

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of November 20, 2001

CLERK'S OFFICE  
APPROVED  
Date: 5-14-2002

1. CALL TO ORDER:

The meeting was convened at 5:10 p.m. by Assembly Chairman Dick Traini in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. ROLL CALL:

Present: Dan Sullivan, Fay Von Gemmingen, Melinda Taylor, Doug Van Etten, Dick Traini, Anna Fairclough, Dan Kendall, Allan Tesche, Janice Shamberg, Dick Tremaine.  
Absent: Cheryl Clementson (Clerk's Note: Joined meeting for Budget Amendments.)

3. PLEDGE OF ALLEGIANCE:

Craig Campbell, Executive Director of Planning, Development and Public Works, led the pledge.

3. MINUTES OF PREVIOUS MEETING

There were no minutes of the previous meeting.

4. MAYOR'S REPORT

Mr. Kieling said he would give the Mayor's report after the addendum. See item 11.E.

5. ASSEMBLY CHAIR'S REPORT

Chairman Traini said after the break they would allow two hours for public testimony on the Bicentennial Park issue and then discuss the budget.

Mr. Tremaine felt they should be flexible on the two-hour time limit for testimony on the Bicentennial Park issue to allow all the children in the audience to testify.

7. COMMITTEE REPORTS

Ms. Taylor said they had a fine hearing today on the Assembly's amendments to the operating budget. She thanked the administration for all their help and support.

8. ADDENDUM TO AGENDA

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

The Chairman read the addendum items.

9. CONSENT AGENDA

Mr. Sullivan moved, to approve all items on the consent agenda.  
seconded by Ms. Von Gemmingen, as amended.

A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

B. RESOLUTIONS FOR ACTION - OTHER

1. Resolution No. AR 2001-336, a resolution of the Anchorage Municipal Assembly approving common state legislative priorities between the Matanuska-Susitna Borough and the Municipality of Anchorage for the Year 2002, Assemblymembers Tesche, Van Etten, and Fairclough. (addendum)

Ms. Von Gemmingen requested this item be considered on the Regular Agenda. See item 10.B.

2. Resolution No. AR 2001-337, a resolution of the Anchorage Municipal Assembly approving common federal legislative priorities between the Matanuska-Susitna Borough and the Municipality of Anchorage for the Year 2002, Assemblymembers Tesche, Van Etten, and Fairclough. (addendum)

3. Resolution No. AR 2001-338, a resolution of the Anchorage Municipal Assembly supporting a cooperative planning effort between the Anchorage School District and the Municipality of Anchorage for the construction of an East Anchorage middle school site and the expansion of Fire Station 6, Assemblymembers Taylor, Tesche, Traini, Tremaine, Shamberg, Van Etten, and Von Gemmingen. (addendum)
4. Resolution No. AR 2001-339, a resolution of the Anchorage Municipal Assembly appropriating \$58,500 from the Anchorage Police Service Area Fund (151) Balance to the Anchorage Police Department to provide funding for the Drunk Busters Program throughout the 2001 the holiday season, Assembly Chair Traini. (addendum)
  - a. Assembly Memorandum No. AM 942-2001.

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

C. BID AWARDS

D. NEW BUSINESS

1. Assembly Memorandum No. AM 926-2001, contract amendment No. 3 to professional services contract with The Boutet Company for project management services (\$500,000), Property Management and Engineering.
2. Assembly Memorandum No. AM 932-2001, recommendation of award to CH2M Hill for providing professional design services for 2002 playground improvements for the Municipality of Anchorage, Project Management and Engineering Department (RFP 21-P039) (\$172,302), Purchasing.
3. Assembly Memorandum No. AM 933-2001, contract amendment No. 3 to Alaska Construction and Engineering, Inc., for the construction of CIRI Glenn Snow Storage Facility, Project No. 92-59 (\$9,469.41), Property Management and Engineering.
4. Assembly Memorandum No. AM 934-2001, amendment No. 1 to 1999 professional structural engineering services contract with USKH, Inc., RFP 21-P018 (\$100,000), Property Management and Engineering.
5. Assembly Memorandum No. AM 935-2001, amendment No. 4 to professional services agreement with CH2M Hill, Inc. for additional construction services for the Asplund Wastewater Treatment Facility Solids Handling Improvements Project (\$62,048), Water and Wastewater Utility.
6. Assembly Memorandum No. AM 936-2001, amendment No. 1 to contract with Resource Data, Inc. for professional services for software application support for AWWU (\$350,000), Water and Wastewater Utility.

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

7. Assembly Memorandum No. AM 937-2001, amendment exercising a 5-year option through September 30, 2006 for the Northeast Community Center at the Muldoon Mall and increasing rent to reflect current market rent (NTE \$956,076), Heritage Land Bank/Real Estate Services.
8. Assembly Memorandum No. AM 938-2001, Findings and Conclusions: S-10677, Glenn View Estates Subdivision, Lot 7, Planning Department.
9. Assembly Memorandum No. AM 939-2001, Anchorage Loop Water Transmission Main (WTM) – Phases IV & V – Pre-design Study – Agreement to provide professional engineering services with CH2M Hill, Inc., Amendment No. 6 to \$186,084, Water and Wastewater Utility.
10. Assembly Memorandum No. AM 940-2001, professional services contract amendment No. 4 to CRW Engineering Group, Strawberry Road Improvements, Project No. 90-07 (\$422,390), Project Management and Engineering.
11. Assembly Memorandum No. AM 927-2001, The Wave (License #1073) – Transfer of Ownership and Transfer of Location for a Beverage Dispensary Liquor License (Downtown Community Council), Clerk's Office.

Ms. Von Gemmingen requested this item be considered on the Regular Agenda. See item 10.D.

12. Assembly Memorandum No. AM 941-2001, Assembly Meeting Schedule (January – June 2002), Assembly Chair Traini. (addendum)

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

E. INFORMATION AND REPORTS

1. Information Memorandum No. AIM 114-2001, contracts awarded between \$50,000 and \$100,000 through formal competitive processes for the month of October 2001, Purchasing.
2. Information Memorandum No. AIM 115-2001, Sole Source Procurement Report for the month of October 2001, Purchasing.

3. Information Memorandum No. AIM 117-2001, History of MOA Trust Fund Reserve (Fund 731), Finance. (addendum)

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

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

1. Ordinance No. AO 2001-161, an ordinance of the Anchorage Municipal Assembly repealing AMC 21.55.040(D)(1)(C) relating to submittals required for **legalization of nonconforming dimensional yard setback encroachments** (Planning and Zoning Commission Case 2001-175), Assemblymembers Shamberg, Tesche, and Clementson. P.H. 12-18-01.
- Assembly Memorandum No. AM 931-2001.
  - Information Memorandum No. AIM 113-2001.

Ms. Von Gemmingen requested this item be considered on the Regular Agenda. See item 10.F.

- Resolution No. AR 2001-331, a resolution appropriating annual entitlement grants from the U.S. Department of Housing and Urban Development in the amount of \$2,344,000 for the **Community Development Block Grant**, \$1,072,000 for **Home Investment Partnership**, and \$80,000 for **Emergency Shelter Grants** and appropriating said funds to the Federal Categorical Grants Fund (241), Planning Department. P.H. 12-11-01.
  - Assembly Memorandum No. AM 928-2001.
- Resolution No. AR 2001-332, a resolution of the Municipality of Anchorage accepting \$2,490,882 from the State of Alaska for the **Bank of America settlement** and depositing \$2,352,882 to the MOA Trust Fund Reserve Fund (731) and \$138,000 to the Areawide General Fund (101), Finance. P.H. 12-11-01.
  - Assembly Memorandum No. AM 929-2001.
- Resolution No. AR 2001-335, a resolution of the Municipality of Anchorage appropriating \$2,134,325 from the fund balances of the four major operating funds to cover the costs associated with debt service on the **March 2001 Tax Anticipation Notes**, Finance. P.H. 12-11-01. (addendum)
  - Assembly Memorandum No. AM 930-2001.

Ms. Taylor noted that AR 2000-383 was the unnumbered resolution before the Assembly.

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

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

10. REGULAR AGENDA

A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS: None.

B. RESOLUTIONS FOR ACTION - OTHER:

- Resolution No. AR 2001-336, a resolution of the Anchorage Municipal Assembly approving common state legislative priorities between the **Matanuska-Susitna Borough and the Municipality of Anchorage** for the Year 2002, Assemblymembers Tesche, Van Etten, and Fairclough. (addendum)

Ms. Von Gemmingen moved, to approve AR 2001-336.  
 seconded by Mr. Tremaine,

Ms. Von Gemmingen moved, to amend AR 2001-336, by inserting  
 seconded by Mr. Tremaine, 26, as item #1 the words: "The Long-range  
 Fiscal Plan."

Ms. Von Gemmingen felt it was very important to make clear that the Assembly felt the most important thing for the legislature to do was the long-range fiscal plan.

Mr. Sullivan said the long-range fiscal plan appeared later in the resolution with the biannual budget in the text, but it was left out of the numbering system. Number five actually reads "adoption of a long-range fiscal plan and biannual budget." He suggested a friendly amendment to Ms. Von Gemmingen's motion to move item #5 to item #1 and clarify the language.

Ms. Von Gemmingen said it was her intent to move the long-range fiscal plan to item #1, but not the biannual budget. She did not accept Mr. Sullivan's friendly amendment.

Mr. Tesche spoke in favor of the amendment. While the long-range fiscal plan was contained in the text, he felt it should be the top priority.

Question was called on the motion to amend AR 2001-336 and it passed without objection.

Question was called on the motion to approve AR 2001-336 as amended and it passed without objection.

2. Resolution No. AR 2001-339, a resolution of the Anchorage Municipal Assembly appropriating \$58,500 from the Anchorage Police Service Area Fund (151) Balance to the Anchorage Police Department to provide funding for the Drunk Busters Program throughout the 2001 the holiday season, Assembly Chair Traini. (addendum)  
Assembly Memorandum No. AM 942-2001.

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

to postpone AR 2001-339 until later in the meeting.

C. BID AWARDS: None.

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 936-2001, amendment No. 1 to contract with Resource Data, Inc. for professional services for software application support for AWWU (\$350,000), Water and Wastewater Utility.

Mr. Tremaine moved,  
seconded by Ms. Fairclough,

to approve AM 936-2001.

Mr. Tremaine said amendment No. 1 increased the contract by \$350,000 to \$1,200,000 for software application support. He felt that was a lot of money, but was turning out well. The cost benefit analysis said the benefits included the programs working well and reducing operating costs. They have reduced staff by ten full-time positions this year alone, which was very good in terms of operating efficiencies.

In response to Mr. Tremaine, Anchorage Water and Wastewater Utility General Manager Mark Premo said they had not reduced staff by ten full-time positions this year. He suggested that over the longevity of the project those ten positions would be reduced. The MIS coordinator at the utility had authored the statement. This was the first time Mr. Premo had read the statement and noted that his signature was not on the page. He did not believe the MIS coordinator was ready to lose the ten full-time positions if the budget was approved tonight.

Mr. Tremaine said he would have to postpone this action until they had an accurate cost benefit analysis.

Mr. Tremaine moved,  
seconded by Ms. Shamberg  
with Ms. Von Gemmingen  
opposing.

to postpone AM 936-2001 until the next meeting.

2. Assembly Memorandum No. AM 927-2001, The Wave (License #1073) – Transfer of Ownership and Transfer of Location for a Beverage Dispensary Liquor License (Downtown Community Council), Clerk's Office.

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

to address AM 927-2001 after item 14.E.

3. Assembly Memorandum No. AM 941-2001, Assembly Meeting Schedule (January – June 2002), Assembly Chair Traini. (addendum)

Mr. Tremaine moved,  
seconded by Ms. Shamberg,

to approve AM 941-2001.

Mr. Tremaine noted that Tuesday, April 30, 2002 was not on the schedule. The date should be added to the schedule and then they could decide if they were going to have a meeting or not. He read the meeting schedule. He felt they were short on meetings in January and February based on their past performance.

In response to Mr. Tremaine, Chairman Traini said they had reviewed the meeting schedule and felt it would be adequate. More meetings could be added as necessary.

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

to add April 30, 2002 with no meeting to the schedule.

Question was called on the motion to approve AM 941-2001 as amended and it passed without objection.

E. INFORMATION AND REPORTS

1. Information Memorandum No. AIM 117-2001, History of MOA Trust Fund Reserve (Fund 731), Finance. (addendum)

Ms. Von Gemmingen moved, to accept AIM 117-2001.  
seconded by Mr. Sullivan,

Ms. Von Gemmingen referenced the third paragraph, line 13, the text "In years when the MOA Trust Fund 730 does not earn adequate income to inflation proof the fund and pay the budgeted dividends, these amounts are taken from the MOA Trust Reserve. Such will be the case for 2001." She did not believe that was in the original documents that were approved.

In response to Ms. Von Gemmingen, Chief Fiscal Officer Kate Giard said past practice had been to take money out of the reserve to pay for inflation proofing if the fund had not made adequate earnings to do that. The Municipal Attorney would look into this and prepare a memorandum addressing the issue.

Ms. Von Gemmingen urged a no vote on AIM 117-2001.

Question was called on the motion to accept AIM 117-2001 and it failed:

AYES: None.

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

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

1. Ordinance No. AO 2001-161, an ordinance of the Anchorage Municipal Assembly repealing AMC 21.55.040(D)(1)(C) relating to submittals required for legalization of nonconforming dimensional yard setback encroachments (Planning and Zoning Commission Case 2001-175), Assemblymembers Shamberg, Tesche, and Clementson. P.H. 12-18-01.
  - a. Assembly Memorandum No. AM 931-2001, Information Memorandum No. AIM 113-2001.

Ms. Von Gemmingen, Ms. Shamberg and Mr. Tremaine joined in introducing AO 2001-161. The public hearing was scheduled for January 8, 2002.

(Clerk's Note: AO 2001-161 was referred to Planning & Zoning Commission and approved by the Assembly on January 8, 2002.)

Ms. Von Gemmingen pointed out that she did not receive AO 2001-161 in her packet, but received AO 2001-162 instead. She requested a copy of AO 2001-161.

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

- A. **NOTICE OF RECONSIDERATION: 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. (AMENDED 10-16-01; CARRIED OVER FROM 10-16-01; AMENDED 10-23-01; CARRIED OVER FROM 10-23-01 AND 10-30-01; APPROVED AS AMENDED ON 11-13-01 EXCEPT FOR SECTIONS 15 & 16 WHICH WERE SET FOR PUBLIC HEARING ON 12-11-01; NOTICE OF RECONSIDERATION WAS GIVEN BY MR. TRAINI 12-14-01)**

Chairman Traini gave the history of AO 2001-145 (S-1).

Mr. Tremaine said they had not fully addressed applications for public hearing before the Assembly on rezones with unfavorable recommendations by the Planning and Zoning Commission. Currently if you lose in front of the Planning and Zoning Commission, it would cost \$150 to come before the Assembly. He felt that fee should be raised, because they had raised other fees.

Ms. Von Gemmingen moved, to reconsider AO 2001-145 (S-1).  
seconded by Ms. Taylor,

Question was called on the motion to reconsider AO 2001-145 (S-1) and it passed:

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

Ms. Von Gemmingen moved, to postpone AO 2001-145 (S-1) until  
seconded by Mr. Tremaine, later in the evening.

and it passed without objection,

(Clerk's Note: Action on AO 2001-145(S-1) was postponed to December 11, 2001, due to lack of time.)

- B. Ordinance No. AO 2001-138, an ordinance of the Municipality of Anchorage authorizing the purchase of Crossroads Business Park, Tracts 5A and 5B, Anchorage, Assemblymembers Sullivan and Von Gemmingen.  
(CARRIED OVER FROM 7-24-01; CONTINUED FROM 8-14-01 AND 8-28-01; CARRIED OVER FROM 9-11-01; CONTINUED FROM 9-25-01; POSTPONED FROM 11-13-01)

The Assembly addressed this item in the Special Assembly meeting earlier in the evening.

- C. 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.
  2. Assembly Memorandum No. AM 913-2001, AO 2001-168: an ordinance of the Municipality 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.  
(CONTINUED FROM 10-23-01; POSTPONED FROM 11-13-01)

The Assembly addressed this item in the Special Assembly meeting earlier in the evening.

- D. Ordinance No. AO 2001-172, an ordinance approving the rezoning of 12.79 acres from R-O SL (Residential-Office) Zoning District with Special Limitations and I-1 (Light Industrial) Zoning District to R-4 SL (Multiple-Family Residential) Zoning District with Special Limitations for Tracts 5A and 5B, Crossroads Business Park Subdivision, generally located east of Northwood Street and north of International Airport Road (Spenard Community Council) (Planning and Zoning Commission Case 2001-166), Planning Department.
1. Assembly Memorandum No. AM 845-2001.
  2. Ordinance No. AO 2001-172(S), an ordinance approving the rezoning of 12.79 acres from R-O SL (Residential-Office) Zoning District with Special Limitations and I-1 (Light Industrial) Zoning District to R-4 SL (Multiple-Family Residential) Zoning District with Special Limitations for Tracts 5A and 5B, Crossroads Business Park Subdivision, generally located east of Northwood Street and north of International Airport Road (Spenard Community Council) (Planning and Zoning Commission Case 2001-166), Assemblymember Sullivan.  
(CONTINUED FROM 10-30-01; POSTPONED FROM 11-13-01)

The Assembly addressed this item in the Special Assembly meeting earlier in the evening.

- E. Ordinance No. AO 2001-173, an ordinance approving the rezoning of 15.06 acres from R-3 (Multi-Family Residential) Zoning District to B-3 SL (General Business with Special Limitations) for Centerpoint Subdivision, Tract C, generally located on the west side of C Street, north of West 40<sup>th</sup> Avenue and south of West 36<sup>th</sup> Street (Spenard Community Council) (Planning and Zoning Commission Case 2001-165), Planning Department.
1. Assembly Memorandum No. AM 846-2001.
  2. Ordinance No. AO 2001-173(S), an ordinance approving the rezoning of 15.066 acres from R-3 (Multi-Family Residential) Zoning District to B-3 SL (General Business with Special Limitations) for Centerpoint Subdivision, Tract C, generally located on the west side of C Street, north of West 40<sup>th</sup> Avenue and south of West 36<sup>th</sup> Street (Spenard Community Council) (Planning and Zoning Commission Case 2001-165), Planning Department. **(LAID ON THE TABLE)**  
(CONTINUED FROM 10-30-01; POSTPONED FROM 11-13-01)

This item addressed in the Special Assembly meeting earlier in the evening.

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

to change the order of the day to take up  
items 11.I, AM 916-2001, and  
11.J, AO 2001-169.

Assembly Memorandum No. AM 916-2001, 2 Go Mart (License #2145) – Transfer of Location for a Package Store Liquor License (Eagle River Valley Community Council), Clerk's Office.  
(POSTPONED FROM 11-13-01)

Chairman Traini gave the history of AM 916-2001 and noted no motion was on the floor.

Ms. Fairclough moved,  
seconded by Mr. Kendall,

to approve AM 916-2001.

Ms. Fairclough said the Community Council voted nine to eight with the petitioner withholding his vote, which would have taken it to a nine to nine split. The community did not feel an overwhelming urge to have a packaging store located on the corner lot, but the other half of the body did not feel it was a big deal. The current information would protest this until a conditional use was in place. She urged the Assembly to accept AM 916-2001. She spoke with the president of the Community Council to insure that Mr. Coffey had adequately reflected the feelings and concerns discussed at the meeting in his informational document.

Mr. Kendall noted that the Eagle River Community Council voted nine to one in favor of this location.

Question was called on the motion to approve AM 916-2001 and it passed:

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

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

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.  
(AMENDED 10-23-01; CARRIED OVER FROM 10-23-01, 10-30-01, AND 11-13-01)

Chairman Traini gave the history of AO 2001-169 and noted a motion to adopt as amended was on the floor.

In response to Mr. Tesche, Municipal Attorney Greene said early in the drafting stages there were discussions by Assemblymembers as to whether or not this would affect the 2002 April election. As a drafting item, Law included a retrospective provision for consideration and it was never taken out. There was no specific intent on the retrospective provision, unless the Assembly wanted to make it effective for the 2002 April election.

Mr. Tesche said it was his understanding that it would be retrospective to January 1, 2002.

In response to Mr. Tesche, Mr. Greene said the purpose of that was so candidates that filed in late January or early February would know that it would be effective for the following April election.

Question was called on the motion to adopt AO 2001-169 as amended and it failed:

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

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

- F. Ordinance No. AO 2001-162, an ordinance of the Municipality of Anchorage adopting and appropriating funds for the **2002 General Government Operating Budget** for the Municipality of Anchorage, Office of Management and Budget.
1. Assembly Memorandum No. AM 792-2001.
  2. Information Memorandum No. AIM 116-2001, Assembly amendments to the 2002 General Government Operating Budget and updated fund balance projection, Office of Management and Budget. (addendum)  
(POSTPONED FROM 11-13-01)

This item was addressed later in the meeting. See item 14.

- G. Resolution No. AR 2001-275, a resolution approving the **2002-2007 Municipal Utilities Capital Improvement Program**, Office of Management and Budget.
1. Assembly Memorandum No. AM 793-2001.  
(POSTPONED FROM 11-13-01)
- H. Ordinance No. AO 2001-163, an ordinance adopting and appropriating funds for the **2002 Municipal Utilities Operating and Capital Budgets** for the Municipality of Anchorage, Office of Management and Budget.
1. Assembly Memorandum No. AM 853-2001.  
(POSTPONED FROM 11-13-01)

These items were addressed at the November 21, 2002 special meeting.

- I. Assembly Memorandum No. AM 916-2001, **2 Go Mart (License #2145) – Transfer of Location for a Package Store Liquor License (Eagle River Valley Community Council), Clerk's Office.**

(POSTPONED FROM 11-13-01)

This item addressed earlier in the meeting. See after 10.E. above.

- 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.  
(AMENDED 10-23-01; CARRIED OVER FROM 10-23-01, 10-30-01, AND 11-13-01)

This item addressed earlier in the meeting. See after 10.E. above.

Municipal Manager Harry Kieling gave the Mayor's report. The A.W.A.R.E Program was started last Friday, which encompasses Anchorage's approach to the situation that began with September 11<sup>th</sup> and how the community can deal with the new world and situation we are facing. A.W.A.R.E. stands for Anchorage Watchful Alert and Ready for Emergencies. One of the components will be called A.W.A.R.E. Academy, which will provide the residents of Anchorage an opportunity to play a very active role in the creation of a safe and prepared local community. This Academy will be a comprehensive emergency response class with practical knowledge and skills to be applied in any emergency situation. The goals of the Academy are as follows: Attendees will acquire a clear expectation of the likelihood, impact and consequences of a disaster situation. Trainers will emphasize responsibility of mitigation efforts and personal and neighborhood preparedness. Trainees will learn life saving skills with an emphasis on decision making, rescuer safety and doing the greatest good for the greatest number of people. Attendees will gain the confidence to operate or be empowered as an extension of the first responders, offering immediate help to victims until local services arrive. Graduates of the program will have the ability to mobilize upon request and may assist or supplement public safety services in the event of a training exercise or a citywide emergency. The challenge has a number of different phases. We will encourage all the Municipal staff to attend. Our goal is to have a minimum of 250 trained Municipal employees who go through this Academy. Through the Chamber of Commerce, we would like to have at least 100 business representatives within two months. We would like to have at least five educators from each school and two representatives from each Community Council. The curriculum was patterned after the Federal Emergency Management Agency classes and covers a wide spectrum in a very short period of time. The attendees will find this not only interesting, but also very helpful in becoming a team of citizens who can respond to emergencies. The website at [www.muni.org](http://www.muni.org) will have the details and registration forms available on December 1, 2001. We are looking forward to starting our first class on January 5, 2002.

The meeting recessed at 5:40 p.m. and reconvened at 6:12 p.m.

Mr. Sullivan advised the public that the Northwood parking lot issue was taken up at 4:00 p.m. and had been approved.

Resolution No. AR 2001-339, a resolution of the Anchorage Municipal Assembly appropriating \$58,500 from the Anchorage Police Service Area Fund (151) Balance to the Anchorage Police Department to provide funding for the Drunk Busters Program throughout the 2001 the holiday season, Assembly Chair Traini. (addendum)  
Assembly Memorandum No. AM 942-2001.

Mr. Tremaine moved,  
seconded by Mr. Tesche,

to approve AR 2001-339.

Chairman Traini said currently the funding was not available for the Drunk Busters Program. He invited Police Chief Monegan to address the meeting.

Chief Monegan said they could use the funding to get drunk drivers off the streets this holiday season. The \$58,500 would provide five officers working on overtime details Thursday, Friday and Saturday nights for 10-hour shifts from now until the end of the year.

Municipal Manager Harry Kieling said Drunk Busters was a program that we needed to continue. It was successful last year and we need to make sure we have it again this year.

In response to Ms. Shamberg, Chief Monegan asked everyone to call the police department if they saw a drunk driver on the road. If you feel it is imperative to report the drunk driver, dial 911 or \*273 on cell phones. Give the location of the driver, the direction they are going, a description of the car and a license plate number. Your name and witness information would provide probable cause to stop drunk drivers and would help in apprehending and successfully prosecuting drunk drivers.

Question was called on the motion to approve AR 2001-339 and it passed without objection.

Mr. Tremaine moved,  
seconded by Mr. Tesche,  
and it passed with Mr. Kendall  
objecting,

to change the order of the day to  
take up items 14.A, AO 2001-174,  
and 14.E., AM 921-2001.

**Ordinance No. AO 2001-174, an ordinance amending the Updated Far North Bicentennial Park Master Plan to allow development of active recreation sports fields at the designed community park site located in the southwest corner of Far North Bicentennial Park, Project Management and Engineering Department.**

1. Assembly Memorandum No. AM 874-2001.

Chairman Traini stated the ground rules for testifying. Each speaker had three minutes to speak and could only speak once on this issue. A two-hour time limit would be set for testimony with another night of public testimony added if needed.

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

VICTOR MOLLEZI said he was a private citizen. He and his wife do not have any children. Until recently, he did not know anyone associated with Simonian Little League. He felt this issue was important to the well being of the community. He urged the Assembly to adopt the ordinance to allow for the development of active recreational sports fields in Bicentennial Park. He lives in Alaska, particularly in Anchorage, because he likes trees and wild spaces. He wants to be part of a healthy community that takes the responsibility of the needs of its children seriously. He has used this section of the park many times for biking and hiking. There are groups who claim to represent him as a current park user and they do not want these sports fields. He assured the Assembly they did not represent him. He read the land design report dated April 19, 2000 and understood the alternatives. This section of the park was the only one that made sense. He was willing to give up his individual rights to those 25 acres so the community as a whole and our children could benefit. As a taxpayer, he liked the concept of private and public partnership to develop the recreational lands and leverage it with volunteers. This provides benefits to all the community, not just the children. Individual volunteers have a better sense of what it means to be part of a strong and healthy community. He felt this issue was not about cutting down 25 acres of trees, but building an involved and caring community and a facility for the benefit of our youth. The 2020 Comprehensive Plan predicts a 38 percent growth in population between 1998 and 2020. Along with that population growth comes a shortage of sports fields. We would not be adding to the inventory of ball fields or facilities, but replacing existing ones. There is a vocal minority who opposes this amendment. They would like you to believe that they speak for the majority. The majority of the citizens in this community want development in the park to provide for active recreation, thus the ball fields. This support for active recreation was represented in the overwhelming vote to expand the Hilltop Ski Area with 59 percent of the vote for the expansion and 41 percent against. He also believes that if an area wide vote were to take place on this issue, it would pass with an overwhelming majority. This amendment would be consistent with the intent of the park and the master plan, which was to provide sports activities in the park. He felt the real question the Assembly must ask was what is more important to our community as a whole, 25 acres of trees out of 4,200 acres or the needs of our population, including the recreational needs of the children and building the fabric of an involved, caring and inclusive community.

DEVERY PRINCE said he was a local businessperson and was here on behalf of this family. He supported the Assembly approving a community park in the southwest corner of Bicentennial Park. He has lived about 400 yards from this parcel for the last ten years. He has been on the land quite a bit and has rarely seen anyone else using the subject piece of land. The existing trailhead is currently inadequate and needs to be upgraded. It could be upgraded with the proposed reuse. This is the best land available for a community park that can support multiple uses including ball fields, soccer, picnic areas and improved park access. It seems logical that by redirecting the use of existing public land, we will not have to spend several additional million dollars to acquire an alternate site. This is not an us versus them issue. It is about a community having a vision to provide adequate public uses for all types of users. There is no reason that anyone needs to be, or will be, locked out of the fields. Children need to play ball, soccer, ski, run, hike and explore the adjacent parkland. He felt they could do all of that on this piece of property if it was approved as a community park.

In response to Mr. Van Etten, Mr. Prince felt the parking lot should be expanded dramatically. He suggested lighting the area up to the existing ski trails. He felt the park should be redeveloped into a total public use area including ball fields. We have an opportunity to make a showcase example out of this and do something good for the community. He would be willing to participate in a task force to design the park as long as it was a successful endeavor and not task forced to death.

LOTTIE MICHAEL said she represented Art Simonian and the existing Simonian baseball fields. Art saw a need for baseball fields 26 years ago and took money out of his own pocket and developed the existing fields. He has donated those fields to the Little League at no cost for 26 years. When he sold the land in 1999, part of the agreement was that the baseball fields would stay intact for five years at no cost to the Little League. Art is ready to sell his remaining property, which is 200 feet east of the existing fields. Originally he offered the City 14 acres and was informed that was not enough land. He is now prepared to go up to 20 or 22 acres. He would like to keep Simonian fields on Simonian land. She urged the Assembly to vote no on Bicentennial Park. There was enough land in Anchorage for everyone. We do not need to take parkland from people who enjoyed cross-country skiing or bird watching, because there is a viable option. We are not talking about putting the children on a main thoroughfare or two miles down the road. We are talking about leaving the children and their families exactly where they are. She urged the Assembly to realize that there was an option and vote no on the amendment to maintain the integrity of Bicentennial Park.

In response to Mr. Van Etten, Ms. Michael said she and Art met earlier this year with George Cannals and reviewed the list of existing properties in the Heritage Land Bank. Art did not see any properties that he

was interested in, but a three-way trade would be a possibility. She felt the Assembly's mission was to decide if they should change Bicentennial Park. She knew the city needed baseball fields, just as they needed them 26 years ago when Art gave them the fields free of charge. She knew money was short. The concept that they were getting the parkland free, because they were taking it away from another section, was not realistic. There is a value to land whether you are paying for it now or paying to replace it later.

In response to Mr. Sullivan, Ms. Michael said she did not have a sales price for the property yet, but she had an asking price. It was her opinion that the value of the land was between \$3.00 and \$3.30 and it was on the market for \$3.30 a square foot. Today the parcel is 28 acres and would have to be replatted if they wanted less land. An 18-acre tract would cost about \$2,587,000, assuming it appraised at \$3.30.

In response to Mr. Tremaine, Ms. Michael said she would let Art Simonian know that the city appreciated all the years that he gave the ball fields to the children. Now Art wants to go on to the next phase of his life, but he would like the Simonian fields to stay where they belong.

In response to Mr. Tesche, Ms. Michael said no formal offer in writing had been made. There were discussions with the Heritage Land Bank, but all of the correspondence had been based on 14 acres. It was just yesterday that Art came to the conclusion that if he wanted to keep the baseball fields then he would have to sell more than 14 acres. A contract for the land could be entered into that would provide for the condition that it be approved by the voters for funding.

In response to Ms. Von Gemmingen, Ms. Michael said the land was not designated wetlands. She thought it was ten feet of peat underneath four feet of gravel. The terrain was gently sloping so there would not be a lot of topography that needed to be changed. The access to the land would be Dowling Road.

ROMAN DIAL said he was a 25-year resident of Alaska and has lived in Anchorage for 10 years. He is a business owner and homeowner. He has two teenagers, but neither one of them spend much time on sports fields. They are climbers, hikers and rafters. He is an environmental science professor at APU and teaches classes like ecology and conservation biology. He has a Ph.D. in biology. He would probably be considered an environmentalist, but he supports to amendment in favor of developing the 25 acres of Bicentennial Park for four reasons. Environmentally, 25 acres in the park is not going to lead to the extinction of any organisms, fewer moose in our backyards, fewer bears or birdfeeders. Someone who enjoyed watching birds would probably find more species of birds after they built the ball fields. He liked outdoor activities and felt a ball field would build community. Ball fields benefit more than just ball players. Economically this would make the most sense to the Municipality, because it would cost the least. We in Anchorage are blessed with the amount of natural space that we have in town, especially around the edges. He did not know of any other city this size where you could ski or bicycle to work and then go climb mountains and ski down them. We are absolutely blessed as outdoor enthusiasts with what we have. He did not see any reason why they could not share with other users. He felt a lot of environmental degradation happens due to greed. A typical environmental reaction to greed is selfishness. He did not feel that the development of these ball fields was in any way greedy and the knee jerk reaction should not be selfishness. He felt they should share this portion of Bicentennial Park.

THERESA OBERMEYER said she admired Art Simonian. He has provided an amazing service to the youth of our community for 26 years. She did not realize land was available near the existing ball fields and that Mr. Simonian would consider selling it. In order for the children to play on these baseball fields there is a two-year process of sodding and making sure the fields are correct. She hoped something could be done as soon as possible so the children could play baseball during the summertime. There are other benefits to this such as there might be playgrounds near the ball fields. She felt we should allow these families to provide a good childhood for their children. It was her understanding that the children could use the current fields until 2004. She hoped that Mr. Simonian would be given an opportunity in this process. She felt it would be wonderful if Mr. Simonian could get something of value out of what he has given to the community for all these years. The location of the ball fields was up to the Assembly, but she hoped it could be worked out as soon as possible.

BOB KERN said he was representing himself. As citizens of Anchorage, we take great pride in the recreational opportunities that are available to us in and around Anchorage. One reason he believed these areas were so popular was the fact that the city has opened them up, provided parking and making them accessible for all the citizens of Anchorage. He felt that anything we could do to open up Far North Bicentennial Park for all of Anchorage's residents would benefit everyone. He felt that if the amendment passed to allow organized recreational activities in Bicentennial Park, someday in the future we would look back with pride that we had helped to create another world-class recreational area within the City of Anchorage. Allowing baseball and soccer players to use less than one half of one percent of Far North Bicentennial Park would not prevent any of the current users from enjoying the park. Adding parking, play and picnic areas would only enhance the area. He appreciated the efforts that many had made to locate alternative sites. It was his personal belief that the Far North Bicentennial Park was the best option, however if another location could be found within the Simonian boundaries and could accommodate multiple fields then that would be worth considering. The Bicentennial Park area would cost a fraction of what it would cost to purchase private land and develop it. We keep hearing about how tight the budget is and how the property taxes are hitting all of us very hard. It was hard to imagine the voters approving a bond proposition when there was free land available. He suggested reviewing the alternatives, but if the voters did not pass a bond, then Bicentennial Park should be considered as the only other alternative. He urged the Assembly to pass the amendment.

CORT BROBERG said he was a retired civil engineer and lived in Zodiac Manner for 30 years. He supported Ducks Unlimited. He has taken up snowmachining as a hobby. He has been accused of being a bit of a redneck and some people even tell him he has a little bit of bunny hugger in him. He presented a petition to reconsider the location of the Simonian Community Park. Ninety percent of the people that he contacted signed the petition. This was only about a five-day effort, two hours a day. They are concerned about the exact location of the ball fields. They are not concerned about six-tenths of a percent of the park. He supported the idea of purchasing the land from Art Simonian. This entire issue revolves about the timeline that has been presented by Simonian Little League. Do not allow the time element dictated by the inaction of the Simonian Little League leaders to cause decisions that will result in reckless and irresponsible uses of the site in question. During the early 1980s, the Simonian Little League leaders were aware that it would be necessary to move their operation at some time in the future. Many discussions ensued over the following years and very little was accomplished. The imposed schedule was directly due to inaction of the Simonian Little League to locate and move their operation in a timely manner. The consultants and the public presented many suitable alternatives. Most, if not all, of the proposed areas have been available over the past 20 years. All these suggested areas have currently been discarded. Now the time element suddenly becomes crucial. Since this time constraint is of their own doing, it should not become a major factor to justify destruction of a prime wooded area used by thousands of people throughout each year just to satisfy a minority of special users. For all practical purposes, Little League fields will see minor use by the general public. The timeline, combined with the wetland issues, caused them to drop all the other areas. He felt the timeline should be ignored and the Assembly should go about making sensible use of the available land.

SILVE CONDE said she was a private citizen and a psychologist in private practice in Anchorage for the 24 years. She has many children that live in her neighborhood. She likes children and baseball. However, she strongly urged the Assembly to consider not amending the Far North Bicentennial Park. The responses to the survey of Anchorage 2020 said the most important attributes about Anchorage was its natural beauty and setting, trails, parks, greenbelts and open spaces. She uses the trail every day and there are always four to five people walking their dogs. It is perfect. There are no roads and no traffic. It would be so foolish and shortsighted for economic reasons to destroy this area. She was appalled that it was even being considered. She applauded Art Simonian for his offer of the land. She pointed out that Mr. Broberg, who testified against this earlier, had been a Little League coach for ten years. Numerous other sites are available. This trail is one of the most beautiful places in Anchorage. She urged the Assembly to consider it for the future.

In response to Ms. Shamberg, Ms. Conde said she uses the trails frequently and there are always other people using it. She snowshoes in the winter and walks in the summer.

MARY PAYE said this topic was close to her home and her family. She is a single mother with two young boys whom have embraced Simonian Little League not only as an enjoyable sport, but also as an important part of their lives. It has provided them the opportunity to develop a sense of community while solidifying team principals. Our nation is experiencing trying times at the moment. From that perspective, the issue of locating a new home for Simonian Little League seems inconsequential in the overall scheme of things. Without a new home for Simonian Little League, hundreds of families will be negatively impacted. One of the greatest attributes of our country is that each and every one of us has the same rights and considerations as our neighbors, regardless of race, religion, gender or age. She questioned if the Assembly really wanted to send children the message that their rights did not count and they were not important. These children need our support. They need the Assembly to hear their voices and grant them a safe place to continue to play baseball in our community. These kids are only requesting the equal rights that our nation's constitution guarantees them. They are not asking for special consideration. They are asking for equal access to parklands that have already been designated. This land belongs to all of us and needs to be available for every member of our community. Send the right message to these kids and honor their rights to equal access by approving the request to develop ball fields on this designated parkland.

Ms. Shamberg said the Assembly's decision had nothing to do with children or their rights. We all want the children to have ball fields, but many things have to be considered.

STEVEN TUFT said he supported the amendment for the request of the updated Far North Bicentennial Park master plan to allow sports field development at the southwest corner of the Bicentennial, north of Zodiac Manner. For two and a half years the public process has been taking place. The Simonians have been looking at other options for ball fields. For two and a half years suggestions have been made and for some reason each time a suggestion has been made these deals have not developed. The Advisory Committee has heard many hours of testimony from the public. They overwhelmingly voted to move forward with this request for the amendment. The original plan calls for active recreational development of sports complex development centralized within the Far North Bicentennial area. The suggested areas that these plans are mentioned for also stated that they were more suitable for sports field in the southwest corner. We are not talking about a national wildlife reserve, but a park. We all agree that Anchorage needs more parkland, community parks, ball fields, soccer fields, baseball field and possibly football fields. We all agree that we should share and Bicentennial Park is for all of Anchorage and beyond. We all agree that no special interest should determine who could use the park. Please consider this when meeting the master plan, which envisioned and intended the complex in the first place. He has always been proud to be able to participating in sporting events with his children, and your children, to keep the families and the community united. His son was looking forward to going to college and hopefully playing baseball, which would not have been possible without the programs that Simonian Little League provided. We all agree that we should unit as a community and not divide.

RICK PETTET said he had been volunteering for Little League for 26 years. He would answer questions on the timeline and costs if this amendment were passed. We have built facilities and saved the city hundreds of thousands of dollars over the last 26 years. Abbott-o-Rabbit saved the city \$191,110 in two years, which was documented. This was not something that had to come out of taxpayer money unless the politicians got involved, because then you would have to buy land.

In response to Ms. Shamberg, Mr. Pettet said other people used the Abbott-o-Rabbit fields, including people playing frisbee, flying kits, walking dogs, picnicking and playing other games. He felt the Abbott-o-Rabbit fields got a lot of outside heavy use from the general public.

Mr. Tremaine thanked Mr. Pettet for his years of dedicated service. He said Mr. Pettet had made the Abbott-o-Rabbit fields what they were today through his time and effort.

Mr. Pettet said this summer he maintained 27 ball fields, as well as building a couple of fields. He said it should not cost the city a million dollars to build a baseball field. He did not want to take credit for what had been done at Abbott-o-Rabbit, because that took a lot of people working together, which was what the Simonian Little League was trying to do.

In response to Mr. Tremaine, Mr. Pettet said with the way bureaucracy worked, the fields probably would not be ready until 2005. He built a field in one day in Girdwood. Bureaucracy is one of the biggest things that discouraged volunteering. Two years should be allowed for developing a baseball field. One year would be to grow the grass and the next year would allow it to mature. He felt the Simonian Little League could get a volunteer force and he offered to help them. The clearing, fencing and getting dirt was all the city would have to do, which was all he would want them to do because of the costs. Abbott-o-Rabbit put in a watering system and the bid for that was \$150,000, not including the pump house, and it would take two years. They did it themselves for \$15,000, including the pump house, and it took one weekend. They now have the best watering system in town.

Mr. Tremaine said everyone wanted the children to have ball fields. The only question was where the fields should be located. He felt everyone was in agreement that there should not be a break in service.

Mr. Pettet said they needed to look at economy, because the people were concerned about the cost. He was discouraged with the process that had to take place before the kids could be playing on the ball fields. The problem was not building the ball fields or the cost of the ball fields, but the process.

Mr. Van Etten thanked Mr. Pettet on behalf of the City and the children for his dedicated service.

DAVE MANZER said he was speaking on behalf of Simonian Little League in support of the proposal to amend the Bicentennial Park master plan to allow for the development of sports fields in the southwest corner of the park. For the past two and a half years they have worked through a public process spanning and receiving the support of two mayoral administrations. It has been a difficult and confusing process for Little League parents simply trying to find a place for their kids to play ball. We diligently pursued looking for replacement fields as soon as we were informed of the transfer of the property. Time is running out for the children of the Simonian Little League. We will lose our current home by May of 2004. We submitted approximately 1,300 written comments in support of this proposal. We received the overwhelming approval of the Planning and Zoning Commission in September. A review of the updated Far North Bicentennial Park master plan shows the park was intended to include a mix of recreational uses. There clearly were ball fields contemplated in the master plan. However, with BLM's land no longer an option for locating those fields, we firmly believe that the entire remainder of this vast 35,000-acre tract of Municipal owned public land should not exclude the location of any sports fields. This site was designated as a community park. The prototype for which was Campbell Park where Campbell Creek crosses Lake Otis. Therefore, we do not believe it is a far stretch to propose ball fields located in this community park. 980 acres, out of the original combined 4,300 acres in Bicentennial Park and the BLM's Campbell tract was designated for active recreation in the plan, which was approximately 23 percent of the original park. To date, none of those original acres have been converted into open sports fields. We believe it is time to implement the spirit of that plan and share Bicentennial Park with all of Anchorage and Abbott Loop community citizens. Currently the park was effectively used for trails only. He has been using that trail for 25 years. No officially designated trail would be harmed by this project. It would be a good thing to have additional amenities in the park. Subject to a site plan review, there will be a soccer field, a picnic area, a playground, and perhaps an exercise course at the trailhead. We will have removable outfield fences. With the assistance of the Nordic Ski community, we could plan a Nordic skiing loop in the open area for winter use. Every other Little League in Anchorage is located on public land with the exception of the Mountain View Polar Little League, which had their fields donated by the Mountain View Lion's Club.

In response to Mr. Sullivan, Mr. Manzer said there were approximately 400 kids in the Simonian Little League. He did not believe that the other ball fields could absorb the Simonian Little League if these fields did not come to fruition. Abbott-o-Rabbit submitted a letter to the Assembly stating that they could share their facility, but only from 8:00 a.m. to 4:00 p.m. during the week and some limited softball time on Sundays. They do not keep socioeconomic data on the kids who participate in the Simonian Little League, but for many of these kids this was the only organized activity they participated in. We regularly provide scholarships and waive the fee for children who cannot afford it. No children are turned away. Anyone could use the fields when there were no scheduled games or practices. There are a few game trails that bisect that particular piece of land. Parking would be expanded to allow more users to use the trail system. The parking lot is a 50 x 50 dirt parking lot and only eight cars can get in there on a winter day. He has

lived out there for about 25 years and has been turned away in the winter due to lack of access. He did not know who maintained the parking lot.

GORDON WETZEL said he represented the Nordic Skiing Association of Anchorage, which consisted of approximately 2,500 adult members who were all seasoned users of Bicentennial Park as well as other parks and recreational facilities in Anchorage. The Nordic Skiing Association supports outdoor recreational activities and youth sports programs. They believe it is in the interest of all recreational users to work cooperatively for a variety of reasons. Among these is the passage of park and recreation bonds to obtain public funding needed for our programs. We must also work cooperatively to maintain a land base for the present and future needs of all recreational users. The proposed amendment and the process has divided, rather than united, recreational user groups. The proposed amendment to the Bicentennial Park master plan seeks to transfer the use of parkland from one activity to another without providing any net gain of recreational land. Recreational demand is growing and will continue to grow for all activities. The parklands that we have must be used appropriately and new parkland acquired to meet demands. As development fills the remaining vacant spaces, we will lose options to acquire parkland to meet recreational needs. In the long-term interest of this city and all its recreational user groups, it makes good economic and practical sense to acquire parkland while available rather than converting existing parkland. Deferring acquisition for needed recreational lands will reduce options and ultimately increase costs. There was still time to find a win-win solution to allow the Little League to play in 2004 without encroaching on Far North Bicentennial Park. Viable alternatives have been identified. Acquiring an alternate site for the Little League would have both short-term and long-term benefits for all recreational users. The Nordic Skiing Association would support parks and recreation bonds that provided for the needs of a wide range of recreational users if it did not diminish the unique and valuable qualities of Far North Bicentennial Park. He asked the Assembly to keep the master plan as it was.

MIKE SEE said he was the current administrator for Alaska District 1 Little League. There are 20 leagues with seven in the Municipality of Anchorage and others in Eagle River, Wasilla, Palmer, Valdez, the Kenai Peninsula and Bethel. He supported the amendment to allow fields in Bicentennial Park for two reasons. The timeline was necessary to keep the even flow of Little League going in 2004. It has been suggested that Simonian Little League is spread out or dissolved. That was not a possibility due to the Little League's 20,000 population base limit on their league size. Currently six of our seven leagues in Anchorage are anywhere from 8,000 to 11,000 over that limit. City View Little League was 18,000 over that limit, which required them to get population waivers to play at that level. If we dissolved the Simonian Little League and spread the kids out, those levels would grow. The question that would be asked would be why there was not a league in that area. It has also been brought up that we reboundary the leagues in town. That was a possibility, but would create one to two more Little Leagues in town with even more needs for fields. We had 2,600 kids participating in Little League this past season. Between our Little League ages of 5 and 18, there are 63,000 kids in Anchorage at that age according to the 2000 census. We have not even tapped the surface of potential kids to play and we are already taxed for field space. If we start sharing fields with other leagues, we will not be allowed to have those leagues grow in size and we will not be allowed to let kids participate, which is against Little League standards. All kids can participate whether they pay a fee or not. He provided all Assemblymembers with an information sheet on October 5, 2001 and offered to answer questions.

In response to Mr. Van Eppen, Mr. See said other redistricting was concerned with population and not the availability of playing fields. The current boundary allows each of the seven leagues to have their own facility. By realigning our districts, we would have to shrink the leagues to get leagues closer to the 20,000 limits and that would create more leagues, which would create a sharing of fields and a bigger jam up of game schedules. Currently the Simonian Little League does not meet the Little League regulation of two games per week per team, because of limited fields. In 1994 the leagues were reboundaryed. Abbott-o-Rabbit went through a reboundary in 1996. Another Little League regulation states that no division of Little League play can have more than 10 teams. In 1994, Abbott-o-Rabbit had 11 teams in their major division, which is the 11 and 12-year-old division. The district administrator at that time started reboundarying. Abbott-o-Rabbit, Simonian and Dimond-West were all two leagues operated by one board of directors.

In response to Mr. Tremaine, Mr. See said with the 38 percent population growth, children in Anchorage 18 and under was going to be approximately 116,000 by 2020. With 2,600 kids currently in Little League, they had some pretty tight schedules. It had been mentioned that we were a single user group, but other associations use the fields, as well as corporations using the fields for picnics. We build our own dugouts, concession stands and score booths at our expense. He saw no problem using volunteers to build the fields and felt they could be ready by 2004.

In response to Mr. Kendall, Mr. See said the Simonian Little League had one 90-foot field for kids 13 and over, one 60-foot field for baseball and softball and one T-ball size field for the T-ball division. The majority of the teams basically have two fields that they can use. Currently they have 34 fields and 202 teams. He could not estimate how many more fields they would need in the next 20 years. He felt they would have more leagues in the future and the boundaries would have to be redistributed. Four fields right now would fit their needs and allow them better potential for tournament fields.

DAWN TAYLOR said she was a mother, business owner and vice-president for Simonian Little League, but tonight she was speaking for herself. Two and a half years ago the Simonian Little League began the process of trying to find a new home for their fields that were centrally located. After going through much red tape, they recommended Bicentennial Park. Simonian Little League would like to see a small portion of Bicentennial Park shared with all the community. The proposal would be consistent with the master

plan, would not harm any official designated trails and would benefit nearby neighborhoods, surrounding schools as well as soccer and ball fields. Due to other sporting events, outdoors recreation, work and school, many people could not attend the meeting although they were there in spirit. She asked all those who supported the amendment to the master plan, specifically for the ball fields, to stand up and raise their hand and approximately 50 people stood up. Little League has a modest fee and encourages play for all. Part of the League's goals was to instill honesty, integrity, self-esteem and teamwork into their players. We encourage them to give back to the community what they received from it. Our League would like to share Bicentennial Park with all user groups and would be willing to have removable fences in order to allow skiing loops and winter activities. We would like to encourage true multi-use for all user groups, not just trail users and not just ball fields. Since we began our process of seeking out new fields, I have heard and seen of many possible alternatives for Simonian resolution of ball fields. I have personally been approached by some of our opposition about raising money to help purchase private land. I have continually seen what ifs and might have beens. We currently have nothing to show for any of them. She encouraged the Assembly to vote for a sure thing and urged them to vote yes on the amendment.

JIM KIBTZ said he lived on Coventry Drive, which was directly behind Abbott Loop. He tends to look at this as a neighborhood issue versus a city issue. He played Little League growing up and his child is a member of the Simonian Little League. He was in support of the ball fields. There have been a lot of options discussed, but we are running out of time and a decision needs to be made. He appreciated Art Simonian's offer, but that would require another 6 to 12 months' for negotiations and going through a bond issue. The amount of land being used for these ball fields would be miniscule and would not change the basic nature of the park in any way, shape or form. It would increase the utilization of the park. He did not understand why he had to take his kids across town when there was a possibility of having a ball field in the local area. Everyone agrees that this is a positive thing for a child's development and their socialization. He felt anything could be negotiated and worked out to allow for a peaceful coexistence. Some of the absolutism being shown by some of the "don't amend factions" were really bothering him. He did not like being told that he could not use the park for activities he enjoyed, just as he would not tell anyone else that they could not use the park for activities they enjoyed.

GREG McGEE said he was speaking on his own behalf. He has lived in Anchorage for 20 years. During those 20 years he has seen many successes and failures regarding development in the community. He has also seen various plans be updated and amended with changing times. He believes the proposed ordinance would provide a win-win situation for everyone that uses the Bicentennial Park and participates in Simonian Little League. The ordinance would amend the Far North Bicentennial Park master plan to allow for the development of sports fields at the designated Abbott Loop Community Park site as described in the plan. This amendment has ignited a spirited debate between those interested in preserving the park versus those interested in finding a new site for ball fields that are urgently needed by the Simonian Little League. If there was a perfect location outside of Bicentennial Park and within the boundaries of the Simonian Little League for four ball fields, there would not be a debate or an amendment needed. However, that was not the case. A study was done and there have been public meetings to find a solution. The land design study identified and evaluated 33 sites through a screening process and public input. Out of those 33 sites, five alternatives were forwarded for further consideration. He felt the best site, which was a cut above all the other alternatives considered in the study, was the proposed Abbott Loop Simonian Community Park, also known as alternative two. It stands out above the others, because it is the only alternative that is practical, timely and affordable. This site has enough area to accommodate the community park as well as four ball fields, which can be developed in time to continue league play by the year 2004 and no funding is required to purchase land. The industrial site at 88<sup>th</sup> and Dimond, now the Simonian property, is highly uncertain and problematic. At this late date, let's not reinvent the wheel or circumvent the process that we have made to find a new site for the Simonian Little League. Let's move forward. There will be further checks and balances during the plan reviews to insure that the proposed Abbott Loop Community Park is properly developed. As a user of the Bicentennial Park and a participant of the Simonian Little League, he understood and appreciated both sides. However, in this case he supported the ordinance, because it allows the Little League to have a new home by 2004. It also allows the Community Park for the Abbott Loop area by 2004. The proposed facility would allow other amenities that would add opportunities for everyone to use Bicentennial Park. He felt this would provide a win-win situation and urged the Assembly to approve the ordinance.

In response to Ms. Shamberg, Mr. McGee said he realized that the land could be used as a community park with or without the ball fields, which was why they needed the amendment to add the ball fields.

JENNIFER WHOHARE said she was a 20 year resident of Anchorage. She has two boys who are involved in soccer and has been their coach for the last few years. Their family was very involved in outdoor recreation, particularly on this 25-acre parcel. She believes the park plan should not be amended. The park plan said there was a substantial need for the community park development within the Abbott Loop area. However, within half of a mile of this particular location there is Winchester Park and Ruth Arcane Park, which both have playgrounds, sledding hills and a large area for frisbee and other activities. Ruth Arcane has a picnic shelter and a fitness trail and is just up the road from the subject parcel. Less than two miles away is Forsythe Park with a playground, picnic area and fitness trail. Cason, Abbott Loop, Springhill and O'Malley elementary schools are all within two miles and have sports fields and top-notch playgrounds. The parts of Abbott Loop area that needs community parks are west of Lake Otis, between East 68<sup>th</sup> and Dowling. Residents in those neighborhoods would have to drive to a community park in Far North Bicentennial Park. Far North Bicentennial Park should be preserved as it is. It is a natural park available to all residents and visitors for a variety of activities throughout all the seasons. Developing a traditional park here would not be an improvement. A Community Park with sports fields, as described in the amendment, should be developed as a true improvement in the part of the Abbott Loop community where it is actually

needed. It is clear that the amendment is not being considered to provide a community park, but to provide for extensive sports field development. She felt the writers of the updated Far North Bicentennial Park plan were correct to minimize development of this natural setting. Opening this 30-acre parcel of undeveloped land to development continues a trend, which was started with the Hilltop expansion. Preserving these parks should be a priority for Anchorage as they are truly assets attracting visitors and new residents and enhancing the quality of life for the people of Anchorage. She would approve a bond to provide Simonian Little League with fields if it were placed on the ballot.

In response to Mr. Van Etten, Ms. Whohare said she did not find the mentioned parks on a map. They searched them out and they play there. She did not know of any parks in the Independence Park neighborhood or the area between Abbott Loop and Dowling.

KEN BARNETTE said he lived just west of Abbott Loop on 72<sup>nd</sup> Street. He commutes to work by bicycle through Bicentennial Park on a daily basis over all 12 months. He hoped the Assembly would be open-minded. He asked them to personally reflect on a few long-range issues regarding changes in the wording and the Far North Bicentennial Park master plan. If you answer true to any of the following statements, you should further reflect within yourselves and be sure of the basis of that commitment. Open space, in its natural Alaskan condition, is merely considered a lost revenue and wasted potential building site. Homeowners in neighborhoods near public open space in Anchorage, but with the anticipation of having motorized traffic escalated through expanded roadwork and new intersections. Focus seasonal utilization of public land is far more inline with what is good for Anchorage than a broad spectrum of multi-focused, year round, recreational and educational users from across Anchorage, Alaska and the world. This is just the beginning of the progress, allegedly speaking, that is to be done to public natural open space in the Far North Bicentennial Park, Campbell tract, Heritage Land Bank area and the Kincaid Park area under the banner of what is good for Anchorage. There is absolutely no other option for the Simonian ball fields regardless of how site #15 fails miserably under the location criteria on page 5 of the Abbott Loop Simonian Community Park recommendation report of April 19, 2001 by Land Design North. I believe Far North Bicentennial Park recreational and educational users only utilize the established trails and do so with a tunnel like vision and have no sense or intake of the surrounding flora and fauna. Site #15, within the Far North Bicentennial Park, cannot be considered a community park as it is, because no natural land has been disturbed and there is peace and quiet when you enter the area.

KEVIN McNAUGHTON said he was a board member of the Simonian Little League. He asked for the Assembly's support to pass the amendment for Bicentennial Park master plan for active sports recreations. We are not here to discuss the merits of kids staying busy and active, because that is pretty well established. One of the best things about the park in this area could be utilized by more of Anchorage with the addition of active sport recreation, including baseball, softball, soccer, cross-country running or skiing. In baseball we call it inter-leaguage where other associations and other programs come to your location. When you do that, you bring more people from other neighborhoods and communities, even communities such as Soldotna, Kenai, Wasilla, Palmer, Valdez and Kodiak. All those people are in the district #1 baseball, as well as having teams participate in soccer, cross-country running, skiing and other activities. This would bring great exposure to the park. Simonian Little League is willing to work with the neighbors to minimize the footprint and maximize the benefits and bring responsible development to accommodate all user groups. We are talking about removable fences and working with the community and neighborhoods to find good solutions. The open area could be used for staging winter events and activities such as mushing, dog sled trails, cross-country skiing and things of that nature. Simonian Little League has had three ball fields for 26 years. With the growth we have had in our area, we have asked for four fields. One T-ball field, one Junior/Senior ball field and two major fields that houses the 9 to 12 year olds, as well as all of the girl's softball regardless of age. Having two fields would give us the ability to give the field proper rest, proper maintenance and making the field safe, as well as giving us the minimum game requirements for all the teams. It is important to give the field the proper rest and maintenance to maintain the beauty of the area. He felt this park would be great for nearby schools for recreational trips and picnic areas. The bottom line is having active sports recreations would be great exposure across the community. He felt the park should be shared and not maintained as a neighborhood sanctuary.

In response to Mr. Van Etten, Mr. McNaughton felt a joint task force to review all the uses of the park was important for the Little League, as well as for the neighborhood and the community, and he would be willing to participate in that. They would like to find a workable solution that would provide exposure of the park to more people.

In response to Ms. Fairclough, Mr. McNaughton said last year they had six to seven teams in T-ball, six teams in the minor division, and four teams in the majors, but they usually have six teams. Each of the five softball levels had eight teams. The junior/senior big league had two junior teams and two senior teams. There was no big league team this year. There were 27 teams in total, which was a little lower than previous years. One of the biggest problems they encounter is not being able to tell their players what their schedule would be. Parents have to make the decision between Little League and other sports. Soccer has pulled some of our children. It is very attractive to parents to know their schedule a month ahead of time. Simonian Little League has not made an aggressive approach to recruit players, because of lack of fields. He felt the Simonian Little League could maintain with four fields for a number of years. The population was decreasing on the north side of town, because it was an established community with little room for new housing units. On the south side of the boundary, there were a significant number of new housing units being constructed.

KATHY STILLWELL said she had been the president of the Simonian Little League for the last seven or eight years, but she was speaking today as a mother. The number of players in the Simonian Little League

has gone up this year. She urged the Assembly to vote yes on the amendment for Bicentennial Park. She felt the park should be used to benefit all of the community and all possible user groups. Simonian Little League has been on privately owned land for 26 years and has operated without the help of the City, but now they need your help. Bicentennial Park looks like the right place for the ball fields. More players would have signed up for Simonian Little League, but they thought we had already lost our fields. We had 32 teams this year, which was an increase from last year.

Ms. Fairclough takes the chair.

SANDY TRAINI said she was the Campbell Park Community Council Chair and she was speaking on behalf of the council. The present Simonian fields are in Campbell Park Community Council area and they have been involved in this process from the beginning. She has attended many of the meetings. Campbell Park Community Council supports this amendment. They are concerned with the need for ball fields and they do not feel that the little portion of land that would be used in Bicentennial Park was going to be detrimental to the park. If anything, it would be an enhancement and would bring more children into that area to enjoy both the fields and the park. She urged the Assembly to support the ordinance.

ERIC MENNICK said he was a private citizen, former Little League coach and player. He was a supporter of opportunities and facilities for our children. He urged the Assembly not to adopt the ordinance to amend the Bicentennial Park plan, because there were other viable options. The issue has not been worked on collaboratively to find a win-win solution. The issue has been polarized, calling it kids versus trees. The real issue is protecting the public process focused on long-term planning. Unfortunately, some are using lack of time to subvert the public planning process. He thanked the Assembly for pursuing alternatives. The Assembly represents the balance of power to insure that expediency does not carry the day over the thoughtful long-term planning. He urged the Assembly to vote no on the amendment to the master plan.

Chairman Traini takes the chair.

ROBIN DUBLIN asked the Assembly not to amend the 2020 Plan. As an outdoors-environmental educator, she uses these lands to teach children and adults about the environment. It is very important for people to learn about the natural world in a natural setting. She was originally from the East Coast and has seen lands developed. Once they are developed, they are developed. Once this area is turned into ball fields, we would be losing a natural open space that is incomparable to any city in the United States. She asked the Assembly to look at Bicentennial Park, in its integrity, as a classroom for children and adults to learn about the natural world. Once an area starts to be developed, there is danger of further development. She was concerned that they would lose something incredibly valuable to Anchorage, the future of Anchorage and the children of Anchorage. She felt it was important to look at alternative sites instead of simply using an area that was more readily available in the short-term.

JEFF FISENFELD said he was a private citizen of Anchorage. He thanked the Assembly for allowing everyone to voice their opinions. He did not support the amendment. His concern was that lands were being over developed in Anchorage. People have their eyes on Kincaid Park and there is a potential to lose some land there. We have already lost some green, forested land on Hillside for the Hilltop Ski area. His overall concern was the long-term impact. Are we going to lose that unique quality Anchorage is known for? How many areas do you know in the United States where you can ski from Hilltop out to Kincaid Park through a city? He feared that would be lost. The forest is a serene place, but once you lose it you cannot get it back. Anchorage has been fooled in the sense that we are in Alaska and we think we are surrounded by wilderness. Most of us live in the Anchorage bowl, which is very small when you consider the population. He was afraid that most of the green spaces would be lost in the next 20 years if development continued. We need to carefully consider all the options before we act. Bicentennial Park should be a last resort and it should not come down to money. He was willing to pay more taxes to support ball fields elsewhere. He would not support a solution that was convenient and easy just because the space was there and ready to go.

MICHELE CZAJKOWSKI said she lived in the Abbott Loop Community Council area. She opposed the amendment. She felt the Simonian Little League needed adequate ball fields. She felt the Art Simonian land was a great opportunity. We all care about the children. The question is do we care enough to open up our pocketbook and put our money where our mouth is. Giving a piece of free land away does not show that we care about our kids. She would like to see the Assembly use the Bank of America money to purchase the Art Simonian land. She does not use that area, live near the area or have children. She felt traffic and noise would be issues for the local residents. For the people who use that area, even though it would be shared use, it would change the quality of that use for the people that like to do cross-country skiing. She hoped they could find a different solution.

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

to continue the public hearing on  
AO 2001-174 to December 11, 2001.

The meeting recessed at 8:14 p.m. and reconvened at 8:16 p.m.

12. APPEARANCE REQUESTS: None

13. CONTINUED PUBLIC HEARINGS:

- A. Resolution No. AR 2001-316, a resolution of the Anchorage Municipal Assembly appropriating \$489,034 from the U.S. Department of Justice, Office of Justice Programs, Local Law Enforcement Block Grant and \$54,337 as a contribution from the Anchorage Metropolitan Police Service Area Fund (151), Anchorage Police Department 2001 Operating Budget, to the Federal Categorical Grants Fund (241), Anchorage Police Department, for the purpose of **underwriting projects to reduce crime and improve public safety**, Anchorage Police Department.
1. Assembly Memorandum No. AM 887-2001.  
(CARRIED OVER FROM 11-13-01)

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

Mr. Tesche moved, to approve AR 2002-316.  
seconded by Mr. Van Etten,

Question was called on the motion to approve AR 2002-316 and it passed:

AYES: Taylor, Van Etten, Traini, Tesche, Shamberg, Tremaine.  
NAYS: None.

Ms. Fairclough, Mr. Sullivan, Ms. Von Gemmingen, and Mr. Kendall were out of the room at the time of the vote.

- B. Resolution No. AR 2001-317, a resolution appropriating \$298,704 of revenue from the State of Alaska Department of Transportation and Public Facilities to the State Categorical Grant Fund 231 to the Project Management and Engineering Department for **National Pollutant Discharge Elimination System (NPDES) permit services provided in 2002**, Project Management and Engineering Department.
1. Assembly Memorandum No. AM 888-2001.  
(CARRIED OVER FROM 11-13-01)

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

Ms. Shamberg moved, to approve AR 2002-317.  
seconded by Mr. Tesche,

Question was called on the motion to approve AR 2002-317 and it passed:

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

Mr. Sullivan was out of the room at the time of the vote.

- C. Resolution No. AR 2001-318, a resolution of the Municipality of Anchorage appropriating \$1,050,052 to the State Categorical Grants Fund (231) from the Alaska Department of Labor and Workforce Development for the **PY 2001 Workforce Investment Act Title 1B Youth Program** within the Planning Department.
1. Assembly Memorandum No. AM 889-2001.  
(CARRIED OVER FROM 11-13-01)

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

Mr. Tremaine moved, to approve AR 2002-318.  
seconded by Ms. Von Gemmingen,

Question was called on the motion to approve AR 2002-318 and it passed:

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

Mr. Sullivan was out of the room at the time of the vote.

- D. Resolution No. AR 2001-319, a resolution of the Municipality of Anchorage appropriating \$116,672 to the State Categorical Grants Fund (231) from the Alaska Department of Labor and Workforce Development for the **PY 2001 Workforce Investment Act Administrative Grant** within the Planning Department.
1. Assembly Memorandum No. AM 890-2001.  
(CARRIED OVER FROM 11-13-01)

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

Mr. Tesche moved, to approve AR 2002-319.  
seconded by Mr. Van Etten,

Question was called on the motion to approve AR 2002-319 and it passed:

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

Mr. Sullivan was out of the room at the time of the vote.

- E. Resolution No. AR 2001-304, a resolution confirming and levying assessments for the sewer special improvements within Levy-Upon-Connection (LUC) Roll 01-S-1, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 838-2001.  
(CARRIED OVER FROM 11-13-01)

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

Ms. Shamberg moved, to approve AR 2001-304.  
seconded by Ms. Fairclough,

Ms. Von Gemmingen moved, to amend AR 2001-304 to insert a public  
seconded by Ms. Fairclough, hearing date on November 20, 2001 on line  
and it passed without 21.  
objection,

Ms. Fairclough said the Assembly received a letter protesting an Eagle River connection. The question asked was why the levy was being assessed when the owner had been connected to this trunk line for over 15 years.

In response to Ms. Fairclough, Anchorage and Wastewater staff said this property was being assessed at this time, because last summer it was discovered that the property was connected. Anchorage Wastewater Utility initiated monthly billing for the sewer services as well as placed them on the roll for assessment.

Ms. Fairclough pointed out that the house had received service for the last 15 years at no cost. They looked for a connection permit and could not find one. They did not try to collect previous payments, because they did not have adequate records. They are now on a billing cycle.

Chairman Traini read an amendment offered by the administration to change lines 29 and 30 to read "With the Anchorage Wastewater Utility tariff, the first installment is due by February 28, 2002. It is payable on the same day each subsequent year."

Mr. Tremaine moved, to amend AR 2001-304 to change lines  
seconded Ms. Von Gemmingen 29 and 30 as read by Chairman Traini.  
and it passed without  
objection,

Chairman Traini read an amendment offered by the administration to change line 31 to read "Unpaid installments start to accrue on February 1, 2002."

Mr. Tremaine moved, to amend AR 2001-304 to change line  
seconded by Ms. Von Gemmingen 31 as read by Chairman Traini.  
and it passed without  
objection,

Question was called on the motion to approve AR 2001-304 as amended and it passed:

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

- F. Ordinance No. AO 2001-176, an ordinance amending certain sections of the Anchorage Municipal Code Chapter 26.65 regarding Enhanced 911 System to allow for a surcharge on local wireless telephone service as authorized by recent Alaska Statutes, and to integrate selected portions of Anchorage Municipal Code of Regulations Chapter 26.65 into the Anchorage Municipal Code Chapter 26.65; and repealing the remainder of the regulations, Anchorage Police Department.
1. Assembly Memorandum No. AM 867-2001.  
(CARRIED OVER FROM 11-13-01)

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

Ms. Shamberg moved,  
seconded by Mr. Tremaine,

to adopt AO 2001-176.

In response to Ms. Von Gemmingen, Cheryl Frasca, Director of the Office of Management and Budget, said everyone who owned a wireless phone would be charged a 50-cent surcharge per month and these funds would go to pay for the 911 system starting on December 1, 2001. The phone companies would collect the surcharges. The phone companies were advised of the legislation and we worked with them throughout the process. If the phone companies could not meet the December 1, 2001 date, it could be changed to January 1, 2002.

Question was called on the motion to adopt AO 2001-176 and it passed:

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

NAYS: None.

- G. Resolution No. AR 2001-320, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages conditional use in the B-3 and B-3 SL District for a beverage dispensary use/license per AMC 21.40.180.D.8. for the existing Hideaway Club located on Lots 1 and 2, Tract 8, William Lloyd Subdivision; generally located on the south side of Dimond Boulevard and west of Roy Street (Sand Lake Community Council) (Case 2001-184), Planning Department.
1. Assembly Memorandum No. AM 880-2001.  
(CARRIED OVER FROM 11-13-01)

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

Mr. Tremaine moved,  
seconded by Ms. Shamberg,

to approve AR 2001-320.

Question was called on the motion to approve AR 2001-320 and it passed:

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

NAYS: Kendall.

In response to a request by Mr. Tremaine, Chair Traini took up AR 2001-333 next.

- Resolution No. AR 2001-333, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages conditional use in the B-2B District for a beverage dispensary per AMC 21.40.160.D.13. located on AOT Subdivision, Block 55, Lot 1-A; generally located on the southwest corner of West 5<sup>th</sup> Avenue and I Street (The Alley) (Case 2001-197), Planning Department.
1. Assembly Memorandum No. AM 924-2001.

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

MARY PRICE introduced herself.

TODD TIMMERMAN said he was Mary Price's attorney and represented her in the lawsuit she filed against the former owner of the Jazz Alley. She has presented a protest letter, but he was not representing her in the protest. He was present to answer legal questions regarding the lawsuit against the former owners of Jazz Alley and any potential liability that Mr. Wallis may have in that lawsuit.

In response to Mr. Tremaine, Mr. Timmerman said there was a debt that might be potentially owned at this location, which had not been paid. They were unsure of Mr. Wallis' potential liability for that debt. A lawsuit was filed on Friday and they have not done discovery so they did not know what the agreement was between the former owner and Mr. Wallis.

In response to Mr. Sullivan, Ms. Price said she sold the business to Marlene McCloud. When the Ms. McCloud started the business, she was supposed to clear her debt to the new owner. She felt the debt should be cleared before a new liquor license was issued.

In response to Mr. Sullivan, Mr. Timmerman said Ms. Price was trying to explain that the current owner may have potential liability, but we do not know that yet. It was their understanding that Ms. McCloud was working for them, but they did not know what their relationship was or who assumed the liability on Ms. Price's contract. Denying the conditional use permit could put pressure on the new owner to pay the debt owed to Ms. Price.

In response to Mr. Tesche, Mr. Timmerman said he was not asking the Assembly to put pressure on the previous owner to give them an advantage in the lawsuit. They were asking that the conditional use permit be delayed until this could be worked out. If there was potential liability then there was a good argument that the Assembly should not approve the application. He believed there was a provision that the petitioner was supposed to be free of debts.

Ms. Fairclough takes the chair.

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

Mr. Tesche moved, to approve AR 2001-333.  
seconded by Mr. Tremaine,

Mr. Tesche pointed out that the individual raising this question could not provide the Assembly with any authority to refuse to proceed with the conditional use application.

In response to Mr. Tesche, Mr. Wheeler said there were no code provisions to delay the action. The reference to debts was a reference to debts owed to the Municipality and not third parties.

Mr. Tesche said he would be voting in favor of the application, because there had been no objection from the relevant community councils.

Mr. Sullivan said it was his understanding that when it came to debt on a conditional use permit, it related to taxes or other debts owed to the Municipality. He did not feel the civil action between the parties would qualify under denial of the conditional use permit. He would be voting in favor of the application.

Question was called on the motion to approve AR 2001-333 and it passed:

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

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

Chairman Traini takes the chair.

Assembly Memorandum No. AM 927-2001, **The Wave** (License #1073) – Transfer of Ownership and Transfer of Location for a Beverage Dispensary Liquor License (Downtown Community Council), Clerk's Office.

Ms. Von Gemmingen moved, to approve AM 927-2001.  
seconded by Ms. Fairclough,  
and it passed without  
objection,

H. Ordinance No. AO 2001-135, an ordinance of the Anchorage Assembly providing for the rezoning of approximately 42 acres from R-2A SL (Two-Family Residential District with Special Limitations) to R-2A SL (Two-Family Residential District with Special Limitations) for Fire Lake Subdivision #2, Block 1, Lots 1A, 3A, 4A, 5 - 8, and Block 2, Lots 1 - 8; Fire Lake Heights, Lots 1 - 5; T15N, R1W, Section 31, SW 1/4 SW 1/4 NW 1/4 SW 1/4, SE 1/4 NW 1/4 SW 1/4 NW 1/4 SW 1/4, SW 1/4 NW 1/4 SW 1/4 NW 1/4 SW 1/4, NE 1/4 NW 1/4, SW 1/4 NW 1/4 SW 1/4, NW 1/4 NW 1/4 SW 1/4 NW 1/4 SW 1/4; Fire Lake Subdivision, Lot 3, Tracts H, I, I2, K1, K2, K3, L1, and M, generally located south of Fish Hatchery Road and East Knob Hill Drive, for the purpose of adding an additional special limitation limiting the number of dogs over the age of four months to no more than three (3) per lot (Chugiak Community Council) (Planning and Zoning Commission Case 2001-019), Planning Department.

1. Assembly Memorandum No. AM 627-2001.
2. Ordinance No. AO 2001-135(S), an ordinance of the Anchorage Assembly providing for the rezoning of approximately 42 acres from R-2A SL (Two-Family Residential District with Special Limitations) to R-2A SL (Two-Family Residential District with Special Limitations) for Fire Lake Subdivision #2, Block 1, Lots 1A, 3A, 4A, 5 - 8, and Block 2, Lots 1 - 8; Fire Lake Heights, Lots 1 - 5; T15N, R1W, Section 31, SW 1/4 SW 1/4 NW 1/4 SW 1/4, SE 1/4 NW 1/4 SW 1/4 NW 1/4 SW 1/4, SW 1/4 NW 1/4 SW 1/4 NW 1/4 SW 1/4, NE 1/4 NW 1/4, SW 1/4 NW 1/4 SW 1/4, NW 1/4 NW 1/4 SW 1/4 NW 1/4 SW 1/4; Fire Lake Subdivision, Lot 3, Tracts H, I, I2, K1, K2, K3, L1, and M, generally located south of Fish Hatchery Road and East Knob Hill Drive, for the purpose of adding an additional special limitation limiting the number of dogs over the age of four months to no more than three (3) per lot (Chugiak Community Council) (Planning and Zoning Commission Case 2001-019). **(LAID ON THE TABLE)**

(CONTINUED FROM 9-11-01)

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

SANDRA WICKS provided a handout. She represented Janet McGaurin, who testified at an earlier meeting. They were asking that an additional special limitation be placed on the petitioned area to prevent the outdoor harboring of more than three dogs over the age of four months. The rezoning would not affect Mr. Rogers, because he would be grandfathered. The third page of the handout shows a map of a surface water system, which one of the other neighbors would talk about. These people take water from a creek via

a pipeline. They are very concerned about having more facilities that would put a lot of dog feces and urine on the surface of the land. The fourth page of the handout answers some of the questions that were asked of Ms. McGaurin at the last meeting. Chugach State Park is to the east of the petitioned area and BLM land to the south. The Harry McDonald Memorial Center is to the southwest of the petitioned area. There are covenants that cover the pink area on the map, which were recorded when the plat was recorded in 1960. They prohibit the keeping of more than two dogs, cats or other animals. The two dog covenants seems to have been waived over the years. She was concerned that the petitioner was able to control the general atmosphere and development of the petitioned area. She prepared a substitute ordinance to address one issue with the ordinance as presented.

In response, Deputy Municipal Attorney Wheeler said he did not think it was the intention that petition signers should re-sign. Mr. Wheeler said this was the standard language that was put in all rezonings just in case there were some special limitations. The substitute ordinance eliminated that requirement.

In response to Ms. Von Gemmingen, Ms. Wicks said Mr. Rogers' property was within the pink area and the McGaurin's were south of Mr. Rogers.

FRANK MCGAURIN said he was there to testify in place of his wife, Janet, who was out of state. On September 11, 2001, she told the Assembly that she was a 29-year resident and property owner in the petitioned area. They asked the Assembly for help with the zoning amendment to insure the peaceful enjoyment of their homes and neighborhood. About six years ago a neighbor established a dog musher facility within the petitioned area. The neighbors, particularly those abutting the dog facility, lodged many complaints with the animal control officers. Logs were kept and submitted. They were subjected to a major nuisance for more than a year before a case came before an administrative hearing judge. The hearing helped somewhat. The dog owner then took some steps to improve the situation. However, debarked dogs are not without annoying cough like sounds. Compounded with the constant rattling of chains and the dogs circling the metal post that they are tethered to, as well as the odors emitted, makes for a rather unpleasant place to live. The present zoning allows the establishment of dog facilities. It is through zoning that they are seeking a special limitation to prevent another such land use to insure a compatible neighborhood. Of the 33 land parcels in the petitioned area, owners of 27 parcels have signed in favor of the rezoning, which is an overwhelming 82 percent. Of the remaining landowners, only two were opposed to prohibiting dog facilities, two were opposed to any new regulations and two just did not want to get involved. They were asking the Assembly to insure the peaceful and quiet enjoyment of their homes and neighborhoods by voting yes to a special limitation ordinance allowing no more than three dogs over the age of four months. This amendment would prohibit the creation of other facilities of outdoor harboring of more than three dogs so that no more facilities would come into the petitioned area. They believe that quiet enjoyment of their property should be protected by the Assembly and not left up to a hearing procedure after the problem had been created through the licensing process of which they were given no notice and had no input.

In response to Mr. Sullivan, Mr. McGaurin said he had not received a copy of the resolution from the Animal Control Board, but he attended the meeting. It was very easy to get licensed to run a dog lot, but very difficult to get the laws enforced when they were not run properly. He did not know the procedure for lodging a complaint against the dog owners. Animal Control was good at keeping records of the complaints, but they did not do anything about it for a very long time and did not do a good job of presenting the case to the administrative judge.

In response to Ms. Von Gemmingen, Mr. McGaurin said the owner had 16 outdoor dogs and three indoor dogs. He would be in compliance with the limitation if he kept the 16 dogs indoors. He agreed that there could be a loophole and perhaps the limitation should address the total number of dogs.

In response to Mr. Kendall, Mr. McGaurin said Mr. Rogers would be grandfathered in and would not be affected by the petition. Their concern was they did not want to see this happen again.

In response to Mr. Tesche, Mr. McGaurin said 82 percent of the homeowners had signed the petition. He did not know if the same homeowners would sign more restrictive covenants so they could handle it privately. He felt the problem would be enforcing the covenants. He did not know if a covenant would give them the same protections as an ordinance.

In response to Mr. Tesche, Ms. Wicks said they could circulate a covenant. The point was that the Municipality has never enforced private covenants in the sense of not licensing more facilities with outdoor kennels. We are trying to prevent outdoor kennels without having to go to Superior Court and sue people. If it were in the zoning when a person bought a piece of property, they would know the zoning before moving in. She presumed Animal Control would look at the zoning and would not allow dog facilities if they were prohibited. We are trying to stop it at the beginning and not make people pay \$20,000 to file a Superior Court case, run the risk of losing the case and then have to pay the other person's court fees. This was the simplest and cleanest way to deal with the problem.

Mr. Tesche said people were normally better off taking these types of matters in their own hands lawfully by recording private covenants and enforcing them. He felt they would have a much more ready remedy available to them if they recorded enforceable covenants.

Ms. Wicks said they were not asking Zoning Enforcement to enforce this. They were asking their local laws to protect this neighborhood by saying no more outdoor dogs lots could be put in. A covenant would not help Animal Control.

Ms. Von Gemmingen said her experience with homeowner covenants were they were hardly worth the paper they were written on. Animal Control would not pull up the homeowner covenants when someone applied for a kennel license.

Ms. Wicks said when she was at the Municipal Law Department, they never paid any attention to private covenants and only enforced the public law.

Mr. Tremaine said he has had a different experience with covenants. They took one in their neighborhood to the Alaska State Supreme Court over a metal shed roof and were reimbursed for their legal expenses, but it cost the homeowner a lot of money for breaking the covenant.

NEIL KROGNEIGER said he was a member of the Animal Control Advisory Board, but was speaking on his own behalf. He asked the Assembly to accept the recommendations of the planning staff and the Animal Control Advisory Board and defeat the ordinance. He read a quote from Justice Freedman, who wrote the majority opinion for the Commonwealth of Pennsylvania Supreme Court when they struck down a similar animal law. "Even legitimate government goals cannot be pursued by means which stifle fundamental personal liberty when the goals can be otherwise more reasonably achieved." There were three issues raised to the Animal Control Advisory Board. Barking of dogs is already covered area wide under Title 17. Odor is covered under Title 17. The potential degradation of drinking water is covered under Title 15. In addition to the fact that those issues have already been addressed through area wide legislation, this ordinance would not effectively deal with any of those issues. The ordinance says you cannot harbor three or more dogs outside. You could have 20 dogs in this neighborhood if they stayed in the garage at night. The dogs could be outside during the day and barking. The problem would have to be dealt with under Title 17. Those same dogs would go outside to relieve themselves, which would cause the odor problems. This ordinance does not restrict horses, chickens, sheep or cows in the neighborhood. This would be incremental zoning and a restriction that would not resolve the problems. He felt the Assembly was being asked to get in the middle of the homeowners' dispute.

In response to Mr. Kendall, Mr. Krogneiger said the ordinance only said you could not harbor more than three dogs outside. If someone had more than three dogs, they could keep them in the garage or in their home. There are over 300 dog facility licenses in Anchorage and only 20 would be considered dog lots.

In response to Mr. Sullivan, Mr. Krogneiger said the problems that were raised to support this request were not land use problems. Title 17 covered barking and odor, not Title 21. The possibility of degradation of water source was covered under Title 15, not Title 21. The classification dealing with dogs in Title 21 allow outside harboring of dogs as a permitted accessory use with the exception of the R-4, high density areas. He felt this would be a very serious precedent and the first step in incremental zoning. As a matter of good public policy, this kind of zoning should be restricted area wide.

Ms. Shamberg said the people wanted the incremental zoning, because they were very frustrated. They wanted to enjoy the homes they lived in. They did not want to listen to the barking dogs, smell odors or fear their water being contaminated.

In response to Ms. Shamberg, Mr. Krogneiger said they should pursue the other avenues of relief that were available to them. There were five complaints filed against Mr. Rogers' facility. Three of the complaints were determined to be unfounded, one resulted in a warning and one resulted in a citation. No complaints have been filed in the last two years. He did not know how quickly those complaints had been addressed. He said enforcement could be better, but there was a lack of resources. He felt the Assembly was being asked to get in the middle of a neighborhood dispute, which would create a precedent that would not be beneficial to the community as a whole.

ERIC ROGERS said he moved into a neighborhood where there were horses, chickens, pigeons, geese, rabbits and another dog team. He thought it was a nice rural neighborhood. He felt the issue went past the noise and nuisance value. One of the signatures on the petition was from California and two were from Anchorage. Even if the dogs were not debarked, he doubted the noise would carry that far. He thought the neighbors just did not want a dog team in the neighborhood. He was sympathetic to that, but did not feel this was the proper way to address the issue. He had not been able to get a straight answer as to what his being grandfathered in would mean. He currently has 16 dogs and dreams of running the Iditarod, which requires about 20 dogs. The impact on him would be that he would be prohibited from achieving that dream. Other animals are not being covered in this and they threaten the water system as well. He did not believe that there had been any proof of an impact to the neighborhood.

In response to Ms. Shamberg, Mr. Rogers said he was on two acres of land. He scoops the animal feces twice a day in the summer or once a day when it was below freezing. He bags the feces and hauls it to the dump. If he allowed the feces to sit and seep into the soil, he would be exposing his dogs to parasites carried in the feces. People who are serious about dog mushing takes good care of their dogs so their dogs will take good care of them. He tries to be a good neighbor. He has had all the dogs debarked. He has asked Animal Control and the Municipality what steps he needed to take under Title 17 to be in compliance and there were none. The two complaints he had to address required him to debark noisy dogs, which was expensive and a risk to the dogs. Some teenagers were having a party and all the dogs in the neighborhood were barking, including his three dogs that were not debarked. A complaint was filed and the complaint was valid so he debarked the three dogs. The second complaint was a sore spot with him. The officer who investigated that complaint told him that she did not believe that it was his dogs that made the noise, but the

dogs across the street. She issued a citation and told him he could appeal it. There have been no citations based on odor.

JOHN ABRAMS said he lived in the neighborhood. They strongly support the special zoning amendment prohibiting more than three adult dogs per lot in the subdivision. They moved into their subdivision in the late 1960s. Some of the current residents have lived there long before that. Throughout the years our neighborhood has gained new homes and become suburban. While most of the one-acre lots are wooded, there are almost no undeveloped lots. Mr. Rogers is on two acres, but most of the lots are one acre or less. Throughout the history of our subdivision, it has been common for a household to own a dog or two. Until the relatively new resident acquired 16 dogs, we had not realized what an impact this would have. He did get a permit from Animal Control. We had not idea that he was contemplating such a move until the dogs were already housed in his yard. In our opinion, the difference between the smell and noise of two dogs and 16 is a significant deviation from the standard for our neighborhoods. Nonetheless, the proposed special limitation to our current zoning will have no effect on him as he will have grandfather rights. The focus must be on the remainder of the homes. Current residents have almost unanimously opposed more than three adult dogs living on a lot within the subdivision. They have worked to modify the zoning to reflect this wish. Many of the lots include some very steep hillside and a few border on the stream. Both of these factors leaves much less than one acre as usable land. It should also be noted that while most of the homes in our area have their own wells, some get their water from a community system fed by stream in the subdivision. A buried pipeline is utilized by several homes not adjoining the stream. This system has been in use for over 30 years and the purity of that system needs to be protected. We want to point out that this is a neighborhood issue best handled by the requested zoning amendment. Whether or not such limitations exist in other areas of the Municipality should have no bearing on our petition. We are trying to protect the value of our property and the health of our neighbors. The vast majority of the people living in the outlined area concur that such concerns should be addressed with the addition of this special limitation. He asked the Assembly to support them in their efforts to protect their neighborhood lifestyle.

VALERIE JOKELA said she was also a dog musher. She lives on R-9 zoning in Chugiak. She felt this would set a dangerous precedent for any person residing within the Municipality of Anchorage who wanted to practice any kind of animal husbandry or other types of agricultural pursuits. She felt this was borne out of a neighborhood difference, which resulted in a potential reactivation of the covenants that had been dormant for 31 years before Mr. Rogers moved in. If the ordinance passed, it would imply that if I had a difference with my neighbor about my dog team, they would be able to rally the neighborhood, challenge the allowances that are permitted under zoning and bring it before the Assembly. She questioned if this was the way they wanted to spend the taxpayers' money. She would hate to see her tax money spent this way. When the Zoning staff studied this, they recommended and recognized that this was a neighborhood dispute and did not feel it belonged in the zoning realm. She requested that the Assembly reconsider the dangerous precedent this would set and vote no.

In response to Mr. Sullivan, Ms. Jokela said she knew that the Planning and Zoning Commission approved this with a vote of six to one. She suggested long-term planning for areas where dog teams and animal husbandry could be allowed. She would hate to see the diversity that makes up Alaska be squashed by something like this. It really is a neighborhood dispute and there are covenants in place. She did not feel it should have become a zoning issue. She submitted written comments that were prepared by another musher who could not be present at the meeting.

In response to Mr. Kendall, Ms. Jokela said Mr. Rogers did his homework and checked out the zoning before he moved into the neighborhood. He found nothing in the zoning to preclude having dogs.

HUNTER WINEGARDNER said he was a Service High School student in the Seminar School. They were currently studying U.S. Government. He felt it was pertinent to bring up Madison's paper on factions for the benefit of the Assembly. Madison's definition of a faction was a number of citizens, whether amounting to a majority or a minority of the whole, who were united by some common impulse of passion or interest, adverse to the rights of other citizens or to the permanent and aggregate interest of the community. He felt like the community was teaming up in a faction against the dog owners.

In response to Ms. Fairclough, Mr. Winegardner said he was opposed to the ordinance. He felt people had the right to own as many dogs as they wanted. He said it sounded like the dog owners were doing their best to please the surrounding neighbors.

In response to Mr. Sullivan, Mr. Winegardner said Madison did not like factions. He defined them as both the majority and the minority. In this case the factions are in the majority, but it seemed like they were enraged by a simple passion, such as the dogs being loud.

In response to Mr. Van Eppen, Mr. Winegardner said Madison felt that preventing factions would limit our liberties, which would be just as bad as having factions. We can allow the factions to work themselves out, but also limit their power by allowing public officials to make decisions against the majority if it was for the common good. He felt the dog owners had the right to raise dogs. He did not understand why it was such a big deal.

PAUL WINKLE felt the quality of life issues that were mentioned affected both him and his wife. He did not hear any consideration being given to how dog lots affect the water. He gets his drinking water from the surface water system. Regardless of whether their water was from a surface water system or a well, it was still the same issue. The current standards are if you have an acre of land or more, you can have an onsite well and septic, but anything less than that is considered hazardous to the drinking water. Animal

waste produces nitrates, which goes into the ground water and pumps back into the wells and creates a hazard. Potential water problems are not considered when people are applying for a dog lot license. Mr. Rogers described the area as rural when he moved there, but it was no longer rural. It is now somewhere between suburban and urban. He would like the law to give consideration to what the wastes would do to the ground water, because everyone depends on what they can find on their own lots for drinking water.

In response to Chairman Traini, Mr. Winkle said he had a master's degree in environmental engineering. The surface water system consisted of an infiltration gallery in the creek and a pipeline that goes north downhill from the creek. There are 11 lots served by that water system, but he did not know how many used it for drinking water. Some people use that system in addition to a well.

In response to Ms. Fairclough, Mr. Winkle said his water had not been tested.

In response to Ms. Shamberg, Mr. Winkle said there were filters that could be used with the water system, which they used.

SUSAN WAGNON said she owned a veterinary clinic in Eagle River with about 3,000 clients and 20 employees. She has had two clients in the past six years that moved into areas with covenants and had complaints filed against them. In one case the person moved out of the area so no lawsuit was filed. The second person got rid of the dogs and got birds instead. They take a class in veterinary school on water quality and water care. The Health and Human Services Department has very involved and extensive tests they can run on water. Health and Human Services told us that there has never been a case of animal contamination in the Anchorage bowl on tested water. Everything that has been contaminated has come up positive for human Ebola. She suggested zoning down the people and increasing the dogs. Two-thirds of her clients have four or more animals, so this could impact her financially. She pointed out that some people had many dogs, some had no dogs and some had just a few dogs.

KAY ABRAMS made a list of comments that other people had made and wanted to correct some of the errors that had been made. The Planning and Zoning staff said they disapproved the ordinance, however the Planning and Zoning Commission approved it overwhelmingly. There are restrictions in the present zoning for any animal that require a pen. There have been concerns that this was just another bit of government. When the man from Animal Control was here, he mentioned three different government agencies that could deal with this issue besides Animal Control. She felt an amendment to their zoning would eliminate four places to turn to and add only one. They have been told that outdoor harboring means an animal that goes outside. We do not want this to be a neighborhood dispute, which is why we are here. We do not want this to happen again and we are trying to eliminate the problem. The comment that Mr. Rogers was doing his best to solve this problem was entirely true, however you cannot scoop urine. The neighbors may not have registered complaints about the smell, but her grandson would not go for a walk with her up the stinky dog road as he calls it. Mr. Rogers may do his best, but that does not solve the problem. We are attempting to place a special limitation so we will not have that problem in the future. Her best friend was the owner from whom Mr. Rogers bought his lot and she never would have condoned that many dogs.

DAN SANDLER said he was a Fire Lake resident. He spoke in support of the ordinance. The issue was not dog owners versus homeowners. The issue was the specific rezoning of this neighborhood. There are several issues that they are addressing. Noise was a concern. Mr. Rogers' dogs may be debarked, but we cannot be certain that the next dog lot will debark their dogs. Public health was an issue. There may be questions as to the water quality and hazards from dog bites. The more dog lots in the area, the less the property values. They just invested a lot of money rebuilding their house and he was concerned they would not be able to get that money back. Zoning is supposed to reflect the public will of the residents of the neighborhood and 82 percent of the residents supported this rezoning. The Planning and Zoning Committee held hearings and they said the Assembly and the Commission had the right to limit zoning districts by attaching special limitations. The Commission found the zoning amendment was in the best interest of the overall community. Title 17 has been suggested as a better means of remedy. Title 17 kicks in after the damage is done and allows licensing of dog lots. There is no public hearing before a dog license is issued. This is not spot zoning and is not meant to disrespect mushers. This does not change the existing situation, because it grandfathered Mr. Rogers. This nips the problem in the bud for future problems. This rezoning would have minimum affects. Indoor facilities would still be allowed with provisions for public health. Zoning covered sewage, but you would not let people have as many sewage pots as they wanted and then appeal to the Board of Health. We have zoning for reasons. This was not a matter of covenants. Covenants existed and were ignored and it was very expensive to enforce covenants. This was not an anti-dog thing, but a matter of zoning. Local government is designed to respect the will of the residents. He asked the Assembly to support the ordinance.

SHERRIE ETRIDGE said she was one of Mr. Rogers' neighbors. She has been to all the hearing since the first hearing at the Animal Control Board approximately five years ago. Perhaps one of the reasons there have not been any complaints in the last two years was that people were frustrated because no action has been taken on the complaints. This was not an anti-musher issue. She was at the Animal Control Board hearing last week where a musher spoke in favor of this zoning change. His point was that this was a very narrow area where the majority of the people were in favor of the ordinance. It does not affect the whole Municipality.

Ms. Fairclough takes the chair.

SANDY TRAINI said she was a member of the Animal Control Advisory Board. The Animal Control Advisory Board unanimously opposed this ordinance, but they were sympathetic to the neighborhood. The process can be very difficult. The hearing officer does not always listen to the testimony or feel it is substantial enough. One of their concerns was the precedent set with spot zoning, which was the same as special limitations. She felt this was an Animal Control Title 17 issue. She had mixed feelings on whether this should be looked at on an area wide basis. She suggested that if this was looked at then it should be with the Planning and Zoning Commission and the Animal Control Advisory Board jointly. She would like to see the concerned neighbors attend the public hearings and testify on how we could improve Title 17, because they were currently going through that process. She would like to see some public input and notice of licensing to the neighbors when dog kennel licenses were issued.

In response to Ms. Von Gemmingen, Ms. Traini said she advocated public hearing and public notification of licensing, but she was the only member on the Animal Control Advisory Board who felt that way. The Animal Control Advisory Board has a veterinarian on their board and he said debarking did not take away the noise and sometimes was just as obnoxious as a barking dog.

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

Mr. Tremaine moved,  
seconded by Mr. Sullivan,

to adopt AO 2001-135 (S).

Mr. Tremaine pointed out that factions come and go and one needs to be careful how one adopts them. If this were to be approved, hundreds of neighborhoods would be coming forward with their own pet peeves to be fixed. We have issues with many different types of animals such as horses, chickens, moose, bears, dogs and cats. This neighborhood has covenants, but they have chosen not to enforce them as a long-standing policy. He would be voting against the ordinance.

Mr. Sullivan said he would support the ordinance. Special limitations are often found in our rezones. A special limitation is merely a way that a subdivision can put restrictions and conditions on the activities and the land uses in their neighborhood. The grandfathered activities still have to comply with the law and there are still remedies available if they do not. He felt the system was not working for the average citizen that was frustrated by the slowness of the process. He felt the Assembly needed to help neighborhoods solve this problem, because Animal Control was not helping them. He had no problem with passing special limitations for neighborhoods where the vast majority of them supported the special limitations. He felt that was government at its best. The Planning and Zoning Commission concurred by a six to one vote that this was the proper way to proceed. He was disappointed in the Animal Control Board's recommendation, because they seem to look at this from the aspect of dogs are wonderful and we can work out any problems. Many neighbors do not want to complain about their other neighbors, but it this was addressed from the beginning then there would not be a problem. He did not feel this was a neighborhood dispute, but the government taking care of the situation the way it should.

In response to Mr. Kendall, Mr. Rogers said they were informed of the covenants when they moved into the area and he signed a copy of them. The covenants said there would be no mobile homes in the area, but the people he bought the house from established a mobile home there, built their home and then moved the mobile home. There were covenants prohibiting building a garage separate from the house and the people he had bought the home from had violated that. The covenants on the animals state that there should be no more than two dogs, no more than one horse per acre and no other animals besides cats in the area. When he moved into the area there were chickens, geese and the woman across the street from him had three horses on one acre. He moved in with four dogs and mentioned his intent to get three or four more dogs for his obedience kennel and was told that would not be a problem. He consulted an attorney and he said the covenants had been abandoned by mutual consent of the members of the subdivision, because they had been substantially violated for a long period of time without objection. He felt the covenants were being selectively enforced against him. It was his understanding that any legal device should be uniformly enforced, because we are entitled to uniform protection under the law.

Mr. Tesche said this raised a fundamental issue about the proper role of government and what government can and cannot do. When he was with the city attorney's office, he thought they could solve any problems if they wrote enough laws and had enough penalties, remedies and definitions. Over the years he has decided that it is not the written law, but whether or not the laws were enforced. This is a classic example of enforcement of laws on the books. He felt they had to be realistic and understand that this was first and foremost a neighborhood dispute. Neighbors had not enforced the covenants. He recommended to the neighbors that they organized, put the covenants back into place and take care of the neighborhood. He did not feel they should rely on the government to solve this neighborhood problem.

Mr. Van Etten said every neighborhood that he had sold a house in within the last 10 years has had covenants. Unless the Homeowners Association has remained active, the covenants are abandoned by mutual consent of the neighborhood. He felt the only way that the neighborhood could expect any kind of enforcement was to revitalize the Neighborhood Association. He was concerned about the cost of enforcement to the taxpayers versus the cost to those that raised the issue. He did not feel that this was an issue that the taxpayers as a whole should be paying for. He did not feel that the taxpayers would want them to settle every neighborhood dispute.

Ms. Von Gemmingen said she would support the ordinance. The neighbors were trying to solve the problem without having to bring attorneys and judges into it. This only solves one problem in one

neighborhood. She urged people to warn their neighbors that it was time to look at their neighborhood covenants and reactive the Homeowners Associations to protect themselves.

Mr. Kendall said the Animal Control Board mentioned another ordinance, which was more of a blanket ordinance that disallowed dog teams in the R-1 and R-2 districts. This was a single neighborhood request. If this were a new subdivision, the developer could add zoning restrictions. He felt it was very important that neighborhoods were allowed to decide how they wanted their neighborhood to be. The original developer proposed covenants and restrictions, because he realized there would be problems down the road. The subsequent property owners must not have felt that was important and the covenants were not enforced. He felt the neighbors could still go to court and try to enforce the covenants.

In response to Mr. Kendall, Municipal Attorney Bill Greene said if the ordinance passed any non-conformity that currently existed would be allowed through the grandfathering of Mr. Rogers. An amendment could be made to the ordinance to allow Mr. Rogers to increase the amount of his dogs to maintain a dog team.

Mr. Kendall felt the number of dogs allowed for Mr. Rogers to maintain a dog team would need to fluctuate, because sometimes the dogs had puppies and sometimes he might have older dogs that were not part of the team anymore.

In response to Mr. Kendall, Mr. Greene felt Mr. Rogers' rights to maintain a dog team could be addressed in the wording of the ordinance. He needed to know how many dogs, above the existing number, it would take to maintain the dog team. You could be less precise in the ordinance, but that would create controversy when code enforcement had to decide what to do if a problem arose.

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

to extend the public hearings until  
11:00 p.m. to address the balance of the  
the issues.

In response to Mr. Kendall, Mr. Rogers said he would need 20 dogs to maintain his team, which was based on an Iditarod dog team. A person needed 16 dogs for an Iditarod team, but you would train 20 dogs to allow for injuries or dogs that went into heat and were unable to compete. Within that number he would also be responsible for all of the retired dogs.

In response to Mr. Kendall, Ms. Wicks said they were not out to get Mr. Rogers, but they did not want more dog lots in the neighborhood. She said the Assembly should recognized that there would be a property that would be grandfathered with the understanding that up to 20 dogs would be allowed.

In response to Mr. Kendall, Mr. Greene said they needed to fashion language that would essential say the non-conformity created by the ordinance shall not prohibit a person from retaining or replacing dogs, provided they do not exceed the maximum number of dogs permitted prior to the non-conformity, by more than 25 percent.

Mr. Kendall suggested addressing this issue later in the meeting after Municipal Attorney Bill Greene had a chance to work on the language of the ordinance. See item 14.

#### 14. NEW PUBLIC HEARINGS:

- A. Ordinance No. AO 2001-174, an ordinance amending the **Updated Far North Bicentennial Park Master Plan** to allow development of active recreation sports fields at the designed community park site located in the southwest corner of Far North Bicentennial Park, Project Management and Engineering Department.
1. Assembly Memorandum No. AM 874-2001.

The public hearing was opened earlier in the meeting. See item 11. (Clerk's Note: The public hearing on AO 2001-174 was continued to December 11, 2001.)

- B. Ordinance No. AO 2001-183, an ordinance amending Anchorage Ordinance No. 2000-132(S), As Amended, to authorize the **lease of additional space in the City Hall Building** and approve the negotiated terms, Legal Department.
1. Assembly Memorandum No. AM 923-2001.

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

Mr. Sullivan moved,  
seconded by Mr. Tremaine,

to adopt AO 2001-183.

Question was called on the motion to adopt AO 2001-183 and it passed:

AYES: Sullivan, Von Gemmingen, Taylor, Traini, Fairclough, Tesche, Tremaine.  
NAYS: Shamberg.

(Clerk's Note: Mr. Van Etten and Mr. Kendall were out of the room at the time of the vote.)

- C. Resolution No. AR 2001-322, a resolution of the Municipality of Anchorage authorizing the acceptance of Federal Transit Administration Section 5307 grant and appropriating \$2,803,200 from the Federal Transit Administration to the Public Transportation Capital Improvement Fund (485) for the purchase of capital items and \$172,000 from the Federal Transit Administration along with \$43,000 for local matching funds from the Public Transportation Department's 2001 Operating Budget as a contribution to the Federal Categorical Grants Fund (241) for the Americans with Disabilities Act (ADA) paratransit assistance, Public Transportation Department.
1. Assembly Memorandum No. AM 898-2001.

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 2001-322,  
seconded by Mr. Tremaine,

Question was called on the motion to approve AR 2001-322 and it passed:

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

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

- D. Resolution No. AR 2001-330, a resolution of the Municipality of Anchorage authorizing up to \$2,200,000 as a loan from the Areawide General Fund (101) General Cash Pool to the Anchorage Senior Center for the Anchorage Senior Center Expansion Project; approximately \$2,200,000 of loan proceeds to the Areawide Capital Improvement Fund (401), Project Management and Engineering Department, to construct the expansion project; and reappropriating \$348,500 from the 2001 General Government Operating Budget of the Department of Health and Human Services, Fund 101, as a contribution to the Areawide Capital Improvement Fund (401), Project Management and Engineering Department, to provide the first repayment of the expansion loan, Project Management and Engineering.
1. Assembly Memorandum No. AM 921-2001.

Ms. Von Gemmingen pointed out that the public hearing of AR 2001-330 should be continued to December 11, 2001 to be adequately advertised.

- E. Resolution No. AR 2001-333, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages conditional use in the B-2B District for a beverage dispensary per AMC 21.40.160.D.13. located on AOT Subdivision, Block 55, Lot 1-A; generally located on the southwest corner of West 5<sup>th</sup> Avenue and I Street (The Alley) (Case 2001-197), Planning Department.
1. Assembly Memorandum No. AM 924-2001.

This item addressed earlier in the meeting.

- F. Resolution No. AR 2001-334, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages conditional use in the B-2A District for transfer of an existing alcoholic beverages dispensary license per AMC 21.40.150.D.13., located on Anchorage Townsite, Block 43, Lot 6, located on the southeast corner of West 5<sup>th</sup> Avenue and E Street (Grizzly, Inc. dba Rumrunners Old Towne Bar) (Case 2001-185), Planning Department.
1. Assembly Memorandum No. AM 925-2001.

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

BOB NEUMAN said he was the owner of Rumrunners Old Towne Bar, the Anchorage Hotel and Grizzly's Gifts. There were a few corrections that needed to be made to the paperwork. In the resolution on page 1, the first paragraph, it says "A notice of zoning action shall be filed with the District Recorder's Office within 120 days of the Assembly's approval of a final conditional use approval for a package store in the B2-A district." It should say transfer of an existing alcoholic beverage dispensary license. The subject of the memorandum and page 2 also say package store and should say transfer of an existing alcoholic beverage dispensary license. The resolution says the location is 5<sup>th</sup> and E Street, but it is actually 4<sup>th</sup> and E Street.

In response to Chairman Traini, Municipal Attorney Bill Greene said the purpose of putting the street location in the title of a resolution was so that people who received notice of the conditional use hearing would know where it was physically located. The question would be whether or not people would want to testify if the location had not been printed incorrectly. If this was a significant departure from the notice requirements then it should be re-advertised correctly. He recommended re-advertising the notice.

In response to Ms. Von Gemmingen, Mr. Neuman said his property went south to the alleyway and it took up half a block.

In response to Ms. Von Gemmingen, Mr. Greene said it was a close call. The only way he could give the Assembly assurance that this would not be challenged was if they re-advertised. It would be easy to allege that had I known it was going to be at a different location than advertised, I would have come and testified. We have seen that happen on numerous occasions in the past.

Mr. Tesche said the first question was what was the realistic probability that someone would challenge the resolution.

In response to Mr. Tesche, Mr. Neuman said he would like the Assembly to proceed with this issue with the possibility that someone could challenge it in the future.

Mr. Tesche said he felt sufficiently comfortable with the level of risk to proceed with the issue.

Mr. Sullivan concurred with Mr. Tesche. He felt the Assembly could err on the side of being progressive and going forward with this issue. The advertised location was only half a block away from the actual location and he felt comfortable proceeding with the issue.

Mr. Greene said since the applicant wanted to proceed, he felt the risk of proceeding was very low.

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

Ms. Fairclough moved,  
seconded by Mr. Sullivan,

to approve AR 2001-334.

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

to amend AR 2001-334 to change line  
24 and 29 from package store to the transfer  
of existing liquor beverage dispensary  
license.

Mr. Greene recommended changing the body of the resolution to reflect the changes, but not the title.

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

to amend AR 2001-334 to change page 2,  
line 2 from package store to existing  
liquor beverage dispensary license.

Question was called on the motion to approve AR 2001-334 as amended and it passed:

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

NAYS: None.

The Assembly returned to address item 13.H, AO 2001-135 (S).

Mr. Kendall moved,  
seconded by Mr. Tremaine,

to amended AO 2001-135 (S) to change  
page 2, line 4, to add a comma at the end of  
the sentence and insert "provided non-  
conforming uses of dogs created by this  
ordinance shall not provide the retention or  
replacement of dogs so long as the number  
of dogs does not exceed by 25 percent the  
total number of dogs existing on the  
effective date of this ordinance."

In response to Mr. Kendall, Mr. Rogers felt the amendment to the ordinance would cover what he wanted to do with his dog team. The only remaining issue would be establishing the number of dogs on the effective date of the ordinance. He felt this was very generous to him and in his best interest. He was still concerned that it would set a bad precedent for the Municipality of Anchorage. He currently has 16 dogs in the dog lot and three additional indoor dogs. It was his understanding that the three indoor dogs would not be considered outdoor harbored and the ordinance would only apply to the 16 dogs in the dog lot.

Question was called on the motion to amend AO 2001-135 (S) and it passed without objection.

Mr. Kendall said he wanted the record to clearly state that the Assembly was allowing a dog team to be there as grandfather rights and not just a number of dogs, which was defined by the amendment.

Question was called on the motion to approve AO 2001-135 (S) as amended and it failed:

AYES: Sullivan, Von Gemmingen, Kendall.

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

Chairman Traini then returned to Old Business, Item 11.A, Ordinance AO 2001-162.

Ordinance No. AO 2001-162, an ordinance of the Municipality of Anchorage adopting and appropriating funds for the **2002 General Government Operating Budget for the Municipality of Anchorage, Office of Management and Budget.**

1. Assembly Memorandum No. AM 792-2001.
2. Information Memorandum No. AIM 116-2001, Assembly amendments to the 2002 General Government Operating Budget and updated fund balance projection, Office of Management and Budget. (addendum)

(POSTPONED FROM 11-13-01)

Ms. Taylor moved, to adopt AO 2001-162.  
seconded by Mr. Sullivan,

Ms. Taylor referenced the purple packet marked Assembly Proposed Amendments to the 2002 General Government Operating Budget as of November 20, 2001, 5:00 p.m. See Exhibit A attached.

(Clerk's Note: Two ordinances were laid on the table at this time.)

Ordinance No. AO 2001-186, an ordinance of the Anchorage Municipal Assembly transferring management responsibility of HLB Parcels 1-009 to 1-033, 1-035 to 0-158, known as the NW 1/4 of Section 25, Birchwood from Heritage Land Bank to the Eagle River Parks and Recreation Board, and accepting the land use recommendations provided by the Heritage Land Bank Advisory Commission Resolution 2001-11.

Ms. Fairclough, Mr. Tesche and Ms. Taylor joined in introducing an unnumbered ordinance, AO 2001-186. The public hearing was scheduled for December 11, 2001.

(Clerk's Note: AO 2001-186 was postponed indefinitely on December 11, 2001; it was not submitted. See December 11, 2001 and AR 2001-278.)

Ordinance No. AO 2001-187, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code and Code of Regulations to limit the amount by which proposed fees, fines, and penalties are modified.

Ms. Taylor, Mr. Tesche and Mr. Van Etten joined in introducing an unnumbered ordinance, AO 2001-187. The Public hearing was scheduled for December 18, 2001.

(Clerk's Note: The Assembly then returned to AO 2001-162 and Ms. Clementson joined the meeting in progress.)

Ms. Taylor moved, to amend AO 2001-162, page 3, item 1,  
seconded by Mr. Tremaine, to restore funding to provide continued support to ALPAR.

Question was called on the motion to amend AO 2001-162, page 3, item 1, and it passed:

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

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

Ms. Taylor moved, to amend AO 2001-162, page 3, item 2,  
seconded by Mr. Tremaine, Rank 14, to restore portions of the basic level of horticulture services at \$50,000.

Question was called on the motion to amend AO 2001-162, page 3, item 2, and it passed:

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

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

Ms. Taylor moved, to amend AO 2001-162, page 3, item 3,  
seconded by Mr. Tremaine, to restore funding for a grant to Alaska Moving Image Preservation Association for \$30,000.

Question was called on the motion to amend AO 2001-162, page 3, item 3, and it passed:

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

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

Ms. Taylor moved,  
seconded by Mr. Tesche,

to amend AO 2001-162, page 4, item 1,  
to add funding to provide a grant to the  
Minority Police Task Force for a community  
education program to assist in eliminating  
racism in Anchorage for \$25,000.

In response to Mr. Sullivan, Ms. Taylor said the Minority Police Task Force had been around since the 1980s. It was a credible organization with members of the Justice Department and the State Troopers and overseen by the Equal Rights Commission. The funding would be used for staff assistance, education materials and public meetings.

In response to Ms. Von Gemmingen, Mayor Wuerch said this might fit in with what he had proposed earlier regarding racism. It would be the first quarter before they would have a chance to understand it more thoroughly. He has not discussed this with the Minority Police Task Force. He felt the funding level was a good level to deal with the new Commission on Racism and Multiculturalism. The Minority Police Task Force has been around for a long time, but it was not a duly constituted order commission of the Assembly. The Task Force was made up of members of the federal, state and local law enforcement community and they do a credible job. He said he clearly supported the purpose, but was not sure this was the right mechanism.

Ms. Taylor said the chairman of the Task Force was Reverend Dr. William Green. Reverend Green has had earlier discussions with the Mayor and this was not just thrown on the table. She felt the Minority Police Task Force was a credible organization and supporting it would send a message to the community that we value their service.

Mayor Wuerch said he valued what Ms. Taylor just said with one exception, which was being accused of deceiving the distinguished member of the Assembly. He made it clear that he was not making that statement in an attempt to deceive, but was simply reciting a fact. Reverend Green and he had not discussed how the \$25,000 would be spent. He was aware that Reverend Green had asked for the money, but they had not discussed how it would be utilized.

Question was called on the motion to amend AO 2001-162, page 4, item 1, and it passed:

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

Ms. Frasca said the fund source should be 101 area wide fund. It was reasonable to think that the Minority Police Task Force would be serving beyond the police service area boundaries. She suggested broadening it to make it area wide. The Equal Rights Commission was funded out of the 101 Fund.

Chairman Traini said they would discuss that issue the meeting tomorrow.

Ms. Taylor moved,  
seconded by Mr. Tesche,

to amend AO 2001-162, page 4, item 2,  
to add funding to provide a grant for the  
Denali Initiative Program for \$25,000.

Question was called on the motion to amend AO 2001-162, page 4, item 2, and it passed:

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

Ms. Taylor moved,  
seconded by Mr. Tesche,

to amend AO 2001-162, page 4, item 3,  
Rank 93, to restore funding for operating  
costs at the Northeast Community Center at  
the 2001 level for \$9,430.

Question was called on the motion to amend AO 2001-162, page 4, item 3, and it passed:

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

Ms. Taylor moved,  
seconded by Mr. Tesche,

to amend AO 2001-162, page 5, item 1,  
to restore funding for the Youth Offender  
Program for \$209,210.

Mr. Sullivan said the Volunteers of America, Alaska, Inc. passed out a breakdown of the juvenile offender budget. He questioned if the juvenile sentencing coordinator position was the same position as the juvenile intake officer.

In response to Mr. Sullivan, Ms. Tamara Venetta (phonetic) said she was with Restitution Program of Volunteers of America. The sentencing coordinators monitor post sentencing and are not the same as the intake officers. They only provided the budget for the Restitution Program and the Resolution Center, not the entire Making a Difference budget, which was the Juvenile Offender Program. The total amount for the three intake officers was \$143,000.

In response to Mr. Sullivan, Jewel Jones, Health and Human Services Director said she had worked out a tentative agreement with the state and they would pick up the cost of one intake officer, which would be approximately \$40,000.

Mr. Sullivan moved,  
seconded by Ms. Clementson,

to amend AO 2001-162, page 5, item 1,  
to change the amount to \$165,000.

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

to extend the meeting to midnight.

Mr. Sullivan said when they state was willing to pay for their own employees, the Assembly should take advantage of that opportunity.

In response to Mr. Tesche, Ms. Jones said the offer to fund one of the intake officers was not in writing, but that was the testimony on the record of the chief probation officer from the last public hearing. If this were her money, she would gamble that the position would be funded by the state.

In response to Mr. Tesche, Sharon Leon said the chief probation officer said the state would be willing to fund one of the intake officers. However, that would be dependent upon their funding and she did not know if he could guarantee that they would have those funds. There has not been anything in writing.

Mr. Tesche said he had concerns about the amendment. This was a highly successful program. We do not have a guarantee that this separate funding arrangement has been made. He would be willing to go back and cut the Youth Corps budget before the first quarter if he had a letter and a guarantee that this would happen. In the absence of that, he felt very nervous putting this successful program in jeopardy.

Mr. Tesche moved,

to postpone the amendment to  
AO 2001-162.

Chairman Traini overruled the motion and said they would address the amendment.

Ms. Von Gemmingen spoke in support of the amendment. The Assembly wants to support the Youth Corps. If the Assembly found out that one intake officer position was not going to be funded by the state then they could add it back in. She felt they should err on the side of caution.

Ms. Taylor concurred with Ms. Von Gemmingen. There were a number of unknowns ahead and she was not willing to gamble on this.

Question was called on the motion to amend the amendment, page 5, item 1 to \$165,000; and it failed:

AYES: Sullivan, Von Gemmingen, Fairclough, Kendall, Clementson.

NAYS: Taylor, Van Etten, Traini, Tesche, Shamberg, Tremaine.

Mayor Wuerch moved,  
seconded by Mr. Sullivan,  
and it passed without  
objection,

to amend AO 2001-162, page 5, item 1,  
to delete the word police under department  
and insert the words "Health and Human  
Services."

Mayor Wuerch said Health and Human Services were the experts on this issue. The police department was not equipped to handle this kind of grant making an administrative function. He felt the time of the uniformed police officer and their staff was better spent on other things.

Question was called on the motion to amend AO 2001-162, page 5, item 1, as amended and it passed:

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

NAYS: None.

Ms. Taylor moved,  
seconded by Mr. Tesche,

to amend AO 2001-162, page 5, item 2,  
Rank 25, to restore funding for manned  
security at the Fairview Recreation Center at  
the 2001 level for \$33,000.

Question was called on the motion to amend AO 2001-162, page 5, item 2, and it passed:

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

NAYS: Sullivan, Von Gemmingen, Kendall, Clementson.

Ms. Taylor moved,  
seconded by Mr. Tesche,

to amend AO 2001-162, page 5, item 3,  
Rank 26, to restore funding for manned  
security for Town Square Park to the 2001  
level for \$31,000.

Mr. Sullivan said he had heard no compelling reason to fund security for Town Square Park. We have the downtown partnership and most of the downtown hotels and businesses have security. Other than keeping skateboarders off the fountain, there was no compelling testimony to fund this

Mr. Tesche said the downtown partnership security ambassadors were not on duty during the same hours that the security guard would be on duty. The downtown area was Anchorage's front yard and the place that we want to present our best image to people. We also want to provide the best level of public service and security. This was existing service that we were currently providing. He urged a yes vote.

Ms. Clementson said they did not have to fund everything that was currently funded.

Question was called on the motion to amend AO 2001-162, page 5, item 3, and it passed:

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

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

Ms. Taylor moved,  
seconded by Mr. Tesche,

to amend AO 2001-162, page 5, item 4,  
Rank 57, to restore funding for existing  
Medic Ambulance staffing for six months  
beginning April 1, 2002 for \$410,000.

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

to amend AO 2001-162, page 5, item 4,  
to reduce the amount from \$410,000 to  
\$250,000.

Mr. Sullivan felt what the Mayor had proposed with both police and fire made sense. The proposal was not to give specific line item funding through the Assembly's amendments, but to give the chief of both departments a certain amount of money, which they could spend through their expertise.

Mr. Tesche said the memorandum that Mr. Sullivan was referring to was the memorandum that came from the administration last Friday and contained the Mayor's recommendations to the Assembly as to how we might allocate the approximate \$1,200,000. With respect to the Mayor, he rejected those recommendations. He felt it was up to the Assembly to decide how the budget would be crafted. The information that he received through the Fire Department suggested that they needed this money to staff and fill vacant paramedic positions. He thought the public safety budget was under funded. He recommended a no vote on the amendment and urged the department to fill these positions.

Mr. Tremaine said last year the Assembly passed some general line items and were slammed by the Mayor in a very public manner saying that was inappropriate and we needed to be specific. The memorandum that was received Friday from the Mayor said he felt the Assembly should put back \$125,000 to \$250,000. The amendments the Mayor provided today suggested putting back \$285,000. He would vote no on the amendment.

Mr. Sullivan said if they were not able to hire in a timely manner and fill the positions, it would be at the chief's discretion on how to spend the funds.

Question was called on the motion to amend the amendment, page 5, item 4 to \$250,000; and it failed:

AYES: Sullivan, Von Gemmingen, Kendall, Clementson

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

Question was called on the motion to amend AO 2001-162, page 5, item 4, and it passed:

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

NAYS: None.

Ms. Taylor moved,  
seconded by Mr. Tesche,

to amend AO 2001-162, page 5, item 5,  
Rank 15, deleting funding for relocation of  
Criminal Division for \$175,000.

Question was called on the motion to amend AO 2001-162, page 5, item 5, and it passed:

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

NAYS: Sullivan, Kendall.

Ms. Taylor moved,  
seconded by Mr. Tesche,

to amend AO 2001-162, page 5, item 6,  
to provide new funding for overtime,  
publications, and travel for enhanced new

Officer Recruitment Program to attract qualified applicants for sworn positions for \$75,000.

Question was called on the motion to amend AO 2001-162, page 5, item 6, and it passed:

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

Ms. Taylor moved,  
seconded by Mr. Tremaine,

to amend AO 2001-162, page 6, item 7, Rank 30, to restore funding for community policing activities by filling currently vacant positions for six months beginning on July 1, 2002 for \$490,000.

Question was called on the motion to amend AO 2001-162, page 6, item 7, and it passed:

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

Ms. Taylor moved,  
seconded by Mr. Tremaine,

to amend AO 2001-162, page 6, item 8, Rank 34, to restore funding to defer hiring of support staff (dispatch, crime, lab, etc.) for only "three months instead of nine months" for \$228,600.

In response to Mr. Sullivan, Chief Monegan said that would give them better funding for their vacant dispatcher positions as well as records and support staff. He believed this would support six to eight people spread over three shifts. They were currently using about 20 percent of their funding on overtime for their dispatchers.

Ms. Clementson reference page 2 of 17, amendment 8. She said this was the exact amendment that she had put out there since the very first day the amendments were in. She noted that only Ms. Von Gemmingen had originally signed on. Now that they were voting, there were six more votes on it. She noted that everything she added her name to this afternoon did not appear on here.

In response to Ms. Clementson, Mr. Tesche pointed out that the amendments were not identical. The source of the amendment he proposed was the allocated revenues. There was a different source of revenues proposed for each amendment.

Ms. Clementson said everyone's original objection was to the fact that it was out of fund balance instead of allocated revenues.

Ms. Von Gemmingen felt it was only fair that Ms. Clementson's amendment be taken up and voted on. The only thing that we would need to do would be to move the fund source out of property tax and into the other column. She did not feel it was a good precedent to run over another member of the Assembly.

Mr. Tesche said if Ms. Clementson would accept the BOA settlement as a source of revenues, he would yield the sponsorship of this amendment to her.

Question was called on the motion to amend AO 2001-162, page 6, item 8, and it passed:

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

Ms. Taylor moved,  
seconded by Mr. Tremaine,

to amend AO 2001-162, page 7, item 1, Rank 30, to restore funding for a currently vacancy policy and budget analyst position in the Budget and Legislative Services Office for \$64,730.

Ms. Clementson said this position was not spelled out in the original plans. When the budget was originally prepared and sent to the new Assembly director this was above the funding line and run-off elections were below the funding line. It went back to be changed, because we did not intend to fill this position, but now we are intending to fill this position. This reorganization was costing more than anyone originally knew. The Assembly is handing out a lot of money in terms of pay raises, adding positions or filling positions that were thought to be vacant and increasing our own intern budgets.

Mr. Sullivan said he did not support this position. Early last week Mr. Moyer, Municipal Clerk, assured the Assembly that he would be conducting all the same functions for the Assembly that he had done before in terms of helping draft legislation, answering questions, as well as his duties of overseeing the Clerk's office. With that assurance from Mr. Moyer, he did not see a need for this position.

Question was called on the motion to amend AO 2001-162, page 7, item 1, and it passed:

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

Mr. Sullivan mentioned he supported the funding of the staff position for the police department, but not the revenue source as Ms. Von Gemmingen stated.

Elvi Gray-Jackson, Assembly Policy and Budget Analyst, told Ms. Clementson that the two co-sponsors that Chairman Traini asked her to add to the list were not deliberately omitted.

<p>Ms. Taylor moved, seconded by Mr. Tesche,</p>	<p>to amend AO 2001-162, page 7, item 2, Rank 93, to restore funding for the Boy's and Girl's Club grant for the operation of the Mt. View Community Recreation Center to the 2001 level for \$140,000.</p>
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In response to Mr. Sullivan, Jim Posey, Director of Cultural and Recreational Services, said the administration supported this amendment.

Question was called on the motion to amend AO 2001-162, page 7, item 2, and it passed:

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

Chairman Traini requested Ms. Taylor to bypass page 8, items 7 through 11, and take up page 8, item 12.

<p>Ms. Taylor moved, seconded by Mr. Tremaine,</p>	<p>to amend AO 2001-162, page 8, item 12, to restore this appropriation (currently unfunded Rank 38 in Mayor's Budget) to provide additional support for community events and activities for the Downtown Partnership for \$12,500.</p>
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In response to Mr. Sullivan, Ms. Gray-Jackson said the purpose of this being put in the Assembly's budget was that the following the amendments those contracts that were currently in the Mayor's office were put in the Assembly's department as opposed to different departments.

Ms. Taylor withdrew her motion and noted it would be discussed at the next meeting, on November 21<sup>st</sup>.

<p>Ms. Taylor moved, seconded by Mr. Tesche,</p>	<p>to amend AO 2001-162, page 10, item 1, to add funding to partially pay for expense of completing the Rabbit Creek resurvey at the conclusion of the pending litigation for \$325,000.</p>
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Question was called on the motion to amend AO 2001-162, page 10, item 1 and it passed:

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

<p>Ms. Taylor moved, seconded by Mr. Tesche,</p>	<p>to amend AO 2001-162, page 12, item 1, Rank 63, to fund expanded Training Center staff from January 1, 2002 through September 30, 2002, funding for last quarter 2002 already proposed in Mayor's budget, for \$158,380.</p>
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Question was called on the motion to amend AO 2001-162, page 12, item 1, and it passed:

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

<p>Ms. Taylor moved, seconded by Mr. Tremaine,</p>	<p>to amend AO 2001-162, page 12, item 2, to provide a grant to Alaska Small Business Development Center for technical support to small businesses for \$80,000.</p>
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Ms. Taylor noted that Mr. Tremaine had put on the table proposed amendments for the utility budget that referred to the Small Business Development Center. She suggested after they took action, they might want to revisit this.

Mr. Sullivan said he had the highest regard for Jan Fredrickson and the program that she runs. This was a partnership between the Small Business Administration and the University of Alaska. This has been running very successfully without the Municipality of Anchorage for some time. Given the fact that it worked well and we have budget constraints, he could not see funding it at this time. In a year or two when they build their tax base back up, he would consider this more favorably.

Mr. Tremaine said he proposed taking it out of the enterprise funds in the same relative proportion that they fund the AEDC. The Mayor would have the opportunity to line item veto both of those budgets and could remove it from either one as he sees fit if the Assembly was not able to revisit this after they do the utility budgets.

Question was called on the motion to amend AO 2001-162, page 12, item 2, and it passed:

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

Ms. Taylor moved,  
seconded by Mr. Tremaine,

to amend AO 2001-162, page 12, item 3, Rank 26-34, to add funding to reinstate transit service and related maintenance from January 1, 2002 through June 30, 2002. This additional funding will allow public transportation to operate at 2001 levels for the first six months of 2002. For \$374,190.

Mr. Sullivan moved,  
seconded by Ms. Clementson,

to amend AO 2001-162, page 12, item 3, to correspond to the Mayor's AIM by reducing the amount to \$175,000.

Mr. Sullivan felt \$175,000 was a more reasonable amount, because they were trying to be prudent with expenditures.

Question was called on the motion to amend the amendment, page 12, item 3 to \$175,000; and it failed:

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

Question was called on the motion to amend AO 2001-162, page 12, item 3, and it passed:

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

Ms. Taylor moved,  
seconded by Mr. Tremaine,

to amend AO 2001-162, page 14, item 1, Rank 109, to restore funding for purchase of art objects, rental of travel exhibits, freight to bring exhibits to Alaska, dues and subscriptions, and tuition and registration fees for \$74,800.

Question was called on the motion to amend AO 2001-162, page 14, item 1, and it passed:

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

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

Ms. Taylor moved,  
seconded by Mr. Tremaine,

to amend AO 2001-162, page 15, item 5, Rank 27, to restore funding to the 2001 level for maintenance, support, utilities, parking lot maintenance, fire and electronic security maintenance at the Brother Francis Shelter for \$82,200.

Question was called on the motion to amend AO 2001-162, page 15, item 5, and it passed:

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

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

Ms. Taylor moved,  
seconded by Mr. Tremaine,

to amend AO 2001-162, page 16, item 7, to add funding to provide a grant to the Anchorage Senior Center for transportation of seniors to events/activities within Anchorage for \$50,000.

Mr. Sullivan moved, to postpone action on AO 2001-162,  
seconded by Ms. Von Gemmingen, page 16, item 7, until tomorrow.

Mr. Sullivan said he was a co-sponsor on this issue to provide additional funds for the Anchorage Senior Center, but he only had five co-sponsors for his amendment to provide funds for basic services for the Chugiak Senior Center. He felt support for seniors was very important, but they were leaving out part of the very basic senior program for the Municipality and he would like to have further discussion on this issue at another time.

Ms. Fairclough moved, to address AO 2001-162, page 15, item 6,  
seconded by Mr. Tremaine, at this time.

Mr. Sullivan withdrew his motion and deferred to Ms. Fairclough.

Ms. Fairclough moved, to amend AO 2001-162, page 15, item 6,  
seconded by Mr. Tremaine, to restore funding for the Chugiak Senior Center to assist with an increase in operating costs due to insurance premium adjustments. This funding was approved during 2001 1<sup>st</sup> quarter budget revisions with the intent of providing this amount to the Center in subsequent years. \$250,000.

In response to Chairman Traini, Mayor Wuerch said \$80,000 would be transferred before year-end.

Ms. Fairclough said she was aware of the \$80,000 that would be transferred before year-end. The \$250,000 changed to \$170,000 because of billing sequences. Her intent was to move the \$250,000.

Ms. Von Gemmingen thought they had resolved this issue at a lower amount than \$250,000.

In response to Ms. Von Gemmingen, Mayor Wuerch said they had \$80,000 that could be transferred before year-end.

In response to Ms. Von Gemmingen, Jewel Jones said it was very clear that the \$250,000 in the first quarter was intended to go to Chugiak Senior Center. Because they presented the budget one quarter late, the line item of \$170,000 was the justified amount. As the Mayor stated, \$80,000 was still available. If the money were not spent before December 31, 2001, it would lapse. The administration was prepared to go forward to do that to reduce the amount of money that would be necessary in 2002.

Mr. Tesche spoke in favor of the amendment. The Assembly made a commitment to the Chugiak Senior Center that they would provide support for them.

Ms. Von Gemmingen moved, to amend AO 2001-162, page 15, item 6,  
seconded by Ms. Clementson, to reduce the funding to \$170,000.

Question was called on the motion to amend the amendment, page 15, item 6 to \$170,000; and it failed:

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

Question was called on the motion to amend AO 2001-162, page 15, item 6, and it passed:

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

Question was called on Ms. Taylor's motion to amend AO 2001-162, page 16, item 7, and it passed:

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

Ms. Taylor asked the staff to prepare a reconciliation to be available at the meeting tomorrow so they knew where they were with the budget.

(Clerk's Note: Ms. Fairclough then laid the following resolution on the table for introduction on December 11.)

AR 2001-287, a resolution of the Anchorage Municipal Assembly approving withdrawal from the Heritage Land Bank of land located in the Northwest 1/4 of section 25 of township 15, north range to west Seward Meridian, Alaska, to prevent management thereof by the Department of Cultural and Recreational Services.

Ms. Fairclough, Mr. Tremaine and Ms. Taylor joined in introducing unnumbered resolution 2001- 287. The public hearing was scheduled for December 11, 2001.

(Clerk's Note: The Assembly returned to amendments on AO 2001-162.)

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

to amend AO 2001-162, page 1, item 1,  
Rank 6, to reduce salary increase for  
Director/Clerk position from \$36.05 per  
hour to \$34.60 per hour.

Ms. Clementson said this was a \$3,000 a year increase from the clerk position, which was a position of 25 years with longevity. This would represent an \$8,000 per year increase in salary.

Question was called on the motion to amend AO 2001-162, page 1, item 1, and it failed:

AYES: Sullivan, Von Gemmingen, Kendall, Clementson.

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

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

to amend AO 2001-162, page 1, item 2,  
Rank 7, to reduce salary increase for  
Manager-Budget and Legislative Services  
Office from \$31.15 to \$29.81.

Ms. Clementson pointed out this still represented an increase of approximately \$10,000 over last year's salary.

Question was called on the motion to amend AO 2001-162, page 1, item 2, and it failed:

AYES: Sullivan, Von Gemmingen, Kendall, Clementson.

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

Ms. Clementson moved,  
seconded by Mr. Kendall,

to amend AO 2001-162, page 1, item 3,  
Rank 11, to reduce intern amount by \$1,000  
per member. This reduction will reflect  
funding at the 2001 level.

Mr. Sullivan felt this was setting a bad example. The Assembly should lead by example and show that they could live within a budget. He did not feel any of their interns were suffering from lack of pay.

Ms. Taylor said her legislative aide did a fine job and went beyond the call of duty. She felt people should be rewarded for a job well done.

Chairman Traini pointed out that the money did not have to be used for interns, but could be used for travel and other things.

Mr. Tesche spoke in opposition to the amendment. His intern works very hard and he was proud of the work that he did. If anything, he needed to be rewarded more for the customer service that he provided to Mr. Tesche's constituency.

Question was called on the motion to amend AO 2001-162, page 1, item 3, and it failed:

AYES: Sullivan, Fairclough, Kendall, Clementson.

NAYS: Von Gemmingen, Taylor, Van Etten, Traini, Tesche, Shamberg, Tremaine.

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

to amend AO 2001-162, page 1, item 5,  
Rank 14, to delete executive support to  
Municipal Manager functions to include  
project/program coordination, etc.

Ms. Clementson said this was not aimed at a particular position. We are asking other departments to make due with less and she believed the Assembly should make due with less, as well as the Mayor's/Manager's office.

In response to Mr. Kendall, Mayor Wuerch pointed out that this administration had fewer support staff in the corporate office of the Mayor than the previous administrations. They have consolidated again this year to bring those budget numbers together to insure that they manage it as efficiently as possible. He did not feel it was necessary to go to this level of limiting the ability of the Mayor's office to function efficiently. He assured the Assembly that they continue to review each and every position. He asked the Assembly's support in defeating this amendment.

Mr. Kendall noted the lateness of the hour. He felt the Assembly needed to consider this before making a decision.

15. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS: None.

16. SPECIAL ORDERS

A. Ordinance No. AO 2001-186, an ordinance of the Anchorage Municipal Assembly transferring management responsibility of HLB Parcels 1-009 to 1-033, 1-035 to 0-

- 158, known as the NW 1/4 of Section 25, Birchwood from Heritage Land Bank to the Eagle River Parks and Recreation Board, and accepting the land use recommendations provided by the Heritage Land Bank Advisory Commission Resolution 2001-11, Assemblymember Fairclough. (LAI D ON THE TABLE) (TO BE SUBMITTED)
- B. Ordinance No. AO 2001-187, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code and Code of Regulations to limit the amount by which proposed fees, fines, and penalties are modified, Assemblymembers Taylor, Shamborg, Tesche, and Van Etten. (LAI D ON THE TABLE) (TO BE SUBMITTED)
- C. Resolution No. AR 2001-278, a resolution of the Anchorage Municipal Assembly approving withdrawal from the Heritage Land Bank of land located in the NW 1/4 of Section 25 of T15 N, R2W, S.M., Alaska to permit management thereof by the Department of Cultural and Recreational Services, Assemblymember Fairclough. (LAI D ON THE TABLE) (TO BE SUBMITTED)

These issues not addressed.

17. UNFINISHED AGENDA: None.
18. AUDIENCE PARTICIPATION: None.
19. ASSEMBLY COMMENTS: None.
20. EXECUTIVE SESSIONS: None.
21. ADJOURNMENT:

Mr. Kendall moved,  
seconded by Mr. Van Etten,  
and it passed without  
objection.

to adjourn the meeting.

The meeting adjourned at 11:59 p.m.

(Clerk's Note: See the minutes of November 21, 2001, for further amendments to AO 2001-162 made at a special meeting.)

  
Chairman Dick Traini

ATTEST:

  
Municipal Clerk

Date Minutes Approved: 5-14 - , 2002

VMC/cmw

*Clark Markup  
w/ Amendment Notation*

**Assembly Proposed Amendments  
to the  
2002 General Government  
Operating Budget**

**As of  
November 20, 2001  
5:00 PM**

*\*Six or more sponsors are represented by a circle\**

*23 pgs.*

**Assemblymember: Clementson**  
**PROPOSED AMENDMENTS TO THE 2002 GENERAL GOVERNMENT OPERATING BUDGET**

NO.	Department	Description	Fund	Direct Costs	FUNDING SOURCE				
					Program Revenues	JGCs Outside General Government	Allocated Revenues	Applied Fund Balance Property Tax	
1	ASSEMBLY	RANK 6: Reduce salary increase for Director/Clerk position from \$34,05 to \$34,80. CO-SPONSORS: CLEMENTSON, Von Gemmingen, Sullivan	101	(\$3,900)	\$	\$	\$	\$	(3,900)
2		RANK 7: Reduce salary increase for Manager-Budget and Legislative Services Office from \$31.15 to \$28.81. CO-SPONSORS: CLEMENTSON, Von Gemmingen, Sullivan	101	(2,800)					(2,800)
3		RANK 11: Reduce "item amount" by \$1,000 per member. This reduction will reflect funding at the 2001 level. CO-SPONSORS: CLEMENTSON, Sullivan	101	(11,000)					(11,000)
4	FACILITY MANAGEMENT	RANK 22: Restore funding of overtime, fuel and parts for maintenance of Anchorage Police Department vehicles to this 2001 level. CO-SPONSORS: CLEMENTSON, Von Gemmingen, Sharnberg	601	208,000					208,000
5	MAYOR	RANK 14: Delete executive support to Municipal Manager functions to include project/program coordination, etc. CO-SPONSORS: CLEMENTSON, Von Gemmingen.	101	(90,230)					(90,230)
6		RANK 27: Reduce subsidy to ACVB for management costs for the Egan Civic and Convention Center. CO-SPONSORS: CLEMENTSON	101	(350,000)					(350,000)





**PROPOSED AMENDMENTS TO THE 2002 GENERAL GOVERNMENT OPERATING BUDGET**  
 Assemblymember: **Taylor**

MC	Department	Description	Fund	Direct Costs	FUNDING SOURCE			
					Program Revenues	IGCs Outside General Government	Allocated Revenues	Applied Fund Balance
1	EQUAL RIGHTS COMMISSION	NEW: Add funding to provide a grant to the Minority Police Task Force for a community education program to assist in eliminating racism in Anchorage. <i>Passed #1</i>	151	\$ 25,000	\$	\$	\$ 25,000	\$
2	HEALTH AND HUMAN SERVICES	CO-SPONSORS: TAYLOR, Shamburg, Tesche, Train, Tremaine, Van Ethen NEW: Add funding to provide a grant for the Detail Initiative Program. An entrepreneurship program to assist in supporting nonprofit excellence in Anchorage. This organization supports training for our community leaders and assists in creating sustainable projects. <i>Passed #5</i>	101	25,000			25,000	
3	CULTURAL AND RECREATIONAL SERVICES	CO-SPONSORS: TAYLOR, Shamburg, Tesche, Train, Tremaine, Van Ethen RANK #3 Restore funding for operating costs at the Northeast Community Center to the 2001 level. <i>Passed #6</i>	161	9,430			9,430	
4	ASSEMBLY	CO-SPONSORS: TAYLOR, SULLIVAN, Shamburg, Tesche, Train, Tremaine, Van Ethen, Fairbrother NEW: Add funding to provide a one-time local match to the Community Outreach Partnership Center (COPC). This program was formed to increase educational opportunities for adults, improve access to available human services, crime prevention among school aged youth and community education. The funding will be used to continue the adult basic and adult secondary education classes in the Russian Jack area. <i>#39</i>	101	15,000			15,000	
	TOTAL	CO-SPONSORS: TAYLOR		\$ 74,430	\$	\$	\$ 74,430	\$

Assemblymember: Tesche  
**PROPOSED AMENDMENTS TO THE 2002 GENERAL GOVERNMENT OPERATING BUDGET**

ICG	Department	Description	Fund	Place Costs	FUNDING SOURCE			
					Program Revenues	IGOs Outside General Government	Allocated Revenues & Applied Fund Balance	
4	PROSECUTOR	Restores funding for the Youth Offender Program. This amendment will restore funding to the State of Alaska Anchorage Youth Court Youth Restitution Program and the Restitution Center to the 2001 level. TRANSFER FROM HEALTH AND HUMAN SERVICES (Rank 66)	101	209,710 165,000 44,710	Sub approved approved	34,210	175,000	min approved #8
5	FACILITY MANAGEMENT	CO-SPONSORS: TESCHE, Sharnberg, Taylor, Train, Tremaine, Van Etten, Von Gemmingen, RANK 25: Restore funding for married security at the Fairview Recreation Center to 2001 level.	101	33,000	approved	33,000		#9
6	FIRE	CO-SPONSORS: TESCHE, Sharnberg, Taylor, Train, Tremaine, Van Etten, RANK 26: Restore funding for married security for Town Square Park to 2001 level.	101	31,000	approved	31,000		#10
7	MUNICIPAL ATTORNEY	CO-SPONSORS: TESCHE, Sharnberg, Taylor, Train, Tremaine, Van Etten, RANK 15: Delete funding for relocation of Criminal Division.	101	(175,000)	Removed		(175,000)	Removed deletions - passed #13
8	POLICE	NEW: Provide new funding for overtime, publications, and travel for enhanced new "Officer Recruitment Program" to attract qualified applicants for sworn positions. CO-SPONSORS: TESCHE, Sharnberg, Taylor, Train, Tremaine, Van Etten.	151	75,000	approved	75,000		#14

EXHIBIT A, page 6, Assembly Meeting 11-20-01 (purple)

Assemblymember: Tesche  
**PROPOSED AMENDMENTS TO THE 2002 GENERAL GOVERNMENT OPERATING BUDGET**

NO.	Department	Description	Fund	Direct Costs	FUNDING SOURCE			
					Program Revenues	IGCs Outside General Government	Allocated Revenues	
					Applied Fund Balance	Property Tax		
1		RANK 30 - Restore funding for community policing activities by filling currently vacant positions for six months beginning on July 1, 2002	151	490,000 <i>passed</i>		490,000		
		CO-SPONSORS: TESCHE, SHAMBERG, TAYLOR, TRAINI, TREMAINE, VAN ETTEN			#15			
2		RANK 34 - Restore funding to defer hiring of support staff (dispatch, crime, lab, etc.) for only three months instead of nine months	151	228,600 <i>passed</i>		228,600		
		CO-SPONSORS: TESCHE, Shamberg, Taylor, Traini, Tremaine, Van Effen			#16			
<b>TOTAL</b>				<b>\$ 1,301,610</b>	<b>\$</b>	<b>\$ 1,192,600</b>	<b>\$ 109,210</b>	<b>\$</b>

**Assemblymember: Traini**  
**PROPOSED AMENDMENTS TO THE 2002 GENERAL GOVERNMENT OPERATING BUDGET**

NO.	Department	Description	Fund	Direct Costs	FUNDING SOURCE			
					Program Revenues	Allocated Revenues	Applied	Property Tax
1	ASSEMBLY	RANK 30 - Restores funding for a currently vacant policy and budget analyst position in the Budget and Legislative Services Office. CO-SPONSORS: TRAINI, Shamberg, Taylor, Tesche, Tremaine, Van Ethen	101	\$ 64,730 <i>passed #17</i>	\$	\$	\$ 64,730	\$
2	CULTURAL AND RECREATIONAL SERVICES	RANK 93 - Restore funding for the Boy's and Girls Club grant for the operation of the Mt. View Community Recreation Center to the 2001 level. CO-SPONSORS: TRAINI, Shamberg, Taylor, Tesche, Tremaine, Van Ethen, Von Gerningen, Fairbough	161	140,000 <i>passed #18</i>				140,000
3	MAYOR	RANK 26 - Delete appropriation to provide a subsidy for operating costs for the Alaska Center for the Performing Arts. SL Amount - \$1,100,000 CO-SPONSORS: TRAINI, Shamberg, Taylor, Tesche, Tremaine, Van Ethen	101					
4	ASSEMBLY	As allowed by AMC 6.10.070(B), a separate appropriation is made within this department to provide for operating costs for the Alaska Center for the Performing Arts. SL Amount - \$1,100,000 CO-SPONSORS: TRAINI, Shamberg, Taylor, Tesche, Tremaine, Van Ethen	101					
5	MAYOR	RANK 27 - Delete appropriation to provide for payment of operating costs of the Egan Civic and Convention Center. SL Amount - \$700,000 CO-SPONSORS: TRAINI, Shamberg, Taylor, Tesche, Tremaine, Van Ethen	101					
6	ASSEMBLY	As allowed by AMC 6.10.070(B), a separate appropriation is made within this department to provide for operating costs of the Egan Civic and Convention Center. SL Amount - \$700,000 CO-SPONSORS: TRAINI, Shamberg, Taylor, Tesche, Tremaine, Van Ethen	101					

**Assemblymember: Irabini**  
**PROPOSED AMENDMENTS TO THE 2002 GENERAL GOVERNMENT OPERATING BUDGET**

NO.	Department	Description	Fund	Direct System	FUNDING SOURCE		
					Program Revenues	IGCs Outside General Government	Allocated Revenues, Fund Balances, Property Tax
7	Mayor <i>Mayor</i>	Restore funding for the Interim Center for the Elder, GVC and Convention Center to the 2001 level (currently unfunded Rank 35 in the Mayor's Budget). Allocated Revenue Source: Contribution from Atsawdis CIP - Egan Center Reserve <i>Rest</i> CO-SPONSORS: TRAIN	401	30,000		30,000	
8	MAYOR	RANK 28 - Delete appropriation which distributes 50% of Hotel/Motel tax receipts to ACVB for promotion of tourism in Anchorage. SL Amount: \$6,000,000	101				
9	ASSEMBLY	CO-SPONSORS: TRAIN; Shamburg, Taylor, Tesche, Tremaine, Van Eiten As allowed by AMC 6.10.070(B), a separate appropriation is made within this department of 50% of Hotel/Motel tax collections to ACVB for promotion of tourism in Anchorage. SL Amount: \$6,000,000	101				
10	MAYOR	CO-SPONSORS: TRAIN; Shamburg, Taylor, Tesche, Tremaine, Van Eiten RANK 29 - Delete appropriation for grant to the Downtown Partnership for special community events and activities. SL Amount: \$25,000	101				
11	ASSEMBLY	CO-SPONSORS: TRAIN; Shamburg, Taylor, Tesche, Tremaine, Van Eiten As allowed by AMC 6.10.070(B), a separate appropriation is made within this department to fund a grant to the Downtown Partnership for special events and activities. SL Amount: \$25,000	101				
12	ASSEMBLY	CO-SPONSORS: TRAIN; Shamburg, Taylor, Tesche, Tremaine, Van Eiten Restore this appropriation (currently unfunded Rank 38 in Mayor's Budget) to provide additional support for community events and activities for the Downtown Partnership. <i>#24 #55</i>	101	12,500		12,500	

*Amend*  
*Move to Mayor's Dept.*  
*man placed*

EXHIBIT A, page 9, Assembly Meeting 11-20-01 (purple)



Assemblymember: Tremaine  
**PROPOSED AMENDMENTS TO THE 2002 GENERAL GOVERNMENT OPERATING BUDGET**

NO.	Department	Description	Fund	Direct Costs	FUNDING SOURCE		
					Program Revenues	Allocated Revenues	Applied Fund Balance
1	PROJECT MANAGEMENT AND ENGINEERING	NEW: Ask funding to partially pay for expense of completing the Rabbit Creek reservoir at the conclusion of the pending litigation.	101	325,000		325,000	
		CO-SPONSORS: TREMAINE, Shamberg, Taylor, Tesche, Train, Van Etten					
2	CULTURAL AND RECREATIONAL SERVICES	RANK 31: Increase funding for park and trail improvements and recreational activities within the Greenwood Parks and Recreation Service Area.	106	20,000			20,000
		CO-SPONSORS: TREMAINE, Shamberg					
3		NEW: Increase vacancy factor within the Department.	101	(20,000)			(20,000)
		CO-SPONSORS: TREMAINE, Shamberg					
4	STREET MAINTENANCE	RANK 2: Increase funding for year-round limited road maintenance services for the Greenwood Road Service Area.	106	30,000			30,000
		CO-SPONSORS: TREMAINE, Shamberg					
5		NEW: Increase vacancy factor within the Department.	101	(30,000)			(30,000)
		CO-SPONSORS: TREMAINE, Shamberg					
6	ASSEMBLY	NEW: Increase vacancy factor within the Department.	101	(25,000)			(25,000)
		CO-SPONSORS: TREMAINE					
7	DEVELOPMENT SERVICES	NEW: Increase vacancy factor within the Department.	101	(80,000)			(80,000)
		CO-SPONSORS: TREMAINE					

**Assemblymember: Tremaine**  
**PROPOSED AMENDMENTS TO THE 2002 GENERAL GOVERNMENT OPERATING BUDGET**

NO.	Department	Description	Fund	Direct Costs	FUNDING SOURCE				
					Program Revenues	General Government Revenues	Allocated Revenues	Applied Fund Balance, Property Tax	
9	MAYOR	NEW - Increase vacancy factor within the Department #50	101	(45,000)					
		CO-SPONSORS: TREMAINE							
10	MUNICIPAL ATTORNEY	NEW - Increase vacancy factor within the Department #53	101	(65,000)					(65,000)
		CO-SPONSORS: TREMAINE							
10	PROJECT MANAGEMENT AND ENGINEERING	NEW - Increase vacancy factor within the Department	101	(50,000)					(50,000)
		CO-SPONSORS: TREMAINE							
11	STREET MAINTENANCE	NEW - Increase vacancy factor within the Department	101	(25,000)					(25,000)
		CO-SPONSORS: TREMAINE							
12	HEALTH AND HUMAN SERVICES	RANK 43 - Restore funding for one position within the Women's, Infants, and Children (WIC) Program #51	101	74,000					74,000
		CO-SPONSORS: TREMAINE							
13		NEW - Increase vacancy factor within the Department	101	(74,000)					(74,000)
		CO-SPONSORS: TREMAINE							
	TOTAL			\$ 25,000	\$	\$ 325,000	\$	\$	(300,000)

*Tremaine*  
 #50 failed (125K) decrease PFM  
 #53 splits  
 11 of 17

Allocated Revenue Source: BOA Settlement

11/20/2001 4:21 PM

**Assemblymember: Van Etten**  
**PROPOSED AMENDMENTS TO THE 2002 GENERAL GOVERNMENT OPERATING BUDGET**

NO.	Department	Description	Fund	Direct Costs	FUNDING SOURCE			
					Program Revenues	IGOs Outside General Government	Allocated Revenues	Applied Fund Balance
1	FIRE	RANK 03 - Fund expanded Training Center staffing from January 1, 2002 through September 30, 2002. Funding for last quarter 2002 already proposed in Mayor's Budget	31	158,380			158,380	
				<i>purple</i>	<i># 21</i>			
2	COMMUNITY	CO-SPONSORS: VAN ETTEN, Sharnberg, Taylor, Tesche, Traini, Tremaine NEW: Provide a grant to Alaska Small Business Development Center for technical support to small businesses	101	80,000				80,000
				<i>purple</i>	<i>Tesche, Traini, cl. vote</i>			<i># 22</i>
3	PUBLIC TRANSPORTATION	CO-SPONSORS: VAN ETTEN, FAIRCLOUGH, KENDALL, Sharnberg, Taylor, Tesche, Traini, Tremaine, Von Gemmingen RANKS 25 - 34 - Ask funding to maintain transit services and related maintenance costs from January 1, 2002 through June 30, 2002. This additional funding will allow public transportation to operate at 2001 levels for the first six months of 2002	101	374,150	53,850		320,300	
				<i>175K</i>	<i>See amendment of table</i>			<i># 23</i>
4	MAYOR	CO-SPONSORS: VAN ETTEN, Sharnberg, Taylor, Tesche, Traini, Tremaine, Fairclough RANK 8 - Transportation Inspection Division (TRANSFER TO PUBLIC TRANSPORTATION); SL Amount - \$110,880	101					
				<i>purple</i>	<i>cl. vote</i>			<i># 24</i>
5		CO-SPONSORS: VAN ETTEN, Sharnberg, Taylor, Tesche, Traini, Tremaine RANK 17 - Transportation Inspection Senior Office Associate (TRANSFER TO PUBLIC TRANSPORTATION); SL Amount - \$51,040	101					
6		CO-SPONSORS: VAN ETTEN, Sharnberg, Taylor, Tesche, Traini, Tremaine RANK 20 - Transportation Inspection Part-time Code Enforcement Officer (TRANSFER TO PUBLIC TRANSPORTATION); SL Amount - \$18,240	101					

*New Tremaine*

Allocated Revenue Source: BOA Settlement





**Assemlblymembers: Fairclough and Kendall**  
**PROPOSED AMENDMENTS TO THE 2002 GENERAL GOVERNMENT OPERATING BUDGET**

NO.	Department	Description	Fund	Direct Costs	FUNDING SOURCE		
					Program Revenues	IGCa Outside General Government Revenues	Applied Fund Balance Property Tax
1	CULTURAL AND RECREATIONAL SERVICES	NEW: Provide a grant to Team Alaska for the Arctic Winter Games. #144	101	\$ 10,000	\$	\$	\$ 10,000
2		CO-SPONSORS: FAIRCLOUGH, KENDALL, Van Eiten, Shamburg					
3		RANK #1: Restore proposed increase for Chuglak/Eagle River nonprofit grants. #111	162	10,000			10,000
4		CO-SPONSORS: FAIRCLOUGH, KENDALL					
5		RANK #4: Restore funding for Chuglak/Eagle River Parks & Recreation Operations for purchase and installation of park equipment and seasonal contract maintenance. #112	162	48,650			48,650
6		CO-SPONSORS: FAIRCLOUGH, KENDALL, Van Eiten, Shamburg					
7		RANK 110: Restore funding to purchase mowing equipment required for Chuglak/Eagle River Parks & Recreation maintenance. #113	162	31,000			31,000
8		CO-SPONSORS: FAIRCLOUGH, KENDALL, Shamburg					
9	FACILITY MANAGEMENT	RANK 27: Restore funding to the 2001 level for maintenance support, utilities, parking lot maintenance, fire and electronic security maintenance at the Brother Francis Shelter.	101	82,200			82,200
10		CO-SPONSORS: FAIRCLOUGH, KENDALL, SULLIVAN, Taylor, Van Eiten, Treini, Tescher, Shamburg					
11	HEALTH AND HUMAN SERVICES	NEW: Restore funding for the Chuglak Senior Center to assist with an increase in operating costs due to insurance premium adjustments. This funding was approved during 2001 1st quarter budget revisions with the intent of providing this amount to the Center in subsequent years.	101	250,000			250,000
12		CO-SPONSORS: FAIRCLOUGH, KENDALL, Van Eiten, Trainl, Taylor					

Assemblymembers: Fairclough and Kendall  
**PROPOSED AMENDMENTS TO THE 2002 GENERAL GOVERNMENT OPERATING BUDGET**

NO.	Department	Description	Fund	Direct Costs	FUNDING SOURCE			
					Program Revenues	GCs Outside General Government	Allocated Revenues	
				Applied	Applied	Applied		
				Fund Balance	Fund Balance	Property Tax		
1	HEALTH AND HUMAN SERVICES	NEW: Add funding to provide a grant to the Anchorage Senior Center for transportation of seniors to various activities within Anchorage.	101	50,000			50,000	
		CO-SPONSORS: FAIRCLOUGH, KENDALL, TRAINI, VAN ETTEN, Sluiter, Taylor, Tschirner						
5	MAYOR	RANK 39: Restore funding for the operation costs of the Alaska Center for the Performing Arts to the 2001 level.	101	48,500			48,500	
		CO-SPONSORS: FAIRCLOUGH, KENDALL						
				\$ 530,350	\$	\$	\$ 530,350	\$

*Director Winter James #44*

EXHIBIT A, page 17, Assembly Meeting 11-20-01 (purple)

**SUMMARY OF ASSEMBLY PROPOSED AMENDMENTS TO THE 2002 GENERAL GOVERNMENT OPERATING BUDGET**

ASSEMBLY MEMBERS	TOTAL DIRECT COSTS	PROGRAM REVENUES	ALLOCATED REVENUES	APPLIED FUND BALANCE	PROPERTY TAX
Clementson	\$ (149,010)	\$	\$	\$	\$ (149,010)
Fairclough/Kendall	530,350			530,350	
Shamberg	100,000			100,000	
Taylor	74,430			74,430	
Tesche	1,301,810		1,192,600	109,210	
Trainor	247,230		30,000	217,230	
Tremaine	25,000		325,000		(300,000)
Van Etten	612,570	53,850	158,380	400,340	
Von Gemmingen	74,800			74,800	
<b>TOTAL</b>	<b>\$ 2,817,180</b>	<b>\$ 53,850</b>	<b>\$ 1,705,980</b>	<b>\$ 1,506,360</b>	<b>\$ (449,010)</b>

MAYOR'S PROPOSED BUDGET (AO 2001-162) **\$267,649,430**

ASSEMBLY PROPOSED AMENDMENTS 2,817,180

REVISED BUDGET (if Approved) **\$270,466,610**