



Municipality of Anchorage, Alaska
Parks & Recreation Department

632 W. 6th Avenue, Suite 630
P.O. Box 196650
Anchorage, AK 99519
Tel 907-343-4355

URL www.muni.org/departments/parks



MEMORANDUM

Date: December 5, 2018

To: Parks & Recreation Commission

From: Parks and Recreation Department

Project: **PRC 2018-26: Proposed Ordinance Amending AMC 25.30.025 to Reduce Notice Requirements for Disposal of Certain Municipal Park Land**

Proposal and Background

The Parks and Recreation Commission is asked to consider and make a recommendation regarding a proposal to amend the Anchorage Municipal Code to reduce the public notice requirements for disposal of municipal land that requires voter approval. As discussed here such requirements pertain to land formally dedicated for park and recreation purposes.

Attached is draft AO 2018-117 to provide for the proposed amendment and AM 762-2018 providing background information. The ordinance was introduced at the Assembly's December 4, 2018, meeting and is scheduled for public hearing December 18.

Specifically, as drafted, AO 2018-117 would

- eliminate the requirement that first notice of a proposed disposal be at least 180 days prior to the date for final action a the ballot proposition
- reduce the time requirement for notice by signage from 180 days prior to public hearing by the assembly on the ordinance authorizing the disposal, to 14 days prior to action before the Parks and Recreation Commission

Other notice requirements would remain, including public notice by publication, mail, and posting, Notice of Parks and Recreation Commission action would remain a minimum of 14 days. It should be noted that, in addition, Assembly action on a bond proposition must be at least 63 days prior to an election.

As noted in AM 762-2018, the current notice requirements were adopted in 2007 (AO 2007-102). The 2007 amendment was intended to increase public notice requirements in parallel with notice requirements for disposal and other actions regarding Heritage Land Bank lands. The notice requirements regarding Heritage Land Bank lands at that time exceeded notice requirements for disposal of park land.

AO 2007-102, AM 444-2007, and corresponding Assembly minutes (8/14/07, Item 14.F.) are attached for reference. Also attached are AMC excerpts providing current public notice requirements for disposal of dedicated park land and HLB land, and AMC 28.20.015 (time for passage of ballot propositions).

Analysis and Findings

Disposal of dedicated park land is infrequent; the Parks and Recreation Department experience with the current notice requirements is limited. As noted in AM 762-2018, the scope or extent of interest in park land can vary from a limited utility easement to substantial fee-interest holdings.

The Parks and Recreation Department generally concurs with many of the findings and observation stated in AM 762-2018. The Department concurs with efforts to establish notice requirements that are adequate to provide important information to the public with sufficient opportunity to gather the range of viewpoints and additional information needed for sound decision-making. The Department does not have information to conclude that the notice requirements applicable to disposals of Heritage Land Bank properties are not also adequate for disposal of interest in dedicated park land.

Recommendation

The Parks and Recreation Department recommends that the Parks and Recreation Commission adopt the attached resolution in support of a proposed amendment to the municipal code to make notice requirements for disposal of dedicated park lands not less than notice requirements for disposal of Heritage Land Bank lands.

Attachments:

Draft AO No. 2018-117

AM No. 762-2018

AO No. 2007-102

AM No. 444-2007

Excerpt from Assembly Minutes of 8/14/07

AMC 25.30.025

AMC 25.40.030

AMC 28.20.015



Municipality of Anchorage, Alaska
Parks & Recreation Commission

632 W. 6th Avenue, Suite 630
P.O. Box 196650
Anchorage, AK 99519



PRC Resolution No. 2018-19
Proposed Ordinance Amending AMC 25.30.025 to Reduce Notice Requirements for Disposal of Certain Municipal Park Land

WHEREAS, the Anchorage Parks and Recreation Commission serves in an advisory capacity to both the Mayor and the Assembly; and

WHEREAS, the Anchorage Parks and Recreation Commission has the responsibility and duty to provide for the long term vision of our park system by ensuring that a balance of parks, natural resources, and recreation facilities provides for the health, welfare, and safety of all residents of the Anchorage Bowl; and

WHEREAS, Anchorage Municipal Code provides public notice requirements for actions to dispose of interest in municipal lands, including land dedicated for permanent or long-term park or recreation purposes; and

WHEREAS, the disposal of interest in municipal land, in particular interest in dedicated park land should be done only when determined after careful consideration to be in the public interest; and

WHEREAS, the disposal of interest in dedicated park in addition requires voter approval; and

WHEREAS, public notice for disposal of land held by the Heritage Land Bank is a minimum of 14 days; and

WHEREAS, public notice for disposal of dedicated park land is a minimum of 180 days prior to final action on a ballot proposition; and

WHEREAS, it is not certain that the public notice of 180 days would result in a better informed decision than notice of 14 days but may impose unnecessary constraints on administrative action, in particular involving disposal of certain limited real property interest; now, therefore

BE IT RESOLVED that the Anchorage Parks and Recreation Commission recommends that the Anchorage Assembly amend the Municipal Code municipal code as appropriate to make notice requirements for disposal of dedicated park lands not less than notice requirements for disposal of Heritage Land Bank lands.

PASSED AND APPROVED by the Anchorage Parks and Recreation Commission this 13th day of December, 2018.

Chair
Parks and Recreation Commission

ATTEST:

John Rodda, Director
Parks & Recreation Department

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Department of Law
For reading: December 4, 2018

ANCHORAGE, ALASKA
AO No. 2018-117

1 **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION**
2 **25.30.025, PUBLIC NOTICE PROCEDURES WHEN MUNICIPAL LAND DISPOSAL**
3 **REQUIRES VOTER APPROVAL, BY REDUCING THE NOTICE REQUIREMENTS**
4 **TO BE CONSISTENT WITH HERITAGE LAND BANK NOTICE REQUIREMENTS.**
5

6
7 **WHEREAS**, in 2007, the Assembly approved AO No. 2007-102, adding a 180-day
8 public notice period for disposals of interests in municipal land that require voter
9 approval; and

10
11 **WHEREAS**, according to its accompanying assembly memorandum (AM 444-
12 200), the stated purpose of the code amendment was to maintain consistency with
13 requirements for disposal of Heritage Land Bank property; and

14
15 **WHEREAS**, Heritage Land Bank notice requirements do not include a 180 day
16 notice requirement; and,

17
18 **WHEREAS**, the 180 day notice requirement has led to often insurmountable
19 logistical obstacles for projects involving minor interests in land in dedicated parks;

20
21 **WHEREAS**, the public notice requirement for disposal of Heritage Land Bank parcels
22 is 14 days' notice prior to the meeting of its advisory commission to consider whether
23 to recommend the disposal;

24
25 **WHEREAS**, in addition to the public notice prior to the advisory commission meeting,
26 the decision to dispose of the interest in land remains subject to the Assembly notice
27 and public process, including an Assembly public hearing; and,

28
29 **WHEREAS**, following public notice and hearing before the advisory commission and
30 following public notice hearing before the Assembly action, there remains a 63 day
31 period between the Assembly's final action on the ballot proposition and the date of
32 the public vote; now, therefore,

33
34 **THE ANCHORAGE ASSEMBLY ORDAINS:**

35
36 **Section 1.** Anchorage Municipal Code section 25.30.025 is hereby amended to
37 read as follows:

38
39 **25.30.025 Public notice procedures when municipal land disposal**
40 **requires voter approval.**

41 A. A proposed disposal of municipal park land shall be first noticed at
42 least 14 days prior to action before the Parks and Recreation

1 Commission.[180 DAYS PRIOR TO THE DATE FOR FINAL
2 ACTION ON THE BALLOT PROPOSITION UNDER AMC
3 28.20.015.]
4

- 5 B. Public notice of municipal hearings and actions, including hearing
6 and action before the parks and recreation commission and the
7 assembly, shall be by publication, mail, and posting. Public notices
8 shall describe the nature and purpose of the proposed disposal and
9 the location of the land proposed for disposal. Public notice shall
10 include the legal description of the land proposed for disposal,
11 reference to local streets or other landmarks, and a diagram of the
12 vicinity identifying the location of the land proposed for disposal. A
13 statement of the date, time, and location for public hearing or other
14 public response to the proposal shall be included.
15
- 16 C. Notice by publication and posting. Notice shall be published in one
17 or more newspapers of general circulation in the municipality. Notice
18 shall also be posted on the municipal website.
19
- 20 D. Notice by signage. A sign shall be placed upon the land proposed for
21 disposal. [NO LESS THAN 180 DAYS PRIOR TO PUBLIC
22 HEARING BY THE ASSEMBLY ON THE ORDINANCE
23 AUTHORIZING THE DISPOSAL.] The sign shall be easily visible to
24 the public and shall generally identify the proposed disposal, specify
25 when the proposed disposal will be submitted to the voters for
26 approval, and include the information specified in subsection
27 25.30.025B.
28
- 29 E. Notice by mail shall include the information specified in subsection
30 25.30.025B and be given to:
31
- 32 1. The community council for the area where the land is located,
33 including individual members of the board of supervisors, as
34 well as any other community council which requests notice;
35 these community councils shall be given an opportunity to
36 provide public comment prior to the assembly or parks and
37 recreation commission taking any action;
38
- 39 2. All persons listed in the records of the municipal assessor as
40 owners of land abutting the parcel proposed for disposal and
41 all owners of the parcels of property within 500 feet of the
42 outer boundary of the; or the 50 parcels nearest the outer
43 boundary of the parcel, whichever is the greater number of
44 parcels, at the addresses of record according to the municipal
45 assessor; and
46
- 47 3. All persons requesting general notice of any action when
48 disposal of municipal land requires voter approval.
49
- 50 [F. ALL PUBLIC NOTICES FOR ACTIONS BEFORE THE PARKS AND
51 RECREATION COMMISSION SHALL PRECEDE THE HEARING

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DATE BY AT LEAST 14 DAYS.]

(AO No. 2007-102, § 2, 8-14-07)

Section 2. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2018.

Chair

ATTEST:

Municipal Clerk



MUNICIPALITY OF ANCHORAGE

Assembly Memorandum

No. AM 762-2018

Meeting Date: December 4, 2018

1 **From:** MAYOR

2
3 **Subject:** AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE
4 SECTION 25.30.025, PUBLIC NOTICE PROCEDURES WHEN
5 MUNICIPAL LAND DISPOSAL REQUIRES VOTOR APPROVAL, BY
6 REDUCING THE NOTICE REQUIREMENTS TO BE CONSISTENT
7 WITH HERITAGE LAND BANK NOTICE REQUIREMENTS.
8

9 This ordinance would modify public notice requirements for the disposal of
10 municipal land that requires voter approval to be consistent with notice
11 requirements for disposal of property held by the Heritage Land Bank (HLB). In
12 2007, the Assembly approved AO No. 2007-102, adding a code section for
13 public notice procedure when a municipal land disposal requires voter approval.
14 According to the accompanying assembly memorandum (AM 444-200), the
15 stated purpose was that as "more dedicated park land properties are removed
16 from Heritage Land Bank inventory and transferred to the Parks and Recreation
17 Department, public notice on disposal of park land should remain consistent with
18 present notice requirements for the Heritage Land bank."
19

20 The new code section, AMC 25.30.025, however, added a requirement not found
21 in Heritage Land Bank notice requirements. AMC 25.30.025A requires that a
22 proposed disposal of municipal land requiring voter approval shall be first noticed
23 **180** days prior to the date for final action on the ballot proposition...". The final
24 action date, set forth in Title 28, is 63 days prior to the election. Thus, notice to
25 the public for the transfer of an interest in dedicated park land by ballot
26 proposition is at least 243 days (180 days plus 63 days). This notice requirement
27 has often created insurmountable logistical obstacles for many routine disposals
28 such as utility easements on dedicated parks, as well as small land interests in
29 large projects such as state funded road improvements.
30

31 Prior to demonstrating the logistical impacts of this notice, it should be noted that
32 a disposal of an interest in a dedicated park can include transactions much
33 smaller than the transfer of a large portion of a park. It may include utility
34 easements and small land exchanges as part of a state or municipal project.
35

36 To demonstrate the logistical obstacles imposed by the 180 day notice
37 requirement, final action for the upcoming April 2019 ballot vote is January 23,
38 2019. Public notice of a disposal of an interest in dedicated park land for this
39 ballot proposition would have had to be completed 180 days prior to 1/23/19 ---
40 **July 27, 2018**, for the current election cycle. This date, however, does not take
41 into account the many months prior to 7/27/2018 required to put together a
42 project plan, secure tentative agreements, and secure funding. What this means
43 is that projects involving any interest in land in a dedicated park have to be fully
44 developed long before the 180 days before the final action date and 63 days

1 prior to the public vote in April 2019. Government projects and government
2 funding sources cannot effectively move this slowly given changing funding
3 sources, changing administrations (both state and municipal), and myriads of
4 projects that may touch dedicated park lands.

5
6 Although the recommendation to reduce the 180 day public notice requirement
7 has been discussed many times by Real Estate Services, the logistical impact of
8 this requirement has once again surfaced in a current project. The current MLP
9 sale transaction includes the transfer of two utility substations owned by MLP
10 and located on dedicated park land. Chugach has requested voter approval of
11 the transfer of easements for the substations to Chugach prior to closing of the
12 sale transaction to assure the continuous operation of these substations. With
13 the current 180 notice requirement, the Municipality is unable to meet Chugach's
14 request, another example of the impact of this 180 day requirement.

15
16 Current HLB noticing requirements include fourteen days' notice prior to public
17 hearing before its advisory commission to be given to community councils,
18 landowner mailing, signage, and publication (in this case it would be to the Parks
19 and Recreation Commission). The proposed ordinance adopts the HLB
20 timelines. In addition to the 14 days' notice to the Parks and Recreation
21 Commission, the recommendations of the Parks and Recreation Commission
22 remain subject to the notice timelines for Assembly introduction and public
23 hearing for approval of a ballot proposition, and remain subject to the 63 days
24 between final action by the Assembly and the public vote on the ballot
25 proposition. Current notice will also continue to include municipal website notice,
26 and notice to persons who request general notice of any action when disposal of
27 municipal land requires voter approval. AMC 25.30.025E.3.

28
29 This proposed code amendment will be presented to the Parks and Recreation
30 Commission at their regularly scheduled meeting in December. The
31 Commission's response and recommendation to the Mayor and Assembly will be
32 included in an AIM prior to the public hearing on this ordinance code change.

33
34 If the Assembly approves the code change, a ballot proposition to the voters
35 addressing the substation easements will be introduced in January. A second
36 Parks and Recreation public hearing will be held at its January meeting prior to
37 the final public hearing on the ballot proposition concerning whether it
38 recommends the transfer of these easements.

39
40 No anticipated public or private economic effects are anticipated and therefore
41 no SEE is attached.

42
43 **THE ADMINISTRATION RECOMMENDS APPROVAL.**

44
45 Prepared by: Dept. of Law
46 Approved by: Robin Ward, Director Real Estate Services and HLB
47 Concur: John Rodda, Dir. Parks & Recreation
48 Concur: Christopher Schutte
49 Concur: Rebecca A. Windt Pearson, Municipal Attorney
50 Concur: William D. Falsey, Municipal Manager
51 Respectfully submitted: Ethan A. Berkowitz, Mayor

Submitted by: ASSEMBLY CHAIR DAN COFFEY
Prepared by: Assembly Counsel
For reading: July 17, 2007

CLERK'S OFFICE

APPROVED

Date: 8-14-07

ANCHORAGE, ALASKA
AO NO. 2007-102

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
2 ANCHORAGE MUNICIPAL CODE CHAPTER 25.30, DISPOSAL OF MUNICIPAL
3 LAND, TO REQUIRE PRIOR PUBLIC NOTICE IN THE DISPOSAL OF PARK LAND.
4

5
6 THE ANCHORAGE ASSEMBLY ORDAINS:
7

8 **Section 1.** Anchorage Municipal Code section 25.30.020, Disposal by Ordinance, is
9 amended to read as follows:
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11 **25.30.020 Disposal by ordinance.**
12

13 Except as required by law, the municipality may dispose of municipal land or any
14 interest therein only by ordinance. An ordinance disposing of municipal land
15 formally dedicated to permanent or long-term park or recreational purposes is
16 valid only upon approval by a majority of those voting on the questions at a
17 regular or special election. When municipal land disposal requires voter approval,
18 public notice of the proposed disposal of municipal land shall meet the
19 requirements of section 25.30.025 prior to assembly action authorizing the ballot
20 proposition. For purposes of this section, an interest in municipal land means any
21 estate in real property or improvements thereon, but excluding revocable permits
22 or licenses, rights-of-way or easements which the assembly finds to be without
23 substantial value to the municipality.
24

25 (AO No. 79-170; AO No. 80-48(S))
26

27 **Section 2.** Anchorage Municipal Code chapter, 25.30, Disposal of Municipal Land, is
28 amended to enact a new section AMC 25.30.025, Public Notice Procedures When
29 Municipal Land Disposal Requires Voter Approval, to read as follows:
30

31 **25.30.025 Public notice procedures when municipal land disposal**
32 **requires voter approval.**
33

34 A. A proposed disposal of municipal park land shall be first noticed at least
35 180 days prior to the date for final action on the ballot proposition under
36 AMC 28.20.015.
37

1 B. Public notice of municipal hearings and actions, including hearing and
2 action before the Parks and Recreation Commission and the assembly, shall be
3 by publication, mail, and posting. Public notices shall describe the nature and
4 purpose of the proposed disposal and the location of the land proposed for
5 disposal. Public notice shall include the legal description of the land proposed for
6 disposal, reference to local streets or other landmarks, and a diagram of the
7 vicinity identifying the location of the land proposed for disposal. A statement of
8 the date, time, and location for public hearing or other public response to the
9 proposal shall be included.

10
11 C. *Notice by publication and posting.* Notice shall be published in one or
12 more newspapers of general circulation in the municipality. Notice shall also be
13 posted on the municipal website.

14
15 D. *Notice by signage.* A sign shall be placed upon the land proposed for
16 disposal no less than 180 days prior to public hearing by the assembly on the
17 ordinance authorizing the disposal. The sign shall be easily visible to the public
18 and shall generally identify the proposed disposal, specify when the proposed
19 disposal will be submitted to the voters for approval, and include the information
20 specified in subsection 25.30.025B.

21
22 E. *Notice by mail* shall include the information specified in subsection
23 25.30.025B and be given to:

24
25 1. The community council for the area where the land is located,
26 including individual members of the Board of Supervisors, as well as any
27 other community council which requests notice; these community councils
28 shall be given an opportunity to provide public comment prior to the
29 Assembly or Parks and Recreation Commission taking any action;

30
31 2. All persons listed in the records of the municipal assessor as
32 owners of land abutting the parcel proposed for disposal and all owners of
33 the parcels of property within 500 feet of the outer boundary of the; or the
34 50 parcels nearest the outer boundary of the parcel, whichever is the
35 greater number of parcels, at the addresses of record according to the
36 municipal assessor; and

37
38 3. All persons requesting general notice of any action when disposal
39 of municipal land requires voter approval.

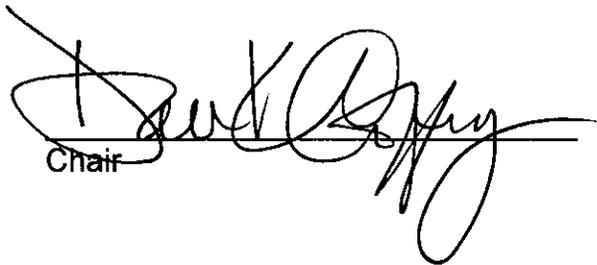
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41 F. All public notices for actions before the Parks and Recreation Commission
42 shall precede the hearing date by at least 14 days.

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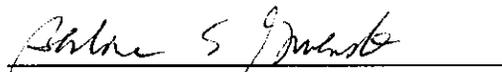
Section 3. The Code Revisor is directed to incorporate a cross-reference to Anchorage Municipal Code sections 25.30.020 and 25.30.025 under the provisions of AMC 28.20.015, Time for Passage of Ballot Propositions.

Section 4. This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 14th day of August, 2007.


Chair

ATTEST:


Municipal Clerk



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
NO. AM 444-2007

Meeting Date: July 17, 2007

1 **From:** Assembly Chair Dan Coffey
2 **Subject:** **AO 2007-102 — AN ORDINANCE OF THE ANCHORAGE MUNICIPAL**
3 **ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER**
4 **25.30, DISPOSAL OF MUNICIPAL LAND, TO REQUIRE PRIOR PUBLIC**
5 **NOTICE IN THE DISPOSAL OF PARK LAND.**
6

7 By ordinance, actions proposed to be taken regarding Heritage Land Bank properties
8 require substantial public notice procedures, including notice to property owners within
9 500 feet of the parcel proposed for action, or the 50 parcels nearest the outer boundary
10 of the parcel. Public notice by Heritage Land Bank officials often exceeds the 500 feet,
11 as many properties affected are large and remote (e.g. Girdwood land) beyond the 500
12 feet boundary. These public notice requirements are included under AMC 25.40.030,
13 and promote good decision-making.
14

15 On the other hand, disposal of municipal park lands by ordinance under AMC 25.30.020
16 is presently subject only to the general notice requirements for introduction and
17 enactment of ordinances under Charter Section 10.01 ("public hearing shall be held at
18 least seven days after publication of the notice") and the 49-day rule for ballot
19 propositions in the upcoming election at AMC 28.20.015. This means that a disposal of
20 park land can be introduced two weeks prior to the last day for action on a ballot
21 proposition, without any other notice to the community in which the park land is located.
22

23 This proposed ordinance amends AMC chapter 25.30 to adopt notice provisions in the
24 disposal of park land that parallel the notice requirements in place for Heritage Land
25 Bank properties. This will enhance the public process and assist the Assembly to avoid
26 the type of confusion recently encountered when voters were presented with a ballot
27 that included a proposed disposal that would not be going forward.
28

29 As more dedicated park land properties are removed from Heritage Land Bank
30 inventory and transferred to the Parks and Recreation Department, public notice on
31 disposal of park land should remain consistent with present notice requirements for the
32 Heritage Land Bank.
33

34 Respectfully submitted:

35
36
37 Dan Coffey
38 Assembly Chair, Section 4

- 1 14.E. Ordinance No. AO 2007-109, an ordinance amending Title 12 of the Anchorage Municipal Code to
- 2 add a new section 12.15.025 for **Disaster Tax Relief**, retroactive to January 1, 2007; Mayor Begich;
- 3 Assemblymember Tesche.
- 4 1. Ordinance No. AO 2007-109(S), an ordinance amending Title 12 of the Anchorage Municipal
- 5 Code to add a new section 12.15.025 for Disaster Tax Relief, retroactive to January 1, 2007;
- 6 Mayor Begich; Assemblymember Tesche and Ossiander. (**Addendum**)

7
8 Chair Coffey read the ordinance title and opened Public Hearing. There was no one to testify and he closed Public
9 Hearing and called the Question.

10
11 Mr. Tesche moved, to approve AO 2007-109(S),
12 Mr. Sullivan seconded,

13
14 To Mr. Tesche, Chief Fiscal Officer Jeff Sinz responded that State Law granted flexibility to the Assembly to offer
15 property reassessment and potential tax adjustment as a result of some sort of disaster. The ordinance was a fairly
16 restricted approach to establishing a local program, limited to disasters associated with fires and earthquakes, which
17 appeared to be workable but may require adjustment. It was limited to owner-occupied residential property and
18 required a minimum of 50% loss of property to initiate any form of adjustment. Key elements still needed to be
19 addressed, including the questions concerning mobile homes and the Assembly's role in recommending adjustment to
20 the Assessor's recommendation. Mr. Tesche stated that additional comment and clarification was needed on the
21 inclusion of mobile homes, the Assembly's role as an appeal mechanism and whether this should be extended to
22 earthquake damage. Properties must be damaged to at least 50% of the value before this ordinance takes effect. He
23 urged consideration of postponing for two weeks for additional review.

24
25 Mr. Birch stated the S-version included amendments that addressed his concerns about mobile homes.

26
27 Mr. Sullivan supported a two-week delay. The ordinance would limit covered natural disasters to earthquakes and
28 fires. It was not uncommon for homes to be damaged by high winds and there were a number of creeks in town that
29 could cause flooding. He may support a more general ordinance that would allow the Assessor to determine a natural
30 disaster that created significant damage to homes.

31
32 Ms. Ossiander stated her concerns included having the Assembly make the determination on individual homeowners
33 claiming a disaster. Specific criteria were needed from the Assessor and she preferred the S-version, which
34 addressed mobile homes. She supported a two-week delay and preferred guidelines to be better prepared.

35
36 To Mr. Traini, Municipal Attorney Jim Reeves responded the State Assessor had certain authority under State Law,
37 and it was clear that the Assembly had authority to provide by ordinance, a tax adjustment or reassessment. Mr. Traini
38 requested Mr. Reeve's opinion in writing.

39
40 Mr. Tesche moved, to Continue AO 2007-109(S) to August 28, 2007,
41 Ms. Ossiander seconded,

42
43 Ms. Ossiander stated that she would work with Mr. Tesche and requested to be added as a cosponsor. Chair Coffey
44 responded that Assemblymembers could join Mr. Tesche and Ms. Ossiander to discuss the matter.

45
46 Mr. Claman requested Assemblymembers' opinions of nonresidents applying.

47
48 Dr. Selkregg stated that the benefits following the 1964 Earthquake had not necessarily been even and often reflected
49 who had had a better capacity to access the resources. It needed to be an even playing field.

50
51 and the motion was approved without objection.

52
53 AYES: Tesche, Traini, Sullivan, Coffey, Ossiander, Johnston, Birch, Bauer, Selkregg and Claman.
54 NAYES: None.
55 ABSENT: Starr, excused.

- 56
- 57 14.F. Ordinance No. AO 2007-102, an ordinance of the Anchorage Municipal Assembly amending
- 58 Anchorage Municipal Code Chapter 25.30, **Disposal of Municipal Land**, to require prior public notice
- 59 in the disposal of park land; Assembly Chair Coffey.
- 60 1. Assembly Memorandum No. AM 444-2007.

61
62 Chair Coffey read the ordinance title and opened Public Hearing. With no one to testify, he closed Public Hearing and
63 called the Question.

64
65 Dr. Selkregg moved, to approve AO 2007-102,
66 Mr. Sullivan seconded,

67
68 Ms. Ossiander assumed the Assembly Chair, to allow Mr. Coffey to speak to the issue.

69
70 Mr. Coffey stated that he had brought this ordinance forward, based on the experience of a land swap with the Jewish
71 Historical Museum, when neighbors had complained they had not received enough notice. He had requested that the
72 Department of Law add a requirement for Public Notice for any disposal of property, which would allow an opportunity
73 for those closely affected to be informed and involved with the process.

74
75 Acting Chair Ossiander called for a vote. Mr. Coffey assumed the Chair.

76
77 and this motion was passed, 10-0.
78

1 AYES: Tesche, Traini, Sullivan, Coffey, Ossiander, Johnston, Birch, Bauer, Selkregg and Claman.
2 NAYES: None.
3 ABSENT: Starr, excused.

4
5 14.G. Ordinance No. AO 2007-95, an ordinance of the Anchorage Municipal Assembly amending Anchorage
6 Municipal Code Chapter 3.97, **Naming of Municipal Buildings, Other Fixed Facilities and Public**
7 **Places**, to implement policy; clarify and amend criteria and procedures in honorary naming;
8 Assemblymember Bauer.

9
10 Chair Coffey read the ordinance title and opened Public Hearing. He stated that Mr. Claman had introduced an
11 ordinance on the same matter and both ordinances would be heard by the Public Facilities Advisory Commission and
12 would come before the Assembly again at the same time. There was no one to testify.

13
14 Mr. Claman moved, to Continue AO 2007-95 to August 28, 2007,
15 Mr. Traini seconded,
16 and this was approved without objection.

17
18 AYES: Tesche, Traini, Sullivan, Coffey, Ossiander, Johnston, Birch, Bauer, Selkregg and Claman.
19 NAYES: None.
20 ABSENT: Starr, excused.

21
22 14.H. Ordinance No. AO 2007-98, an ordinance authorizing the long term lease between the Municipality of
23 Anchorage as lessor and **Stoddard Aero Services Incorporated** as lessee of Lot 16 and Lot 17,
24 Block 2 Merrill Field Replat which will be replatted into one large lot located between Runway 07/25
25 and Glenn Highway; Merrill Field Airport.
26 1. Assembly Memorandum No. AM 441-2007.

27
28 Chair Coffey read the ordinance title and opened Public Hearing. With no one to testify, he closed Public Hearing and
29 called the Question.

30
31 Dr. Selkregg moved, to approve AO 2007-98,
32 Mr. Sullivan seconded,
33 and this was passed, 10-0.

34
35 AYES: Tesche, Traini, Sullivan, Coffey, Ossiander, Johnston, Birch, Bauer, Selkregg and Claman.
36 NAYES: None.
37 ABSENT: Starr, excused.

38
39 14.I. Ordinance No. AO 2007-99, an ordinance authorizing Amendment #2 to the **Port of Anchorage**
40 **Terminal Tariff No. 6** to increase the security surcharge tariff retroactive to August 1, 2007; Port of
41 Anchorage.
42 1. Assembly Memorandum No. AM 442-2007.

43
44 Chair Coffey read the ordinance title and opened Public Hearing. With no one to testify, he closed Public Hearing and
45 called the Question.

46
47 Ms. Ossiander moved, to approve AO 2007-99,
48 Mr. Sullivan seconded,

49
50 Ms. Ossiander stated that Ed Leon (*Port Director of Finance and Administration*) had explained the tonnage involved
51 and the processes of distribution at the Port of Anchorage which justified the increase to security surcharge tariff and
52 was federally mandated.

53
54 and this was passed, 10-0.

55
56 AYES: Tesche, Traini, Sullivan, Coffey, Ossiander, Johnston, Birch, Bauer, Selkregg and Claman.
57 NAYES: None.
58 ABSENT: Starr, excused.

59
60 14.J. Resolution No. AR 2007-171, a resolution of the Anchorage Municipal Assembly appropriating a
61 \$198,650 contribution approved in the 2007 General Operating Budget from the Office of Economic
62 and Community Development's Eagle River-Chugiak Parks And Recreation Service Area Fund (162),
63 to the **Eagle River-Chugiak Parks And Recreation Service Area Capital Improvement Project**
64 **Fund (462)** for capital maintenance and improvements; Office of Economic & Community
65 Development.
66 1. Assembly Memorandum No. AM 434-2007.

67
68 Chair Coffey read the resolution title and opened Public Hearing. With no one to testify, he closed Public Hearing and
69 called the Question.

70
71 Ms. Ossiander moved, to approve AR 2007-171,
72 Dr. Selkregg seconded,

73
74 Ms. Ossiander urged approval.

75
76 and this was passed, 10-0.

77
78 AYES: Tesche, Traini, Sullivan, Coffey, Ossiander, Johnston, Birch, Bauer, Selkregg and Claman.

Anchorage Municipal Code

25.30.025 - Public notice procedures when municipal land disposal requires voter approval.

- A. A proposed disposal of municipal park land shall be first noticed at least 180 days prior to the date for final action on the ballot proposition under AMC 28.20.015.
- B. Public notice of municipal hearings and actions, including hearing and action before the parks and recreation commission and the assembly, shall be by publication, mail, and posting. Public notices shall describe the nature and purpose of the proposed disposal and the location of the land proposed for disposal. Public notice shall include the legal description of the land proposed for disposal, reference to local streets or other landmarks, and a diagram of the vicinity identifying the location of the land proposed for disposal. A statement of the date, time, and location for public hearing or other public response to the proposal shall be included.
- C. Notice by publication and posting. Notice shall be published in one or more newspapers of general circulation in the municipality. Notice shall also be posted on the municipal website.
- D. Notice by signage. A sign shall be placed upon the land proposed for disposal no less than 180 days prior to public hearing by the assembly on the ordinance authorizing the disposal. The sign shall be easily visible to the public and shall generally identify the proposed disposal, specify when the proposed disposal will be submitted to the voters for approval, and include the information specified in subsection 25.30.025B.
- E. Notice by mail shall include the information specified in subsection 25.30.025B and be given to:
 - 1. The community council for the area where the land is located, including individual members of the board of supervisors, as well as any other community council which requests notice; these community councils shall be given an opportunity to provide public comment prior to the assembly or parks and recreation commission taking any action;
 - 2. All persons listed in the records of the municipal assessor as owners of land abutting the parcel proposed for disposal and all owners of the parcels of property within 500 feet of the outer boundary of the; or the 50 parcels nearest the outer boundary of the parcel, whichever is the greater number of parcels, at the addresses of record according to the municipal assessor; and
 - 3. All persons requesting general notice of any action when disposal of municipal land requires voter approval.
- F. All public notices for actions before the parks and recreation commission shall precede the hearing date by at least 14 days.

(AO No. 2007-102, § 2, 8-14-07)

25.40.030 - Public notice procedures.

- A. All public notices required by this chapter for actions proposed to be taken regarding Heritage Land Bank land or fund shall be given in substantial compliance with this section.
- B. All Heritage Land Bank activities requiring notice to the public shall be preceded by notice by publication calculated to achieve the greatest reasonable notice.
- C. A proposed action shall be noticed by a sign conspicuously placed upon the land proposed for action. The sign shall generally identify the proposed action and include the information specified in section 25.40.030(F), the sign shall be easily visible to the public and be placed upon the land no less than 14 days prior to a public hearing by the Heritage Land Bank Advisory Commission on the proposed action.
- D. In addition to notice by publication and signage, notice by mail shall be given to:
 - 1. The community council for the area where the land is located, including the Girdwood Board of Supervisors, as well as any other community council which requests notice of Heritage Land Bank activities; these community councils shall be given an opportunity to provide public input prior to the Heritage Land Bank advisory commission taking action.
 - 2. All persons listed in the records of the municipal assessor as owners of land abutting the parcel proposed for Heritage Land Bank action and all owners of:
 - a. The parcels of property within 500 feet of the outer boundary of the parcel proposed for action; or
 - b. The 50 parcels nearest the outer boundary of the parcel proposed for action;whichever is the greater number of parcels, at the addresses of record according to the municipal assessor's files; and
 - 3. All persons requesting general notice of proposed Heritage Land Bank actions, from a standing list of names and addresses which the Heritage Land Bank shall maintain.
- E. All public notices of proposed Heritage Land Bank Advisory Commission actions, including public hearings regarding proposed actions, shall precede a hearing before the advisory commission on the proposed action by at least 14 days.
- F. All required public notices concerning proposed Heritage Land Bank advisory commission public hearings and actions shall describe the proposed action, and shall give the location of the land proposed for action, including the legal description and reference to nearby streets or other landmarks, a map of the area, and a statement of the date, time, and location for any public hearing or other public response to the proposal.

(AO No. 95-198(S-3), § 2, 12-15-95; AO No. 2002-136, § 1, 10-15-02; AO No. 2009-134, § 1, 1-12-10)

28.20.015 - Time for passage of ballot propositions.

- A. The assembly shall take final action, including reconsideration, on all ordinances and resolutions containing ballot propositions or other matters relating to or affecting a regular election not later than 63 days prior to such election.
- B. Subsection A. notwithstanding, an initiative petition is void if the assembly enacts substantially the same measure prior to the election and a referendum petition is void if the assembly repeals the ordinance in question prior to the election.

(AO No. 94-240, § 1, 1-10-95; AO No. 2008-17, § 1, 2-12-08; [AO No. 2016-10\(S\), § 2, 2-9-16](#))

Charter reference— Initiative and referendum, § 3.02(d).

Cross reference— Disposal by ordinance, § 25.30.020; public notice procedures when municipal land disposal requires voter approval, § 25.30.025.