

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of October 23, 2001

1. CALL TO ORDER:

Assembly Chairman Dick Traini convened the meeting at p.m. 5:00 p.m. in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. ROLL CALL:

Present: Anna Fairclough, Dan Sullivan, Fay Von Gemmingen, Melinda Taylor, Doug Van Etten, Dick Traini, Dan Kendall, Allan Tesche, Janice Shamberg, Dick Tremaine, Cheryl Clementson.
Absent: None.

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Mayor Wuerch.

4. MINUTES OF PREVIOUS MEETING:

A. Special Meeting – May 22, 2001

Mr. Tesche moved, to approve the minutes of the special meeting
seconded by Ms. Taylor, of May 22, 2001.
and it passed without
objection,

B. Regular Meeting – May 22, 2001

Mr. Sullivan moved, to approve the minutes of the regular meeting
seconded by Ms. Taylor, of May 22, 2001.
and it passed without
objection,

5. MAYOR'S REPORT:

Mayor Wuerch announced that the lighting of the City of Lights would be on Monday, October 29, 2001 between 5:45 p.m. and 6:30 p.m. at the Town Square. This year's theme will be Let Freedom Shine, Anchorage City of Lights, Red, White and Blue. He encouraged everyone to attend.

6. ASSEMBLY CHAIR'S REPORT:

Ms. Fairclough said there would be a meeting with the Anchorage Legislative Caucus tomorrow from 11:00 a.m. to 12:30 p.m. in the Mayor's conference room on the 8th floor.

7. COMMITTEE REPORTS:

Ms. Taylor said the Budget Committee met today and overviewed parts of the operating budget. There would be another work session and the public was invited to attend.

8. ADDENDUM TO AGENDA:

Chairman Traini read the addendum items.

Ms. Von Gemmingen moved, to incorporate the addendum to agenda.
seconded by Mr. Sullivan,
and it passed without
objection,

9. CONSENT AGENDA

Ms. Von Gemmingen moved, to approve the consent agenda.
seconded by Mr. Tesche,

A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

B. RESOLUTIONS FOR ACTION - OTHER

1. Resolution No. AR 2001-310, a resolution of the Municipality of Anchorage appropriating \$45,000 as a grant to the State Categorical Grants Fund (231), Department of Health and Human

Services, from the Alaska Department of Transportation and Public Facilities to fund an **Air Quality Business Education Campaign**, Health and Human Services.

a. Assembly Memorandum No. AM 850-2001.

2. Resolution No. AR 2001-312, a resolution of the Municipality of Anchorage appropriating \$24,640 from Areawide General Fund Balance (101) to Non-Departmental for **indigent defense services**, Health and Human Services.

a. Assembly Memorandum No. AM 868-2001.

C. BID AWARDS

1. Assembly Memorandum No. AM 851-2001, recommendation of award to Corporate Express, Inc. for providing **office supplies** to the Municipality of Anchorage, Purchasing Department (ITB 21-B079) (\$300,000), Purchasing.
2. Assembly Memorandum No. AM 852-2001, recommendation of award to DBS Enterprises for **kitchen and bathroom renovations at the Clitheroe Center** for the Municipality of Anchorage, Department of Facility & Fleet Management (ITB 21-Q157) (\$53,184), Purchasing.

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

D. NEW BUSINESS

1. Assembly Memorandum No. AM 856-2001, **La Casita Restaurant** (License No. 2965) – Transfer of Ownership and Application for a Restaurant Designation Permit for a Restaurant/Eating Place Liquor License and Name Change to La Casita Del Mar (Mt. View Community Council), Clerk’s Office.
2. Assembly Memorandum No. AM 857-2001, **George’s Homestead Lounge # 321 & George’s Homestead Liquor #322** – Transfer of Ownership for a Beverage Dispensary and Package Store Liquor Licenses (Bayshore/Klatt and Taku/Campbell Community Councils), Clerk’s Office.

Ms. Fairclough requested this item be considered on the Regular Agenda. See item 10.E.

3. Assembly Memorandum No. AM 858-2001, **Alaska Marketplace #578** (License No. 998) – Transfer of Ownership and Location for a Package Store Liquor License (Abbott Loop Community Council), Clerk’s Office.

Ms. Clementson reflected a no vote on this item.

4. Assembly Memorandum No. AM 859-2001, **Rumrunners Old Towne Bar** (License No. 3189) – Transfer of Location for a Beverage Dispensary Liquor License (Downtown Community Council), Clerk’s Office.

Ms. Fairclough requested this item be considered on the Regular Agenda. See item 10.E.

5. Assembly Memorandum No. AM 860-2001, **Don Jose’s Mexican Restaurant** (License No. 357) – Transfer of Ownership, Transfer of Location, Name Change to Benihana and Application for a Restaurant Designation Permit for a Beverage Dispensary Liquor License (South Addition and Downtown Community Councils), Clerk’s Office. **(TO BE SUBMITTED)**

(Clerk’s Note: This memorandum was postponed to October 30, 2001 because it was not submitted at this meeting.)

6. Assembly Memorandum No. AM 861-2001, **Bombay Deluxe Restaurant** – New Restaurant/Eating Place Liquor License and Application for a Restaurant Designation Permit (Spenard Community Council), Clerk’s Office.

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

7. Assembly Memorandum No. AM 854-2001, contract amendment No. 2 to vendor contract 20PWK466 with William David Scheele for providing **manhole milling services** on an “as needed” basis to the Municipality of Anchorage, Street Maintenance Department (\$37,500), Purchasing.
8. Assembly Memorandum No. AM 869-2001, authority to enter into contract amendments for construction of the **Service High 10 MG Reservoir Project** (NTE \$262,720), Water and Wastewater Utility.
9. Assembly Memorandum No. AM 870-2001, authority to enter into contract amendments for construction of the **Asplund Wastewater Treatment Facility Solids Handling Improvements Project** (NTE \$325,280), Water and Wastewater Utility.
10. Assembly Memorandum No. AM 866-2001, Assembly approval for expenditure of funds – **legal contract services** (\$15,000), Assemblymembers Tesche and Traini. **(addendum)**

E. INFORMATION AND REPORTS

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

1. Resolution No. AR 2001-311, a resolution of the Municipality of Anchorage appropriating \$150,000 from the State of Alaska, Department of Environmental Conservation, under the Prevention and Emergency Response Program, to the Anchorage Fire Department, State Categorical Grants (231) Fund to **expand the hazardous response capabilities of the Anchorage**

Hazardous Materials (HAZMAT) Response Team, Anchorage Fire Department. public hearing
10-30-01.
a. Assembly Memorandum No. AM 855-2001.

Mr. Tesche moved, to postpone Assembly Memorandum AM 860-2001,
seconded by Ms. Fairclough, item 9.D.5., to October 30, 2001.
and it passed without
objection,

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

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

10. REGULAR AGENDA:

- A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS:** None.
B. RESOLUTIONS FOR ACTION – OTHER: None.
C. BID AWARDS: None.
D. NEW BUSINESS:

1. Assembly Memorandum No. AM 852-2001, recommendation of award to DBS Enterprises for
kitchen and bathroom renovations at the Clitheroe Center for the Municipality of Anchorage,
Department of Facility & Fleet Management (ITB 21-Q157) (\$53,184), Purchasing.

Mr. Tremaine moved, to approve AM 852-2001.
seconded by Ms. Fairclough,

Mr. Tremaine felt that \$53,000 was a lot of money for a kitchen and bathroom renovation.

Purchasing Officer Bart Mauldin said the Municipality has to pay Davis-Bacon wages on public contracts. The employees
make about \$36 an hour, in addition to the profit and overhead of the contractor. Most construction projects have a mix of 60
percent labor and 40 percent materials.

Larry Peterson of Facility Management described the work to be done on the project, which would include remodeling of a
full kitchen, two full bathrooms, and a laundry room. The project would also include some flooring, because the subflooring
in one of the bathrooms was rotten.

Mr. Tremaine said the administration was doing a good job reorganizing to cut costs. He felt it was cheaper to do the work
in-house. The administration needed to reevaluate the cost of contracting work out versus doing the work in-house.

Mayor Wuerch said he understood the Assembly’s view on contracting out, but the administration holds to the belief that the
best price prevails. They only contract the work out when it is cheaper to do so.

Question was called on the motion to approve AM 852-2001 and it passed without objection.

2. Assembly Memorandum No. AM 857-2001, **George’s Homestead Lounge # 321 & George’s
Homestead Liquor #322** – Transfer of Ownership for a Beverage Dispensary and Package Store
Liquor Licenses (Bayshore/Klatt and Taku/Campbell Community Councils), Clerk’s Office.

Ms. Fairclough moved, to approve AM 857-2001.
seconded by Ms. Von Gemmingen,

Ms. Fairclough reference items 9.D.2, 9.D.4 and 9.D.6, which all lack signatures appropriate to the ownership.

In response to Ms. Fairclough, Deputy Municipal Attorney Wheeler said if the signatures were satisfactory to the State
Alcoholic Beverage Control (ABC) Board then they would be satisfactory to the Municipality of Anchorage. There may be
arrangements between the various owners where one owner can sign for all the owners. Given that the State Alcoholic
Beverage Control (ABC) Board has accepted the application and sent it up for processing, there was no reason for the
Municipality to doubt the authority of the signator to bind the rest of the owners.

Question was called on the motion to approve AM 857-2001 and it passed without objection.

Chairman Traini pointed out that Ms. Clementson was a no vote on item 9.D.3, AM 858-2001, but it was not pulled for
discussion.

3. Assembly Memorandum No. AM 859-2001, **Rumrunners Old Towne Bar** (License No. 3189) –
Transfer of Location for a Beverage Dispensary Liquor License (Downtown Community Council),
Clerk’s Office.

Ms. Fairclough moved, to approve AM 859-2001.
seconded by Ms. Shamberg,

Ms. Fairclough pointed out there was no conditional use permit at this location. This would protest the license. There was no signature of the transferee.

In response to Ms. Fairclough, Deputy Municipal Attorney Wheeler said this appeared to be a transfer of location, not a transfer of the liquor license.

Question was called on the motion to approve AM 859-2001 and is passed without objection.

4. Assembly Memorandum No. AM 861-2001, **Bombay Deluxe Restaurant** – New Restaurant/Eating Place Liquor License and Application for a Restaurant Designation Permit (Spenard Community Council), Clerk’s Office.

Ms. Clementson moved, to approve AM 861-2001.
seconded by Ms. Fairclough,

Ms. Clementson moved, to address AM 861-2001 after item 14.E, AR 2001-309, later
seconded by Mr. Kendall, in the meeting.
and it passed without
objection,

This item was considered later in the meeting. See after item 10.E., AR 2001-309.

E. INFORMATION AND REPORTS: None.

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION: None.

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

- A. Resolution No. AR 2001-86, a resolution of the Anchorage Municipal Assembly urging the Anchorage Parking Authority to **continue allowing use of the city-owned parking lot on Third Avenue between C and E Streets for Fur Rendezvous activities**, Assemblymembers Sullivan and Kendall.
(POSTPONED FROM 3-20-01; CARRIED OVER FROM 5-15-01, 8-14-01, AND 8-28-01; POSTPONED FROM 9-11-01)

Chairman Traini gave the history of the resolution and noted no motion was on the floor.

Mr. Sullivan moved, to postpone AR 2001-86 to October 30, 2001.
seconded by Ms. Fairclough,
and it passed without
objection,

- B. Ordinance No. AO 2001-141, an ordinance **amending the Hillside Wastewater Management Plan**, Anchorage Municipal Code 21.05.030.D.4., to add the area recommended for public sewerage the 7 1/2 acre Tract A of Bluebell Subdivision and the 7 1/2 acre Tract A of Ashland Subdivision, generally located east of Goldenvue Drive in the South Hillside area, Planning Department.
1. Assembly Memorandum No. AM 647-2001.
 2. Ordinance No. AO 2001-141(S), an ordinance amending the Hillside Wastewater Management Plan, Anchorage Municipal Code 21.05.030.D.4., to add the area recommended for public sewerage the 7 1/2 acre Tract A of Bluebell Subdivision and the 7 1/2 acre Tract A of Ashland Subdivision, generally located east of Goldenvue Drive in the South Hillside area, Assemblymember Tremaine. **(LAID ON THE TABLE)**
(CARRIED OVER FROM 10-16-01)

Chairman Traini gave the history of the ordinance and noted a motion to approve was on the floor.

Mr. Tremaine distributed a substitute ordinance with the same title and read the substitution.

Mr. Tremaine moved, to substitute the ordinance.
seconded by Mr. Tesche,

Mr. Tremaine said one tract of the 7½ acres was partially R-3-SL, which was dense housing, and the other part was R-6, 1¼ acres. The other section that was requested to be added was totally R-7, 1¼ acres. The other section has never been envisioned as being part of the Plan from 1982 forward, because part of it was zoned R-3 and considered to be part of the Hillside Wastewater Management Plan. The developer’s representatives indicated he did not know if the developer owned adjacent property, but the developer does own the property to the southeast of the corner of the 7½-acre tract, a total of 1.4 million square feet. While this developer does some very splendid looking entranceways and very nice homes, he has a habit of piecemealing developments bit by bit. Mr. Tremaine felt the Hillside Management Plan should be done before extra pieces were added. More property would be added into the water and sewage area, but it should be done in a thoughtful manner and that requires the plan to be redone first.

Mr. Kendall raised a point of order. He recalled that the amendment would do the same thing as the S version. Robert’s Rules of Order prohibits us from voting on the same amendment, even in a different form, if it has the same outcome as the amendment that was defeated.

In response to Chairman Traini, Mr. Tremaine said he did not believe the S version was exactly the same as the original amendment. He thought he took out the language “generally located east of the Goldenview Drive and south Hillside area,” but he could not be sure.

Mr. Kendall believed the amendment took out “and the 7½-acre tract A of Ashland Subdivision,” which is the substance of the matter. The S version introduced another main copy without the amendment that he tried to remove last week, which Robert’s Rules of Order prohibits.

Chairman Traini ruled that they would proceed with the question of substitution.

In response to Ms. Clementson, Mr. Tremaine said the rezone that did not come before the Assembly was the one they were striking.

Ms. Fairclough urged the chair to rule in favor of the amendment. It was a five-five split, because we were not a full body when we looked at this amendment.

Mr. Tremaine said the tract would be before them later in the meeting for a rezone. The other tract, which he proposed to withdraw, had not come forward since the Planning & Zoning Commission rejected it for rezoning.

Zoning and Platting Division Manager Jerry Weaver said the staff and the Planning Commission recommended approval of these two tracts because they were contiguous to areas that have, or will have, public sewer and water available to them. He referenced page 17 of the staff packet, which has a map of Bluebell Subdivision and Ashland Subdivision. Its access is to be internal from Prominence Point Subdivision. Because it is R-6, it would be developed in a rural 1¼ lot configuration with public sewer and water available to it. The Commission did not approve the zoning. It simply means it could develop with public services.

Mr. Kendall said this was an amendment to amend the Hillside Wastewater Plan. Previous to this, the Planning & Zoning Commission looked at this issue and approved it. They also looked at a rezone for the two separate parcels that were involved. The parcels are relatively close to each other and immediately adjoining a subdivision that has public water and sewer. The Planning & Zoning Commission rejected the rezone for the Ashland property, which was not before the Assembly. The only application before it is the Bluebell Subdivision. Extending public water and sewer to an R-6 lot has nothing to do with lot size, lot density or how the property will be developed. The subdivision has marginal soils and bedrock appearing on some locations on the lot. He saw no public health reasons why they could not extend public water and sewer to this property. He protested the amendment, because it was essentially the same amendment that was defeated last week.

Ms. Von Gemmingen said she voted no on the amendment, because there are public safety issues in many areas on the Hillside. They looked at a map last week that showed failing systems all over the Hillside. The Assembly needs to start thinking very seriously about heading off public safety issues regarding sewer and water in that part of town. The developer has requested this and she could not see a downside to it. She has always voted in favor of these types of things, because she felt sewer and water was coming to the Hillside piecemeal and this was part of the piece.

In response to Ms. Clementson, said the map they reviewed last week did not show systems that were currently in failure, but replacement systems that had been replaced. In most cases, the systems are now operating. The systems that were complete failures and could not be replace were replaced by holding tanks, which is an increasing problem on Hillside. Typically the older subdivisions are the ones that have the replacement systems, especially ones that have been in place more than 15 years. There are a very large number of systems that have been replaced.

In response to Ms. Clementson, Mr. Weaver said the area surrounding the Ashland Subdivision was sparsely developed. The map focused on areas north of the property.

Mr. Sullivan felt they had resolved this issue last week. From a safety standpoint, especially public health and the concerns about wildfire on the Hillside, expansion of city water and sewer is a good thing and the way of the future. Hillside will not be developed in one big chunk, but parcel by parcel. These parcels are adjacent to parcels that already have city water and sewer and it is a natural extension. The streets that run through the adjacent subdivisions will be continued into the new subdivision. We are not breaking any new ground, but expanding what already exists. Some concerns were raised last week about Little Survival Creek and it was determined that the creek was not part of these parcels. He did not see a negative side to this and would not support the amendment.

Ms. Shamberg said there were septic systems available that were not the systems that have been failing. They are efficient bio-systems and do not have the far-reaching implications of a city sewer system going up in the Hillside through steep slopes and fractured bedrock. These bio-systems have been very successful and are not very expensive. They contain the sewage and filter it. The affluent that drains out is quite pure. In the long-term, the bio-system is superior to putting in the public sewer system in terms of ecological damage and wastewater that runs down into the Inlet.

In response to Mr. Tesche, Mr. Tremaine felt it would be better to treat the property within the Hillside Wastewater Management Plan. There have been eight or nine amendments to the Hillside Wastewater Management Plan in the last 19 years. The last, time scale he saw indicated that the Hillside Plan would be worked on next year. There will be areas added to the water and sewer, but it should be done in a planned method rather than a haphazard method.

Mr. Tesche did not agree that all the development on the Hillside would be piecemeal. We can look at these in a coordinated systematic effort through the Hillside Wastewater Plan. He would be voting in favor of the amendment.

Mr. Kendall said the Hillside Wastewater Plan has been amended several times. Sometimes it was for a major subdivision, but it has also been done for individual homeowners. There were amendments made for some along the Old Seward

Highway so that the people on the downhill side could hook onto the sewer main that went right by their house. He felt if this was an individual lot owner who happened to be adjacent to a subdivision that had sewer and water, the Assembly would be bending over backwards to accommodate them. He felt such a decision would be arbitrary.

In response to Mr. Sullivan, AWWU General Manager Premo said he was not aware of any significant problems with the subdivision water and sewer. If there are any problems, they are minor in nature. The major water transmission main was added in conjunction with the Goldenveiw Middle School and a reservoir on top of the hill.

In response to Ms. Von Gemmingen, Mr. Premo said there were plans to amend the Hillside Wastewater Plan. At this point in time not all of the budgetary requirements have been met to do so. The Hillside Wastewater Management Plan is a joint venture between the Planning Department, the utility and DHHS. All parties need to contribute in order to put that plan forward. The intent is to do that with the update of the 2020 Plan for that mini-plan in the Hillside area and in concert with all of the other planning elements that are necessary to look at the complete development pattern of the Hillside. He was not knowledgeable enough of the other operating departments and their budgets to say if that portion of it was funded or not. With respect to the utilities' contribution for the Hillside Wastewater Management Plan, in conjunction with the overall 2020 Plan, it will be funded when the budget is approved for 2002.

In response to Ms. Von Gemmingen, Planning Director Sue Fison said one of the things that came out of the Hillside workshop was the need to fund the plan. There was a meeting last Thursday to brainstorm ideas for grant funding. Those present thought that there is enough public health and safety issues, as well as Mr. Premo's money for the match, to kick off the plan in 2002. They have done a lot of the groundwork. The beginning will be in 2002, but it would not be finished then. They are currently focusing their energy on grant funding.

Question was called on the motion to substitute and it passed:

AYES: Taylor, Van Etten, Traini, Fairclough, Tesche, Shamberg, Tremaine.

NAYS: Sullivan, Von Gemmingen, Kendall, Clementson.

Question was called on the motion to approve AO 2001-141(S) and it passed:

AYES: Sullivan, Taylor, Van Etten, Traini, Fairclough, Tesche, Shamberg, Tremaine, Clementson.

NAYS: Von Gemmingen, Kendall.

- C. Resolution No. AR 2001-307, a resolution of the Anchorage Assembly amending Assembly Resolution 2001-223 relating to the **Port of Anchorage Master Plan**, Assemblymembers Tesche, Van Etten, Shamberg, Taylor, and Traini.
(CARRIED OVER FROM 10-16-01)

Chairman Traini gave the history of the resolution and noted no motion was on the floor.

Mr. Tesche said AR 2001-307 was negotiated between the representatives of the administration, the Port, Government Hill and himself and reflects a very workable consensus between all parties. It puts into writing, in one place, a workable understanding of how the parties might proceed with development of certain defense field property if, and when, that property was conveyed to the Municipality from the Department of Defense. He recommended approval of AR 2001-307.

Office of Planning, Development and Public Works Director Craig Campbell thanked Mr. Tesche for the leadership he provided in reaching a compromise with the Government Hill Community Council on this issue.

Mr. Tesche moved, to approve AR 2001-307.
seconded by Ms. Fairclough,

Question was called on the motion to approve AR 2001-307 and it passed:

AYES: Sullivan, Von Gemmingen, Taylor, Van Etten, Traini, Fairclough, Kendall, Tesche, Shamberg, Clementson.

NAYS: Tremaine.

- D. Ordinance No. AO 2001-145(S-1), an omnibus ordinance amending Anchorage Municipal Code and Anchorage Municipal Code of Regulations to modify existing, and include **additional, fees, fines and penalties**, Office of Management and Budget.
1. Assembly Memorandum No. AM 847-2001, AO 2001-145(S-1); omnibus ordinance amending Anchorage Municipal Code and Anchorage Municipal Code of Regulations to modify existing, and include additional fees, fines, and penalties, Office of Management and Budget.
 2. Assembly Memorandum No. AM 872-2001, AO 2001-145(S-1), floor amendments to an omnibus ordinance amending Anchorage Municipal Code and Anchorage Municipal Code of Regulations to modify existing, and include additional fees, fines, and penalties, Office of Management and Budget. **(addendum)**
(AMENDED 10-16-01; CARRIED OVER FROM 10-16-01)

Chairman Traini gave the history of the ordinance and noted a motion to approve as amended was on the floor.

In response to Mr. Tremaine, Health and Human Services Director Jewel Jones said one of the concerns related to the tax-exempt status of 501c3. They were willing to change the line to read "establishments that are operated by tax-exempt non-profit corporations under the laws of Alaska whose purpose is to foster the general community," which might solve some of Mr. Tremaine's concerns.

Ms. Clementson pointed out that the S-1 version was significantly different, by several million dollars, from the original version. She was concerned that people did not show up to testify on the increase in the transit department fees.

In response to Ms. Clementson, Public Transportation Director Bob Kniefel said the change in adding fees and fines to the Omnibus Bill happened after the original was adopted. They have been to the Public Transit Advisory Board and explained the changes. He believed the Public Transit Advisory Board would be presenting a resolution to the Assembly saying they recommend against fee changes. The public does not have a very good picture of what the changes are. He did not believe there had been a major campaign to advertise the fact that the fees and fares were changing.

Mayor Wuerch said they were proposing the fee changes to be effective January 1, 2002, as far as fines and fees being imposed, but the ordinance would be effective immediately. The existing fees would remain in place until January 1, 2002.

In response to Ms. Clementson, Municipal Attorney Bill Greene said the ordinance would be effective immediately, which would allow the Municipality to count on the revenue in its budget. The new fees and fines would not begin until January 1, 2002. This allows everyone adequate time to prepare for its implementation on January 1, 2002, but the ordinance would be effective immediately.

In response to Ms. Clementson, Office of Management and Budget Director Cheryl Frasca said those who use the services would pay the increased fares. If you do not ride the bus now, you would not be paying the increased bus fare. If you do not build a new house, you would not be paying the higher permit fees. Most of this is cost causer/cost payer.

Ms. Shamberg distributed a new page 44, which was approved at the last meeting, and asked that it be substituted for the old page 44.

In response to Mr. Van Etten, Mr. Kniefel said the budget increased in revenues of \$212,000 from the People Mover, which reflects the increase in bus fares. Fifty percent of the ridership typically has to transfer, so half the people are paying \$1.00 and half are paying \$1.10. The total package includes service reductions and fare increases.

In response to Ms. Von Gemmingen, Bob Kniefel said the Assembly approved the last fare increase in 1992. The transportation department staff have done surveys to see if riders would continue using the bus service if the fares were increased and results vary. It is a given that ridership would decrease when the fares were increased.

Ms. Von Gemmingen said bus service was a necessary service, but the costs of providing that service was increasing. She would support the increase in fees to offset the rising costs of operating the service.

Mr. Tremaine went back to the food handling issue. He pointed out pages 30 and 51 have similar language, but they conflict. He felt the language on page 51 should resemble the language on page 30 with the change that was recommended in AM 872-2001.

Mr. Tremaine moved, to amend pages 30 and 51 to make the language agree.
seconded by Ms. Shamberg,
and it passed without
objection,

Mayor Wuerch referenced line 10 of AM 872-2001 which changed the reference to “501c3” to “operated by tax-exempt non-profit corporations.”

Mr. Tremaine said there had been questions about how tax-exempt non-profit groups could raise money. It was his understanding that bakery products were exempt and that was not an issue. The Service Cougars Basketball Booster Club sells food during basketball games to raise money. He suspected they would have to pay \$50 an event and would need a food handlers’ license.

In response to Mr. Tremaine, Ms. Jewel Jones said the issue was addressed on page 26, line 41. Currently the non-profits that sell food at basketball games pay \$50 for four events, which is \$12 per event and did not cover the cost. The issue was a public health concern. The groups sell food for public consumption. Those are temporary events and constitute a public health issue. The more appropriate fee would be \$50 per event, which was what the administration was recommending. Health staff have to be there to oversee and do the permitting process. Either the general public or the non-profit groups would have to pay the cost for those inspections.

Mr. Tremaine felt the \$50 fee was too high for the non-profit groups who were trying to raise small amounts of money for their non-profit activities. He appreciated and supported what the administration was trying to do, but he did not feel it was appropriate for smaller organizations.

Ms. Fairclough moved, to amend AO 2001-145(S-1) at page 35 the re-inspection per
seconded by Mr. Van Etten, hour, per inspector, one-hour minimum, fee to multi-tier. The
first re-inspection would be \$150, the second \$250, and the
third \$500.

Ms. Fairclough referenced AO 2001-145(S-1), page 35. In dealing with the inspectors, she said that unions, homebuilders and the administration, have stated repeatedly that some non-professional builders use inspectors as a checklist service to see what they need to do. This causes repeated trips for municipal inspectors to check out housing. She felt an increased fee would deter the contractors from having repeated inspections, because there would be a financial impact to the project.

Ms. Von Gemmingen said she needed to consider the homeowners who were trying to work through the regulations and do the work themselves. She felt there should be some kind of balance.

Ms. Fairclough said the first two inspections would remain about the same. The third inspection would have an escalated price. The inspector gives a punchlist to the builder, whether it is a private home developer, a landlord or a major builder. She would be amenable to reverting to the old fee if there were new items that appeared on the punchlist. There should be some financial deterrent for using municipal inspectors in that fashion.

Office of Planning, Development and Public Works Director Craig Campbell felt reinspections needed to be reviewed. The administration provided a coordinated package for all the development services fees, which the homebuilders understood. Reinspections were discussed as part of that package. He felt a modification closer to the original proposal would be more palatable.

Ms. Clementson said the amendment would turn this from a fee to a fine. It does not cost \$500 an hour to send out an inspector. She felt it represented a shift in philosophy from charging for the inspector to doing something punitive. She could not support this kind of a fee. She suggested maybe \$150 dollars on subsequent fees.

Mr. Van Etten pointed out that there were a very small number of offenders, but they were chronic offenders. Without an adequate deterrent, we will continue utilizing a disproportionate amount of time from a department that is already very short staffed. He felt the only way they would effectively create a change in behavior was through the process of multi-tiered fees.

Mr. Sullivan felt this became a punitive item if the fees were increased. He felt an amendment was inappropriate, because the industry was not present to participate. He suggested having a work session with the industry to discuss the fees. He did not think they should be compensating their staff at an amount that was two to three times the actual cost, because at that point it becomes a fine.

Mr. Kendall said the amendment, as proposed, reflected big government and he did not see a reason for it. Raising the costs of inspections will hurt the self-homebuilder who does not always get it right the first time.

Ms. Fairclough said the amendment was meant to be punitive and it could be considered a fine. The price structure only recoups the price of inspectors at regular time. We have hired four additional inspectors and expect to eliminate much of the overtime. The hourly rate was not reflective of the costs, but a deterrent to asking for reinspections. The subcontractors do not know what they are doing. She said they use our inspectors to qualify for the codes. They repeat offend over and over. She urged the Assemblymembers to consider a fee higher than \$100 if they did not feel a sequential severity was appropriate.

Mr. Campbell said the administration did not disagree with what Ms. Fairclough was trying to accomplish as a goal. There are only a few offenders and the administration hired four more inspectors, so the workload problem is not significant. The problem is that there are a few builders that are not doing their best effort, the first time through, to pass the inspections. In fairness to the industry, the administration would be willing to work with the industry on this issue. He felt the Homebuilders' Association had acknowledged the same problem. There are a few builders that give the rest a bad rap.

Ms. Clementson said the inspection would cost \$100 during normal hours, \$125 if it was unscheduled, \$150 if outside normal business hours, \$200 on weekends or holidays. Reinspections were \$100 per hour no matter when it was done. She felt inspections needed to be increased to about \$150 an hour and more if outside of normal business hours or weekends. If people are doing something unethical, we need to fine them. She felt rather than bifurcate, they should decide on a base number and amend it later so they would have something to work with on January 1, 2002.

In response to Chairman Traini, Mr. Campbell said the administration would accept Ms. Clementson's proposal of the graduated fee for weekends. They were willing to work with the Assembly on whichever approach it decided to take.

Ms. Fairclough pointed out that no one was suggesting unethical behavior. The inspectors are frustrated, because subcontractors are taking the inspections versus the general contractor being onsite. Because the subcontractor is not as invested in the project as the general contractor, regular inspectors are going out repeatedly and not dealing with the stakeholder of the project. She would withdraw her motion and change it to \$150 as a flat fee for reinspection with Sundays and holidays being \$200.

In response to Mr. Van Etten, Mr. Campbell clarified the difference between a fee and a fine. A fee is associated with the cost of doing business. A fine is associated with not doing the business correctly. A fine would indicate a right to some sort of due process before it is imposed.

Mr. Van Etten did not feel it was appropriate to plan on amending the ordinance in January of 2002. The builders' position would be that they were just starting their building season and would be in the middle of the season. This is the appropriate time of year to deal with issues relating to the building industry.

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

to amend AO 2001-145(S-1), at page 35, item #5,
"Re-inspection, per hour, per inspector, one-hour
minimum – [\$100.] \$150." and insert new lines to read
"Re-inspection, per hour, per inspector, one hour minimum
unscheduled work - \$175" and Re-inspection, per hour, per
per inspector, two hour minimum, outside of normal business
hours - \$200."

Ms. Clementson offered an amendment that would graduate reinspections similar to the way that inspections were graduated.

Ms. Fairclough and Mr. Van Etten accepted Ms. Clementson's amendment as a friendly amendment.

In response to Mr. Tesche, Mr. Campbell felt the amendment was more reflective of the progression schedule that was in place. The homebuilders had a coordinated package that indicated certain fees. They accepted those fees and were not present to testify against it. He could not speculate as to whether or not they would find this acceptable.

Mr. Sullivan felt they should proceed with the original numbers, work on it and present another package. They should wait a few weeks to allow the administration and the industry to hold a workshop, in which Assemblymembers could participate.

In response to Ms. Von Gemmingen, Ms. Fairclough said the unscheduled inspections were not two-hour minimums. The inspections outside of normal business hours were two-hour minimums, as currently stated in the ordinance. It was her intent to have a two-hour minimum for reinspection fees.

Question was called on Ms. Fairclough's motion to approve the amendment to AO 2001-145(S-1) as amended and it passed:

AYES: Taylor, Van Etten, Fairclough, Shamberg, Tremaine, Clementson.

NAYS: Sullivan, Von Gemmingen, Traini, Kendall, Tesche.

Mr. Keiling said the administration submitted AM 872-2001 with some suggested floor amendments. He requested that those be included with one exception. The dispatch fee was coordinated with Transcare. The administration agreed at the last meeting to consult with Risk Management on this issue and it was not done. He requested it be postponed a week.

In response to Ms. Von Gemmingen, Chair Traini said the Assembly already voted to bifurcate the dispatch fee.

Mr. Tremaine moved,	to amend AO 2001-145(S-1) at line 14, page 30 to read
seconded by Mr. Sullivan,	"student-oriented" and at line 15 to read "that operate food
	establishments within the school and use all proceeds collected
	for the purpose of maintaining the welfare of the school's
	students."

Mr. Tremaine referenced page 30 of 59, line 13-17. On line 14 where it says student operated, he suggested it should say student oriented, which would allow both student and parent booster clubs. Line 15 would say "to operate food establishments within the school and use, rather than return, all proceeds collected for the purpose of maintaining the welfare of the school's students." He felt this would allow the department to waive fees for inspection services, at their discretion, for student-oriented organizations that were using the profits and proceeds for the benefits of the students.

Mr. Sullivan said he supported the amendment. He was concerned about the sports organizations that have a concession stand or may have a one-time event. He felt \$50 might be extreme.

Question was called on Mr. Tremaine's motion to approve the amendment to AO 2001-145(S-1) and it passed without objection.

(Clerk's Note: Ordinance AO 145(S-1) was carried over to the next Assembly meeting on October 30, 2001.)

The meeting recessed at 6:40 p.m. and reconvened at 7:10 p.m.

12. APPEARANCE REQUESTS: None.

13. CONTINUED PUBLIC HEARINGS:

- A. Ordinance No. AO 2001-136, an ordinance amending the zoning map and providing for the rezoning from approximately 2.5 acres from PLI (Public Lands and Institutions District) to R-3 SL (Multi-Family Residential District with Special Limitations) for **T14N, R2W, Section 11, Lot 59, S.M., A.K.**, generally located between VFW Road and Eagle River Road (Eagle River Valley Community Council) (Planning and Zoning Commission Case 2001-011), Planning Department.
1. Assembly Memorandum No. AM 628-2001.
(CONTINUED FROM 9-11-01)

Ms. Fairclough said there were two people who would like to testify. The petitioner has asked to have this continued to the first meeting of January 2002. There are some issues in aligning the road so that it accesses Eagle River Road.

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

JOE SPURLOCK said he was born and raised in Alaska. He is a resident near the VFW road, which used to be the Old Glenn Highway. The population has doubled on that road and this ordinance would triple that population. Prior to the Highland overpass, you could not get out. He questioned if anyone had spoken with the Iditarod Commission, because they close that road off during the Iditarod. He questioned if traffic on the VFW road had been addressed.

In response to Mr. Spurlock, Ms. Fairclough said the developer understood that there was safety concerns. She spoke with Eklutna residents who are trying to address that. Previously the document said arrangements would have to be made the State Department of Transportation and it would be automatically approved. She concurred that it was a safety hazard. A life was lost on that corner last year. Access needs to be provided and they are looking at some easement issues, as well as septic and water issues.

VAN HARM said he lives adjacent to this piece of property. It says it is a 2-½ acre plot. Meadow Creek is a salmon-spawning creek. He did not know if Fish & Game had been involved in this issue. This goes right through the middle of the property. When they put in Eagle River Road, they put in a drainage system for the southside that goes under the road and right into the middle of this property. There are two other springs. This area is swampy. There is no water or sewer available in that area. He would rather see these zoned for single-family residents or anything other than multiple family. Fire trucks would not have access to it from Eagle River Road or VFW Road. There would be no fire protection in that area.

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

Ms. Fairclough moved, to continue public hearing on AO 2001-36 until the first
seconded by Mr. Sullivan, meet in January 2002.

Ms. Fairclough said she would appreciate the Assembly's indulgence to allow the speakers to speak again since it would be almost two months until this was reconsidered.

Question was called on the motion to continue the public hearing on AO 2001-136 to January 8, 2002, and it passed without objection.

- B. Ordinance No. AO 2001-101, an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Chapter 21.20 establishing a procedure and standards for creation, elimination, and alteration of zoning **overlay districts** and amending Anchorage Municipal Code Section 21.35.020 establishing a definition of overlay district, Assemblymember Tesche.
1. Assembly Memorandum No. AM 439-2001.
 2. Ordinance No. AO 2001-101(S), an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Chapter 21.20 establishing a procedure and standards for creation, elimination, and alteration of zoning overlay districts and amending Anchorage Municipal Code Section 21.35.020 establishing a definition of overlay district, Assemblymember Tesche.
 3. Information Memorandum No. AIM 109-2001, Planning and Zoning Commission recommendation for an ordinance amending Anchorage Municipal Code Chapter 21.30 allowing for procedures in creating zoning overlay districts, and adding a new definition to Anchorage Municipal Code Section 21.35.020, establishing a definition for the overlay district, Planning Department.
- (CONTINUED FROM 8-28-01 AND 9-25-01)

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

Mr. Tesche moved, to continue the public hearing on AO 2001-101 to
seconded by Ms. Von Gemmingen, December 18, 2001.
and it passed without
objection,

Mr. Tesche indicated that Ms. Clementson had requested a work session on this ordinance. He recommended the Assembly keep the public hearing open and defer action on this for 30 to 45 days to allow for a work session. He requested assistance from the administration in setting up the work session.

In response to Chairman Traini, Mr. Campbell said the administration concurred and they would work with the Assembly staff to organize the work session.

Mr. Tesche recommended that Don Alspach be present during the work session, because he was instrumental in the drafting of this ordinance. He suggested that Assemblymembers read journal articles from various planning magazines on the overlay zone that describes its purpose, function, history, application and how overlay zones work. Overlay zones were called for in the 2020 Comprehensive Plan.

Ms. Von Gemmingen said she did not understand the overlay zones and suggested that the Planning Department send out a short list of places to look on the Internet for information. Visuals would be helpful during the work session to show the effects of neighborhoods with overlay zoning.

Ms. Clementson said she had a couple of specific legal questions that she had asked when this was introduced. She would be happy to submit those in writing. She felt it would be helpful to know if there had been any legal challenges or ruling on this issue. The current notification requires people within a certain number of feet from the boundary to be notified. There is not a provision in the ordinance for the boundary to go inward to make sure that all people within the overlay zones are notified.

Mr. Tesche requested Ms. Clementson to provide her concerns or questions in writing so they could be specifically addressed. In the packet there are references to a number of websites that specifically have overlay zoning information. There is an enormous amount of information available about overlay zoning in the United States on the Internet.

- C. Ordinance No. AO 2001-142, an ordinance amending the zoning map and providing for the rezoning of approximately 7.46 acres from R-3SL (Multiple-Family Residential District with Special Limitations) and R-6 (Suburban Residential-Large Lot District) to R-7 (Intermediate Rural Residential District) for **Tract A, Bluebell Subdivision**, generally located on the east side of Goldenview Drive and north of East 172nd Avenue extended (Rabbit Creek Community Council) (Planning and Zoning Commission Case 2000-208), Planning Department.
1. Assembly Memorandum No. AM 648-2001.
- (CARRIED OVER FROM 10-16-01)

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

TOM DREYER said he represented LanTech and the petitioner in this case. He displayed a copy of the approved plat of Prominence Point on the overhead projector. Before the petitioner started the development in Prominence Point, the Comprehensive Plan had a density for this area of well over 600 dwellings. The lower section of Prominence Point was zoned for up to 10 dwelling units per acre. The upper section to the east was zoned for 0.8 dwelling units per acre. That came out to 600 to 700 dwelling units. Prominence Point was rezoned to R-7 with a density level of 2 DUAs or about 234 total possible dwelling units. The actual, approved preliminary plat has 171 lots. They have reduced the dwelling units on

1 the currently approved Prominence Point by 63 dwelling units and they reduced the density by over 400 dwelling units from
2 the Anchorage Comprehensive Plan. For the Ashland parcel, condition #18 by the Platting Board requires the developer to
3 extend the cul-de-sac through Ashland to the southeast corner of the property accessing the corner and the property to the
4 east. There was also a condition that extended the roadway and utilities along the main Prominence Point Drive that is to the
5 north and about halfway up the property.

6
7 Mr. Dreyer continued by stating that as it stands now, the preliminary plat that is approved will have two access points for
8 road and utilities to that area. The northwest 2 ½ acres of Bluebell is zoned R-3-SL as per AO 84-21. This area is zoned for
9 a density level of 3 DUAs or 7 ½ dwelling units. The eastern five acres is zoned for 0.8 DUAs or 4 dwelling units, for a
10 grand total of 11 ½ dwelling units. The proposal is for 10 ½ dwelling units, which is a reduction of one dwelling unit. They
11 feel it makes more sense in this instance to have 10 ½ half-acre lots as compared to a seven unit apartment building or
12 condominium building on the western portion and four acre lots on the eastern portion. The zoning is smoothing out the
13 density on this particular parcel so it can create the 10 ½ lots as shown on the site plan. The site plane is not actually being
14 approved. The Planning Department requested the site plan. The petitioner is willing to add a special limitation for a similar
15 density as shown, but it is not actual approval for the site plan. They still have to go through the Platting Board process and
16 all the rules and regulations in Title 21.

17
18 In response to Ms. Fairclough, Mr. Dreyer said it was difficult to answer why the Planning & Zoning Commission denied the
19 rezone. The vote was 4 opposed and 3 for. There were only seven people voting and there should have been nine.

20
21 In response to Ms. Clementson, Mr. Dreyer said during the construction process a site could look pretty ugly. By the time it
22 is finished, it will be well landscaped and one of the nicest subdivisions in town. The photographs were taken during the
23 construction process. Prominence Point is fairly new and the landscaping has not matured yet. The lots have double
24 frontage, because the developer is trying to create lots that go downhill from the road. This is an expensive way to do it, but
25 the end product is superior. It is very desirable for most homebuilders to have a walkout type basement that comes out at
26 ground level. The developer tried to keep the roads on the high side. This allows you to drive in on the first floor and then
27 go down to the walkout basement in the bottom floor. They designed this so that the owners of Bluebell Subdivision lots 1
28 and 2 only have one lot backing up to the north and the east. Other factors in this layout are that the minimum lot width was
29 kept to 150 feet, which is the same lot width as R-6 zoning. That was done in response to the Hillside Wastewater
30 Management Plan technical report #2. That is one technique to create a buffer zone between densities.

31
32 In response to Ms. Clementson's question about glaciation, David Grenier said the testimony before the Planning & Zoning
33 Commission discussed the area on the west side of Goldenview Drive. This has been an ongoing issue and Public Works has
34 been involved with it. There have been a number of culverts that cross from this direction across Goldenview Drive and then
35 head in a westerly direction. The glaciating that was discussed during the Planning & Zoning Commission meeting was
36 down in this area. Part of the problem was blocking of culverts in this area and rerouting of water, which was not at the
37 approval of Public Works. It was done without their knowledge. It had nothing to do with Prominence Point Drive. The
38 actual drainage from this parcel goes in a northwesterly direction and gets into a drainage system along Goldenview Drive.
39 The testimony that was being discussed was prior to the development of the project, although it was in construction and there
40 was a lot of clearing that had occurred. The glaciating discussion was not caused by this project.

41
42 In response to Mr. Kendall, Mr. Dreyer said the current zoning was for 11 ½ dwellings and they are showing 10 ½ dwellings.
43 In the northwest quadrant there would be a seven unit condominium building or possibly some 6,000 square foot lots,
44 because that is the minimum lot size for R-3-SL zoning. If they stayed with the R-3-SL zoning, the multi-unit dwelling
45 would probably go just north of the building pads shown on lots 43 and 44. They would try to keep a flat driveway coming
46 off the end of Hunting Bluff Circle. It would fully encompass both home sites shown on the map.

47
48 In response to Mr. Tremaine, Mr. Dreyer said the undeveloped R-6 property to the west and to the east was not owned by
49 Goldenview Development Company. He did not know of any other Goldenview Development property that touched on the
50 Ashland section. The site plan for Bluebell is the same plan that Planning and Zoning reviewed, but there have been a few
51 little lot line changes. They are proposing to match neighbor's rear yard building setback.

52
53 DIANE HOLMES said there were glaciers and more property that this developer owns. There are many good reasons to
54 deny this ordinance, unless the Assembly wishes to rezone the R-3 portion to R-6, which would then be compatible with the
55 rest of the Bluebell tract as well as a much better transition to the surrounding neighborhoods. The original January 8th staff
56 recommendation was to deny this rezone, except for the R-3 portion. Staff also said that ideally the Hillside District Plan
57 should be completed as well. There is no urgent need for this land as this developer has much land to build on. Residents
58 have repeatedly requested the chance to participate in the completion of the 2020 functional plans before further development
59 occurs. Allowing rezones now and the sewer amendment, which was just passed, undermines the intent of the 2020 Plan and
60 essentially predetermines the vital urban rural boundary and all the attendant level of services that fall in place.

61
62 Ms. Holmes continued her testimony by saying that the 2020 Plan clearly states in each page of the last chapter that once
63 adopted it shall guide all agency decisions. There is no master or general plan that has been developed for Prominence Point
64 or the vast lands to the east to which the developer does have outright ownership or control. The cumulative impact to the
65 whole region is really too great to ignore this piecemeal development approach. Steep sloped lands in areas of other
66 environmental constraints may be deleted for development according to the 2020 Plan and earlier statements by P&Z
67 documents. Yet, most recent P&Z documents do not have this language. If developed, steep slopes should be done so at
68 very low density. The size of buffers has consistently diminished from the January 8th P&Z documents.

69
70 Ms. Holmes felt that given the tract record of this developer, it is imperative, if rezoned to R-7, to insist on 30,000 square foot
71 lots or greater, with 50 foot or greater undisturbed buffers and verification of each building and driveway footprint. She
72 asked the Assembly to please not leave these vital details to Platting, because to do so means the kiss of death for its best
73 intentions and our neighborhoods. Buffers, without severe and clear penalties for violations, are worthless, as is evidence in
74 this and the preceding subdivision of this developer. Last week there was some misinformation on Little Survival Creek.
75 The map from the Public Works Department shows incomplete analysis of many of the tributaries of Little Survival Creek of
76 which there are many and which do flow and cause glaciations and due flow through the Bluebell tract and to Ashland tract.

1
2 In response to Mr. Kendall, Ms. Holmes said the glaciation on Goldenview Drive was terrible. There was absolutely no
3 ditch. There is a stream right through Bluebell according to the incomplete information from Public Works. She said the
4 Assembly could rezone the R-3-SL to R-6. Since that was not the application before the Assembly, she felt the whole thing
5 should be denied.

6
7 In response to Ms. Clementson, Ms. Holmes said she lived northeast of Bluebell Subdivision. She was objecting, because
8 she spent four years on the Comp Plan and this was piecemeal development. Every time a rezone is allowed and an
9 amendment is made to the Hillside Wastewater Management Plan, the rural urban boundary is changed before they have a
10 chance to do it in their Hillside District Plan. All properties that have sewers will have levels of services that will be different
11 than the rural. They do not say anything about the density. This is in a limited road service area, but levels of services can
12 contain everything from libraries to schools to roads. The 2020 Plan states we should decide where the boundary goes, which
13 parts will be rural, which will be urban and the services that go along with them. When the Hillside District Plan is done in
14 conjunction with the Hillside Wastewater Management Plan, the location of the boundary line will be identified.

15
16 In response to Ms. Shamberg, Ms. Holmes said the developer that developed Prominence Point bought the late Dan Rogers'
17 property, which is right off the southeast corner of the Ashland tract.

18
19 In response to Mr. Sullivan, Ms. Holmes said the relevance of the developer owning other property was that he would want to
20 develop that land as well. This is a piecemeal approach to development without a master plan. In the January documents the
21 staff initially suggested that this be denied and ideally they would prefer to see the Hillside District Plan done first. As the
22 developer came through and gave more information, they were forced by default to grudgingly recommend approval. The
23 2020 Plan states that the rezones in the wastewater amendments will be very limited. The developer has a vast amount of
24 land already that is platted and not built on. It was her understanding that the Planning & Zoning recommendation was
25 against rezoning.

26
27 In response to Ms. Clementson, Ms. Holmes said she assumed that Goldenview Development was the owner of the late Dan
28 Rogers' property.

29
30 An unidentified man, said he and his wife were the owners of some nearby property. He showed some pictures of the area
31 that was cleared for development.

32
33 In response to Ms. Shamberg, the gentleman said that the picture of the land that looked like a moon crater had live, healthy
34 birch trees on the property before the clear-cutting.

35
36 In response to Ms. Clementson, the gentleman said the municipal inspector came out and shut the job down because they did
37 not have a permit for gravel extraction.

38
39 In response to Ms. Clementson, Zoning and Platting Division Manager Jerry Weaver said the problem dealt with the road cut
40 that originally took place to build the main road up through Prominence Point from Goldenview. It was a major over cut for
41 that road and appeared to be resource extraction. Development Services worked out that issue with the developer, but he did
42 not know the results of the decision.

43
44 KATY JARVIS said she and her husband lived on Goldenview. She drives up Goldenview every day and there is glaciation
45 at the entrance of Prominence Point during the winter on a daily basis. She knows little about zoning, but she has eyes. She
46 compares Prominence Point to the remainder of the neighborhood to the south. In her opinion, Prominence Point is a
47 wasteland when it comes to natural beauty and vegetation. She urged denial of the R-7 rezone of the 7.46-acre Bluebell tract
48 as requested by the developer of Prominence Point. Planning & Zoning denied approval in a four to three vote. Her primary
49 concern was that this particular property would be subjected to the same clear cutting and cluster housing assault. The track
50 record of the development was appalling when judging its ability to preserve the rural nature and natural habitat of the
51 neighborhood. Prominence Point stripped the natural vegetation from each of the lots developed and there is very little room
52 left for landscaping.

53
54 Ms. Jarvis said she removed all of the beetle killed trees from her property and still had many trees. Not all the vegetation in
55 this area is dead. Even if severe limitations are placed on an R-7 rezone, there is good reason to believe that the vegetation
56 will be gone from the Bluebell lots before anyone can declare a violation. The penalty should be very severe for any
57 violation if there are special limitations imposed. This newly targeted tract, by being R-6 in its entirety, can serve as a vital
58 buffer zone between the stacked housing of Prominence Point and the remainder of the neighborhood. The Anchorage 2020
59 Comprehensive Plan specifically requires such buffer zones called transition areas. The proposed rezone is inconsistent with
60 the policies outlined in Anchorage 2020 Comprehensive Plan. In particular, the portions related to what is the most
61 important feature of Anchorage to its inhabitants, which is natural beauty and settings including trails, parks, greenbelts and
62 open spaces. Prominence Point has thus far been developed in a manner that is plainly indifferent to these features. She read
63 sections in the Comprehensive Plan. Traditional low-density development continues in Upper Hillside, which is required by
64 the Plan. Significant environmental features are protected and integrated into these subdivisions. The unique appeal of the
65 residential neighborhood shall be protected and enhanced. New residential subdivision developments shall be designed to
66 maintain the rural character of the area. Mature trees and forested areas shall be retained as much as possible in all
67 developments. New rural residential subdivisions shall be designed to protect and maintain sensitive environmental areas.
68 Strong emphasis shall be given to critical wildlife habitats.

69
70 In response to Mr. Tremaine, Ms. Jarvis said their lot was very sloped. Tributaries of Little Survivor Creek and seeps are all
71 over the place. They have a well and a septic system, as do the two properties behind them, and they function very well.
72 There was no effect on their drainage areas or water source when Prominence Point was put in, but they are concerned about
73 that with the new development. She did not feel the property should be rezoned.

74

1 In response to Ms. Shamberg, Ms. Jarvis said they have lived on their lot for almost six years, which was prior to Prominence
2 Point's development. She has noticed a difference in the drainage and glaciation during the winter since the development.
3 At the entrance area there is not a ditch, but simply a slope, and the water goes over the road.

4
5 In response to Mr. Van Etten, Ms. Jarvis said they have taken out the dead spruce trees on their lot. There is a lot of surface
6 water from small creeks. They have not noticed any difference in drainage since they removed the dead spruce trees, because
7 they did not take out the stumps. As long as the stumps are there, the water does not come down.

8
9 In response to Mr. Tesche, Ms. Jarvis said the lots south of the parcel proposed for rezoning was R-6, R-10 or R-9. She was
10 not sure of the density of the area. On each of the properties there is either no house or one house on each of the lots. The
11 proposed density would be at least twice what is currently in the surrounding area to the south. Some of those lots are owned
12 by the same person and are vacant. She felt the entire parcel should be zoned R-6, because it is an excellent buffer or
13 transition area from one that is R-7 and nothing but houses with no trees. The moose are forced to graze along the road in
14 this area, because there is nothing for them to browse on up there.

15
16 SCOTT GOLDSMITH said he and his wife owned the property directly south of the parcel up for rezoning. The proposed
17 zoning provides an inadequate buffer with the surrounding neighborhoods, which has much larger lots and very rural
18 characteristics. The challenging topography of the tract can exacerbate drainage and other problems if developed at high
19 density. He has lived in the area for less than two months. Based on his reading of the staff comments to the Planning &
20 Zoning Commission, the tract zoned R-3-SL was mistakenly zoned that way. Since the Planning & Zoning hearing earlier in
21 the year, development has continued at this site. He was very disappointed at the apparent disregard by the developers of
22 their own statements regarding the clearing and recontouring of land in the Prominence Point Subdivision. Prominence Point
23 covenant states that only the area within 20 feet of the foundation, utilities and driveway needed for construction shall be
24 disturbed with clearing and contouring. He has a couple of pictures that he has taken of Prominence Point to show the
25 contrast and to demonstrate the apparent disregard for the idea of maintaining any kind of vegetation on the site. One picture
26 shows a four-acre chunk of land in the middle of Prominence Point, close to parcel 38, which does not have any vegetation
27 left on it. Another picture is looking up from Bluebell south along Spain and shows that area used to be totally forested. He
28 felt there needed to be some transition between these two types of areas.

29
30 In response to Ms. Shamberg, Mr. Goldsmith said the Planning & Zoning staff comments indicated that there had been a
31 mistake in the R-3-SL zoning, but he could not locate it. The reference in his original comments was on page 10 of the
32 Planning & Zoning comments. The R-3 is clearly out of character with the rest of the area.

33
34 In response to Ms. Clementson, Mr. Goldsmith said putting the same zoning next to a parcel was equivalent to a buffer,
35 because there was nothing you needed to buffer against. Secondly, at some point there needs to be a transition between these
36 two types of developments. He felt the transition should be coming from the direction of Prominence Point in the sense that
37 the lots get larger in size as they approach the existing development. He maintained that the lot that was zoned R-3 was an
38 error and that should be corrected. He felt the distinction between the 10 or 11 lots or the 11 and 12 lots was misleading,
39 because of the high-density allowable development on one part of it. Based on what he has seen in the way that Prominence
40 Point was being developed, he was afraid that without real teeth and firm measures, the buffering zones would not be there.
41 He felt the buffer zone should be 50 feet instead of 25 feet.

42
43 In response to Mr. Tesche, Mr. Goldsmith described one of the pictures and said he did not know why the lot seemed to be
44 stripped of all vegetation. He did not know if there had been any resource mining in that area. He guessed the area would
45 have had spruce trees and willow trees before it was cleared. The lots would probably be under an acre in size.

46
47 In response to Mr. Van Etten, Mr. Goldsmith said he was on a 1¼-acre lot, which was about 55,000 square feet. He felt there
48 were a lot of people looking for big lots. Someone bought two lots in Prominence Point, put them together and built one
49 house on the larger lot. The market has identified an incentive and we just need to recognize it. The amount of land to be
50 cleared was in the covenant of Prominence Point, which he reread to the Assembly.

51
52 Chairman Traini asked if anyone else wished to speak. There was no one, and he closed the public hearing.

53
54 Ms. Von Gemmingen moved, to adopt AO 2001-142.
55 seconded by Mr. Sullivan,

56
57 Ms. Von Gemmingen said this was a very tough issue, which split the Planning & Zoning Commission.

58
59 In response to Ms. Von Gemmingen, Mr. Weaver said the present zoning was R-3-SL and R-6. R-6 allows for a 1 ¼
60 development. The R-3-SL is tied to AO 84-21, which allows up to three dwelling units per acre. The developer originally
61 started out with 13 or 14 dwellings, but the staff recommendation was 10 dwellings.

62
63 In response to Mr. Tremaine, Mr. Dreyer telephoned a man named "John" to verify that John did not buy the land that was
64 discussed earlier in the meeting.

65
66 Mr. Tremaine indicated that 1.4 million square feet was purchased for \$228,800 in December of 2000.

67
68 In response to Mr. Tremaine, Mr. Dreyer said he did not know about the purchase of the land previously, but it was not
69 germane to the issue. He said R-7 allows 2 dwelling units per acre, but they were willing to limit that to 10 ½. The
70 Assembly was only approving the underlying zoning, not the plat. They did not bring a copy of the covenant for Prominence
71 Point, so they could not address the land clearing issue.

72
73 In response to Mr. Van Etten, Mr. Dreyer said he would be fine with a special limitation of a 50-foot building setback, which
74 would be the same as the adjacent zoning. The photograph shown earlier was a quarry site that was used to build a school
75 site and the road up to the water tank that services the school site during construction. The area is being recontoured and it
76 will be revegetated in time. He pointed out that the land was selling quickly and people were constructing \$600,000 to

\$2,000,000 houses. He did not think people who were building those types of houses would buy into a wasteland, as it had been described earlier. He felt a lot of people would agree that a 50-foot setback would be appropriate. The Hillside Wastewater Management Plan, technical report #2, specifically talks about this kind of situation and one of its recommendations was to match the rear yard setback, which would be 50 feet. They cannot agree to a 50-foot natural vegetation buffer, because there will be construction zones around the perimeter. A large portion of the setback will be destroyed and relandscaped, but some of the natural vegetation will remain.

In response to Mr. Sullivan, Mr. Dreyer said if the rezoning were denied they could actually build more dwellings than what they were proposing. A natural buffer could be maintained on the southern section of lots 43 and 44 at 25-feet. Lots 15 and 16 could be buffered also, but there may be electrical lines that would need to go through that area. All the utilities will be underground.

In response to Ms. Clementson, Mr. Grenier discussed the cleared land that was discussed earlier. When the Goldenview Middle School site and water tank was being built, material was needed for those construction projects. When the road was built to get to the water tank, this was used to obtain materials such as gravel. The reason it was red tagged was that there was a disagreement or misunderstanding with the Public Works Department. We associated this area with road construction versus actual grading on lots. When you get out of road right-of-ways, you fall under a different set of permits, which is grading on lots. Since this was part of ASD's project, part of a road project and part of a subdivision agreement for the original phase of Prominence Point, we felt it fell under the subdivision agreement and under the approvals. Subsequent to working this out with Public Works, we obtained a grading permit. We were given until the end of this year to complete the grading permits, which we have. The lower parcel of the lot is zoned R-3. If there was a mistake made when the area was rezoned to R-7 then this should have been included with it. There is not a ditch at the entry, because the developer hooked into the Municipal storm drain system. There are catch basins at the entry that catches the drainage. The site was started in 1996 when the school site was being built. The issue of the permit came up this past year. The developer was not blatantly doing this project, but it has been going on for five years. The red tag incident occurred around this time last year.

In response to Ms. Clementson, Mr. Grenier said they mined the material off of this site to use on the school site five years ago. It was red tagged this year when they were going back in to finish up the second phase of Prominence Point.

In response to Mr. Tremaine, Mr. Weaver said the state or the city does not always own the mineral right. It depends on how the patent was prepared. They do not have that information before them at this time.

Mr. Tremaine recommended voting against the ordinance.

In response to Ms. Clementson, Mr. Weaver said flag lots were legal, but they have certain limitations. The developer has worked within those limitations on the design of these lots to meet slope topography issues.

In response to Ms. Clementson, Mr. Dreyer said the average lot in Prominence Point was in the 12,000 to 15,000 square foot range. These lots in general are 50 to 100 percent larger than the lots in phase one and two, because those were built under the cluster ordinance. The rest of the subdivision lots are 20,000 to 26,000 square foot. They are offering the 50-foot building setback to match the neighbors. They are agreeing to the 25-foot non-clearing setback, except for possible utility encroachments, along lot one and two of Bluebell and the southern border south of lot 15 and 16 of their subdivision, but not along the western border of lot 15.

Mr. Tesche said for the reasons expressed by the majority of the members of the Planning & Zoning Commission and following the recommendation of the administration, he would oppose the proposal. He said it was difficult for him not to be influenced by what appears to be a track record of the developer in other areas in this development. He has some concerns with what seems to be the overall degradation of the property that has been developed.

Mr. Sullivan said there is an opportunity for a development that is almost double the size of the lots of Prominence Point Subdivision. With the agreement made by the developer's representatives regarding setbacks and natural vegetation, he felt most of the concerns had been satisfied.

Mr. Sullivan moved,
seconded by Ms. Von Gemmingen,

to amend AO 2001-142 by inserting a new section 3, special limitations to read: #1, The developer agrees to 50-foot setbacks on the area surrounding this development; #2: south of lots 43 and 44 and lots 15 and 16, at least 25 feet of the 50-foot setback would be the natural vegetation, except as necessary to allow utilities to access the lots.

Mr. Sullivan felt the amendment was a great compromise. He felt that Prominence Point would be a beautiful neighborhood in three to five years. He felt it was important to remember that not everyone could afford a five-acre lot on the Hillside. The community needs to make Hillside living partly affordable.

Mr. Van Etten felt the amendment was a noble attempt. When you say except utilities, that guarantees that the vegetation will be gone. Every place that you have a utility easement, the utility has the right to take out all the vegetation. He did not feel that special limitation #2 could be supported. He would oppose both the amendment and the rezone.

In response to Ms. Fairclough, Mr. Weaver read the staff recommendations. In the original staff analysis, the staff had indicated that all lots shall have a minimum of 20,000 square feet, a minimum of 150-foot lot width and shall maintain 37.5 feet of building setback exclusive of utility easements on any lot. The petition site shall be developed with a maximum of 10 lots. Vegetation or slope shall not be altered in an area of 25 percent slope, except to clear dead vegetation, place foundations and driveways and replant vegetation. The buffer area shall not be disturbed within 37.5 feet. The area shall be provided and protective fencing to insure no disturbance. Any trees removed from the protected area shall be replaced at a rate of three for one. Vegetative surveys shall be provided prior to development that delineates the 37.5 feet setback. This survey shall identify any dead vegetation to be removed for protection of the remaining hearty vegetation.

Mr. Sullivan accepted the staff recommendations as a friendly amendment, except the maximum would be 10.5 lots.

Question was called on Mr. Sullivan's amendment to AO 2001-142 as amended, and it passed:

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

Mr. Kendall felt this was a logical extension of the R-7 zoning. Historically, most subdivisions are clear-cut for development and new vegetation is planted. This is a subdivision in progress. It is unrealistic to expect a subdivision in progress to look like the woods. There are realistic expectations that people will buy these homes, plant trees, landscape the yards and it will be a very nice subdivision when it is done. He felt it was appropriate to rezone the parcel with special limitations.

In response to Ms. Fairclough, Mr. Weaver clarified the 50-foot setbacks. It would be the staff's recommendations that the 50-foot setback would apply to the rear yards for both special limitations 1 and 4.

Mr. Van Etten said he lived on a 14,000 square foot lot. Two years ago it was converted from well and septic to city water and sewer. He has 21 birch trees and 2 spruce trees in his front yard. The contractor used narrow trenching equipment and did not damage any of the trees. It can be done.

Mr. Tremaine noted that under current zoning, in the five acres that is zoned R-6, the developer can put 4 lots. The drawing shows 4 lots in the area that is currently zoned R-3-SL, which is 8. We are only talking about three housing units. He would be willing to let the developer go with the 8. He would be voting no on the main motion.

Question was called on the motion to adopt AO 2001-142 as amended and it passed:

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

14. NEW PUBLIC HEARINGS:

- A. Resolution No. AR 2001-301, a resolution of the Municipality of Anchorage appropriating \$18,074 from the Alaska State Council on the Arts, \$37,000 from the Anchorage Museum Association, \$17,997 from the Anchorage Museum Foundation, \$8,000 from Anticipated Miscellaneous Revenues, and \$19,990 as a contribution from the CY01 Museum Operating Budget, Areawide General Fund (101) to the State Categorical Grants Fund (231), Cultural and Recreational Services Department, for **operating support at the Anchorage Museum of History and Art**, Cultural and Recreational Services.
1. Assembly Memorandum No. AM 835-2001.

Chairman Traini 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 2001-301.
seconded by Ms. Fairclough,

Question was called on the motion to approve AR 2001-301 and it passed:

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

- B. Resolution No. AR 2001-302, a resolution of the Municipality of Anchorage appropriating \$150,000 as a grant to the State Categorical Grants Fund (231), Department of Health and Human Services for the provision of **perinatal case management/healthy baby services**, Health and Human Services.
1. Assembly Memorandum No. AM 836-2001.

Chairman Traini 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 2001-302.
seconded by Mr. Kendall,

Question was called on the motion to approve AR 2001-302 and it passed:

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

- C. Resolution No. AR 2001-303, a resolution of the Municipality of Anchorage, Alaska, accepting and appropriating State of Alaska Clean Water Fund loan offer in the total aggregate amount of \$3,000,000 for financing a portion of the costs of the **B-4AB Sewer Trunk Upgrade (formerly Middle Fish Creek Trunk) project**, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 837-2001.

Chairman Traini 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 2001-303.
seconded by Ms. Shamberg,

Question was called on the motion to approve AR 2001-303 and it passed:

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

- D. Resolution No. AR 2001-308, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages conditional use in the I-1 District for a restaurant/eating place per AMC 21.40.200B.1.k., generally located on Prestwood Industrial Subdivision, Tract A; generally located on the northeast corner of International Airport Road and Arctic Boulevard (**China King Restaurant**) (Case 2001-163), Planning Department.
1. Assembly Memorandum No. AM 848-2001.

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

Mr. Kendall moved, to approve AR 2001-308.
seconded by Mr. Sullivan,

In response to Ms. Clementson, Zoning and Platting Division Manager, Mr. Weaver said this was a beer and wine license and Title 4, which does not allow a liquor licenses within 200 feet of a church, does not apply.

Question was called on the motion to approve AR 2001-308 and it passed:

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

- E. Resolution No. AR 2001-309, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages conditional use in the B-3 District for a restaurant per AMC 21.40.180.D.8., located on Jackson Subdivision, Lot 1; generally located at 555 W. Northern Lights Boulevard, between Arctic Boulevard and C Street (**Bombay Deluxe Restaurant**) (Case 2001-178), Planning Department.
1. Assembly Memorandum No. AM 849-2001.

Chairman Traini 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 2001-39.
seconded by Mr. Sullivan,

Question was called on the motion to approve AR 2001-39 and it passed:

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

Assembly Memorandum No. AM 861-2001, **Bombay Deluxe Restaurant** – New Restaurant/Eating Place Liquor License and Application for a Restaurant Designation Permit (Spenard Community Council), Clerk’s Office.

Ms. Clementson moved, to approve AM 861-2001.
seconded by Mr. Kendall,

Ms. Clementson accepted Mr. Tremaine’s friendly amendment to change line 41-43 to say “approval of this memorandum will approve the new restaurant, eating place, liquor license and restaurant designation permit.”

Question was called on the motion to approve AM 861-2001 as amended and it passed without objection.

Chairman Traini combined items F, G and H for public hearing and there were no objections.

- F. Resolution No. AR 2001-277, a resolution of the Municipality of Anchorage adopting the **2002-2007 Six Year Fiscal Program**, Office of Management and Budget.
1. Assembly Memorandum No. AM 797-2001.
G. **SECOND PUBLIC HEARING:** Ordinance No. AO 2001-164, an ordinance adopting the **2002 General Government Capital Improvement Budget**, Office of Management and Budget.
1. Assembly Memorandum No. AM 794-2001.
H. **SECOND PUBLIC HEARING:** Resolution No. AR 2001-276, a resolution of the Municipality of Anchorage adopting the **2002-2007 General Government Capital Improvement Program**, Office of Management and Budget.
1. Assembly Memorandum No. AM 794-2001.

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

SUE JENSON said she was the Chair of the Turnagain Community Council Sub-Committee for Lloyd Steel and Balto-Seppla Park. She requested that \$100,000 be allocated for improvements to Balto-Seppla Park in 2002 in the capital improvements budget. Two years ago \$280,000 in bonds were passed for a parking lot to be added to the park to supplement parking for two soccer fields and a sledding hill that are very active year round. The Community Council has worked with the Public Works Department and the engineers. There is a drawing in place and the engineering has been done. The costs have now increased to \$380,000. Everything is in place for the parking lot to be built except for the additional money. This is an important parking lot. There are two soccer fields that run full-time during the summer. The existing parking lot does not take care of the needs. This park has one of the largest sledding hills in the city and it is used by a lot of children. The parents park along the streets, which is dangerous. She asked that the money that is allocated for Lloyd Steel Park and the remainder for Balto-Seppla Park money not be moved to the year 2007. It was in the budget last year for 2006 and she asked that it remain in 2006. The parks are both completely surrounded by residential areas. There are new houses being built in the area and the density will increase. They have a municipal easement between two properties and the public uses that easement, because there is a bog at the northwest corner of the park. She requested that part of the money to be used for a boardwalk to go over the bog so people can stop encroaching on the property. In Lloyd Steel Park each spring they have to tear down fireplaces and shacks. They would like to have additional funds to work with that part of the park and keep the problem out of the neighborhoods.

In response to Ms. Von Gemmingen, Ms. Jenson said voters approved \$280,000 toward the parking lot, but an additional \$100,000 is needed for upgrades.

In response to Mr. Sullivan, Ms. Jenson said parents want to park right next to the ball field. They use the parking lot, Milky Way and Artera Circle. Each summer the residents that live on Artera Circle call the police and have cars towed away, because they are parked illegally in the circle. People park along the curve of the road next to the sledding hill, which is a dangerous area. They want to get people off the road and into a parking lot. The parking lot has been designed so people will use it for both the sledding hill in the winter and the soccer field in the summer. During the summer the people actually park on the sidewalk. There are so many people parking along the road that you cannot see children darting out from the cars and into the road. During the winter, people park on the road, which makes it difficult for two cars to pass on the road.

In response to Mr. Tesche, Ms. Jenson said she had not seen the proposed amendments made by Ms. Von Gemmingen. The Community Council is asking for \$100,000 for Balto-Seppla Park to be moved to 2002. They would like to receive the Lloyd Steel Park money in 2002. They would like \$250,000 for Balto-Seppla Park and \$200,000 for Lloyd Steel Park.

In response to Mr. Van Etten, Ms. Jenson said \$280,000 has already been approved in previous bonds. They are requesting an additional \$100,000 for the parking lot project. They have a number of other projects that are in the master plan and ready for design and development that would take the remainder of the \$250,000 for Balto-Seppla Park. Receiving the Lloyd Steel money in 2003 would probably make it easier for planning in a sequential order.

Mr. Sullivan said he, along with Ms. Von Gemmingen, would be proposing an additional amendment to finish the parking lot in Balto-Seppla as a first priority. Two-thirds of the project is funded, and the Municipality is only \$100,000 short of completing the parking lot. The next two priorities are reflected on the green sheet that was introduced by Ms. Von Gemmingen.

TOM DREYER said he was the Turnagain Community Council President. He reiterated how important this project was to the community. The area is an accident waiting to happen. That is a very busy street and there is no parking. A lot of children use the sledding hill. The parking lot is definitely needed. At this time it is a real safety hazard.

STUART HALL said he was the Government Hill Community Council President. He provided a handout to the Assembly. He requested, on behalf of the Government Hill Community Council, that the sum of \$200,000 be added to the capital budget for park improvements, for 2002, to the Al Miller Memorial Lion's Park. This park is located on the west end of Government Hill Bluff at the intersection of Delaney Street and West Cook Avenue. Years ago this park was a gravel pit. More than a decade ago the playground equipment was removed from the park on the grounds that it was unsafe and has never been replaced. A portion of the funds would be used to replace that playground equipment. As it appeared in the proposed capital budget last spring, re-grading and drainage improvements were also mentioned. They were not sure what re-grading means, but the council likes the natural bowl that now exists, because it is a great place of children to sled and play. It is a particularly safe environment because of the natural bowl and children are kept off the streets. The area does not have any sidewalks on the west end of Government Hill. This neighborhood has had a large infusion of families with young children and they gravitate toward this park year round, which is a suitable and safe place for them to play. During the winter there is runoff from the snow into the streets that comes down Delaney Street and West Cook Avenue into storm sewer. The storm sewers are at the bottom of the hill and they drain into a drain field in the park, which freezes. Because of the freezing of the drain field, last spring all of the water came up through the manhole cover in the middle of the park and created a pond of contaminated street runoff. It was so high that it was up to the top of the picnic tables. A child could have been seriously injured or drowned. The council is asking for money to reconnect the storm drains to the storm sewer system. There is already a storm sewer out-fall from which those drains were disconnected some years ago. This needs to be done in the interest of public safety and public health.

In response to Mr. Tesche, Mr. Hall said, last spring the water was there for a couple of weeks and it would come and go. This year it was there for a longer period of time and it was a lot deeper than it had been previously. The longtime residents indicated the gravel pit was one of the areas that helped save Government Hill during the 1964 earthquake and they would like to keep it as it is. The park has been a nice addition and it is a particularly safe area for the children.

In response to Mr. Tremaine, Mr. Hall said he was advised to speak to Public Works concerning the drainage. He suspected that the funds were not available to repair the drainage system and put it back into the storm sewer system. The council is asking for additional money to do that restoration work and make it safe for children who use the park.

1 In response to Mr. Tremaine, Municipal Engineer Howard Holtan said it would normally be street maintenance's
2 responsibility to unplug the drain. He did not know if they had been called to do that. He said he would check on the history
3 of that problem. This was the first he had heard of the problem.

4
5 In response to Mr. Holtan, Mr. Hall said this was submitted as a capital project last spring. The storm sewers themselves are
6 free, but the water goes into the drain field and emerges up from the manhole cover that covers the drain field. The council
7 thinks water should be drained away from the park and not into it, which will take some money to accomplish.

8
9 DANA FORD said she was President of the Municipality's Library Advisory Board. She spoke on behalf of the bond issues
10 that were being submitted by the Mayor's office to support the 2003 bond ballot to build the Girdwood branch library and for
11 specific improvements to the Municipality library system. There are shelving, security and other design improvements that
12 need to be made. By bundling that branch with other areawide improvements, the municipality has a vested interest in
13 passing the bond issue. The Girdwood library bond has come up a couple of times. The citizens of Girdwood have approved
14 it overwhelmingly, but it has gone down areawide. This time there would be a municipal wide bond on the ballot that would
15 be for the Girdwood library as well as for improvements to Loussac Library and some of the other branches. She felt the
16 coalition building would enable the people of Anchorage to support these improvements and not leave one community
17 vulnerable to prejudices in supporting parts of Anchorage. Farther down the road the same issues will come up with the
18 Muldoon, Chugiak and Eagle River branches as well. If you can bundle things together then you have a broader base of
19 support. She encouraged the Assembly to consider putting the Girdwood branch and the branch improvements for safety and
20 design together on the 2003 ballot.

21
22 In response to Ms. Shamberg, Ms. Ford said there has been a bond issue for the design phase of the Girdwood library. What
23 is now it is for the actual building of the library itself. At the time the design phase went, it was supported by Girdwood and
24 was to be paid by Girdwood, but it had to be voted areawide and they did not get the support they needed. You need to show
25 the entire community the benefits of voting for a bond issue. Currently the Girdwood library facility is in the school and it is
26 very small and not centrally located.

27
28 ART GEUSS said he was with the Anchorage Parks and Trail Advisory Commission. The Commission is requesting at least
29 \$350,000 be added to the capital improvement budget, and hopefully bonded in the April election, for a combination of
30 acquisition and development for the Midtown Park. The property owners cut the asking price on the adjacent nine acres to
31 less than half of what it was last year. This is a time critical issue. There is an opportunity in Midtown to do something that
32 may not be possible in a year or two, because that property will not be available much longer. A portion of the nine acres
33 will be used for the park and a portion will be used to control the development. He felt that Anchorage needs to decide what
34 issues to do this year that could not be done later, as well as what issues will drastically affect the quality of life and the
35 attractiveness of the community. There is tremendous support in the community for Midtown Park. I

36
37 In response to Ms. Shamberg, Dr. Geuss said the property was nine acres and the price was approximately \$1,500,000. The
38 Commission has been told that with \$250,000 down, the Municipality would have up to three years to deal with the various
39 combinations of working with a developer to develop part of it as business and residential as well as the park. The site could
40 be developed with compatible residential and business development with the proceeds used to develop the park. Once the
41 park is developed, it would add property value to the tax roles by making the whole core area a more desirable place.

42
43 In response to Mr. Tesche, Dr. Geuss said he did not believe that the proposed acquisition was in the Mayor's budget. Mr.
44 Traini and Mr. Van Etten, the area's two representatives, supported this.

45
46 In response to Mr. Sullivan, Dr. Geuss said there was significant peat in the property and there would be costs associated
47 with developing the property. The commission was assured that the development costs were not insurmountable.

48
49 CHRIS BECK said he was a member of the Midtown Park and Trail Committee. Visiting the site emphasizes the urgency of
50 the opportunity to purchase the nine acres for a Midtown Park. There are a number of cranes in the surrounding countryside
51 and it is clear that development is coming to that area. This project, relative to some of the other projects that have been
52 identified for the 2002 bond measure, is one where the opportunity will not be there if it is delayed. A possibility would be to
53 modify the current projects that are recommended on the 2002 bond measure. He suggested taking a portion of the Kincaid
54 Road project, which is almost \$900,000, and delay a portion of that to a subsequent year and allocate \$350,000 for
55 development and acquisition of the nine acres. It would not change the total size of the bond package, but would allow this
56 one to go through before the opportunity was lost. The intent is to acquire this 9.3-acre parcel. It would add to the existing
57 park, which was expanded through a purchase last year. The community is seeing the demand for sports fields, play fields,
58 ice-skating, play areas and parking. A larger park would be of benefit to the entire community. They would like to have
59 residents in or near the park. The notion of putting housing in this corner does several things. It puts users into the park,
60 residential use into Midtown and it helps reduce the cost of acquisition of the parcel by bringing a developer into the picture
61 who could help pay for a portion of those costs. He met with a development group who was very interested in being a
62 partner in this project. They were optimistic that the market would be there for residential units and looked forward to
63 working with the city to make that project go forward.

64
65 In response to Mr. Van Etten, Mr. Beck said he had talked to Cultural and Recreational Services Director Jim Posey about the
66 concept of phasing the Kincaid Park money and it seemed plausible.

67
68 In response to Mr. Sullivan, Mr. Beck said part of the costs in making this project work would be dealing with the peat,
69 which was excavated in the two adjoining parcels. The preliminary look suggested that one of the options would be to
70 excavate some of the peat that exists on the westside of the parcel, get down to the gravel and use that to augment the needs
71 for gravel on the eastside where the housing would go. That would reduce the cost of development and create a pond for ice-
72 skating. Those details have to be worked out. There are enough other amenities in the area that this looks like a project that
73 has enough potential market demand to make it work. They did not consider projects other than Kincaid Park to pull money
74 from. The Kincaid Park looked like a good possibility because the urgency is not as strong and there is a chance it might be
75 built with a lower budget.

Ms. Von Gemmingen said the Kincaid Park Trail was a public safety issue that she had been pushing for four years. There is no safe way for people on bikes or walking to get from the Jewel Lake area into the park unless they are driving. People have been encountered in the roadway in the middle of the night, because there is no place for them to be. There is a two-lane road. That was what the urgency and concern regarding that trail.

In response to Ms. Von Gemmingen, Mr. Beck said he did not mean to diminish the importance of the Kincaid Park Trail. We are trying to balance what is most immediately important.

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

The meeting recessed at 10:08 p.m. and reconvened at 10:14 p.m.

Ms. Taylor moved, to approve AR 2001-277.
seconded by Mr. Shamberg,

Question was called on the motion to approve AR 2001-277 and it passed:

AYES: Sullivan, Von Gemmingen, Taylor, Van Etten, Traini, Fairclough, Kendall, Tesche, Shamberg, Tremaine, Clementson.

NAYS: None.

Mr. Kendall moved, to adopt AO 2001-164.
seconded by Ms. Fairclough,

In response to Mr. Tesche, Capital Budget Officer Tim Rogers said the capital improvement budget was for one year. The program could be re-prioritized in future years. The re-prioritization was generally done on an annual basis in the CIP Program by the departments.

Mr. Tesche moved, to postpone AO 2001-164 to October 30, 2001.
seconded by Ms. Taylor,
and it passed without
objection,

Mr. Tesche moved, to approve AR 2001-276.
seconded by Mr. Sullivan,

In response to Mr. Tesche, Mr. Rogers said the administration re-prioritizes on an annual basis and presents it to the Assembly for approval, who can then make amendments to it. The original capital improvement program is approved by resolution of the Assembly. The resolution approves the outlying years, but the administration can re-prioritize and present a new program to the Assembly, which is done on an annual basis. Last year the Assembly approved the 2001-2006 capital improvement program. What is before the Assembly now is the 2002-2007 capital improvement program. The current proposed program takes into consideration changing conditions and priorities. If the Assembly does not agree with those priorities, it can make amendments to change it. A legal opinion was not obtained on whether or not the substance of a resolution could be changed, which was a legislative action of the Assembly. This is a different program than what was approved last year.

In response to Mr. Tesche, Chairman Traini explained his understanding of the administration's position. This was a different document than the one dealt with last year. Everything is open to re-prioritization. Chairman Traini agreed that this issue might be addressed with an amendment to Title 6.

Mr. Tesche asked Mr. Posey to check on the status of a project that was approved in prior years at least twice for a coastal trail extension or access from West 9th Avenue for approximately \$250,000.

Ms. Taylor said the frustration was with the appearance of disrespect for the actions taken by the Assembly, which means all the time spent last year was basically a waste of time when the program is re-prioritized. She asked Mr. Tesche to draw some language to amend Title 6, which she would co-sponsor.

Mr. Tremaine said Girdwood had every one of its projects dropped back a year in this proposal based on last year's proposal. The Voice of the Times talked about how the Assembly's meddling was leading to Eagle River getting ready to leave the municipal union. He felt it was the administration's meddling that was causing those types of feelings in Girdwood.

Mr. Tesche moved, to postpone AR 2001-276 to October 30, 2001.
seconded by Ms. Von Gemmingen,
and it passed without
objection.

I. Ordinance No. AO 2001-168, an ordinance authorizing the **acquisition and exchange, leaseback or other disposal of municipal land on or near the southeast corner of Northwood and International Airport Roads** and the Bering Street Vehicle Maintenance Facility northeast of the Tudor Road and Arctic Boulevard intersection, Heritage Land Bank.

1. Assembly Memorandum No. AM 816-2001.

Chairman Traini opened the public hearing and asked if anyone wished to speak. There was no one.

Mr. Sullivan moved, to continue the public hearing on AO 2001-168 to November 13, 2001 and schedule a work session.
seconded by Ms. Von Gemmingen,
and it passed without
objection,

Ms. Clementson said six Assemblymembers would like to see financial information when this was addressed again. They would like a summary of economic effects. They would also like to know the terms. They still have a use for the Bering Street property, so they would like to know if legally speaking it was required to be declared excess to municipal needs before they do this.

Executive Director, Office of Planning, Development & Public Works, Mr. Campbell said the administration's intention for the work session was to make it open with the Assembly. All parties in the private sector will be asked to be there to answer questions. They will have the appraisal information and the negotiated terms. The administration wants the Assembly to be fully informed.

J. Ordinance No. AO 2001-169, an ordinance submitting to the qualified voters of the Municipality at the next regular election a ballot proposition to amend Charter Section 4.02 to **provide for three year terms for assembly members** for both multi-member and single member assembly election districts, Assemblymembers Sullivan, Clementson, and Kendall.

Ms. Von Gemmingen moved, to extend the meeting for the public hearing on AO 2001-169.
seconded by Mr. Tremaine,
with Ms. Fairclough objecting,

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

STUART HALL noted that this issue grew out of the debate before the Assembly on the redistricting that occurred in September. At that time he indicated that he would like to see a change in the charter to remove the "poison pill" provision. As far as he was personally concerned, he felt there were some other things that should be added. He was realistic and practical enough to know that no incumbent politician or legislator was going to change the rules of the game under which he or she was elected. Any proposal that he was prepared to support needed to do a couple of other things. He felt they needed to decide on what electoral system they wanted so they level the playing field and are fair to all of the voters of the community, regardless of where they live. One member of the Assembly has repeatedly misrepresented his position in public meetings. He was not prepared to support an amendment like this unless they take it one final step further to remove the power of the redistrict from the Assembly, because the Assembly was too self interested. That pattern was well established under our state constitution, although it has been revised to provide a somewhat different procedure and membership. He did not understand why the framers of the charter, which included some distinguished Anchorage residents, chose that pattern. He felt this was very important and needed to be done, but we need to remove this impediment to a thorough discussion of the electoral systems that would be most suitable and available to the voters in Anchorage for the Municipal Assembly. He cannot support the ordinance without the addition of those two other provisions.

In response to Mr. Sullivan, Mr. Hall said he had not seen the draft of the initiative petition. He was not keen about its formulated independent redistricting commission. He felt the Alaska Judicial Council should appoint the fifth member, because you have three attorney members, three citizens and the Chief Justice. He said he was not dissatisfied with the Assembly, but he was proud of the Assembly. No matter who is in charge, it is very difficult to separate yourself from your own political self-interest.

In response to Ms. Von Gemmingen, Mr. Hall said he wondered about the wisdom of moving the elections to coincide with the state election. Under the former arrangement, municipal elections occurred in October, which is sandwiched between the primary election and the general election and was a turn off for the voters. He felt state law should be changed to allow the municipal election to be consolidated with the state election. The municipality could contract with the State Division of Elections to run the municipal elections. If state law does not permit you to use state personnel and state machinery, a change in state law is called for because that would avoid duplication.

Chairman Traini said his concern was an attempt to break the Assembly into single member districts to turn them into a partisan body, because nothing would get done. There are enough problems with a non-partisan body.

In response to Chairman Traini, Mr. Hall agreed. The local newspaper always wants to identify a person's partisan registration when they are running for a non-partisan office. He would like to see that stopped. One of the important functions that local government performs is a training ground for higher political office. He would like to see the non-partisan tradition retained at least at the local level. If we are not going to do it, then we should debate it, have the issue on the ballot and let the voters decide what they want to do. He will vote "no" on any partisan elections of local office.

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

Mr. Sullivan moved, to adopt AO 2001-169.
seconded by Ms. Clementson,

Mr. Sullivan moved, to amend AO 2001-169 at page 1, line 36, to read
seconded by Ms. Clementson, effective retroactively as of January 1, 2002; at page 2, line
and it passed without 3, to read January 1, 2002.
objection,

Mr. Sullivan said during the consideration of single member versus dual member districts this was mentioned as an impediment to some people's inclination toward going to single member districts and referred to by several as a "poison pill."

He felt it made sense to give the voters an opportunity to remove it from the charter. The Assembly's action would put it on the ballot and allow the voters to decide the issue.

In response to Mr. Tesche, Mr. Sullivan said removing the "poison pill" would make it easier for the Assembly to decide if it wanted to go to a single member district form of representation. There was no other purpose for this legislation other than to enable the Assembly to make that decision. The question was not whether the single member form of representation was better or not. He felt the closer you live to the people you represent, the better government they get. The Municipality has Assembly districts that are quite large. It is very hard during a campaign to get to know all your constituents. The Justice Department and other groups have urged that government should be as representatives as possible. That means representing as small a unit of population as possible and he concurred with that theory. Mr. Terry Martin had something from the Justice Department that recommended this ordinance.

Mr. Tesche was concerned that the single member district representation could bring partisan politics to local government. Partisan politics is not the tradition in Alaska. He felt that local government worked well outside of the partisan structure.

In response to Mr. Tesche, Mr. Sullivan said he saw nothing that would indicate that this would bring partisan politics into local government in Anchorage. He did not see any merit in the argument that smaller districts would make it easier for political parties to take over local Assembly races. An organized political party would not have any trouble organizing the current districts and the size of the district would not affect that. He agreed that local elections should be non-partisan, which is dictated by our charter. Mr. Martin was not at the meeting, because the issue was not creating single member districts. The issue is no matter what form of government we choose for our Assembly members, it will be a three-year term. People indicated that they would have given single member districts a greater thought if this "poison pill" had not existed. We can remove this impediment for future bodies so that they do not have that roadblock in front of them if they want to take that step. Mr. Sullivan pointed out that since this was the last item on the agenda, there was not get enough public testimony. By putting this on the ballot, the public could decide whether or not it is a good idea.

Chairman Traini pointed out that this was the last meeting the Clerk, Lejane Ferguson, would be with the Assembly. He praised her work and thanked her for her dedication and service.

Ms. Von Gemmingen said the first year of a three-year term was a learning curve. The second year was spent figuring out what you were supposed to do. The third year you are busy running for re-election. She felt two-year terms were too short. She was concerned that this might be taken out of the Assembly's hands. She felt the ordinance should be approved by the Assembly and put on the ballot. She felt they would all suffer if they went from three-year terms to two-year terms should single member districts be approved by the voters.

Mr. Tremaine agreed that two-year terms was too short.

Mr. Tremaine moved,	to amend AO 2001-169 at line 31 to read
seconded by Ms. Von Gemmingen,	<u>4 years</u> instead of 3 years.

Mr. Tremaine said the concept was to have four-year terms for two terms.

Mr. Sullivan said four-year terms on the local level did not give the voters an opportunity to make corrections if they do not feel they are being properly represented. He felt three-year terms was the proper balance.

In response to Ms. Von Gemmingen, Mr. Tremaine said it was not the intent of his motion to extend the Mayor's and School Board's terms to four years.

Ms. Von Gemmingen said she would be voting "no" on the amendment. She felt three-year terms were appropriate.

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

AYES: Van Etten, Fairclough, Tremaine.

NAYS: Sullivan, Von Gemmingen, Taylor, Traini, Kendall, Tesche, Shamberg, Clementson.

In response to Mr. Tesche, Deputy Municipal Attorney Dennis Wheeler said an ordinance could be retrospective as long as it was declared as such.

Mr. Tesche requested a legal opinion, in writing, for the next meeting as to the purpose and effect of lines 34 and 35.

(Clerk's Note: Ordinance AO 2001-169 was carried over to the next Assembly meeting on October 30, 2001 due to lack of time.)

15. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS: None.

16. SPECIAL ORDERS: None.

17. UNFINISHED AGENDA: None.

18. AUDIENCE PARTICIPATION: None.

19. ASSEMBLY COMMENTS: None.

20. EXECUTIVE SESSIONS: None.

21. ADJOURNMENT:

The meeting adjourned at 11:00 p.m.

Chairman Dick Traini

ATTEST:

Municipal Clerk

Date Minutes Approved: , 2001

LF/vmc:kron

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