

# MUNICIPALITY OF ANCHORAGE

## ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of February 15, 2000  
continued to February 22, 2000

### 1. CALL TO ORDER:

The meeting was convened at 4:05 p.m. by Assembly Chairman Kevin Meyer in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

### 2. ROLL CALL:

Present: Dan Kendall, Dan Sullivan, Dick Tremaine, Allan Tesche (5:00 p.m.), Melinda Taylor, Kevin Meyer, George Wuerch, Anna Fairclough, Pat Abney, Fay Von Gemmingen, Cheryl Clementson.  
Absent: None.

### 3. PLEDGE OF ALLEGIANCE:

The pledge was led by Ms. Clementson.

### 4. MINUTES OF PREVIOUS MEETING:

- A. Regular Meeting - December 7, 1999
- B. Regular Meeting - January 11, 2000

Ms. Clementson moved, seconded by Ms. Von Gemmingen, and it passed without objection, to approve the minutes of the regular meetings of December 7 1999 and January 11, 2000.

Chairman Meyer asked if there was any objection to changing the orders of the day to consider item 9.A, AR 2000-16. There was no objection.

Resolution No. AR2000-16 (As Amended), a resolution of the Municipality of Anchorage appropriating \$225,000 from the Anchorage Metropolitan Police Service Area (151) Fund Balance to the Anchorage Police Department for **professional legal services in support of labor relations activities in pending litigation regarding Messrs. Guillory and Nelson**, Employee Relations Department.  
(AMENDED AND APPROVED \$160,000; POSTPONED \$65,000 FROM 2-1-00)

Chairman Meyer gave the history of the resolution and noted \$160,000 of the appropriation was approved on February 1, 2000. The remaining \$65,000 of the appropriation was pending.

Municipal Attorney Mary Hughes noted discussions with the plaintiff's attorneys have been productive and are ongoing. She felt a resolution was near and requested the Assembly table the remainder of the appropriation.

Mr. Wuerch moved, seconded by Ms. Von Gemmingen, to postpone the remaining \$65,000 appropriation in AR 2000-16 indefinitely.

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

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

Mr. Wuerch moved, seconded by Ms. Abney, and it passed without objection, to change the orders of the day to continue consideration of items under 9, Old Business.

Assembly Memorandum No. AM 139-2000, Planning and Zoning Commission reappointments  
(Dwayne Adams, Daphne Brown), Mayor's Office.  
(POSTPONED FROM 2-1-00)

Chairman Meyer gave the history of the memorandum and noted no motions were pending.

Mr. Wuerch moved, seconded by Ms. Clementson, to approve AM 139-2000.

Mr. Tremaine felt further review of the composition of the boards and commissions that deal with land use issues would be worthy, in light of ongoing revisions of the Comprehensive Plan. He suggested action on the land use board appointments be postponed until the next Assembly meeting.

Mr. Wuerch felt it was important not to make changes in composition in the boards in the midst of the Comprehensive Plan revisions. He pointed out the historical knowledge of current members was and will be important for the remainder of the Plan revisions; introduction of new people with new viewpoints may cause delays in the process. He felt review of the boards' composition can be accomplished after the Plan revisions are complete.

Ms. Clementson noted she has received comments on many board and commission appointments in the past, but has not received any comments or heard concerns about the proposed appointees. She has worked with the nominees to the Planning and Zoning Commission (P&Z) on various projects, and she was impressed with their capability.

Mr. Kendall felt there were no reasons to delay the P&Z appointments. He endorsed Ms. Brown and supported her reappointment.

Executive Manager Elaine Christian noted the proposed appointees' terms expired yesterday. She felt the appointments were critical, as the nominees have been involved for a long time in planning and zoning issues; this is a time when experience on these commissions was very important. Ms. Christian added in the next few months, P&Z will be holding two public hearings every week; the proposed appointees have already committed to that schedule.

Ms. Fairclough urged support of the memorandum.

Question was called on the motion to approve AM 139-2000 and it passed:

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

NAYS: None.

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

Assembly Memorandum No. AM 140-2000, Platting Board appointments (Don Poulton, ~~Rick Richter~~),  
Mayor's Office.  
(POSTPONED FROM 2-1-00)

Municipal Manager George Vakalis requested this item be postponed indefinitely. The Administration will submit another item at a later date.

Ms. Abney moved, to postpone action on AM 140-2000 indefinitely.  
seconded by Ms. Taylor,

Mr. Wuerch questioned whether a quorum for the Board would be impacted without these appointments.

This item was considered later, after the following two items.

Assembly Memorandum No. AM 141-2000, Urban Design Commission reappointment (Kerry Pritchett),  
Mayor's Office.  
(POSTPONED FROM 2-1-00)

Mr. Wuerch moved, to approve AM 141-2000.  
seconded by Ms. Fairclough,  
and it passed without  
objection,

Assembly Memorandum No. AM 142-2000, Zoning Board of Examiners & Appeals reappointments  
(Bernd Guetschow, Mike Marsh, Barry Shennum), Mayor's Office.  
(POSTPONED FROM 2-1-00)

Mr. Wuerch moved, to approve AM 142-2000.  
seconded by Mr. Tremaine,  
and it passed without  
objection,

The Assembly then returned to AM 140-2000.

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

Mr. Kendall moved, to approve the appointment in AM 140-2000 for Mr. Poulton.  
seconded by Ms. Fairclough,  
and it passed without  
objection,

Mr. Kendall moved, to postpone action on the appointment of Mr. Richter in  
seconded by Mr. Wuerch, AM 140-2000 indefinitely.  
and it passed without  
objection,

Ordinance No. AO 99-157, an ordinance amending the Anchorage Municipal Code to amend Section 8.40.040 and to **recover costs of responses to false alarms by the Anchorage Police Department** and enact a new Chapter 10.75, Inspection Fees, to **recover costs of inspections by the Anchorage Fire Department**, Legal Department.

1. Assembly Memorandum No. AM 1178-99.  
(AMENDED AND POSTPONED FROM 1-11-00)

Chairman Meyer gave the history of the ordinance and noted a motion to adopt and amend was on the floor. A previous motion to amend on January 11, 2000 was approved.

Mr. Wuerch explained his amendment would delete fire inspection fees from the ordinance. He noted the Fire Department audit was still pending, and felt action now would not be able to take the results into account. Mr. Wuerch added he doubted the number of inspections would be enough to realize projected revenues from the fees. He suggested the fire inspection fee issue should be postponed until after the results of the audit.

Ms. Von Gemmingen noted the Audit Committee members discussed this issue recently with one of the management auditors. He explained fees are becoming common in other cities and encouraged the Assembly to adopt them.

Mr. Tremaine noted the fee revenues were included in the operating budget, so deleting the fees would require corresponding cuts in other areas of the budget.

Question was called on Mr. Wuerch's the motion to amend by deleting Section 2 in its entirety and it failed:

AYES: Kendall, Sullivan, Taylor, Meyer, Wuerch.

NAYS: Tremaine, Fairclough, Abney, Von Gemmingen, Clementson.

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

Question was called on the motion to adopt AO 99-157 as amended and it failed:

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

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

(Clerk's Note: Mr. Tesche had not arrived at the time of the vote. Reconsideration of this action was spread on the minutes later in the meeting, under item 16. See minutes of March 7, 2000 for further action.)

**NOTICE OF RECONSIDERATION:** Resolution No. AR 2000-39, a resolution of the Anchorage Municipal Assembly **opposing Senate Bill 203, "An Act relating to metropolitan planning organizations and to designation of a metropolitan planning organization area for the Anchorage metropolitan area; and providing for an effective date."**, Assemblymembers, Abney, Tesche, Taylor, Von Gemmingen.

(APPROVED 2-8-00; RECONSIDERATION WAS ENTERED ON THE MINUTES 2-8-00)

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

Mr. Kendall felt it was important to have a cooperative relationship with the State Legislature, as the Legislature approves funds that come to Anchorage through the AMATS program. He pointed out Legislators have often requested greater participation in AMATS. The proposed Senate Bill is a good compromise, as Legislators would participate but control would remain at the local level. He encouraged reconsideration.

Ms. Clementson asked she be added as a co-sponsor for this item. She felt the system was working well, and would not be served by adding another layer of bureaucracy or more politicians. She spoke against reconsideration.

Mr. Sullivan spoke in support of reconsideration. He felt there could not be enough cooperation between State and local officials on an issue so important to Anchorage.

Mr. Wuerch hoped the Assembly would pursue ways to build a better relationship with the Anchorage Legislative Caucus. He pointed out the Legislature controls a great deal of money, and improving the chances of Anchorage receiving a more equitable share of that money was important.

Ms. Taylor urged her colleagues to vote "no" on reconsideration. She felt the issue was local control. Adding two Legislators to the AMATS Committee would begin erosion of local control. It would also add a layer of bureaucracy and partisanship.

Ms. Fairclough spoke against reconsideration. However, she identified with legislators who feel there is a lack of communication with the Assembly. She encouraged Mr. Kendall and Mr. Tremaine to find a way to enhance communication between the AMATS Committee and the Legislature.

Ms. Clementson added various versions of the proposed Senate Bill have been considered many times, and have never been passed by the Legislature.

Question was called on whether to reconsider action on AR 2000-39 and it failed:

AYES: Kendall, Sullivan, Wuerch.

NAYS: Tremaine, Taylor, Meyer, Fairclough, Abney, Von Gemmingen, Clementson.

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

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

to postpone action on 9.H, AO 2000-22, until after action on  
item 12.B, AO 2000-43.

(Clerk's Note: Due to lack of time, item 9.H. was considered at the February 22 continuation of this meeting. See item 16, Unfinished Agenda.)

The meeting recessed at 4:40 p.m. and reconvened at 5:05 p.m.

5. **MAYOR'S REPORT:** None.

6. **ADDENDUM TO AGENDA:**

Mr. Tesche moved,  
seconded by Ms. Taylor,

to amend the agenda to include the addendum items.

Chairman Meyer read the addendum items.

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

7. **CONSENT AGENDA:**

Mr. Wuerch moved,  
seconded by Ms. Taylor,

to approve all items on the consent agenda as amended.

A. **BID AWARDS:**

1. Assembly Memorandum No. AM 180-2000, recommendation of award to Alaska Computer Brokers for furnishing **personal** Computer Purchases, Maintenance Or Licensing **computers** to the Municipality of Anchorage, Municipal Light and Power (ITB 99-B143), Purchasing.

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

1. Ordinance No. AO 2000-30, an ordinance amending Anchorage Municipal Code Section 26.80.055 **to eliminate or amend the automatic termination (sunset) of reduced solid waste fees for certain recycling operations**, Municipal Clerk. public hearing 3-21-00.
  - a. Assembly Memorandum No. AM 85-2000.
2. Ordinance No. AO 2000-34, an ordinance of the Anchorage Municipal Assembly **continuing or reestablishing the Anchorage Memorial Park Cemetery Advisory Board** pursuant to Anchorage Municipal Code Section 4.05.150, Municipal Clerk. public hearing 3-7-00.
  - a. Assembly Memorandum No. AM 113-2000.
3. Ordinance No. AO 2000-50, an ordinance amending Title 23, Section 23.25.315.0 of the Anchorage Municipal Code and **providing for a change in the use of the size of backfill materials for plumbing bedding and backfill of cast iron drain, waste and vent piping**, Public Works. public hearing 3-7-00.
  - a. Assembly Memorandum No. AM 181-2000.
4. Ordinance No. AO 2000-51, an ordinance amending Title 23, Section 23.85.315.2 of the Anchorage Municipal Code and **providing for a change in the guardrail spacing on open sides of stairways in residential dwellings**, Public Works. public hearing 3-7-00.
  - a. Assembly Memorandum No. AM 182-2000.
5. Ordinance No. AO 2000-52, an ordinance of the Municipality of Anchorage **authorizing the Heritage Land Bank (HLB) to sell via sole source Lot 3, Section 36, T16N, R1W, Seward Meridian**, a 40-acre portion of HLB Parcel No. 1-004, generally located southwest of Edmonds Lake in Peters Creek, to the Boy Scouts of America, Western Alaska Council, for market value, Heritage Land Bank. public hearing 3-7-00.
  - a. Assembly Memorandum No. AM 183-2000.
6. Resolution No. AR 2000-37, a resolution of the Municipality of Anchorage appropriating \$128,797 from the Alaska Department of Labor and Workforce Development for **PY99 State Training and Employment Program** additional new funds within the State Categorical Grants Fund (231), Community Planning and Development. public hearing 3-7-00.
  - a. Assembly Memorandum No. AM 184-2000
7. Ordinance No. AO 2000-55, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 21.45.110, regarding **the maximum allowable height of fences in Rural Residential Districts**, Assemblymember Abney. public hearing 6-13-00. **(addendum)**

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

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2000-38, a resolution authorizing the Municipality to **grant an electric easement across a portion of Tract 2, International East Subdivision**, MOA Warm Storage Facility located at Northwood Drive, Tax #010-052-10, Public Works.
  - a. Assembly Memorandum No. AM 185-2000.
2. Resolution No. AR 2000-41, a resolution of the Anchorage Municipal Assembly **supporting HB 272, "An Act relating to the tax assessment by a home rule or general law municipality of housing that qualifies for the low-income housing credit under the Internal Revenue Code, and providing for an effective date."**, Assemblymember Tesche.

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

3. Resolution No. AR 2000-42, a resolution of the Municipality of Anchorage endorsing an agreement between the Municipality and the IBEW **changing the method and amount of employer contribution to the IBEW Legal Trust**, Employee Relations.
  - a. Assembly Memorandum No. AM 229-2000.
4. Resolution No. AR 2000-43, a resolution of the Municipality of Anchorage endorsing an agreement between Municipal Light and power, the IBEW, and the Administration regarding **work at the Eklutna Hydroelectric Power Plant**, Employee Relations.
  - a. Assembly Memorandum No. AM 230-2000.
5. Resolution No. AR 2000-44, a resolution of the Municipality of Anchorage appropriating \$60,000 from the Areawide General (101) Fund Balance to Community Planning and Development for amendment No. 2 to the **professional legal services contract for continuing representation of the Municipality of Anchorage in *Bierne v. MOA***, Legal Department.
  - a. Assembly Memorandum No. AM 231-2000.

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

6. Resolution No. AR 2000-45, a resolution **authorizing a Foreign Trade Sub-Zone Agreement for Tesoro Petroleum Corporation (FTZ 160)**, Legal Department/Port of Anchorage. (**addendum**)
  - a. Assembly Memorandum No. AM 235-2000.

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

7. Resolution No. AR 2000-46, a resolution of the Anchorage Municipal Assembly regarding **disposal of the former Russian Jack Elementary School buildings and land**, Assemblymembers Wuerch, Abney, Kendall, Meyer, Sullivan, and Tremaine. (**addendum**)
  - a. Resolution No. AR 2000-46(S), a resolution of the Anchorage Municipal Assembly regarding disposal of the former Russian Jack Elementary School buildings and land, Assemblymembers Wuerch, Abney, Kendall, Meyer, Sullivan, Taylor, Tesche and Tremaine. . (**addendum**)

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

8. Resolution No. AR 2000-47, a resolution of the Anchorage Municipal Assembly **honoring and remembering Ronald L. Larson**, Assemblymembers Tesche, Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tremaine, Von Gemmingen, and Wuerch. (**addendum**)

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

9. Resolution No. AR 2000-48, a resolution of the Anchorage Municipal Assembly **encouraging the Anchorage School Board to reconsider its decision to use public money to fund the School District Superintendent's private lawsuit**, Assemblymembers Sullivan and Wuerch. (**addendum**)

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

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 225-2000, **Planning and Zoning Commission appointment** (Thomas Klinker), Mayor's Office.

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

2. Assembly Memorandum No. AM 226-2000, **Platting Board appointment** (P. Louise Hooyer), Mayor's Office.

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

3. Assembly Memorandum No. AM 227-2000, **Urban Design Commission appointments** (Bud Hooker, Sanford Rabinowitch), Mayor's Office

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

4. Assembly Memorandum No. AM 201-2000, Airport Aviation Advisory Commission appointments (Vincent A. Cestnik, Scott Jones), Mayor's Office.
5. Assembly Memorandum No. AM 202-2000, Anchorage Parking Authority Board of Directors appointments (Soren Orley, Tim Rogers, John Stallone, William Smith), Mayor's Office.
6. Assembly Memorandum No. AM 203-2000, Animal Control Advisory Board appointment (Donald Daniels), Mayor's Office.
7. Assembly Memorandum No. AM 204-2000, Animal Control Appeals Board appointment (Larry Merriman), Mayor's Office.
8. Assembly Memorandum No. AM 205-2000, Arts Advisory Commission appointments (Mark Simpson, Charlotte Fox, Henry Hedberg, Ron Lange), Mayor's Office.
9. Assembly Memorandum No. AM 206-2000, Budget Advisory Commission appointment (Jo-Li Sellen), Mayor's Office.
10. Assembly Memorandum No. AM 207-2000, Election Commission appointments (Beverly Dalzell, Marie Lastufka, Lucretia Olsen, Mable Zane Jones), Mayor's Office.
11. Assembly Memorandum No. AM 208-2000, Geotechnical Advisory Commission appointments (John Aho, Rodney Kinney, Jr.), Mayor's Office.
12. Assembly Memorandum No. AM 209-2000, Health and Human Services Commission appointments (Cynthia Hull, Karen Johnson, Rusty Meyers), Mayor's Office.
13. Assembly Memorandum No. AM 210-2000, Heritage Land Bank Commission appointments (Jeffrey Blake, Dave Harbour), Mayor's Office.
14. Assembly Memorandum No. AM 211-2000, Investment Advisory Commission appointment (Francine Spinelli), Mayor's Office.
15. Assembly Memorandum No. AM 212-2000, Housing and Neighborhood Development Commission appointment (Hillary Morgan), Mayor's Office.
16. Assembly Memorandum No. AM 213-2000, Library Advisory Board appointments (Beverly Beeton, Hal Gage), Mayor's Office.
17. Assembly Memorandum No. AM 214-2000, Memorial Park Cemetery Advisory Board appointments (Rev. Tim Crowley, Kay Linton), Mayor's Office.
18. Assembly Memorandum No. AM 215-2000, Mt. View Community Recreation Center Advisory Commission appointment (Jean Palanski), Mayor's Office.
19. Assembly Memorandum No. AM 216-2000, Parks and Recreation Commission appointments (Cheryl Bowers, Amy Fitzpatrick, James Mason), Mayor's Office.
20. Assembly Memorandum No. AM 217-2000, Public Safety Advisory Commission reappointments (Mayfield Evans, Tim Melican, John Stallone), Mayor's Office.

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

21. Assembly Memorandum No. AM 218-2000, Sister City Commission appointment (Mary Albert), Mayor's Office.
22. Assembly Memorandum No. AM 219-2000, Solid Waste Advisory Commission reappointments (Marcia Davis, William Hawley), Mayor's Office.
23. Assembly Memorandum No. AM 220-2000, Transportation Commission appointment (James Riley), Mayor's Office.
24. Assembly Memorandum No. AM 221-2000, Veterans Affairs appointments (Fred Becker, Nona Johnson, James Malone, Jackie Ballard, Paul Drummond, Kipp Keller, Thomas Peterson, William Wolter), Mayor's Office.
25. Assembly Memorandum No. AM 222-2000, Water and Wastewater Utility Commission appointment (Mark Newell), Mayor's Office.
26. Assembly Memorandum No. AM 223-2000, Women's Commission reappointment (Michelle Miller), Mayor's Office.
27. Assembly Memorandum No. AM 224-2000, Public Facilities Advisory Commission appointments (William Gee, Howard Levine), Mayor's Office.
28. Assembly Memorandum No. AM 178-2000, 2000 Audit Plan, Assemblymember Von Gemmingen.
29. Assembly Memorandum No. AM 179-2000, proprietary purchase of official election stock from Sequoia Pacific Systems Corporation for the Municipality of Anchorage, Clerk's Office/Purchasing.
30. Assembly Memorandum No. AM 186-2000, Assembly approval of change order #4 to 1997-2000 contract with Delisio, Moran, Geraghty & Zobel, P.C., to provide legal services, Finance.
31. Assembly Memorandum No. AM 187-2000, change order No. 5 to purchase order 73494 with LCMF, Inc. to provide professional architectural/ engineering services for capital improvement projects for the Municipality of Anchorage, Merrill Field Airport.
32. Assembly Memorandum No. AM 188-2000, change order No. 1 to purchase order #0000993051, with KC Corporation to install ADA accessible restroom at Pioneer School, Property and Facility Management.
33. Assembly Memorandum No. AM 189-2000, ADOT/PF Utility Relocation Agreement No. 1-51018-99-66 for water improvements in conjunction with Project STP-0001(57)/51018, Arctic Boulevard, Dimond Boulevard to Raspberry Road, Water and Wastewater Utility.

Municipal Manager George Vakalis requested this item be considered on the Regular Agenda. See item 8.E.

34. Assembly Memorandum No. AM 190-2000, proprietary award to Alaska Regional Hospital for providing Sexual Assault Response Team support for the Municipality of Anchorage, Anchorage Police Department (APD)/ Purchasing.
35. Assembly Memorandum No. AM 191-2000, change order No. 13 to purchase order 51724 with Aurora Towing for providing towing and removal services of miscellaneous junk vehicles for the Municipality of Anchorage, Anchorage Police Department/Purchasing.

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

36. Assembly Memorandum No. AM 192-2000, change order No. 1 to vendor contract 99LAW508 with Bankston & McCollum, P.C. for providing **construction legal services** for the Municipality of Anchorage, Office of the Municipal Attorney/Purchasing.
37. Assembly Memorandum No. AM 193-2000, change order No. 1 to purchase order 84568 to exercise the first option period with A & D Building Services to provide **window cleaning services** to the Municipality of Anchorage, Department of Property and Facility Management/Purchasing.
38. Assembly Memorandum No. AM 194-2000, proprietary purchase of **copier maintenance** from Royal Business Systems for the Municipality of Anchorage, Purchasing Department.
39. Assembly Memorandum No. AM 195-2000, change order No. 1 to vendor contract 99ASC260 to exercise the option period with Stusser Electric Company for furnishing **electric lamps** to the Municipality of Anchorage, Purchasing Department.
40. Assembly Memorandum No. AM 196-2000, proprietary purchase to N C Machinery Company for furnishing a **landfill compactor** to the Municipality of Anchorage, Solid Waste Services/Purchasing.

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

41. Assembly Memorandum No. AM 197-2000, proprietary purchase of **computer software maintenance support** from PSDI Corporation for the Municipality of Anchorage, Water and Wastewater Utility/Purchasing.
42. Assembly Memorandum No. AM 234-2000, grant agreement with Volunteers of America - Youth Restitution Program to provide **funding for the 2000 Juvenile Offender Program**, Assemblymember Taylor. **(addendum)**

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

43. Assembly Memorandum No. AM 236-2000, grant to Alaska Department of Health and Social Services, Division of Juvenile Justice for the **funding of intake officers, Juvenile Offender Program**, Municipal Manager's Office. **(addendum)**

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

44. Assembly Memorandum No. AM 237-2000, change order No. 4 to purchase order 82228 with Wordsmith or providing **recording secretarial services** to the Municipality of Anchorage, Department of Community Planning and Development/Purchasing Department. **(addendum)**
45. Assembly Memorandum No. AM 238-2000, proprietary purchase for **periodical and serial renewals** to Bell & Howell for the Municipality of Anchorage, Department of Cultural and Recreational Services/Purchasing Department. **(addendum)**
46. Assembly Memorandum No. AM 239-2000, proprietary purchase of **library network services** from OCLC/WLN for the Municipality of Anchorage, Department of Cultural and Recreational Services/Purchasing Department. **(addendum)**
47. Assembly Memorandum No. AM 240-2000, change order No. 4 to purchase order 60401 with Aetna Life Insurance Company for providing **group health and related insurance programs** for the Municipality of Anchorage, Employee Relations Department/Purchasing Department. **(addendum)**
48. Assembly Memorandum No. AM 241-2000, change order No. 2 to purchase order 73796 with Aurora Power Resources, Inc. for furnishing **natural gas** to the Municipality of Anchorage, Purchasing Department. **(addendum)**

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

49. Assembly Memorandum No. AM 242-2000, change order No. 1 to vendor contracts 99ASC277 with Alaska Pipe & Supply and 99ASC276 with Keller Supply Company for furnishing **plumbing supplies** to the Municipality of Anchorage, Purchasing Department. **(addendum)**
50. Assembly Memorandum No. AM 243-2000, proprietary purchase of **computer hardware maintenance and software license renewal** from Compaq Computer Corporation for the Municipality of Anchorage, Anchorage Water and Wastewater Utility/Purchasing Department. **(addendum)**
51. Assembly Memorandum No. AM 244-2000, change orders No. 1 to purchase order MOA 000990737 and AWWU 0000996077 with the law firm of Gilmore & Doherty for **continuing representation in the cases of *Christopherson v. MOA* and *Golden View Fisheries, et al. v. MOA***, Legal Department. **(addendum)**

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

52. Assembly Memorandum No. AM 245-2000, change order No. 3 to purchase order 82494 with the law firm of Bankston & McCollum or providing **legal services related to site acquisition for the New Downtown Jail Facility** for the Municipality of Anchorage, Legal Department. **(addendum)**

#### E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 17-2000, **Sole Source Procurement Report** for the month of January 2000, Purchasing. **(addendum)**

2. Information Memorandum No. AIM 18-2000, **contracts awarded between \$30,000 and \$100,000 through formal competitive processes** for the month of January 2000, Purchasing. (**addendum**)
3. Information Memorandum No. AIM 19-2000, **Municipal Light & Power natural gas explosion in 1998**. Finance. (**addendum**)

Mr. Kendall asked the record reflect his abstention on this item, because of a potential conflict of interest.

4. Information Memorandum No. AIM 20-2000, **Executive Appointment Report** for the period of July 1999 to December 1999 (David R. Rudisill - MISD: Information Systems Director; John J. McAleenan, Jr. - AWWU: Utility Division Manager II; Linda J. Johnson-Spraker - Municipal Attorney II; Gerald A. Helvey - CRS: Parks & Recreation Program Manager; Daniel A. Moore - Finance: Municipal Treasurer; Albert D. Patterson - Municipal Attorney I; Thomas Shepherd - ML&P: Utility Division Manager I; Billie L. Smith - ML&P: Utility Division Manager I; Lewis A. Rogers, Municipal Manager: Budget Officer; Karen V. Weimer, Municipal Attorney I; Rembert G. Rollison, Municipal Manager: Special Administrative Assistant I; Lawrence A. Dinneen, Port: Special Administrative Assistant I), Employee Relations Department. (**addendum**)

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

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

Municipal Manager George Vakalis recognized and thanked the newly-appointed board and commission members.

**8. REGULAR AGENDA:**

- A. TIME CRITICAL ITEMS: None.
- B. BID AWARDS: None.
- C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2000-55, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 21.45.110, regarding **the maximum allowable height of fences in Rural Residential Districts**, Assemblymember Abney. public hearing 6-13-00. (**addendum**)

Ms. Abney, Mr. Wuerch and Mr. Sullivan joined in introducing this ordinance. The public hearing was scheduled for June 13, 2000.

This item was referred to the Planning and Zoning Commission for consideration.

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2000-41, a resolution of the Anchorage Municipal Assembly **supporting HB 272, "An Act relating to the tax assessment by a home rule or general law municipality of housing that qualifies for the low-income housing credit under the Internal Revenue Code, and providing for an effective date."**, Assemblymember Tesche.

Mr. Tesche moved, to approve AR 2000-41.  
 seconded by Ms. Taylor,

Ms. Clementson moved, to postpone action on AR 2000-41 until after action on  
 seconded by Ms. Taylor, items 12.F. and 12.G, AO 2000-46 and AO 2000-32.

Mr. Tesche opposed the motion. He requested the body take action on the resolution now, as it was possible the other items may not be reached due to the length of the agenda.

In response to Ms. Von Gemmingen, Executive Manager Elaine Christian said she was willing to conduct a worksession on this topic with the Municipal Assessor, if the Assembly desires.

Ms. Von Gemmingen felt it was important to hear comments from the Assessor. She supported the motion to postpone until later in the meeting, and perhaps until another date.

Question was called on the motion to postpone action on AR 2000-41 until later in the meeting and it failed:

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

Ms. Clementson explained the House Bill legislation regarded the method of how tax assessors in the State assess low-income subsidized properties. These properties currently receive Federal subsidies for the development of low-income tax credit projects. Non-profit developers can receive a tax credit for building the low-income housing, and then can sell it to for-profit owners, usually a bank. The Municipal Assessor is assessing these properties the same as all other properties. Therefore, low-income property owners are assessed the same as rental properties, but low-income property owners cannot raise rents beyond a certain point, and cannot meet their tax bills. Those owners have requested a change in State law to make assessments proportionate with the value of the rent they receive. Ms. Clementson pointed out the difference in value

between the two assessment methods is about \$263,000 which would be made up by Anchorage taxpayers. If the 10 mill property tax cap is approved on the State ballot in the fall, there will be no ability to make up the difference. She felt allowing the State to direct how these properties are assessed would be an unfunded mandate. She noted the issue was very complicated, and deserved more discussion. She pointed out a recent Legislative committee hearing on February 1 was not well attended by key assessors because of heavy snow and avalanches, but it was passed out of the committee anyway.

Question was called on the motion to approve AR 2000-41 and it passed:

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

NAYS: Von Gemmingen, Clementson.

2. Resolution No. AR 2000-44, a resolution of the Municipality of Anchorage appropriating \$60,000 from the Areawide General (101) Fund Balance to Community Planning and Development for amendment No. 2 to the **professional legal services contract for continuing representation of the Municipality of Anchorage in *Bierne v. MOA***, Legal Department.
  - a. Assembly Memorandum No. AM 231-2000.

Mr. Wuerch moved, to approve AR 2000-44.  
seconded by Ms. Fairclough,

Mr. Wuerch moved, to postpone action on AR 2000-44 until March 21, 2000.  
seconded by Ms. Abney,

Mr. Wuerch felt it was premature to proceed on this issue, in light of an opportunity for a negotiated settlement.

Ms. Von Gemmingen explained this issue was critical to her constituents. She said many of them want to pursue completion of this issue, because it would result in a benefit for the Municipality. She spoke in support of the resolution.

Municipal Attorney Mary Hughes spoke in support of approval. She said discussions with Dr. Bierne are continuing, and is hopeful for a good result. She explained discovery has closed, a trial date has been set for May 1. She felt the Municipality would get the land one way or another, and there is a need to go forward in the case. Negotiations may be successful, so the funds, if appropriated, may not have to be spent. Ms. Hughes pointed out they would not be ready for trial if the appropriation is postponed as proposed.

Mr. Tremaine said normally he would be hesitant to approve appropriations for legal services. However, he realized there was a lot of public support to finalize the issue. In this case, if funds are appropriated, it will give the Municipality a stronger bargaining position.

Mr. Wuerch pointed out the postponement until March 21 would allow enough time before the May 1 trial date.

Question was called on the motion to postpone action on AR 2000-44 and it failed:

AYES: Wuerch.

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

Question was called on the motion to approve AR 2000-44 and it passed without objection.

3. Resolution No. AR 2000-45, a resolution **authorizing a Foreign Trade Sub-Zone Agreement for Tesoro Petroleum Corporation** (FTZ 160), Legal Department/Port of Anchorage. (**addendum**)
  - a. Assembly Memorandum No. AM 235-2000.

Mr. Tremaine moved, to approve AR 2000-45.  
seconded by Mr. Tesche,

In response to Mr. Tremaine, Municipal Manager George Vakalis explained the need for including the Kenai/Nikiski area in the sub-zone. Currently, there is one zone in Alaska, which the Municipality has been charged with managing, by the Federal Foreign Trade Zone Board. The Kenai/Nikiski area cannot have its own zone, so in order for that area to be eligible for Foreign Trade Zone benefits, they must be part of Anchorage's sub-zone. Kenai attempted creation of their own zone, but it was not approved. The Foreign Trade Zone Board said Kenai could be included in Anchorage's sub-zone if the Municipality agreed.

In response to Mr. Kendall, Mr. Vakalis said the Municipality could consider a similar sub-zone request by Mapco in Fairbanks. However, the question of whether that area would qualify to be a sub-zone or its own zone was up to the Foreign Trade Zone Board.

Question was called on the motion to approve AR 2000-45 and it passed without objection.

4. Resolution No. AR 2000-46, a resolution of the Anchorage Municipal Assembly regarding **disposal of the former Russian Jack Elementary School buildings and land**, Assemblymembers Wuerch, Abney, Kendall, Meyer, Sullivan, and Tremaine. (**addendum**)
  - a. Resolution No. AR 2000-46(S), a resolution of the Anchorage Municipal Assembly regarding disposal of the former Russian Jack Elementary School buildings and land, Assemblymembers Wuerch, Abney, Kendall, Meyer, Sullivan, Taylor, Tesche and Tremaine. (**addendum**)

Mr. Wuerch moved, to approve AR 2000-46(S).  
seconded by Mr. Tesche,

Mr. Wuerch explained the substitute version clarifies in more detail the request of the School Board. The resolution asks that if the old Russian Jack property is no longer of value to the District, it revert to the control of the Assembly for disposition consistent with the Municipal Code. He encouraged support.

Ms. Clementson moved, to postpone action on AR 2000-46(S) until March 7, 2000  
seconded by Ms. Fairclough, and hold a worksession with the Planning and Zoning  
Commission and Community Planning and Development staff.

Ms. Clementson felt several issues must be clarified by staff before the Assembly acts on this item, including constraints on the site, and the fact the site was selected for an elementary school. She pointed out the site now has no playfields and a building which was condemned. There is the question of how demolition would be paid for if the building reverts to control of the Municipality. Also, if there is a decision not to demolish the building, how playfields for the new school will be constructed is a question.

Mr. Tesche felt a worksession would be acceptable only if the status quo was preserved until the worksession takes place.

Mr. Wuerch felt action without delay was necessary to clarify the Assembly's position.

Ms. Clementson suggested the item should include a Summary of Economic Effects. She felt the District would not demolish the building, which is only 60 feet from the new school, during the school year when students are attending the new school.

Mr. Tremaine felt the resolution would not change any economic effects, except to ensure the building is not demolished in the interim.

Ms. Clementson suggested sending a letter to the District requesting they take no action on this issue until the Assembly discusses it on March 7.

Executive Manager Elaine Christian agreed to send such a letter.

Question was called on the motion to postpone action on AR 2000-46(S) and it passed:

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

The worksession was scheduled for 12:00 p.m. on March 7.

Mr. Wuerch requested the Municipal Attorney prepare to discuss the Code requirements and authority to dispose of Municipal real property.

Ms. Abney asked the issue of demolition of the Fairview school be discussed at this worksession.

5. Resolution No. AR 2000-47, a resolution of the Anchorage Municipal Assembly **honoring and remembering Ronald L. Larson**, Assemblymembers Tesche, Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tremaine, Von Gemmingen, and Wuerch. **(addendum)**

Mr. Tesche moved, to approve AR 2000-47.  
seconded by Mr. Wuerch,  
and it passed without  
objection,

Mr. Tesche reflected on Mr. Larson's many years of service to local government in Alaska.

6. Resolution No. AR 2000-48, a resolution of the Anchorage Municipal Assembly **encouraging the Anchorage School Board to reconsider its decision to use public money to fund the School District Superintendent's private lawsuit**, Assemblymembers Sullivan and Wuerch. **(addendum)**

Mr. Sullivan moved, to approve AR 2000-48.  
seconded by Mr. Kendall,

Mr. Sullivan noted the Assembly received notification that the Anchorage School District Superintendent withdrew his request that the District pay for his legal expenses. Mr. Sullivan applauded the Superintendent for his decision.

Mr. Sullivan moved, to postpone action on AR 2000-48 indefinitely.  
seconded by Mr. Wuerch,  
and it passed without  
objection,

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 225-2000, **Planning and Zoning Commission appointment** (Thomas Klinker), Mayor's Office.

2. Assembly Memorandum No. AM 226-2000, Platting Board appointment (P. Louise Hooyer), Mayor's Office.
3. Assembly Memorandum No. AM 227-2000, Urban Design Commission appointments (Bud Hooker, Sanford Rabinowitch), Mayor's Office

Ms. Von Gemmingen moved, to approve AM 225-2000, AM 226-2000 and AM 227-2000.  
seconded by Mr. Tremaine,

Ms. Von Gemmingen moved, to postpone action on AM 225-2000, AM 226-2000 and  
seconded by Mr. Tesche, AM 227-2000 until March 7, 2000 to allow for a 10-day  
and it passed without public comment period required by the Municipal Code.  
objection,

4. Assembly Memorandum No. AM 217-2000, Public Safety Advisory Commission reappointments (Mayfield Evans, Tim Melican, John Stallone), Mayor's Office.

Ms. Fairclough moved, to approve AM 217-2000.  
seconded by Mr. Kendall,

In response to Ms. Fairclough, Police Chief Duane Udland said there have been no problems getting quorums for the meetings. Although one of the appointees missed four out of seven meetings, he felt there was not a problem with attendance. He pointed out in addition to monthly meetings of the Commission, members attend meetings with various community advisory groups, and spend quite a bit of time on issues related to Commission business. Chief Udland said he was satisfied with the performance of the Commission members.

Question was called on the motion to approve AM 217-2000 and it passed without objection.

5. Assembly Memorandum No. AM 189-2000, ADOT/PF Utility Relocation Agreement No. 1-51018-99-66 for water improvements in conjunction with Project STP-0001(57)/51018, Arctic Boulevard, Dimond Boulevard to Raspberry Road, Water and Wastewater Utility.

Mr. Vakalis moved, to postpone action on AM 189-2000 until after action on  
seconded by Mr. Kendall, item 12.L, AR 2000-19.  
and it passed without  
objection,

(Clerk's Note: This item were continued to the February 22, 2000 portion of the meeting. See after item 12.L.)

6. Assembly Memorandum No. AM 191-2000, change order No. 13 to purchase order 51724 with Aurora Towing for providing towing and removal services of miscellaneous junk vehicles for the Municipality of Anchorage, Anchorage Police Department/Purchasing.

Mr. Wuerch moved, to approve AM 191-2000.  
seconded by Mr. Kendall,

In response to Mr. Wuerch Acting Purchasing Director Bart Mauldin explained why this item was brought before the Assembly now, when the contract expired on December 31, 1999. He said work began on the extension since December when there was an early bid opening. He was hoping to present an award to the Assembly in January, but that did not occur. Also, there has been a protest. Another factor was that it sometimes takes several weeks to place items on the Assembly agenda.

Mr. Wuerch objected to the need for retroactive approval of a contract. He hoped future awards would be more punctual.

Mr. Tesche concurred with Mr. Wuerch's remarks. However, he strongly supported the junk vehicle removal program.

Question was called on the motion to approve AM 191-2000 and it passed without objection.

7. Assembly Memorandum No. AM 196-2000, proprietary purchase to N C Machinery Company for furnishing a landfill compactor to the Municipality of Anchorage, Solid Waste Services/Purchasing.

Ms. Fairclough moved, to approve AM 196-2000.  
seconded by Mr. Sullivan,

In response to Ms. Fairclough, Solid Waste Services Joel Grunwaldt explained the hourly operating cost for repair and maintenance of the compactor was \$26.27, less the cost of oil, hydraulic fluid and fuel used for the machine. He said this was a very good price, and discussed comparisons of maintenance costs for machines used in the past. This machine is much larger than those used in the past, and the operating cost is in the same price range.

Ms. Fairclough requested a list of repairs on the machine purchased in 1995, as well as the original cost of the machine and the maintenance records.

Question was called on the motion to approve AM 196-2000 and it passed without objection.

8. Assembly Memorandum No. AM 234-2000, grant agreement with Volunteers of America - Youth Restitution Program to provide **funding for the 2000 Juvenile Offender Program**, Assemblymember Taylor. (**addendum**)
9. Assembly Memorandum No. AM 236-2000, grant to Alaska Department of Health and Social Services, Division of Juvenile Justice for the **funding of intake officers, Juvenile Offender Program**, Municipal Manager's Office. (**addendum**)

Ms. Von Gemmingen moved, to approve AM 234-2000.  
seconded by Ms. Clementson,

Ms. Von Gemmingen questioned how these two items differed.

See further action on these items after the following item.

10. Assembly Memorandum No. AM 241-2000, change order No. 2 to purchase order 73796 with Aurora Power Resources, Inc. for furnishing **natural gas** to the Municipality of Anchorage, Purchasing Department. (**addendum**)

Ms. Von Gemmingen moved, to approve AM 241-2000.  
seconded by Ms. Fairclough,

In response to Ms. Von Gemmingen, Acting Purchasing Director Bart Mauldin explained the purchase, in light of the Municipality's ownership of a portion of the Beluga Gas field. He said so far, the Municipality has not purchased gas from itself, and his understanding was that the Administration's policy was to continue that protocol.

Municipal Manager George Vakalis added that during the purchase of the field, there was an existing contract for supplying gas to the Municipality, and that contract had to be honored. The reason for the field purchase was not to compete with private industry, but to have a source of gas when existing contracts expired, and for Municipal Light and Power's needs.

In response to Ms. Clementson, Municipal Attorney Mary Hughes explained there was a contract to sell gas to Aurora during the purchase of the field, but that contract has now expired. She added the field was purchased to provide gas for ML&P's electricity generation, and not to sell. Since the field was purchased, there have not been any sales other than those resulting from existing contracts. The gas being purchased from Aurora will be used to heat Municipal facilities; Aurora was a provider like Enstar, except the Municipality receives a discount with Aurora.

In response to Mr. Wuerch, Mr. Mauldin felt there would not be a problem with having a contract in place by April 30. He said there were about three companies that could bid on the contract.

Question was called on the motion to approve AM 241-2000 and it passed without objection.

The Assembly then returned to items 8.E.8 and 8.E.9.

Assembly Memorandum No. AM 234-2000, grant agreement with Volunteers of America - Youth Restitution Program to provide **funding for the 2000 Juvenile Offender Program**, Assemblymember Taylor. (**addendum**)  
Assembly Memorandum No. AM 236-2000, grant to Alaska Department of Health and Social Services, Division of Juvenile Justice for the **funding of intake officers, Juvenile Offender Program**, Municipal Manager's Office. (**addendum**)

In response to Ms. Von Gemmingen, Gene Dusek of the Office of Management and Budget explained in the 2000 operating budget, there were four parts to the Juvenile Offender program in the non-departmental category. Two of those parts are before the Assembly tonight. The third item was Anchorage Youth Court, approved sometime in January, and the fourth was \$25,000 for a community dispute center, which did not have to go before the Assembly for approval.

Ms. Von Gemmingen moved, to postpone action on AM 234-2000 until the next Assembly  
seconded by Mr. Wuerch, meeting, pending clarification of the amount budgeted for this  
and it passed without item.  
objection,

(Clerk's Note: See after the following item for further action on this item.)

Ms. Von Gemmingen moved, to approve AM 236-2000.  
seconded by Ms. Clementson,

Ms. Von Gemmingen moved, to postpone action on AM 236-2000 until the next Assembly  
seconded by Ms. Clementson, meeting, pending further information.  
and it passed without  
objection,

(Clerk's Note: See after the following item for further action on this item.)

11. Assembly Memorandum No. AM 244-2000, change orders No. 1 to purchase order MOA 000990737 and AWWU 0000996077 with the law firm of Gilmore & Doherty for **continuing representation in the cases of Christopherson v. MOA and Golden View Fisheries, et al. v. MOA**, Legal Department. (**addendum**)

Ms. Von Gemmingen moved,  
seconded by Ms. Clementson,

to approve AM 244-2000.

In response to Ms. Von Gemmingen, Municipal Attorney Mary Hughes explained the proposed change order would fund legal services for both the Christopherson and Golden View Fisheries cases.

In response to Mr. Tesche, Ms. Hughes said Gilmore & Doherty were selected through proprietary purchase. At the time of the suit, the firm was handling another case, and their efficiency and success rate contributed to their selection. She said lack of availability of Municipal attorneys also was a factor. She agreed to provide Mr. Tesche with the sole source justification for this change order.

Question was called on the motion to approve AM 244-2000 and it passed without objection.

The Assembly then returned to items 8.E.8 and 8.E.9.

Ms. Von Gemmingen moved,  
seconded by Mr. Sullivan,  
and it passed without  
objection,

to amend AM 234-2000 on line 7 to read: "...an appropriation of \$324,000 for the Juvenile Offender Program."

Question was called on the motion to approve AM 234-2000 and it passed without objection.

Question was called on the motion to approve AM 236-2000 and it passed without objection.

F. INFORMATION AND REPORTS: None.

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

- A. Resolution No. AR2000-16 (As Amended), a resolution of the Municipality of Anchorage appropriating \$225,000 from the Anchorage Metropolitan Police Service Area (151) Fund Balance to the Anchorage Police Department for **professional legal services in support of labor relations activities in pending litigation regarding Messrs. Guillory and Nelson**, Employee Relations Department. (AMENDED AND APPROVED \$160,000; POSTPONED \$65,000 FROM 2-1-00)
- B. Assembly Memorandum No. AM 139-2000, Planning and Zoning Commission reappointments (Dwayne Adams, Daphne Brown), Mayor's Office. (POSTPONED FROM 2-1-00)
- C. Assembly Memorandum No. AM 140-2000, Platting Board appointments (Don Poulton, ~~Rick Richter~~), Mayor's Office. (POSTPONED FROM 2-1-00)
- D. Assembly Memorandum No. AM 141-2000, Urban Design Commission reappointment (Kerry Pritchett), Mayor's Office. (POSTPONED FROM 2-1-00)
- E. Assembly Memorandum No. AM 142-2000, Zoning Board of Examiners & Appeals reappointments (Bernd Guetschow, Mike Marsh, Barry Shennum), Mayor's Office. (POSTPONED FROM 2-1-00)
- F. Ordinance No. AO 99-157, an ordinance amending the Anchorage Municipal Code to amend Section 8.40.040 and to **recover costs of responses to false alarms by the Anchorage Police Department** and enact a new Chapter 10.75, Inspection Fees, to **recover costs of inspections by the Anchorage Fire Department**, Legal Department.
  - 1. Assembly Memorandum No. AM 1178-99. (AMENDED AND POSTPONED FROM 1-11-00)
- G. **NOTICE OF RECONSIDERATION: Resolution No. AR 2000-39**, a resolution of the Anchorage Municipal Assembly **opposing Senate Bill 203, "An Act relating to metropolitan planning organizations and to designation of a metropolitan planning organization area for the Anchorage metropolitan area; and providing for an effective date."**, Assemblymembers, Abney, Tesche, Taylor, Von Gemmingen. (APPROVED 2-8-00; RECONSIDERATION WAS ENTERED ON THE MINUTES 2-8-00)

Items 9.A. through 9.G. were considered earlier in the meeting. See after item 4.

- H. Ordinance No. AO 2000-22, an ordinance **approving a long-term lease of the Hilltop Ski Area of the Municipality's Far North Bicentennial Park to Youth Exploring Adventure, Inc.**, a non-profit corporation doing business as Hilltop Ski Area to continue the use, management and development of the Hilltop Ski Area by Youth Exploring Adventure, Inc. as a public recreation area and **submitting to the qualified voters of the Municipality at the Regular Municipal Election April 4, 2000 a ballot proposition to approve said long-term lease**, Legal Department.
  - 1. Assembly Memorandum No. AM 42-2000.
  - 2. Ordinance No. AO 2000-22(S), an ordinance approving a long-term lease of the Hilltop Ski Area of the Municipality's Far North Bicentennial Park to Youth Exploring Adventure, Inc., a non-profit corporation doing business as Hilltop Ski Area to continue the use, management and development of the Hilltop Ski Area by Youth Exploring Adventure, Inc. as a public recreation area and submitting to the qualified voters of the Municipality at the Regular Municipal Election April 4, 2000 a ballot proposition to approve said long-term lease, Legal Department.
  - 3. Assembly Memorandum No. AM 126-2000. (CONTINUED FROM 1-25-00; PUBLIC HEARING CLOSED 2-1-00; POSTPONED FROM 2-1-00)

This item was considered during the February 22, 2000 continuation of the meeting. See item 16, Unfinished Agenda.

**10. APPEARANCE REQUESTS:** None.

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

to postpone action on items 11.A. and 11B. until the end  
of the agenda.

The meeting recessed at 6:30 p.m. and reconvened at 6:50 p.m.

**11. CONTINUED PUBLIC HEARINGS:**

- A. Ordinance No. AO 99-148, an ordinance **repealing Ordinance 84-101 concerning Tracts C11 and C15 Eagle Crossing Subdivision, Tract A, Ptarmigan Subdivision and the SW 1/4 of the SE 1/4 of the NW 1/4 of Section 17 along the S 1/2 of Section 17** excepting therefrom Tract A, Eagle River Greenbelt, located within Sections 17 and 18, T14N, R1W and amending the zoning map and providing for the rezoning from R-3/SL (Multiple-Family Residential with Special Limitations) to R-3/SL (Multiple-Family Residential with Special Limitations) for the Tracts C11 and C15, Eagle Crossing Subdivision, Tract A, Ptarmigan Subdivision and the SW 1/4 of the SE 1/4 of the NW 1/4 of Section 17 along the S 1/2 of Section 17 excepting therefrom Tract A, Eagle River Greenbelt, located within Sections 17 & 18, T14N, R1W, SM, AK, containing approximately 225 acres and generally located south of Ptarmigan Boulevard and north of the Eagle River Greenbelt and along both sides of Eagle River Lane (Eagle River Valley Community Council) (Planning and Zoning Commission Case 99-109), Community Planning and Development.
1. Assembly Memorandum No. AM 1140-99.  
(CONTINUED FROM 2-1-00 AND 2-8-00)
- B. Ordinance No. AO 99-114, an ordinance of the Anchorage Assembly **formally adopting the goals and objectives of the Anchorage Bowl Comprehensive Plan**, Assemblymembers Taylor, Tesche, Tremaine, and Abney.
1. Assembly Memorandum No. AM 724-99.  
(CONTINUED FROM 10-19-99)

Items 11.A. and 11.B. were considered during the February 22 continuation of the meeting. See item 16, Unfinished Agenda.

**12. NEW PUBLIC HEARINGS:**

- A. Assembly Memorandum No. AM 138-2000, **Employee Relations Board reappointment** (Ernie Hall), Mayor's Office.

Chairman Meyer opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Mr. Wuerch moved, to approve AM 138-2000.  
seconded by Ms. Fairclough,

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

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

- B. Ordinance No. AO 2000-43, an ordinance **approving a long-term (not exceeding 30 years) lease of the Hilltop Ski Area with modified boundaries (approximately 160 acres) in the Municipality's Far North Bicentennial Park** to Youth Exploring Adventure, Inc., a non-profit corporation doing business as Hilltop Ski Area to continue the use, management and development of the Hilltop Ski Area by Youth Exploring Adventure, Inc. as a public recreation area and **submitting to the qualified voters of the Municipality at the Regular Municipal Election April 4, 2000 a ballot proposition to approve said long-term lease**, Legal Department/Cultural and Recreational Services.
1. Assembly Memorandum No. AM 175-2000.

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

GEORGE MAAS, president of the Anchorage Audobon Society, did not oppose Hilltop continuing operating in the existing area or hosting events for the 2001 Special Olympics. However, he opposed expansion of the ski area into other user areas. Anchorage Audobon Society is concerned the proposed expansion would interfere with observance of wildlife and birds in this special area. He recommended the Assembly postpone the expansion question until next year, and instead extend the lease for the existing footprint to allow the facility to host the Special Olympics.

TONY BARDER, a former Board member of the Hilltop organization, discussed development of the area beginning in the 1960's. He pointed out the organization's operation preceded plans for Far North Bicentennial Park, which did not begin until 1973. He pointed out the original site plan that was approved included reservation of an area for expansion to the north, where the Spencer Trail is currently located. When Mr. Spencer approached the Hilltop organization in 1986 for permission to build the trail, the Board allowed the construction because there was not an immediate need for the area by Hilltop. They approved the plan with reservations to relocate the Nordic trails at a future date. Mr. Barder pointed out the Parks and Recreation Commission issued a concept approval for construction of Hilltop with a number of conditional statements. Upon meeting these conditions, there would be a review by the Planning and Zoning Commission, and then the Assembly would

vote before construction activities are authorized. He felt it would be premature for the Assembly to take any specific actions tonight on Hilltop's process for the expansion. He supported placing the question in AO 2000-43 on the ballot.

JUDY MOERLEIN, opposed AO 2000-43, AO 2000-22 and AO 2000-22(S). She supported the fine beginning skiers program at Hilltop, but strongly opposed any expansion that would jeopardize the Spencer Loop. She felt once skiers have mastered the beginner level, they should be encouraged to move to more advanced slopes at Arctic Valley and Alyeska. She pointed out due to topography, the Hilltop area cannot provide more than "bunny" slopes. Ms. Moerlein requested any long-term lease for the property include strict penalties for non-compliance. Also, it should be specified that no changes to Spencer Loop unless funds are available, and necessary permits are obtained. Lastly, Ms. Moerlein pointed out use of snow-making machines at Hilltop in certain weather conditions create ice fog which impacts areas up to a mile and a half downwind of the area. Enlarging Hilltop will aggravate this condition; she added a stipulation be added to any lease agreement that the machinery not be operated during these weather conditions.

In response to Mr. Tremaine, Ms. Moerlein said she did not feel a 20-year lease was warranted. A five-year lease should be sufficient.

In response to Mr. Tesche, Ms. Moerlein felt it would be prudent for the lease to return to the Assembly for approval after approval by the voters.

JESSICA HOLMSTEAD supported a 20-year lease for Hilltop. She felt a long-term lease was necessary to allow the organization to adequately plan for future activities and improvements. The organization is trying to meet the demands of the community, which is growing. She noted the facility provides constructive activities for Anchorage youth. Ms. Holmstead added the facility provides a variety of trails for skill levels beyond beginner. An expansion would allow even more variety.

GARY BOCARDE spoke against the proposed expansion. He has testified against it for over ten years, and was growing weary of attending hearings. He was discouraged that every time a proposal is rejected, it returns again in another form. He asked the Assembly to consider a clear-cut for the expansion will impact an area that is used all year round, and Hilltop is used only in the winter.

STEVE REMME, CEO of Hilltop Ski Area, spoke in support of the ordinance. He said the organization has worked with the Municipal Parks and Recreation Division for the past seventeen years. The goal was to provide summer and winter recreation activities. He felt they have been successful. The services are vital to the health and well being of children in the community, and come at no additional cost to the taxpayer. He felt the public should be allowed to vote on the proposed question. He explained a long term agreement was necessary to plan and finance future programs and facilities.

TOM MEECHAM felt any ballot question would be premature and the vote merely advisory. He explained the terms of conveyance have not been set by ordinance as required by Charter, nor have the terms been agreed to in a binding document by both parties. He recommended the ordinance be defeated.

In response to Ms. Fairclough, Deputy Municipal Attorney Bill Greene explained the terms and conditions of the lease were included in the accompanying memorandum, AM 175-2000. He felt the Charter requires they be published in the Notice of Election but not that the entire lease document be available.

TIM TERWILLIGER, Hilltop manager, felt without a 20-year lease the facility will likely have to stop operation. He pointed out that would result in a large void in the community. He said the lands entrusted to Hilltop are used for many types of recreation. The facility hosts a variety of activities, and supports the activities of dozens of recreational and community associations. He pointed out the Anchorage Fire Department retrofitted Hilltop's snow-making system so it also serves as a fire truck refilling station. Mr. Terwilliger noted the Fire Department classifies existing ski runs as fire breaks. He noted when Hilltop agreed to allow the Spencer Loop to encroach on its footprint, the Hilltop Board was promised there would be no interference with any future development plans. He said the organization is committed to continue their good relationship with other trail users. He added clear-cutting is not in their plan. Alpine ski runs are cleared areas surrounded by islands of trees and vegetation to act as noise and light buffers. Healthy spruce trees would be left standing if they did not risk skiers' safety or interfere with grooming.

DAN ROSENBERG, a user of the park, felt the question was allocation of park land among all user groups. The proposed ordinance does not directly address the issue of Hilltop ski run expansion. He felt a public vote should present a clear choice. Mr. Rosenberg encouraged the Assembly to table all of the proposed ordinances, extend the existing use permit for another year, and resolve the larger issue in 2001.

TRISHA HURMINGHOUSE, questioned whether long range plans for development were consistent with expansion of Hilltop and additional loss of open space. She noted the trails which would be displaced by the expansion serve adults and children all year round. She questioned whether there was another location in the Anchorage bowl with better terrain to develop a down-hill ski area. As a regular user of trails in the area, she has seen little evidence that long lift lines are an issue at Hilltop. She felt any ballot questions must be absolutely explicit so voters understand the issue.

PIXIE SIEBE felt the Hilltop facility should remain within its present foot print. She noted a new lift can be positioned near the existing lift, to take skiers to the top of the hill. She supported construction of a new lodge, if it will be available to all park users and the community, and supported the road and parking area. She felt the lease extension was not needed to host the Special Olympics snow board competition. If the issue is placed on the ballot, she felt questions from both AO 2000-22 and AO 2000-43 should be presented, to allow for a true choice for voters. She was concerned about future oversight of the facility if the 30-year lease is approved.

CLIFF EAMES, of the Alaska Center for the Environment, felt the issue was about expansion of the ski runs. He did not feel Hilltop had made a persuasive case that an additional run is necessary. The expansion would continue the gradual decrease of open space in Far North Bicentennial Park. He recommended Hilltop be granted a 5 to 10 year permit for operation on the existing footprint. If the question of a lease and expansion is placed on the ballot, the language should be clear including

notification that additional clearing would be necessary. He felt the lease should be available for public review before the vote. Mr. Eames added although construction of the lodge is not controversial, there are several questions which should be clarified, including use and ownership of the lodge.

TOM MCGRATH noted the Hilltop facility covers a relatively small portion of the hillside. He viewed the area proposed to be cleared, and it appears to consist of about 50 percent of Spruce Bark Beetle-killed trees. He noted the ski area contributes to healthy development and success of Anchorage youth. Mr. McGrath pointed out the organization is not requesting money, but only use of a part of the park, to serve young people. Their services will save lots of money over time. He noted most land use leases are 50 years, so the proposed 20 years seems reasonable. He felt there was plenty of room in the park for all users. He supported adoption of AO 2000-43.

TOM NEWANS was a user and neighbor to the Hilltop facility. He uses both the downhill and cross country trails. He thought the facility was wonderful, and supported extension of the lease. However, he did not support expansion of area for downhill skiing. He has not seen long lift lines when he uses the downhill area. Mr. Newans pointed out there were many other users of the area all year round who would be impacted by the expansion. He felt it was a shame the expansion was being tied to the lease extension, and would prefer they be addressed separately.

Chairman Meyer asked if anyone else wished to speak. There was no one, and he closed the public hearing.

Mr. Wuerch moved, to adopt AO 2000-43.  
seconded by Ms. Clementson,

Mr. Wuerch noted this ordinance corrected some of the flaws in AO 2000-22, and represents a broad and clear statement of intent and purposes. He encouraged support. He felt placing too many questions on the ballot would confuse the voters.

Mr. Sullivan felt adding 30 acres to the Hilltop footprint would not be as detrimental as some have suggested. There is significant Spruce Bark Beetle-kill in the area. Also, ski runs do not require clear-cutting of trees. He noted the proposal was reviewed extensively by the Parks and Recreation Commission, which applied compromises and conditions to attempt to satisfy all user groups.

Mr. Sullivan moved, to amend AO 2000-43 on page 3, line 4 to read: "...Ordinance  
seconded by Mr. Tremaine, 2000-43. The modified boundaries include 30 additional acres  
and it passed without not currently within the existing boundaries."  
objection,

(Clerk's Note: This amendment was changed later in the meeting by Mr. Sullivan, to eliminate the word "additional.")

Mr. Tremaine questioned the Municipal Attorney's Department staff on Charter requirements. He questioned the Administration's intent for Hilltop in the event a ballot proposition failed.

Municipal Manager George Vakalis said in the event the question in AO 2000-43 did not pass, Hilltop would receive a five-year permit for the new footprint. The same result would occur if the question in AO 2000-22 was voted on and failed.

Mr. Tremaine felt the public wanted to vote on the footprint issue rather than the lease extension. However, no matter what question is placed on the ballot, if it fails a new footprint will be offered.

Deputy Municipal Attorney Bill Greene clarified Mr. Sullivan's earlier amendment. He explained the 30 acres were not additional acres, but included in the existing 160 acres.

Mr. Vakalis pointed out even if a 5-year permit is issued, no development can occur in the new area unless all the conditions are met. There is a public process involved.

In response to Mr. Tesche, Cultural and Recreational Services Director Kathy Kingston said her staff and the Hilltop officials have spent many hours in negotiations on the lease and permit conditions. The negotiations have not been finalized yet, but she felt that was imminent. The conditions have been agreed to, but the document has not been signed.

Mr. Tesche felt the Assembly should not proceed without the existence of a finalized lease document.

Mr. Wuerch moved, to postpone action on AO 2000-43 until later in the meeting,  
seconded by Ms. Clementson, and proceed with ballot proposition items.  
and it passed without  
objection,

(Clerk's Note: See after item 12.K. for further action on this item.)

Fairclough read some proposed amendments to the lease document. The suggested amendments would have to be approved by the Parks and Recreation Commission and confirmed by the Assembly.

- C. Ordinance No. AO 2000-42, an ordinance approving the **conveyance of lands in the Municipality's Beach Lake Park to the Alaska Railroad Corporation** in exchange for existing Alaska Railroad right-of-way lands in Beach Lake Park to accommodate straightening of railroad track curves and submitting to the qualified voters of the Municipality at the Regular Municipal Election April 4, 2000 a ballot proposition to approve said conveyances, Legal Department/Heritage Land Bank.
1. Assembly Memorandum No. AM 174-2000.
  2. Ordinance No. AO 2000-42(S), an ordinance approving the conveyance of lands in the Municipality's Beach Lake Park to the Alaska Railroad Corporation in exchange for existing

Alaska Railroad right-of-way lands in Beach Lake Park to accommodate straightening of railroad track curves and submitting to the qualified voters of the Municipality at the Regular Municipal Election April 4, 2000 a ballot proposition to approve said conveyances, Legal Department/Heritage Land Bank. **(LAID ON THE TABLE)**

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

TOM BROOKS, Chief engineer of the Alaska Railroad (ARR), explained this proposal was a curve straightening project designed to improve safety and service. He said ARR is striving to become a more viable alternative to the Glenn Highway. ARR officials have been working with residents and landowners in the area of Beach Lake Park, and have proposed some accommodations. One was to provide a grade-separated crossing at the intersection of the tracks and Beach Lake Road as well as a pedestrian underpass. Secondly, ARR is proposing to provide the possibility of future access via that grade separation to 650 acres of Eklutna, Inc. land, which otherwise does not have good access. That would only occur when and if Eklutna lands are developed.

PHYLLIS JOHNSON, ARR general counsel, explained a substitute ordinance was introduced to address questions raised by people in the community. The substitute includes references to the Eklutna, Inc. situation and the potential access to their land that would be created. Also, there was a change regarding transfer of some of the abandoned land to adjacent land owners. She encouraged adoption of the substitute version.

In response to Mr. Tesche, Heritage Land Bank Director Larry Houle said the substitute version was acceptable.

In response to Mr. Kendall, Ms. Johnson clarified some of the abandoned ARR right-of-way abutting Beach Lake Park would be absorbed into the park. The right-of-way adjacent to private property would be transferred to those land owners. Originally, it was their intent to allow the Municipality to handle that transaction, but since they have to go to the State Legislature for approval of other disposals, they decided to add the individual disposals to that process.

In response to Mr. Kendall, Ms. Johnson added there are no specific Municipal road construction standards to address a grade separated crossing, but there are specific standards under the American Association of State Highway and Transportation, so the standards were changed to those of the latter organization. She felt if Eklutna wants to develop its land in the future they would have to address any improvement or upgrading of the existing road. Ms. Johnson confirmed ARR would improve Beach Lake Road, and connect the trail to the new tunnel.

MEG HAYES, Eklutna Land Manager, spoke on behalf of Eklutna CEO George Easley. She explained Eklutna desperately needs the access which would be provided by the proposal. They recognize the need for master plan and applicable permits prior to development of their land. Those permits will offer ample opportunity for public input. She assured the Assembly that when Eklutna does its master plan, they would be dedicating at least 13.6 acres which will be affected by the ARR realignment to parkland, and it would be added to Beach Lake Park.

DONNA MANNER, co-chair of Birchwood Community Council, noted the Council's resolution supported the track-straightening project. However, they opposed the original version of the ordinance; they felt language should be included to ensure conveyance of property to adjacent private land owners, which is in the substitute version. The Council wants ARR to be restricted to only the 200-foot right-of-way needed to do the straightening project, which would reduce the 11.23 acre parcel to approximately 8 acres. Ms. Manner said this was in regard to the area of access to Eklutna lands. She explained there was concern the public will not be able to testify on future use of ARR land that will furnish access to Eklutna.

BOBBI WELLS, co-chair of Birchwood Community Council, spoke in support of the ARR realignment project. She questioned the presence of the Eklutna request in the ordinance.

JOHN CROOKSHANK, opposed the ordinance as proposed. He asked it be changed to address trading community park land to Eklutna, which he felt was unfair. The park land is not ARR's to trade. Mr. Crookshank he was concerned Eklutna wants the access yet refuses to deal with the community. He felt they were hiding behind the ARR process. He said Eklutna's access was a separate issue. When they are ready to develop, there is an entire public process for that goal. He asked the Assembly amend the ordinance to limit the ARR right-of-way at the Park to 200 feet wide.

ANN NEWBURY, concurred with Mr. Crookshank's remarks. She felt Eklutna should deal with community directly to resolve its access issues.

RICHARD MAUSER said the Eagle River Valley Community Council supports the ARR program to realign and straighten tracks. He said the Council also supports exchange of Municipal parkland for existing ARR right-of-way with certain conditions. The Eagle River Valley Council supports the Birchwood Community Council in its concern that the Municipality not be involved in transfer of the ARR right-of-way to private land owners, and their wishes that only parkland needed for the right-of-way, not for Eklutna access, be included in the exchange. Also, he asked the Chugiak/Eagle River Parks and Recreation Service Area be compensated by any amount that the land given is appraised more than the land it receives.

ALEXANDRA HILL, a Birchwood resident, outlined reasons she opposed the proposed access to Eklutna land. She explained when Eklutna develops its land, it will impact and displace many dog mushing and ski trails in the Park. The potential for user conflicts is enormous. She pointed out Eklutna has a history of denser development than the existing community, which is a concern. There will also be increased traffic on Beach Lake Road. She felt the community should receive considerations from Eklutna rather than ARR. She pointed out the community should have the leverage of the value of the access when dealing with Eklutna's master plan proposal.

JILL CROSBY, also a long-time resident of the area, concurred with the remarks of previous speakers. She questioned how Municipal standards would affect Beach Lake Road at the intersection. There is a steep hill on either side of the crossing, and it was unclear whether they would be affected by the upgrade. She asked for clarification on the amount of land that will

be added to Beach Lake Park. Ms. Crosby added the presence of dedicated trails in the Comprehensive Plan is no guarantee they will be protected. She pointed out there have been recent changes from the Plan to accommodate rezonings.

Chairman Meyer asked if anyone else wished to speak. There was no one, and he closed the public hearing.

Mr. Wuerch moved, to adopt AO 2000-42(S).  
seconded by Mr. Tesche,

In response to Mr. Kendall, Ms. Johnson discussed the process of obtaining access across ARR tracks. She felt there were probably other alternatives for this particular piece of land, and whenever Eklutna submits a development plan, it will have to convince a government body and the public of the appropriateness of their chosen access to their land.

In response to Mr. Kendall, Mr. Brooks said he was not familiar with the details of the grade on Beach Lake Road, but he did not think it would exceed 10 percent after completion. He said ARR was obligated to ensure the area that tracks are moved from will be cleaned up and meet environmental regulations.

Mr. Kendall suggested adding a new section to the ordinance that would require a memorandum of agreement that will detail all ARR obligations, in the event of voter approval.

Ms. Johnson said there would be an opportunity to do that even before voter approval. She clarified that in the substitute version, Section 2, there was a provision that ARR would have to obtain an appraisal of the land. She felt other details could be discussed such as the grade of the road.

In response to Ms. Fairclough, Mr. Brooks said ARR will comply with terms of a Corps of Engineers wetlands permit. They will build a trestle bridge to replace a culvert at mile 131. However, there will be fill in the wetlands on the approach to the trestle bridge.

Mr. Tesche spoke in supported of the substitute ordinance. He felt realignment and improvement of rail transit would benefit the community.

In response to Ms. Von Gemmingen, Ms. Johnson confirmed 13.52 is the correct amount of acreage.

Mr. Wuerch moved, to amend AO 2000-42(S) on page 3, line 16 to read:  
seconded by Mr. Tesche, "...convey approximately 13.52 acres of land..."  
and it passed without  
objection,

Mr. Kendall moved, to amend AO 200-42(S) to add a new Section 3  
seconded by Ms. Fairclough, to read: "In the event of voter approval, the Municipality  
and it was later withdrawn, of Anchorage and the Alaska Railroad Corporation will enter  
into a memorandum of agreement that will detail all Alaska  
Railroad Corporation obligations and which will be subject to  
full review of the appropriate Municipal agencies." and  
renumber the following sections accordingly.

Deputy Municipal Attorney Bill Greene recommended the Assembly make any material changes it wants in the ordinance so they will appear in the notice of election.

In response to Mr. Sullivan, Ms. Johnson pointed out Section 1 of the ordinance addresses many of the issues that were agreed to. She said she would prefer to avoid legal ambiguity by adding language regarding future negotiations and agreements.

Mr. Tesche spoke against the amendment. He felt it interjected unnecessary uncertainty.

In response to Ms. Fairclough, Mr. Houle explained the public process to declare the portion of the right-of-way surplus and able to be traded. He said the proposal went through the community council process, and was always exposed in the surveys. There has been no attempt to hide the trade proposal. It is not a new proposal, and he was surprised it became an issue at the community council level. He suggested the process could be modified in the future to ensure more people are informed about similar issues. Mr. Houle felt the Birchwood area would receive a tremendous public amenity improvement from the proposed transaction. In his opinion, the value would exceed the actual real estate value of the land which will be traded. He said there was an agreement between ARR and Eklutna but he did not know the specific details.

In response to Ms. Abney, Ms. Johnson explained ARR does not have a formal agreement with Eklutna to transfer property to them. However, there is an agreement to provide potential access, subject to all the other requirements of development of the land.

Mr. Kendall withdrew his amendment. Ms. Fairclough concurred.

In response to Ms. Fairclough, Ms. Johnson clarified ARR would retain ownership of the property. It is possible that there would be an access permit issued to Eklutna in the future. In order to transfer property, ARR must go through an arduous Legislative process, and she doubted that would occur.

Question was called on the motion to adopt AO 2000-42(S) as amended and it passed:

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

NAYS: Tremaine, Fairclough, Abney.

(Clerk's Note: A motion to reconsider this item, as a ballot proposition, failed later in the meeting.)

Ms. Clementson moved, to continue the meeting until February 22, 2000 at 6:00 p.m.  
and it died for lack of a second, to consider whatever issues are not completed tonight.

D. **Ordinance No. AO 2000-45**, an ordinance of the Anchorage Municipal Assembly enacting an ordinance to **levy an eight percent rental tax on the retail rental of certain motor vehicles within the tax cap** for the purpose of reducing other taxes and **submitting the question of whether or not to approve said rental tax to the qualified voters of the Municipality at its next Regular Election on April 4, 2000.**

1. Assembly Memorandum No. AM 198-2000

Chairman Meyer opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Ms. Fairclough moved, to adopt AO 2000-45.  
seconded by Mr. Sullivan,

Mr. Sullivan felt the proposed tax was fairly standard in other communities, and would result in about \$3 million annually. He urged support.

In response to Ms. Clementson, Municipal Attorney Mary Hughes noted there were other taxes besides property taxes, including hotel/motel taxes.

In response to Mr. Tesche, Deputy Municipal Attorney Bill Greene explained normally ordinances are introduced by a member of the Assembly or by the Chairman at the request of the Mayor. He said the Code does not require that sponsors be identified.

Mr. Tesche requested the individual sponsors be identified on the ordinance.

Ms. Taylor and Mr. Tesche asked not to be identified as sponsors.

Mr. Tesche opposed the ordinance. He felt diversification of the local tax base was important. However, he was not convinced there was adequate control of Municipal expenditures, or the Municipality was being operated as efficiently as possible. Until such time he feels spending is under control, he could not support additional taxes.

Ms. Fairclough supported the ordinance. She noted property owners in Anchorage bear a disproportionate tax burden.

Ms. Clementson moved, to amend AO 2000-45 in Section 2 in the ballot language  
seconded by Ms. Fairclough, to read: "...would effect a substitution for property and other taxes." and to print the entire sentence in bold text on the ballots.

Ms. Clementson noted the Budget Advisory Commission has been recommending this type of tax for the last several years. She felt it was important to begin to diversify Anchorage's tax base.

In response to Ms. Taylor, Municipal Manager George Vakalis pointed out if the proposed 10 mill cap is approved by voters in the fall, some other form of tax relief will be necessary. He pointed out most other communities have property taxes, sales taxes and revenue sharing.

In response to Ms. Von Gemmingen, Municipal Attorney Mary Hughes said the proposed rental car tax would be part of the 10 mill cap.

Mr. Wuerch pointed out the proposal was a sales tax, and therefore would be exempt from the 10-mill property tax cap. He explained the Municipal tax cap was different from the proposed 10-mill property tax cap issue.

Ms. Hughes agreed with Mr. Wuerch.

Chairman Meyer spoke in support of the ordinance, because it would offset property taxes.

Question was called on Ms. Clementson's motion to amend and it passed without objection.

Question was called on the motion to adopt AO 2000-45 as amended and it passed:

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

NAYS: Kendall, Tesche, Taylor.

(Clerk's Note: A motion to reconsider this item, as a ballot proposition, failed later in the meeting.)

Ms. Fairclough moved, to continue the meeting until February 22, 2000 at 6:00 p.m.  
seconded by Mr. Wuerch, to consider whatever issues are not completed tonight.

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

NAYS: Sullivan, Abney, Von Gemmingen, Clementson.

Mr. Kendall moved, to change the orders of the day to consider item 12.K,  
seconded by Mr. Wuerch, AO 2000-40.

AYES: Kendall, Sullivan, Taylor, Wuerch, Abney.

NAYS: Tremaine, Tesche, Meyer, Von Gemmingen, Clementson.

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

- E. Ordinance No. AO 2000-44, an ordinance of the Anchorage Municipal Assembly providing for the submission to the qualified voters of Anchorage, Alaska, the **question of amending the Anchorage Home Rule Charter Section 5.02(C) relating to exercise of veto power by the Mayor** at an election in and for the Municipality of Anchorage on April 4, 2000, Assemblymember Tesche.
1. Assembly Memorandum No. AM 176-2000.

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

MICHELE CZAJKOWSKI spoke in support of the ordinance. She felt its provisions would ensure a balance of power between the Assembly and the Mayor, which is in the best interest of the public. She asked the Assembly to place the question on the ballot and allow the public to decide.

Chairman Meyer asked if anyone else wished to speak. There was no one, and he closed the public hearing.

Mr. Tesche moved, to adopt AO 2000-44.  
seconded by Ms. Taylor,

Mr. Tesche felt this was the most important issue the Assembly has considered since unification of the Municipality. He noted the Charter enacted a system of checks and balances, to keep one branch of the government from dominating the other branch. He pointed out legislative branch, represented by the Assembly, has the power to levy taxes, appropriate funds and determine how tax revenues are spent. Mr. Tesche felt the recent mayoral veto of the budget transferred the power of appropriation to the Mayor. As long as at least four members of the Assembly choose to vote "no" on overriding a veto of the budget, the Mayor will have the right to determine how tax dollars are spent. He felt the proposed Charter amendment was necessary to avoid this situation in the future.

Ms. Von Gemmingen noted she requested a legal opinion on this ordinance, and received one from of Brian Doherty from Gilmore and Doherty. She noted Mr. Doherty's opinion was the proposed ballot language was inconsistent, and did not address the interrelationship between Charter sections 5.02 and 13.05 regarding the Municipal budget. Also, he felt the proposition language would add confusion to the meaning of Charter section 5.02(c) and increase litigation over its interpretation. She urged a "no" vote on the ordinance.

Mr. Tesche pointed out the legal opinion was authored by an attorney who represents the Mayor in pending litigation about the recent budget veto. He felt the opinion should be disregarded.

Ms. Clementson agreed the legal opinion should have come from someone more objective. She felt it was important to address this issue and determine how much power the Mayor should have, but she was concerned about confusing language in the ballot proposition. She felt the Assembly should discuss the issue at length, before deciding to put the question before the voters.

Mr. Wuerch noted Superior Court Judge Eric Sanders issued a ruling on the suit regarding the veto of the 2000 budget. Judge Sanders ruled the Charter provides the Mayor veto power over the budget approved by the Assembly, and the veto of AO 99-124 was properly vetoed by the Mayor. Mr. Wuerch felt the proposed ordinance was flawed. He encouraged a "no" vote.

Mr. Taylor spoke in support of the ordinance. She felt the current situation leaves the Assembly with too little power.

Question was called on the motion to adopt AO 2000-44 and it failed:

AYES: Tremaine, Tesche, Taylor, Abney.

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

(Clerk's Note: A motion to reconsider this item, as a ballot proposition, failed later in the meeting.)

- F. Ordinance No. AO 2000-46, an ordinance submitting to the qualified voters of the Municipality at the Regular Municipal Election April 4, 2000, a ballot proposition asking whether the Assembly or the State of Alaska should grant **real property tax relief to low income housing projects** receiving low income housing tax credits from the federal government or below market interest rate mortgage loans to finance said projects in exchange for limitations on rental rates, Assemblymember Clementson.

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

TERRY BURRELL supported putting this question on the ballot. However, she felt the issue might be premature because there is a bill pending before the State House, House Bill 272, on this topic.

REGINA MANTEUFEL supported tax relief for low income or handicapped accessible rental housing construction. She felt there was not enough of this type of housing in Anchorage. Since opposed placing the issue on the ballot, because it was

ANITA SOQUET spoke in favor of the ordinance. She would like an opportunity to vote on the question. Ms. Soquet felt too many people were exempt from taxes, increasing the tax burden for a smaller group of citizens. She felt developers of low-income housing should not receive tax relief.

Chairman Meyer asked if anyone else wished to speak. There was no one, and he closed the public hearing.

Ms. Clementson moved, to adopt AO 2000-46.  
seconded by Mr. Kendall,

Ms. Clementson noted a ballot proposition on the fall State ballot would cap property taxes at 10 mills. She felt the State legislation was premature. She felt the Assembly should wait to see if the 10 mill cap is approved before addressing this issue. She was not opposed to low income housing, but noted the owners of these properties are already subsidized by Alaska Housing Finance Corporation, the Federal government, or by both entities.

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

Ms. Fairclough opposed the ordinance. She agreed with Ms. Clementson's points, but felt it was a State issue so it would be prudent to wait for the Legislature to take action.

Question was called on the motion to adopt AO 2000-46 and it failed:

AYES: Kendall, Clementson.

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

(Clerk's Note: A motion to reconsider this item, as a ballot proposition, failed later in the meeting.)

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

Mr. Tesche indicated he intended to continue the public hearing for this item until June 13, 2000 in order to see how the Legislature would act on House Bill 272.

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

REGINA MANTEUFEL pointed out a low income housing project in Mountain View was done with the requirement that other buildings in Mountain View be improved. She felt there should be tax relief for low income rental housing development.

Chairman Meyer asked if anyone else wished to speak. There was no one.

Mr. Tesche moved, to continue the public hearing for AO 2000-32 to June  
seconded by Mr. Wuerch, 13, 2000.  
and it passed without  
objection,

Mr. Wuerch moved, to combine the public hearing for items 12.H, I and J,  
seconded by Mr. Tesche, AO 2000-47, AO 2000-48 and AO 2000-49.  
and it passed without  
objection,

- H. Ordinance No. AO 2000-47, an ordinance submitting to the qualified voters residing in the Upper O'Malley Limited Road Service Area of the Municipality at the Regular Municipal Election April 4, 2000, a **ballot proposition to change the boundaries of said service area by including in the Upper O'Malley Limited Road Service Area all of the Rockridge Road right-of-way between O'Malley Road and East 112<sup>th</sup> Avenue**, Assemblymembers Tremaine, Abney, and Tesche.
1. Assembly Memorandum No. AM 199-2000.
- I. Ordinance No. AO 2000-48, an ordinance submitting to the qualified voters residing in the Lakehill Limited Road Service Area of the Municipality at the Regular Municipal Election April 4, 2000, a **ballot proposition to approve changing the boundaries of the Lakehill Limited Road Service Area to include the area between O'Malley Road and the southern boundary of the Lakehill Limited Road Service Area immediately to the west of Lakehill Road Service Area including all of the Rockridge Road right-of-way**, Assemblymembers Tremaine, Abney, and Tesche.
1. Assembly Memorandum No. AM 200-2000.
- J. Ordinance No. AO 2000-49, an ordinance submitting to the qualified voters residing in the proposed Rockridge Road Limited Road Service Area of the Municipality at the Regular Municipal Election April 4,

2000, a **ballot proposition to approve creating a new limited road service area containing the area between O'Malley Road and the southern boundary of the Lakehill Limited Road Service Area immediately to the west of the Lakehill Limited Road Service Area to and including all of the Rockridge Road right-of-way**, Assemblymembers Tremaine, Abney, and Tesche.

1. Assembly Memorandum No. AM 228-2000.

Chairman Meyer opened the public hearing for AO 2000-47, AO 2000-48 and AO 2000-49 and asked if anyone wished to speak.

DON FALL, a resident on Mael Street, noted the majority of residents in the proposed Limited Road Service Areas (LRSAs) do not use Rockridge Road to access their properties. He added the property owners who live beyond the entrance to the school have been maintaining the road for a long time and see no need for a change in service. He opposed AOs 2000-48 and 49.

MICHAEL MANSFIELD, a resident on Wildwood, felt the issue was simple in the beginning. However, there are other questions beside maintenance; there are no signs on the road indicating school zones or school crossings. He pointed out the condition of the road has been a hazard for some time. He appreciated the attempt at a legislative solution, but did not think a LRSA was the best solution. Mr. Mansfield felt the Anchorage School District (ASD) should maintain the road. He pointed out citizens already pay taxes for schools, and could not understand why ASD maintenance vehicles could not plow Rockridge on their way to or from plowing the school area.

In response to Ms. Von Gemmingen, Mr. Mansfield pointed out there are four private property owners on Rockridge Road. There is also a church, a school and a Municipal tennis court. The latter three do not pay taxes, so the entire burden of a LRSA would fall on the private property owners.

Vice Chair Taylor assumed the Chair.

KEN HILLFICKER, representing the O'Malley Elementary PTA, explained the original intent was to ensure maintenance of the road, not to include citizens in a LRSA they do not want or need. The PTA wants the road to the school regularly maintained for the safety of students and employees. The State has set aside \$250,000 for improvement of the road, to allow school buses to safely pass one another on the road. The School Board has set aside money for emergency snow maintenance. He encouraged the Assembly to adopt AO 2000-47.

Chairman Meyer returned to the Chair.

EILEEN STAR, a resident on 112<sup>th</sup> Avenue, said she accesses O'Malley Road via Ridgecrest. She pointed out the 74 homes impacted by the proposed ordinances represent a small portion of residents whose children attend the school. Many people drive their children to school, because buses do not travel to some of the remote areas of the school attendance area. They all use Rockridge Road. She felt ingress and egress from the school is the biggest problem, more important than the condition of the road. There is only one road for arriving and departing vehicles, and children, to travel on. A circular drive or some other way to de-congest the traffic flow would be beneficial, and is an ASD responsibility which can be corrected. Ms. Star felt a crossing guard would also alleviate safety issues.

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

to extend the hearing until 11:30 to consider this item,  
item 12.K, AO 200-40 and completion of item 12.B,  
AO 2000-43.

JOE MULCAHY, a resident near Rockridge Road, was a coordinator for a number of streets in the area for winter and summer road maintenance. In the past, he tried to establish a LRSA, and everyone consulted was opposed to the idea. He explained maintenance of Ridgecrest, 112<sup>th</sup>, Michigan, MacBeth and Mumby is done by a private company, which does a better job than the Municipality on ARDSA (Anchorage Roads and Drainage Service Area) roads. He felt there was another solution besides the LRSA proposal. He opposed all the ordinances. Mr. Mulcahy felt the questions, if placed on the ballot, would all fail.

K. P. TARGE, a member of the O'Malley PTA, was also a member of the Upper O'Malley LRSA. She pointed out at various community meetings, everyone has seemed willing to contribute a little money to the solution. She questioned why the burden had to be placed on only one existing LRSA. She recommended residents of all the LRSAs that are in the school area be asked to contribute.

TODD LAFLAME, a resident in the proposed LRSA area, had a child attending O'Malley Elementary. He pointed out less than four percent of the PTA member families live in the proposed LRSA area. He predicted the question in AO 2000-49 would fail, although the question in AO 2000-47 might pass.

BRIAN BRADY, a resident in the area proposed new LRSA area, opposed AO 2000-49. He felt the status quo was working well, and did not see the need for a change. He said the ASD is the most logical entity to maintain the road. Mr. Brady pointed out his taxes have risen significantly lately. The new police service area tax contributes money to the entire community, and services are not usually needed in this area.

SHERRY MANSFIELD, a resident about 2/10 mile from O'Malley schools, walks her child to school daily. The results of a neighborhood survey indicate about two dozen residents use Rockridge Road daily, opposed to over 200 vehicles that use the road to access the school twice a day. The majority of traffic on the road is generated by the school. Area residents do not want to be organized into a LRSA. She felt the ASD should maintain the road, but if the Assembly wants to put a question on the ballot, AO 2000-47 would have the least economic impact on each individual. She clarified the PTA did not request the road be upgraded, they merely requested maintenance. She asked Assembly members to discuss the issue with the

School Board, and request that the road be signed. She added crossing the road is very dangerous, and she escapes collisions with vehicles at least once every year.

RUTH THOMPSON, a resident in the Rockridge Road area, said the neighborhood residents were blind-sided with this issue and have not had enough time to gather information to make an informed decision. Residents only found out about the proposal 14 days ago about the need to find a funding source for long-term maintenance of Rockridge Road. Residents were told the only options were to create a new LRSA, annex to an existing LRSA, or some existing LRSA annexing the Rockridge Road right-of-way. Neighbors did not initiate this proposal, and were not consulted or involved in the process to this point. She felt the only ordinance with a chance of approval by voters was AO 2000-47. She would prefer area residents work with the School Board to develop a better solution.

Chairman Meyer asked if anyone else wished to speak. There was no one, and he closed the public hearing.

Mr. Tremaine moved, to adopt AO 2000-47.  
seconded by Mr. Kendall,

Mr. Tremaine said he spoke with ASD officials, who said the District routinely plows Ashwood Street behind Polaris School. Ashwood is within ARDSA. They also plow and sand the road in front of Fire Lake Elementary school, which is in the Chugiak/Birchwood/Eagle River Rural Road Service Area. Officials said they also plow Mountain Air Drive near Bear Valley Elementary School, which is not in a service area at all. He pointed out the District routinely plows roads in service areas and those outside service areas. District officials have not taken responsibility for Rockridge. The only difference between this road and Mountain Air Drive, is that no one lives along Mountain Air Drive. He said none of the proposals is the right choice, but they are the only options available. The Assembly must chose one, and he recommended incorporating the subject area into the Upper O’Malley LRSA. He pointed out Upper O’Malley has eighteen miles of roads, and 137 children from that LRSA are enrolled at O’Malley Elementary.

In response to Ms. Von Gemmingen , Mr. Tremaine said he and Ms. Abney considered the possibility that the LRSA include the whole O’Malley Elementary attendance area. They felt that would add a layer of bureaucracy for an \$8,000 plowing job. It did not seem cost effective or efficient.

Ms. Clementson pointed out there are also very hazardous pedestrian conditions near schools within ARDSA, that have proved impossible to correct. She felt ASD was justified in not wanting to spend their budget on road maintenance. Residents must be willing to pay for needed services, because the government cannot. She thanked Mr. Tremaine and Ms. Abney for their work on this difficult issue.

Question was called on the motion to adopt AO 2000-47 and it passed:

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

(Clerk’s Note: A motion to reconsider this item, as a ballot proposition, failed later in the meeting.)

Mr. Tremaine moved, to postpone action on AO 2000-48 indefinitely.  
seconded by Mr. Tesche,

Ms. Abney said she opposed placing any of the three questions on the ballot. She noted she worked for a long time with the PTA on this issue, and was not aware they did not represent all of the affected residents.

Question was called on the motion to postpone action on AO 200-48 indefinitely and it passed:

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

(Clerk’s Note: A motion to reconsider this item, as a ballot proposition, failed later in the meeting.)

Mr. Tremaine moved, to postpone action on AO 2000-49 indefinitely.  
seconded by Mr. Tesche,

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

(Clerk’s Note: A motion to reconsider this item, as a ballot proposition, failed later in the meeting.)

Ms. Fairclough moved, to extend the meeting until midnight, to consider item 12.K,  
seconded by Ms. Clementson, AO 2000-40, and item 12.B, AO 2000-43.  
and it passed without objection,

- K. Ordinance No. AO 2000-40, an ordinance of the Municipality of Anchorage authorizing a **sale by Anchorage Water and Wastewater Utility (AWWU) of Tract 4, International East Subdivision**, Plat No. 87-28, generally located east of Minnesota Boulevard and south of 56<sup>th</sup> Avenue in the Anchorage Recording District and the acquisition of 2.04+/- acres of land generally located on the west side of Arctic Boulevard at West 32<sup>nd</sup> Avenue in the Anchorage Recording District, owned by the Horrell Family Partnership, Water and Wastewater Utility/Heritage Land Bank.
  - 1. Assembly Memorandum No. AM 128-2000.

2. Ordinance No. AO 2000-40(S), an ordinance of the Municipality of Anchorage authorizing a sale by Anchorage Water and Wastewater Utility (AWWU) of Tract 4, International East Subdivision, Plat No. 87-28, generally located east of Minnesota Boulevard and south of 56<sup>th</sup> Avenue in the Anchorage Recording District and the acquisition of 2.04+/- acres of land generally located on the west side of Arctic Boulevard at West 32<sup>nd</sup> Avenue in the Anchorage Recording District, owned by the Horrell Family Partnership, Water and Wastewater Utility/Heritage Land Bank.
3. Assembly Memorandum No. AM 177-2000.

Chairman Meyer opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Ms. Clementson moved, to adopt AO 2000-40(S),  
seconded by Mr. Tesche,

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

The Assembly then returned to item 12.B, AO 2000-43.

Ordinance No. AO 2000-43, an ordinance **approving a long-term (not exceeding 30 years) lease of the Hilltop Ski Area with modified boundaries (approximately 160 acres) in the Municipality's Far North Bicentennial Park** to Youth Exploring Adventure, Inc., a non-profit corporation doing business as Hilltop Ski Area to continue the use, management and development of the Hilltop Ski Area by Youth Exploring Adventure, Inc. as a public recreation area and **submitting to the qualified voters of the Municipality at the Regular Municipal Election April 4, 2000 a ballot proposition to approve said long-term lease**,  
Legal Department/Cultural and Recreational Services.

1. Assembly Memorandum No. AM 175-2000.

Ms. Fairclough said she would not move her suggested amendments, because the Administration guaranteed her that all her concerns would be addressed in the lease.

In response to Mr. Tesche, Municipal Manager George Vakalis noted the lease that was distributed represented the conditions, with the exception of the conditions in the ordinance, which will also be incorporated in the lease. He said "such other terms and conditions as the Mayor may deem necessary and advisable" as referenced in the ordinance, have not yet been incorporated in the lease presented to the Assembly.

Mr. Tesche expressed concern that the Assembly does not yet have the complete lease, including terms and conditions, to review before action.

In response to Mr. Tesche, Deputy Municipal Attorney Bill Greene said his opinion was that the Charter requires the material terms and conditions of the lease be published. He encouraged the Assembly to add any terms they deem appropriate to the ordinance. He felt the present ordinance was legally sufficient. Mr. Greene felt whether or not the lease returns to the Assembly after voter approval was within the discretion of the Assembly.

In response to Mr. Tesche, Mr. Vakalis clarified there may or may not be further changes to the lease by the Mayor. There is a possibility there may be no changes; he could not speak for the Mayor.

Mr. Wuerch felt the Charter did not require the conditions to be perfected before the Assembly takes action, but merely before the election notice. He pointed out there was plenty of time to finalize the conditions before the election.

In response to Ms. Clementson, Cultural and Recreational Services Director Kathy Kingston said her staff was working closely with the Hillside organization, and felt the lease could be finalized in a matter of days.

Ms. Clementson felt if the lease was finalized before the election, and any material changes return to the Assembly, that would satisfy most concerns.

Mr. Tremaine moved, to amend AO 2000-43 on page 3, line 5, to add a paragraph  
seconded by Mr. Tesche, to the ballot language to read: "If Anchorage Ordinance 2000-43 fails to gain voter approval, the Municipality, through the Cultural and Recreational Services Department, intends to offer a revocable five year permit to Youth Exploring Adventure, Inc. for the existing 200-acre lease area."

Mr. Tremaine pointed out the amendment would give voters a choice between the status quo and the new option.

Mr. Wuerch spoke against the amendment. He felt holding the status quo on the lease area would undermine the incentive for Youth Exploring Adventure, Inc. to proceed with its commitment to the area. He was amazed that there would be opposition to an opportunity to increase the capacity of a recreational area in the Municipality at no cost to taxpayers. He pointed out the expansion plan was the result of years of public hearings and negotiation and review by the Parks and Recreation Commission.

Mr. Sullivan noted he changed his earlier amendment to page 3, line 4, to eliminate the word "additional."

In response to Ms. Clementson, Mr. Greene felt Mr. Tremaine's proposed amendment would not preclude any future actions by the Assembly or Administration on this issue.

Ms. Abney spoke in support of the amendment. She pointed out the vast majority of comments she has received from constituents were concerned with the footprint of the facility rather than the length of the lease.

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

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

NAYS: Kendall, Sullivan, Meyer, Wuerch.

Mr. Tesche moved,  
seconded by Ms. Abney,

to amend AO 2000-43 to add a new Section 6 to read:  
"A lease with Youth Exploring Adventure, Inc. for the purposes set forth above may not be executed on behalf of the Municipality unless the Assembly, by motion, has approved the final lease negotiated by the parties."

Mr. Wuerch spoke against the motion. He felt interference by the Assembly after the lease is agreed on by both parties would be inappropriate.

Ms. Von Gemmingen felt the amendment would amount to micro-managing by the Assembly. She felt the job should be handled entirely by the Administration. She pointed out the Assembly can review the lease if they wish.

In response to Ms. Fairclough, Ms. Kingston agreed that all the concerns she raised would be addressed in the new lease.

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

AYES: Tremaine, Tesche, Taylor, Abney.

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

Question was called on the motion to adopt AO 2000-43 as amended and it passed:

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

NAYS: None.

Ms. Clementson moved,  
seconded by Ms. Von Gemmingen,

to reconsider action on all the ballot propositions voted on tonight.

AYES: Sullivan, Taylor.

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

Mr. Greene shared Mr. Tesche's concerns about what is published about the Hilltop lease. He recommended a clear and concise summary of the essential terms and conditions of the lease, and notice of the availability of the lease in the Municipal Clerk's Office, be published in the election notice. He would be happy to publish more than that information in the notice, if so indicated by the Assembly.

The meeting recessed at 11:45 p.m.

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of February 15, 2000  
continued to February 22, 2000

1. CALL TO ORDER:

The meeting was reconvened at 6:00 p.m. on February 22, 2000 by Assembly Chairman Kevin Meyer in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. ROLL CALL:

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

The Assembly continued with New Public Hearing items.

- L. Resolution No. AR 2000-19, a resolution approving the **Arctic Boulevard water main extension** and providing for assessment of benefited properties at time of service connection, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 87-2000.

Chairman Meyer opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Ms. Von Gemmingen moved, to approve AR 2000-19.  
seconded by Ms. Abney,

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

The Assembly then returned to item 8.E.5, AM 189-2000.

Assembly Memorandum No. AM 189-2000, ADOT/PF Utility Relocation Agreement No. 1-51018-99-66 for **water improvements in conjunction with Project STP-0001(57)/51018, Arctic Boulevard, Dimond Boulevard to Raspberry Road**, Water and Wastewater Utility.

Mr. Wuerch moved, to approve AM 189-2000.  
seconded by Ms. Fairclough,  
and it passed without  
objection,

- M. Resolution No. AR 2000-20, a resolution confirming and levying assessments for the sewer special improvements within **Levy-Upon-Connection Roll 2000-S-1**, setting date of payment and providing for penalties and interest in the event of delinquency connection, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 88-2000.

Anchorage Water and Wastewater Utility General Manager Mark Premo requested that one property be deleted from the roll. He said property number 18, 005-071-31, needs more research before the parcel is presented in a future roll.

In response to Mr. Wuerch, Mr. Premo explained the roll is for levy-upon-connection, those projects which have already been built. The purpose of this roll is to recapture the funds expended on the projects, now that the properties have connected to the existing main.

Chairman Meyer opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Mr. Wuerch moved, to approve AR 2000-20.  
seconded by Mr. Sullivan,

Mr. Wuerch moved, to amend AR 2000-20 to delete item #18, parcel #005-071-31.  
seconded by Mr. Sullivan,  
and it passed without  
objection,

Question was called on the motion to approve AR 2000-20 as amended and it passed:

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

- N. Ordinance No. AO 2000-37, an ordinance amending Section 27.20.110 of the Anchorage Municipal Code **relating to the composition of the Girdwood Valley Service Area Board of Supervisors**, Assemblymembers Abney and Tremaine.
1. Assembly Memorandum No. AM 123-2000.
  2. Assembly Memorandum No. AM 232-2000, AO 2000-37; Election of All the Members of the Girdwood Valley Service Area Board of Supervisors, Legal Department. (**addendum**)

Chairman Meyer opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Ms. Abney moved, to adopt AO 2000-37.  
seconded by Mr. Tremaine,

Ms. Abney spoke in support. She noted the Administration had no objections to adoption.

Ms. Clementson added the Administration also recommended deletion of paragraph B in Section 1, because the language is duplicative.

Mr. Tremaine moved, to amend AO 2000-37 in Section 1, to delete paragraph B  
seconded by Ms. Abney,  
and it passed without  
objection,

Question was called on the motion to adopt AO 2000-37 as amended and it passed:

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

- O. Ordinance No. AO 2000-38, an ordinance amending Section 27.20.110 of the Anchorage Municipal Code **establishing a Public Safety Board for the Girdwood Valley Service Area**, Assemblymembers Abney and Tremaine.
1. Assembly Memorandum No. AM 124-2000.
  2. Assembly Memorandum No. AM 233-2000, AO 2000-38; Establishing a Public Safety Board for the Girdwood Valley Service Area ("GVSA"), Legal Department. (**addendum**)

Chairman Meyer opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Ms. Abney moved, to adopt AO 2000-38.  
seconded by Mr. Tremaine,

Mr. Tremaine moved, to amend AO 2000-38 in Section 1 to delete paragraph C.  
seconded by Ms. Abney,

In response to Ms. Von Gemmingen, Ms. Abney explained the purpose of the ordinance. She noted the idea of the Board was developed by the Fire Department; the ordinance is the finalization of that concept.

Mr. Tremaine added he and Ms. Abney discussed this ordinance with the Girdwood Board of Supervisors at their meeting last night. He felt the Public Safety Board was necessary due to the idiosyncrasies of the Girdwood Community, including the fact their fire department is a volunteer organization. He noted although the Administration felt the proposed Board was not necessary, they did not oppose creation.

Municipal Manager George Vakalis pointed out the Administration and Assembly rely heavily on advice from the Girdwood Board of Supervisors. The proposed Public Safety Board would oversee the volunteer fire department, and there could be problems if the Board's opinion conflicts with the Board of Supervisors, which is a concern of the Administration.

Ms. Clementson added she was concerned that the term "public safety" implies more than fire protection services.

Ms. Abney moved, to amend AO 2000-38 in Section 1 to add a new paragraph C  
seconded by Mr. Tremaine, to mandate a review of the Board after one year.

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

Mr. Wuerch pointed out the motion was not a sunset clause. He felt it should be more clear if a sunset was the intent.

Mr. Tremaine felt a review was appropriate. His intent was the Board would continue unless there was a reason to the contrary.

Ms. Clementson noted most boards and commissions have three-year sunset clause, and there was a requirement for review of the functions of the board at the time of the sunset.

Ms. Von Gemmingen expressed concern about creating a second board in Girdwood. She questioned why a subcommittee of the Board of Supervisors would not suffice.

Mr. Tremaine said such a committee might work. However, the community has put a great deal of thought and discussion into this issue, and decided the proposal was their preferred way to proceed.

Mr. Wuerch moved,  
and it was accepted as a friendly  
amendment,

to amend Ms. Abney's amendment to add a new paragraph C  
to read: "This ordinance will sunset on the third anniversary of  
its passage unless continued by Assembly action."

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

Mr. Wuerch moved,  
seconded by Ms. Clementson,

to amend AO 2000-38 on line 30 to read: "...shall be  
appointed by the Mayor with the approval of the Assembly in  
accordance with the provisions..."

Mr. Wuerch noted there would be an imbalance if this board was elected, as the Board of Supervisors members are appointed.

Mr. Tremaine spoke against the amendment. He felt Girdwood residents would prefer to vote on the Board members.

Deputy Municipal Attorney Bill Greene noted because of provisions in the previous item, AO 2000-37, the provisions of paragraph A in AO 2000-38 was now contradictory. He recommended deletion of paragraph A in the current ordinance.

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

AYES: Sullivan, Meyer, Wuerch, Von Gemmingen, Clementson.

NAYS: Kendall, Tremaine, Taylor, Fairclough, Abney.

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

to amend AO 2000-38 in Section 1, to delete paragraph A.

Ms. Von Gemmingen pointed out the change in paragraph A did not affect the Board of Supervisors establishment.

Mr. Greene pointed out that section of the Code was amended by AO 2000-37, adopted earlier in the meeting. The amendments are not reflected in AO 2000-38. He agreed the paragraph could be left intact, and later be revised by the Reviser of Ordinances, as long as the Assembly makes that intent clear on the record.

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

Ms. Abney moved,  
seconded by Ms. Von Gemmingen,

to clarify intent that the language in paragraph A be  
consistent with the changes made by adoption of AO 2000-37,  
with the addition of the underlined text in the last sentence.

In response to Mr. Wuerch, Mr. Greene explained the underlined text at the end of paragraph A referred to the duties of the Girdwood Board of Supervisors. The language was added, to specifically leave out mention of fire protection, which would now be handled by the new Public Safety Board. He confirmed the respective specific duties would be handled by the appropriate board.

Mr. Wuerch expressed concern about the proposed division of responsibilities and authority. He felt it represented growth of bureaucracy in a time when efficiencies should be the goal.

Question was called on Ms. Abney's motion to clarify intent and it passed without objection.

Ms. Fairclough identified with Mr. Wuerch's concerns. However, the Girdwood community requested the proposed change.

Mr. Tremaine viewed the proposal as increased community participation rather than additional bureaucracy. He commended the residents for their commitment to the community. He added the new board may result in shorter Board of Supervisors meetings.

In response to Chairman Meyer, Ms. Abney discussed the method for election of the new Board members. Her understanding was that the members would be elected on the regular Municipal election ballot, beginning in 2001.

In response to Ms. Von Gemmingen, Mr. Tremaine said the issue of a vacancy on the Board would be covered by the same provisions as other limited services areas. He believed the Mayor would appoint members if necessary between elections.

Question was called on the motion to adopt AO 2000-38 as amended and it passed:

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

NAYS: Von Gemmingen, Clementson.

P. Ordinance No. AO 2000-10, an ordinance amending the zoning map and providing for the rezoning from I-1 (Light Industrial) to B-3 (General Business) for the **Dimond Industrial Subdivision, Block 2, Lot 5A (including fragment Lots 1 through 13) and Tietze Subdivision, Block 2, Lot 1B**, generally located on the south side of West Dimond Boulevard and between the Old Seward Highway and the Alaska Railroad right-of-way (Bayshore-Klatt Community Council) (Planning and Zoning Commission Case 99-167), Community Planning and Development.

1. Assembly Memorandum No. AM 9-2000.

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

TIM POTTER, of Dowl Engineers, noted the petitioner, the Community Planning and Development and the Planning staff and Zoning Commission feel the proposed ordinance is a housekeeping issue. He offered to answer questions, and requested adoption of the ordinance.

Chairman Meyer asked if anyone else wished to speak. There was no one, and he closed the public hearing.

Mr. Wuerch moved, to adopt AO 2000-10.  
seconded by Mr. Kendall,

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

NAYS: None.

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

14. **SPECIAL ORDERS:**

B. The Regular Meeting was continued to February 22, 2000 for the completion of agenda items.

15. **ASSEMBLY COMMENTS:** See item 16, Unfinished Agenda.

16. **UNFINISHED AGENDA:**

- A. Ordinance No. AO 99-148, an ordinance **repealing Ordinance 84-101 concerning Tracts C11 and C15 Eagle Crossing Subdivision, Tract A, Ptarmigan Subdivision and the SW 1/4 of the SE 1/4 of the NW 1/4 of Section 17 along the S 1/2 of Section 17** excepting therefrom Tract A, Eagle River Greenbelt, located within Sections 17 and 18, T14N, R1W and amending the zoning map and providing for the rezoning from R-3/SL (Multiple-Family Residential with Special Limitations) to R-3/SL (Multiple-Family Residential with Special Limitations) for the Tracts C11 and C15, Eagle Crossing Subdivision, Tract A, Ptarmigan Subdivision and the SW 1/4 of the SE 1/4 of the NW 1/4 of Section 17 along the S 1/2 of Section 17 excepting therefrom Tract A, Eagle River Greenbelt, located within Sections 17 & 18, T14N, R1W, SM, AK, containing approximately 225 acres and generally located south of Ptarmigan Boulevard and north of the Eagle River Greenbelt and along both sides of Eagle River Lane (Eagle River Valley Community Council) (Planning and Zoning Commission Case 99-109), Community Planning and Development.
1. Assembly Memorandum No. AM 1140-99.  
(CONTINUED FROM 2-1-00 AND 2-8-00)

In response to Mr. Kendall, Don Alspach of Community Planning and Development commented on the ordinance. He recalled there was a worksession about a month ago, during which the proposal was explained. There have been very few changes since then. Mr. Alspach explained the project began many years ago, and has extended from the west to the east, covering an area approximately ½ mile by 1 ½ mile. This issue was brought to the Planning and Zoning Commission (P&Z) because of planned development of 30 percent slope areas, and a question whether staff had authority to allow encroachment into the 30 percent slope areas. An issue regarding wetlands was also resolved to ensure coordination with the U.S. Army Corps of Engineers latest regulations. P&Z recommended approval of the ordinance, and changed the non-encroachment slope area from 30 percent to 25 percent. Also, P&Z prohibited development of cluster housing in areas of 25 percent slope.

In response to Ms. Clementson, Mr. Alspach confirmed the maximum grade for roads under Municipal standards is 10 percent. However, there may be short portions of a road, less than 100 feet, may exceed a 10 percent slope.

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

DON MCCLINTOCK, representing the developer, addressed the Assembly. He requested the Assembly adopt a substitute version of the proposed ordinance, which reflected the developer's original proposal. He presented the substitute version formatted as a standard Assembly document. He explained without amendment of the existing special limitations, no further development is possible, because roads cannot be extended into the buildable areas without impacting some 30 percent slope areas. He also pointed out the property is, and will remain, subject to the slope chart and other restrictions in Municipal Code Title 21 regarding development of lots. The petitioner's proposal would not limit the Platting Board's ability to exercise those restrictions on the development. Mr. McClintock noted most of the lots proposed to be built are not in sloped areas. The conflict between P&Z recommendations and the developer's proposal arose from the denial of the use of the cluster-platting technique, where some of the lots will be affected by 30 or 25 percent slope restrictions. He noted exhibit B of his proposed substitute was the product of two years of work by Community Planning and Development (CPD) staff and Bruce Brown, an engineer, to identify those areas where the 30 percent slope could be affected by roads, utilities and lot development without material impact to the environment or topography. Mr. McClintock said P&Z's rejection of the map is compounded by its prohibition on the use of cluster platting. The effect of this would be to reduce the development by 464 units. He pointed out cluster platting is used specifically for developing in wetlands and steep areas, so construction infrastructure costs are reduced and environmentally-sensitive land is protected. He said he has met three times with the community council, but they were not able to come to an agreement.

Ms. Clementson noted an ordinance substantially different from the original cannot be a substitute, but must stand alone and be advertised accordingly.

Mr. McClintock responded he reviewed the Municipal Code, and felt it provided that the Assembly may consider a proposal as submitted. He pointed out his substitute version represented the petitioner's original submittal.

Ms. Clementson pointed out the “substitute” version was submitted by the petitioner, and did not go through the normal legislative process. She was offended that the document was represented to be submitted by the Chairman at the request of the Mayor.

Mr. McClintock apologized, and explained it was not his intent to misrepresent the source of the document.

BRUCE BROWN, an engineer, discussed the map which showed the difference between the 25 percent slope and the 30 percent slope areas.

JOHN STEINER, president of the Eagle River Valley Community Council, noted the land in the proposed development was subject to erosion. Also, the areas not proposed to be developed are either too steep or too wet to be developed, and therefore any open spaces in the development would be unusable. The slope limitation has been in place for about 16 years, and was designed to limit intensity of developments and protect the land. Mr. Steiner pointed out P&Z exercised their special zoning expertise in this case, and their recommendation reflects that expertise. P&Z examined the Comprehensive Plan and their decision was consistent with that Plan. Although the petitioner said the slope chart would apply and protect the platting, history conflicts. Every time the land has been platted before, the petitioner sought and received a variance from the slope chart. He felt platting could not be relied upon to protect the land; it must be protected by zoning. Mr. Steiner requested the Assembly remand the ordinance to P&Z. He said the Council proposed some compromises, which was detailed in a five-page letter to the Assembly. The compromises would be less restrictive than the P&Z recommendation, and would still allow development. He agreed with Ms. Clementson with regard to the legality of the proposed substitute ordinance by the developer.

In response to Mr. Kendall, Mr. Steiner felt P&Z should reconsider the Eagle River Lane issue, and maintain the slope limitation. He added the Council did not want the developer to be required to build a secondary access road. It was unnecessary, and would be an expense to the community to maintain.

DOUGLAS GIBSON, an Eagle River resident, felt guesswork was inappropriate when dealing with an issue which may adversely affect the Eagle River greenbelt. He supported the position of the Community Council.

JOHN LANDIS, president of the Eaglewood Homeowners Association, spoke on behalf of the Board of Directors. He discussed an aerial map of the subject area. The Board opposed the proposed rezoning. Mr. Landis pointed out the special limitations imposed in 1984 were necessary to preserve the existing character of the land, and to prevent erosion of the immediate and surrounding land. The proposed rezoning would substantially alter the natural characteristics of the affected area. He also opposed development of the road which would connect to Eagle River Lane, because of potential danger to children attending Ravenwood Elementary.

In response to Ms. Abney, Mr. Landis said 64 students walk to school, because the Anchorage School District does not provide bussing. District officials also refused to supply a crossing guard, citing their opinion the area does not qualify as hazardous area.

BOB BECTELL said his son walks to school at Ravenwood Elementary. He expressed concern about children walking to the school along the proposed new road. Traffic would likely increase considerably if the proposed development occurred, including the new road. Also, the road would be very steep, increasing the danger in winter months. He felt safety of children was disregarded in the planning of the subdivision. Mr. Bectell felt there was no need for separate access into the area. He recommended the Assembly take the advice of the Municipal Engineer’s contractor, Mr. Boutet. He also recommended against extension of Eagle River Lane.

DEAN EISBERG, a resident of Eaglewood Subdivision, noted Eagle River Lane lies between Eaglewood and Ravenwood Elementary. He said he did not want to see Eagle River Lane upgraded to an arterial. He was opposed to granting any slope modifications on the basis of safety. He pointed out the Municipality insists an additional road access be constructed from Eagle River Road into the subdivision, for routine and emergency vehicle traffic. The developer does not want to build the road, but if he does, it will be an extension of Eagle River Lane. Mr. Eisberg felt any secondary access into Eagle Crossing should intersect Eagle River Road, as a new fire station is scheduled to be built on Eagle River Road. This access may be more expensive for the developer, but the access will be more direct for emergency vehicles. He pointed out the Municipality paid the Boutet Company thousands of dollars for a study of possible routes; the study concluded no secondary access is necessary at this time, but if access is mandated, it should be further up Eagle River Road to the east. Fewer families in this area would be impacted. The engineers evaluated possible access choices, and Eagle River Lane ranked fourth.

MICHELE COBURN, president of the Anchorage Citizens Coalition, noted a primary goal of the Coalition was to help Municipal officials be more accountable to the public. As development encroaches on lands previously deemed marginal, more scrutiny is required to ensure developers’ requests for rezonings or variances meet minimum slope and wetlands encroachment standards in the comprehensive plans. She pointed out the subject proposal was reviewed by CPD staff and the U.S. Army Corps of Engineers. Both recommended the proposed special limitations, specifically because the topography of the area is so sensitive. Ms. Coburn felt the purchase of land with the anticipation of receiving special treatment to allow denser development was a poor choice. She noted the Assembly had to weigh the benefit of denser development against the costs of erosion cleanup that will be shouldered by taxpayers. She encouraged members to visit the first phase of this development and view the erosion damage. Ms. Coburn said the Coalition supported the Community Council’s position. She pointed out this area will have a lot of development in the future; variances and rezonings granted now will set precedents for many years.

CHUCK SPINELLI, a home builder, said he has built homes in Parkview and Eagle Crossing since 1983. He expressed confusion about the testimony tonight. He thought the issue was the difference between a 25 and 30 percent slope. Mr. Spinelli pointed out in the late 1980’s and early 1990’s, P&Z approved the development for the Parkview Terrace and Eagle Crossing phases. He felt Eagle Crossing was one of the best subdivisions in Eagle River or Anchorage. It serves the military

market, with affordable housing. He felt opponents are making the issue more technical than appropriate. He recommended the development be allowed to proceed.

In response to Mr. Wuerch, Mr. Spinelli estimated homes in the development would range in price from \$150,000 to \$250,000. He said there was one other development in Eagle River with homes in that price range – Town Park.

In response to Ms. Fairclough, Mr. Spinelli said he could not recall any complaints regarding erosion in Parkview Terrace East. He noted many of the homes in that development have a ten-year warranty. He pointed out some of the homes were built on a 40 percent slope.

In response to Ms. Clementson, Mr. Spinelli explained slopes and development

Mr. Brown, the engineer, added an explanation of the slope before and after construction.

ART WEINER, a member of the Anchorage Citizens Coalition and resident of the Anchorage hillside, expressed concern that granting relief from existing standards for this development would set a precedent. He noted there was a lot of land in Anchorage that is undeveloped, which he considers marginal. As felt as development occurs in these areas, standards should be carefully enforced, rather than granting variances. He pointed out the reason for development standards is environmental ecological protection. Removal of vegetation and re-contouring of steep slopes changes natural drainage patterns. Also, removal of natural vegetation affects wildlife habitat and eliminates migratory corridors. Mr. Weiner explained “hardscape” is created by roofs, driveways and parking lots. This leads to accelerated runoff of rain and snow melt. Runoff contains pesticides, herbicides and other chemicals used by homeowners, and drains into public areas such as Chugach State Park and the Eagle River.

In response to Mr. Kendall, Mr. Weiner explained the Coalition recently made recommendations to the Rabbit Creel Community Council addressing another development on steep land. Although they oppose development on steep land, but mitigation should be that plat notes and covenants be placed on the land so a minimum of native vegetation be removed, and topography be altered in the most minimal fashion. He added although there would be a lot of open space in the proposed development, it was meaningless in biological terms. The open space is non-functional because it is fragmented and landscaped.

In response to Ms. Abney, Mr. Weiner felt character of a community was important. He guessed the existing residents moved to the area because of the character. The proposed high density development, with associated adverse affects on wildlife and vegetation, would change the character of the community and diminish quality of life and property values.

The meeting recessed at 8:30 p.m. and reconvened at 8:50 p.m.

THOMAS JENNINGS, a resident on Highridge Drive in Eagle Crossing, said he has lived there for about 18 months. His home was built on land that was given a slope variance such as what is proposed; he urged the Assembly to deny the rezoning request. He explained his driveway has a slope that will not allow parking his standard-transmission vehicle without setting the parking brake. During the winter, when the driveway is icy, he must place blocks behind the tires. Recently, he left his truck in 4-wheel drive, set the parking brake, left the transmission in 1<sup>st</sup> gear, and after exiting the vehicle it slid down the driveway into the street, without any wheels turning. Mr. Jennings noted his home is only 12 feet from his neighbor’s on each side. His backyard is very small. He installed a retaining wall at great expense, to allow him to enjoy a backyard. He will have to request approval for the wall from the homeowner’s association, when that group begins operation. Before he purchased his home, real estate agents told him Highland Ridge would be a cul-de-sac, complete with a children’s play area. He has since learned there is no play area planned, so children must be content with playing in the streets. Also, Highland Ridge is not planned to be a cul-de-sac, but is not wide enough to support through-traffic. It is treacherous in the winter because of a steep curve. Mr. Jennings noted no trees were left standing during excavation of the area already developed, contrary to the special limitations which stipulated some of the development include undisturbed greenbelt.

In response to Mr. Tremaine, Mr. Jennings explained when he came to Alaska through military service, he had only three weeks to find and purchase a house. His home was the first he found that met his specifications. He did not realize the problems that would surface because of the steep slope. He is very happy with the structure itself, which was built by a top quality builder. However, he did not want to see the rest of the neighborhood developed in the same way.

RICH MAUSER, an Eagle River resident, spoke in opposition to the proposed rezoning. He felt the steep slopes would cause erosion and drainage problems. Also, the cost of road and swale maintenance would be greater because of the topography. Mr. Mauser described problems with houses already built on the steep slopes.

TAMEA ISHAM, representing the Concerned Citizens of Eagle River Valley, explained the non-profit organization seeks to ensure all development in Eagle River Valley meets the spirit and intent of the Chugiak/Eagle River Comprehensive Plan. She said her organization supported the Community Council’s position and attempts to ensure the developer adheres to standards in the Municipal Code. Ms. Isham noted the developer’s record has not been good, as current biofiltration systems have failed, allowing silt and runoff to enter the Eagle River. The developer cleared wooded areas he was not authorized to clear, and had to re-vegetate the areas as a result of citizen complaints to Code Enforcement officials. The developer has sought and received variances in the past to develop lots and roads in steeply sloped areas that have since been determined by CPD staff to be illegal. She noted P&Z considered the issue after public hearings, and decided to impose conditions that would protect the land, while allowing development to continue at a lower density. She felt the secondary access road was not necessary at this time, and favored another route be established further to the east at Greenhouse Drive. Ms. Isham said her organization recommended the Assembly remand the rezoning request to P&Z.

GARY BAUMER felt it would be a problem if economic feasibility of the proposed development outweighed the opinion of the community. He opposed the rezoning request.

BILL MINUSE, a real estate broker, said he has worked in the Eagle Crossing and Parkview Terrace developments for about three years. He noted resale history of Parkview Terrace shows values have kept pace with the Anchorage area as a whole. That indicated to him that community has not become undesirable. Mr. Minuse added affordability of homes was important for citizens, as the local economic base is shifting. More people can afford homes priced from \$150,000 to \$200,000. He felt the issue of availability for homes in this price range was an important factor when considering the best use of a parcel of land.

EVAN ROLAND, president of the Anchorage Homebuilders Association, distributed a resolution passed by the Association in support of Eagle Crossing Subdivision. He pointed out the original special limitations imposed in 1984 were in advance of field surveys of the site topography and mapping of the wetlands. The Association members felt the proposed master plan for the community meets the intent of the existing zoning for the parcel. The development would provide over 194 acres of open space, and allow for development while preserving the significant natural features of the site. Mr. Roland added the requested changes are critical to the satisfactory completion of a significant residential community. He pointed out the developer's request was not to build homes on 30 percent slopes, but to build roads through the slopes to connect areas of gently sloping land.

SUSAN MCDONALD, a resident of Eaglewood Subdivision, opposed the proposed rezoning. She asked the proposal be referred to P&Z.

SARAH WRIGHT, a two-year homeowner in Eagle Crossing, noted the existing phase of the development, steep slopes were built upon, and wetlands were encroached upon. She felt one goal was to not allow the developer to repeat past mistakes. She opposed the proposed rezoning. She felt strongly that as marginal lands are beginning to be developed, stricter interpretation of zoning laws should be the focus. Ms. Wright pointed out the P&Z recommendation allows for development, while preserving the natural irregularities of the land, which she felt was an excellent compromise. She added that roads be limited to slopes no greater than 25 percent, and that all wetland crossings conform to the original agreement between the developer and the U.S. Army Corps of Engineers, and be accomplished by bridge rather than fill.

MILT WALLIN, a resident in Eagle Crossing, noted the slope issue was very complicated. He was concerned the developer has shown an inability to design and operate an adequate biofiltration system, yet now is requesting to build on steeper slopes, with narrower lots. He felt a road on a steep slope posed safety hazards for children. Mr. Wallin pointed out Eagle River has a great quality of life for families. He felt the proposed development would diminish that quality of life.

KAREN COLEMAN, a resident of Eaglewood Subdivision, said area residents have been concerned about Eagle Crossing for at least two years. She pointed out the completed phases of Eagle Crossing resulted in land stripped of vegetation. She was not opposed to development, but was opposed to irresponsible development. The Comprehensive Plan was supposed to be a guide for a planned community. However, the proposed community does not include sidewalks for children, or plans for snow removal. Ms. Coleman noted that in winter, cars regularly slide off the road and into the snow bank at the end of the hill. There is a path next to her home which is the only outlet in the subdivision that children use to access Ravenwood Elementary. She said twice a day, she sees many children using the path going to and from the school.

CRYSTAL KENNEDY, Ravenwood PTA president, said for about five years, fourth-grade students have been heavily involved in environmental education at the Eagle River. Students have built up the bank near the Eagle River Campground, and replanted vegetation. She was disheartened that those efforts may be thwarted by damage in the area due to erosion and runoff from the existing development. Many people are concerned about potential safety hazards if restrictions are relaxed to allow a road be connected to Eagle River Lane. There are 65 students that live in the Eaglewood area who walk to Ravenwood school using a path parallel to Ptarmigan Road. Currently, the road is relatively vehicle traffic-free. There is a proposal to re-draw boundary lines to relieve overcrowding at Alpenglow Elementary. There is a possibility that Ravenwood will receive about 70 students, who live in Eaglewood Subdivision, from Alpenglow school. That will double the number of children walking to Ravenwood.

SCOTT TARBOX commented on current problems resulting from the close proximity of homes that have been constructed. Snow blown out of one driveway lands in the next driveway. Runoff from his neighbor's home, uphill, freezes in his yard so he can't use the gate on his fence. He could not anticipate these problems when he bought his home. Mr. Tarbox added the lack of sufficient space has hampered snow removal services. He pointed out in the developer's wetland application, there was a listing of criteria used by the developer when shopping for property, including land with correct existing zoning that would not have to be changed. He felt granting a rezoning would be inconsistent with the developers criteria.

JIM WARD, vice chair of Citizens for Smart Growth, pointed out many communities throughout the country are dealing with issues of affordable housing and urban growth boundaries. He felt it was important to deal with these issues responsibly. In response to Mr. Wuerch, Mr. Ward felt the subdivision was important for affordable housing. He pointed out many homes and roads on the Anchorage hillside are built on steep slopes.

STEVE WAKELAND spoke as a resident of, and builder in, Eagle Crossing. He pointed out there is a high demand for homes built on steep slopes, because of the good view. It seemed people were willing to put up with the steep slopes, small lots and slipper roads in order to have a home. To people wealthy enough to already own their homes, the proposed subdivision may seem crowded and unorganized. However, to someone living in an apartment or trailer, Eagle Crossing probably seems wonderful. Mr. Wakeland added there are other residential developments planned in the Eagle River area, but not many will be on flat land. In response to Mr. Tremaine, Mr. Wakeland listed some developments in the area on flat land, such as Powder Ridge, but these lots will be substantially more expensive than those in Eagle Crossing.

DAVID ARTHEN, a resident near Ravenwood Elementary, pointed out the existing developed areas of Eagle Crossing had tremendous erosion last year, and much of the topsoil washed into the River. He felt just seeing the backyards of the homes would decide this issue for conscientious people. He noted the residents are only trying to ensure the development is responsible.

JEFF BOGUE, a Realtor, said he was concerned about the possibility that the proposed development may be delayed or stopped. He pointed out Anchorage is losing its tax base, which is migrating to the Matanuska-Susitna Valley. The reason is that about 70 percent of Anchorage homebuyers cannot find a new home in their price range. They are willing to endure the commute to the Valley in order to have a new home. Mr. Bogue explained small lots are developed not out of greed, but according to supply and demand. He felt there was a way to address the concerns of area residents, and provide assurance that children will be safe. Mr. Bogue recommended the subdivision have a secondary access point. He urged the Eagle River Valley be developed in a sane and sensible manner, so the tax base will not continue to erode. He added the soils in the area are quality glacial moraine, very good to work with.

TOM HIGGINS, plating chair of the Eagle River Valley Community Council, agreed with the previous speaker. He would like to see the development proceed in a sane and sensible manner. He pointed out that has been the goal of the Council for the last few years. He encouraged the Assembly to consider the testimony of people who live in the existing phases of Eagle Crossing, and to study the maps and aerial photos. He noted currently, there is far less than 60 percent of open space in the development, and hardly any greenbelt remaining. The row-houses, built with the cluster concept, resulted in long, dense rows of homes which completely cut off access to the greenbelt. The cluster concept has not worked as intended. Mr. Higgins felt there will be more open spaces as Eagle Crossing extends eastward, but that is because the land becomes more steep and has more wetlands. This area will not support fields or parks because of the slope, and the Corps of Engineers will likely not allow wetlands to be filled where the land is level. There will be no areas for children to play. Because the homes are being marketed to families, there will be lots of children. He could not conceive of a subdivision with over 1,100 homes without even one park or playground for children. Mr. Higgins pointed out the requirements of Title 21 to approve a zoning amendment include the best interest of the public. He felt evidence of erosion and watershed problems indicated the development, as currently designed, was not in the best interest of the public.

In response to Ms. Fairclough, Mr. Higgins felt it was obvious the biofiltration system was designed incorrectly, and the soils analyses were flawed. The soil was not able to absorb and filter the water. Instead, the soil gave way, resulting in an eight-foot deep ditch. He said the watershed problem will be exacerbated when a church planned to be constructed is built. The church and its parking lot will occupy the existing green area. He said the Council preferred a secondary access to the subdivision be constructed at Greenhouse Drive, when the need arises. Road studies have supported this preference. He addressed the issue of affordable housing. He pointed out not every first-time home buyer buys a new home. Many buy existing homes. He has purchased six homes, and none of them was new. He felt there was plenty of affordable existing housing in Anchorage and Eagle River.

JOEL STOUT said he was retained by the developer to examine the biofiltration soil, after the erosion problem. He explained he was a civil engineer, and had no design involvement with the subdivision. He said the design for the biofiltration was good. When the design entered the regulatory process, someone at the State Department of Environmental Conservation (ADEC) felt there was a better way, so the system was built according to ADEC's requirements. Mr. Stout felt the changes by ADEC were the cause of the system failure. If the system had been built according to the original design, there would not have been a problem.

In response to Mr. Sullivan, Mr. Stout said he began working on the failed filtration system last fall. He has obtained all the permits to correct the problem, and are now waiting on the weather to begin the actual work.

(Clerk's Note: Ms. Clementson left the meeting sometime after 9:00 p.m.)

BARBARA BENNETT, a resident on Eagle River Lane, pointed out P&Z did a lot of work on this issue. She felt it would be a shame if it was not remanded back to that body, which is responsible for these kinds of issues. She hoped the Assembly would not allow the developer to build on the wetlands. If the wetlands are not developed, that will leave only 189 acres for the remaining 753 homes. Ms. Bennett felt there was a great need for compromise, to balance the need for development and protection of the fragile environment.

In response to Mr. Kendall, Ms. Bennett felt the subdivision should continue at the present density, rather than allowing more dense development.

DAVE KENNRICK, an Eagle River resident, pointed out there were many problems with the existing phases of the subdivision, including narrow roads, poor access and poor planning. Now, there is a request to continue these problems and add the issue of more intense density. This will result in even more strain on the road, more problems with snow removal and more hazards for children. He felt the secondary access should not be from Eagle River Lane, but Greenhouse Drive is also unsuitable because of the steep slope. He felt the lower access points are most suitable, but since they were built too narrow, the population density must be kept low so traffic on these substandard roads is not a problem. He said there was the possibility of a secondary access point further east in the Valley, but homesteads and wetlands would have to be crossed. This is a possibility if there is a concern about emergency vehicle access, but he favored keeping density low instead.

Chairman Meyer asked if anyone else wished to speak. There was no one, and he closed the public hearing.

Mr. Kendall moved, to adopt AO 99-148(S).  
and it died for lack of a second,

Ms. Fairclough pointed out a substitute version has not been introduced.

Mr. Kendall moved, to adopt AO 99-148.  
seconded by Mr. Sullivan,

Ms. Fairclough expressed concern about proceeding without a full body tonight. Other members may not be present on March 7. She felt the community was requesting the remand to P&Z to get the Assembly to declare it is unacceptable to go through 50 percent slopes and wetlands for a secondary access point.

In response to Mr. Kendall, Jacques Boutet addressed the Assembly. He discussed his contract with CPD beginning about 2 ½ years ago. He was asked to look at a large amount of land below Eagle River Road, and above the River, to identify opportunities for additional access into the area. He divided the study area into two pieces. The western piece is the Eagle Crossing area. Mr. Boutet considered the spirit of Title 21 with regard to secondary access to subdivisions. He also considered the perspective of the public, right-of-way issues and environmental characteristics. He concluded secondary access would not make sense until Eagle Crossing is much more developed. He felt there was adequate capacity on Driftwood Bay Road, with the potential for some traffic diversion onto Mills Drive. Both of those roads provide good intersections with Eagle River Loop Road. He concluded that because there was adequate capacity on Driftwood Bay Drive, and it was less steep than the proposed Eagle River Lane secondary route, more people will choose to use Driftwood Bay. He spent a lot of time speaking with members of the Community Council, walking in the area, looking at wetlands maps and discussing the issue with area biologists. He concluded that the Eagle River Lane access, and other hybrids in the area did not make sense, and the preferred access would be in the Greenhouse Drive area. After he published his report, many right-of-way issues surfaced regarding his secondary access preference.

In response to Ms. Von Gemmingen, Mr. Boutet confirmed he reviewed the 1993 Dowl Engineers traffic impact analysis. He said he did his work prior to a subsequent traffic impact analysis by Lounsbury & Associates dated 1999. He explained Melody and Midway roads, ranked as first and second choices for secondary access in the Lounsbury report, were proximate to Greenhouse Drive. He agreed that Melody, Midway and Greenhouse were preferred at this point, but stressed there are many uncertainties about what should be done at the east end of the development. He felt the market would decide where the secondary access should be, and suggested the development be designed to allow enough flexibility to respond to whatever access opportunities arise.

In response to Ms. Sullivan, Mr. Boutet said Melody and Midway are also on steep grades. There are benefits and disadvantages with any of the routes.

Mr. Wuerch moved, to extend the meeting until 11:15 p.m.  
 seconded by Mr. Sullivan,  
 and it failed with Mr. Tremaine  
 objecting,

(Clerk’s Note: Ms. Clementson had left the meeting at the time of the vote. This motion failed for lack of nine affirmative votes required to extend the meeting past 11:00 p.m.)

Mr. Wuerch moved, to postpone action on AO 99-148 until March 7, 2000.  
 seconded by Mr. Sullivan,  
 and it passed without  
 objection,

- B. **Ordinance No. AO 2000-22**, an ordinance **approving a long-term lease of the Hilltop Ski Area of the Municipality's Far North Bicentennial Park to Youth Exploring Adventure, Inc.**, a non-profit corporation doing business as Hilltop Ski Area to continue the use, management and development of the Hilltop Ski Area by Youth Exploring Adventure, Inc. as a public recreation area and **submitting to the qualified voters of the Municipality at the Regular Municipal Election April 4, 2000 a ballot proposition to approve said long-term lease**, Legal Department.
1. Assembly Memorandum No. AM 42-2000.
  2. Ordinance No. AO 2000-22(S), an ordinance approving a long-term lease of the Hilltop Ski Area of the Municipality's Far North Bicentennial Park to Youth Exploring Adventure, Inc., a non-profit corporation doing business as Hilltop Ski Area to continue the use, management and development of the Hilltop Ski Area by Youth Exploring Adventure, Inc. as a public recreation area and submitting to the qualified voters of the Municipality at the Regular Municipal Election April 4, 2000 a ballot proposition to approve said long-term lease, Legal Department.
  3. Assembly Memorandum No. AM 126-2000.
- (CONTINUED FROM 1-25-00; PUBLIC HEARING CLOSED 2-1-00; POSTPONED FROM 2-1-00)

Mr. Wuerch moved, to postpone action on AO 2000-22 and AO 2000-22(S)  
 seconded by Mr. Sullivan, indefinitely.  
 and it passed without  
 objection,

C.

Mr. Kendall moved, to enter reconsideration on the minutes of item  
 seconded by Mr. Sullivan, 9.F, AO 99-157, adopted earlier in the meeting.

(Clerk’s Note: See minutes of March 7, 2000 for further action.)

- D. **Ordinance No. AO 99-114**, an ordinance of the Anchorage Assembly **formally adopting the goals and objectives of the Anchorage Bowl Comprehensive Plan**, Assemblymembers Taylor, Tesche, Tremaine, and Abney.
1. Assembly Memorandum No. AM 724-99.
- (CONTINUED FROM 10-19-99)

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

to continue the public hearing for AO 99-114 until  
March 7, 2000.

D. Assembly Comments.

Mr. Sullivan announced he would be out of the country on March 7, 2000. He hoped to arrange a teleconference for the worksessions scheduled on that date.

17. AUDIENCE PARTICIPATION: None.

18. EXECUTIVE SESSIONS: None.

19. ADJOURNMENT:

Ms. Von Gemmingen moved,  
seconded by Mr. Wuerch,  
and it passed without  
objection,

to adjourn.

The meeting adjourned at 11:00 p.m.

\_\_\_\_\_  
Chairman

ATTEST:

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

Date Minutes Approved: March 21, 2000

LF/db

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