced by Mr. Campbell's and Ms. Fison's arguments, however, that adding time to the public notice period would cause additional and unnecessary delay on Municipal projects, and he would vote against the ordinance. He said the real issue was whether there was a public hearing on many important land use decisions and development activities in this community and whether the community had the opportunity to be heard and provide input on these projects before the final decision was made. He invited feedback from the community councils and the Federation regarding their analyses on which decisions should be heard at a public hearing rather than simply extending the public notice period for projects before the Assembly for consideration.

Ms. Hudson moved,
seconded by Mr. Kendall,

to postpone action on AO 2000-97 indefinitely.

Mr. Sullivan said although the community councils receive heads-up notices every two weeks, the notices do not contain enough detailed information for the councils to make important decisions. When the councils meet only once a month, and some of these decisions are made by the Assembly in less than that time, the councils are unable to review and comment on the issues. He said the charter established community councils as an important part of the process, and when they are left out of the process, the Assembly was essentially violating the charter. With respect to the communities cited earlier by Ms. Fison that were researched with respect to this issue, he asked if those cities had community councils, and if so, how did they relate to their local government. He said businesses and contractors are adaptable and would plan accordingly for a 35-day instead of a 21-day notice period. He said he hoped this item would not be postponed indefinitely, and should it pass, he requested that the effective date be January 1, 2001, for those items that are currently in the process.

Ms. Fairclough concurred with Mr. Sullivan's comments. She said when she had participated on the Eagle River Community Council, when a certain land issue project came before the council, what they received was simply a title introduction from P&Z. She said the maps would change the day before it came out publicly, and the council would not have the opportunity to provide vital recommendations based on the updated version. Ms. Fairclough noted her support for the 35-day notice, and she urged that the e-mail notification procedures be updated and implemented posthaste.

Mr. Campbell noted that the new Administration was taking a forward-looking approach to utilizing computer technology for information-sharing purposes, and he felt it would greatly improve the notice process. He said the Administration would follow through on that commitment, but they were concerned that the addition of two weeks to the public notice time would be onerous on the development community. He asked for the opportunity to implement the electronic improvements before making this change at this time. If the improvements and use of e-mail did not produce the desired results, the Assembly would not be precluded from making the change to extend the public notice period at some point in the future.

Mr. Tremaine said while he concurred with Mr. Sullivan's comments, he also agreed with the Administration's comments. He said he would vote against postponing indefinitely, but he would favor a postponement to a time-certain in the future to provide enough time for the Administration to implement and review the results of an improved e-mail notification system.

Ms. Hudson reiterated that community councils had the ability to hold special meetings if issues were scheduled for Assembly action before the council's regularly scheduled meeting.

Ms. Abney said she was excited by the Administration's proposed changes to the notification procedures. She said she was unwilling to postpone indefinitely until she was able to determine whether the Administration's efforts were successful. On the issue of community councils' ability to hold special meetings, Ms. Abney pointed out that community councils do not have the budget to prepare and distribute notices for special meetings. She said she attends approximately 15 community council meetings each month, and she has been approached by representatives from all of them asking what could be done to remedy the problem of not having enough time to review, research, and prepare comments and recommendations on issues of interest.

In response to Ms. Abney, Ms. Fison said one of the things that had been an impediment was their inability to update the information on the Web site in a timely manner. She said it has been an expensive and difficult process, but they will be implementing a software program that will allow them to update their own Web pages. In this regard, she said maps were an excellent visual aid to viewers of projects on the Web site, and they were currently testing procedures for all of their maps to be produced electronically for use on the Web site. On a side note, she said while the cost to produce color paper maps for distribution to the public was prohibitive, color maps could be posted to the Web site where viewers could simply print them out on their own color printers.

Mr. Campbell said they would be able to implement an e-mail posting list immediately and could report back to the Assembly on the initial results in September. For the longer term, he said building a full electronic program would require at least 120 days. He said the Management Information Systems Department was currently working on the Web page to integrate the components to work together seamlessly.

Ms. Abney said she would vote in favor of extending the public notice period, and as soon as the e-mail system was implemented and showed favorable results, she would be willing to vote to repeal the 35-day notice period.

Mr. Sullivan said he was going to suggest the same thing. He said they should proceed, and if the Administration demonstrates in the next 120 to 150 days that they have a system implemented that works effectively and the councils are happy with, they could repeal the 35-day notice period. He pointed out that while some of the Administration and Assembly members had spoken against the ordinance on behalf of the development community, no one from the development community itself had spoken against the ordinance.

Ms. Clementson stated that Mr. Sullivan's latter comment proved her point exactly -- no one had testified on this ordinance before the Assembly tonight. She said the fact that not one out of the thirty-seven community councils had taken the time to attend this meeting to testify regarding an ordinance in their favor spoke more loudly than words to her. She added that the community councils were on the Assembly mailing list, but the developers were not. In response to Ms. Fison's comments, Ms. Clementson noted that as long as she has been on the Assembly, the Assembly members have complained about the poor quality of the maps they are provided from the Planning Department, and she thanked Ms. Fison for her work on improving map quality. Ms. Clementson urged that the Planning Department be given the opportunity to implement the improvements, and if they need to address this issue again in the future, they should solicit input from not only the community councils but from the school district, developers, and the overall community.

Mr. Sullivan responded to Ms. Clementson's comment by stating that the community councils were represented in this testimony as they had provided a collective resolution in the Assembly packets. He said the resolution was passed unanimously by the Federation of Community Councils supporting this ordinance, and they had requested him to be their

voice on the issue. So while no representatives attended to testify at tonight's meeting, they had provided a unanimous resolution from all of the community councils that adequately reflected their intent.

Ms. Clementson said it should be a give-and-take process on both sides, the community councils and the development community. She said the community councils were provided with heads-up notices and packets, and they should follow up and do their homework.

Ms. Hudson moved the previous question on adoption.
seconded by Ms. Taylor,

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

Question was called on the motion to postpone action on AO 2000-97 indefinitely and it failed:

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

Mr. Tesche moved, to postpone action on AO 2000-97 for 120 days or until
seconded by Mr. Kendall, December 19, 2000.

Mr. Tesche said the purpose of his motion was to give the Administration the opportunity to implement the changes to upgrade the Web site and e-mail notification process and to provide enough time to determine the results of those changes. He said if the Assembly decides after that time sufficient progress had been made through the implementation of electronic notice to the community councils, this item would be moot. He felt it would be onerous on the new Administration for the Assembly to pass the measure tonight with the promise to repeal it if the promised changes result in the desired improvements.

Ms. Fairclough and Mr. Sullivan expressed support for the motion.

Mr. Campbell said the Administration concurred with the motion and Mr. Sullivan's comments.

Question was called on the motion to postpone action on AO 2000-97 for 120 days or until December 19, 2000, and it passed:

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

- H. Ordinance No. AO 2000-76, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 28.50 by adding a new Section 28.50.085 authorizing the **establishment of additional polling places to receive questioned ballots** voted under AMC 28.50.080, Assemblymembers Tesche and Tremaine.
(APPROVED 4-25-00; NOTICE OF RECONSIDERATION WAS GIVEN BY MR. SULLIVAN 4-26-00; RECONSIDERED AND POSTPONED FROM 5-16-00; CARRIED OVER FROM 5-23-00, 6-13-00, 6-20-00, AND 7-18-00; POSTPONED FROM 7-25-00 AND 8-15-00)

Chair Von Gemmingen gave the history of the ordinance and noted a motion to adopt was on the floor from April 25, 2000.

Mr. Tesche said this ordinance came to the Assembly last spring when they were considering means of improving voter turnout at Municipal elections. He noted that the chronology of the last four months had borne out the concerns of many Assembly members regarding the dismally low turnouts at Municipal elections. He recounted the unsuccessful effort by University of Alaska, Anchorage students to establish a Municipal polling place at the University based on a very successful experience they had with State elections. He said the Assembly then addressed two separate problems over the ensuing months, one of which was the attempt to increase the availability of absentee ballots through additional locations. He said Mr. Sullivan had successfully obtained passage of an ordinance that allowed the creation of an additional polling place for absentee ballots at the University. He said the ordinance currently before the Assembly addressed the other problem, the concept that additional polling places for receiving questioned ballots would increase voter turnouts at Municipal elections as well. He said the question arose as to whether an additional polling place could be established at the University so close to the election, and the Municipal Attorney and Clerk had advised that the Assembly would have to pass an ordinance in order to do so. He felt an ordinance was not necessary, but he had drafted one in an abundance of caution that would clearly permit the Clerk, with the authorization of the Assembly, to establish additional polling places to receive questioned ballots. He said this was a simple ordinance that would work in conjunction with Mr. Sullivan's to facilitate an increase in voter turnout at Municipal elections. He urged passage of the ordinance.

Ms. Hudson said she felt, having worked as an election official, absentee polling places would be more appropriate than questioned ballot polling places. She said elections were complicated processes, and this ordinance did not address what the requirements would be for questioned ballot polling places. She said a voter at questioned ballot polling place would not be able to vote on issues that may be on the ballot in his/her voting district. In addition, it would be costly to ensure that an adequate supply of ballot card stock for all districts was on hand at such polling places.

Mr. Tesche said even if voter turnout for areawide propositions and Mayor races could be increased, it would be an improvement in the current status of voter turnout in general. He also pointed out that even though this ordinance did not specify the particular requirements for each additional polling place, subsection (a) of the ordinance provided that additional polling place(s) would be established "as directed by the Assembly." Therefore, the specific requirements would be addressed by the Assembly at the time the additional polling place was established.

Mr. Sullivan said his concern at the time he filed for reconsideration on this item was that the means by which increasing voter turnout was accomplished may pose a problem. A simple majority of the Assembly could direct the Municipal Clerk to establish an additional polling place without regard for an essential feasibility analysis of the demographics of a particular area where the additional polling place was to be established. He said no one he had spoken with in Elections thought this would be a good way to increase voter turnout because of the problems inherent in the language of the ordinance. He said the ordinance had been reviewed by the Elections Subcommittee, and their recommendation had been to proceed with the absentee proposal at UAA but not this item. He concurred with that recommendation and urged a no vote.

Ms. Clementson said one of the largest impediments to voter turnout was that people who would be inclined to vote were unable to get to their appointed polling place on election day, not that there were not enough polling places. She said this ordinance would require ballots to be cast on election day at a polling place that takes nothing but questioned ballots, and an Elections Commission representative should be present to address the manpower and cost aspects of processing questioned ballots as opposed to processing regular ballots. She said a questioned ballot could be cast at any polling place on election day, so that was not a problem; educating and motivating the public to vote should be the Assembly's focus.

Mr. Tremaine said he had co-sponsored this ordinance in part because it was an easier solution than changing the definition of "absentee polling place." He reminded the Assembly a person could only vote an absentee ballot if they would be unavoidably absent from their own voting district on that day. He added that the Code specified there could only be one polling place per district. Mr. Tremaine said the Elections Committee had recommended that the elections process be totally revised in the Code, and he felt that project should be accomplished prior to the April 2001 election. He said he would continue to support this ordinance and noted that, if passed, it may motivate those who were dissatisfied with it to revise the Code so a more acceptable solution could be provided.

At Mr. Tesche's request, Assistant Municipal Attorney Dennis Wheeler read Section 28.60.010 of the Anchorage Municipal Code regarding absentee ballots.

Mr. Tesche said the two criteria in that Code section were "unavoidably absent" and "physical disability." He said it was a common practice in this community to honor that, perhaps in the breach, which suggests that section of the Code may need to be revised in order to increase voter franchise. But in the instant case, this ordinance would at least allow questioned ballots to be cast on areawide issues, particularly bond propositions and the Mayor's race. He said this ordinance would facilitate voter convenience. He pointed out that a person who was outside of their voting district may not know where a polling place could be found in their immediate vicinity at the time. But Anchorage residents know where major shopping centers such as Fred Meyer, the University, and corporate buildings are, and polling places established at these locations would facilitate voter convenience and may potentially increase voter turnout. Mr. Tesche said this ordinance would enable them to establish cost-effective polling places at locations that would facilitate an increase in voter turnout due to voter convenience. He wondered how many more elections with 12-percent voter turnout they would experience before it becomes apparent that there is a flaw in the system.

Ms. Fairclough said she appreciated Mr. Tesche's attempt to draft an ordinance that would help improve the elections process and increase voter turnout, but she pointed out that the more questioned ballots, the greater the potential for elections to be challenged, which would cause delay and increase manpower requirements and cost to the system. Ms. Fairclough said she was on the subcommittee to encourage voter participation in Anchorage, and they were looking at electronic and other means to simplify the process and facilitate voter turnout. She felt this ordinance would not promote the goal of increasing voter turnout but may complicate the issue further. She concurred with Ms. Hudson's and Mr. Sullivan's comments and said she would not support the ordinance.

Ms. Fairclough moved, the previous question on adoption.
seconded by Ms. Clementson

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

Question was called on the motion to adopt AO 2000-76 and it failed:

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

Chair Von Gemmingen noted the Elections Committee would take notice of the Assembly's discussion and action on this item and take it into consideration during their review and discussion of the issue.

16. AUDIENCE PARTICIPATION:

ROBERT HAYES said most community councils were not very organized, and information was not always disseminated in a timely manner. He said Ms. Clementson's point was well taken that the community councils should take more responsibility for addressing issues of interest and/or concern in a timely manner. Mr. Hayes said Ms. Clementson had done a good job for the Russian Jack Community Council in the past, and he requested her to attend future meetings. Mr. Hayes said some of the key members on community councils do not have e-mail capability. He requested that principal members be mailed the notices as has been past practice, in addition to being sent e-mail notices for those who have the capability. Mr. Hayes advised that the School Board had, the previous evening, voted to contract out the Superintendent's job to Mr. Christal without providing adequate notice or the opportunity for public input. He felt this may have been an illegal maneuver on the School Board's part, and he said it definitely was not fair to the community. He said he hoped someone would report this to the Ethics Board as he felt the School Board should be held accountable for their cavalier action without regard for the process that requires public notice and input.

The Assembly then returned to item 14, Special Orders.

Motion to cancel the November 7, 2000 Regular Assembly Meeting.

Ms. Hudson moved,
seconded by Mr. Tremaine,

to cancel the Regular Assembly Meeting scheduled for
November 7, 2000.

Ms. Hudson pointed out November 7 was election day, and she had received feedback from the public that it would be difficult for people to try to vote and attend the Assembly meeting on the same evening. She said she did not see what purpose it would serve to hold an Assembly meeting on election day unless there was an emergency.

Ms. Taylor concurred with Ms. Hudson's comments.

Ms. Fairclough said she recalled the Assembly had approved the specific schedule which included November 7 as a regular Assembly meeting date because the Administration had requested that as a meeting date.

Mr. Tesche moved,
seconded by Ms. Clementson,

to postpone action on the motion to cancel the November 7,
2000 Regular Assembly Meeting until September 12, 2000, in
order to allow time to obtain input from the Administration.

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

NAYS: Tremaine, Kendall, Hudson.

17. ASSEMBLY COMMENTS:

Ms. Hudson expressed concern regarding the number of work sessions that are scheduled for all day on Tuesdays. She noted that they had two work sessions earlier that day, and it would have been nice if the public could have participated. She pointed out this could be another avenue for the public to learn about the issues that come before the Assembly. She asked that they consider the purpose of the work sessions, whether they are absolutely necessary, and that the number of work sessions be reduced if they are not an absolute necessity.

Ms. Fairclough noted that school would start the next day, and she wished the teachers, administrators, and parents good luck. She said she hoped it would be a safe start.

Mr. Tesche said a joint meeting with the Anchorage and Matanuska-Susitna Borough Assemblies was scheduled for November 2, 2000, at 4:00 p.m. He suggested the meeting be extended to include dinner to provide for additional contact and opportunity for communication between the two bodies. He said at the Chair's earlier request to provide topics for discussion, he had twelve topics to submit, and he encouraged the other Assembly members to offer their own topics in advance of the meeting. In addition, he said Mr. Campbell had agreed, on behalf of the Mayor and the Administration, to work closely with the Assembly at the meeting and to represent the Administration. He urged Mr. Campbell to provide items for discussion and to work with the Chair in the preparation of the agenda for the meeting. Mr. Tesche said he felt this was an important meeting with the Mat-Su Assembly, and he looked forward to it.

Ms. Abney reported on her and Chair Von Gemmingen's attendance at the Legislative Committee Meeting of the Alaska Municipal League this past week. She said there had been discussion regarding the pros and cons of the proposed tax cap, and she and Chair Von Gemmingen had presented the Assembly's adopted draft of legislative action for the coming year. She offered to discuss this activity with interested persons.

Mr. Tremaine said Ms. Hudson had brought up a good point regarding the number of work sessions that have been held recently. He asked this issue be included as an agenda item for the Regular Assembly Meeting of September 12, 2000.

In response to Mr. Tremaine's question regarding the date for the Assembly election to be held next month, Chair Von Gemmingen said it was scheduled for September 19, and the date was set by the Clerk's Office.

Ms. Hudson added that the amendment to the charter mandated a runoff election would be held within 30 days.

Vickie Cantrell, Deputy Municipal Clerk, advised that in the most recent Mayoral runoff, the runoff election was pre-advertised, but the date was set after certification. She said the Clerk's Office has 10 days to notice a runoff election. She said the Election Commission would review the remaining ballots on Thursday, August 31, and they would be counted and a final decision would be forthcoming. She said if the Assembly certified those results on September 12, they would not have enough time between September 12 and 19 to publish notice in the newspaper. She said the Clerk's Office would have to decide whether to pre-advertise, or the Assembly could hold a special meeting during the first week of September.

Mr. Sullivan reiterated Ms. Fairclough's comments regarding students getting to bed early to start school the next day, but should they have trouble getting to sleep, watching the Assembly meeting on television would help.

Chair Von Gemmingen commented on the School Board's action the previous evening on the contract for the School District Superintendent. She noted that it would provide a hard-dollar savings for the School District of \$24,000 per year. She said as a contractor instead of an employee, Mr. Christal would be responsible for his own self-employment and other taxes, which had previously been included in his employee salary, and he would be responsible for paying his own expenses as well. She reminded everyone of the headhunter expeditions of the past to search for a School District Superintendent and noted they were extremely expensive, time-consuming, and fraught with problems. She pointed out that Mr. Christal was a known entity with a good track record, and she felt the contract approved by the School District met the objectives of both parties, the School District and Mr. Christal. She felt it was a positive move and a win/win situation for Anchorage taxpayers.

18. EXECUTIVE SESSIONS: None.

19. ADJOURNMENT:

Mr. Sullivan moved, to adjourn.
seconded by Mr. Tremaine,

The meeting adjourned at 10:15 p.m.

Chair

ATTEST:

Municipal Clerk

Date Minutes Approved: January 23, 2000

VC/ccarl

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