

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Regular Meeting of July 1, 1997

1. **CALL TO ORDER:**

The meeting was convened at 4:30 p.m. by Chairman Mark Begich in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. **ROLL CALL:**

Present: Charles Wohlforth, Bob Bell (4:34 p.m.), Pat Abney, Dan Kendall, George Wuerch, Mark Begich, Kevin Meyer, Fay Von Gemmingen, Cheryl Clementson, Ted Carlson, Joe Murdy.
Absent: None.

3. **PLEDGE OF ALLEGIANCE:**

The pledge was led by Mr. Murdy.

4. **MINUTES OF PREVIOUS MEETING:**

- A. Regular Meeting - January 28, 1997
- B. Regular Meeting - February 11, 1997
- C. Regular Meeting - February 25, 1997

Mr. Murdy moved, to approve the minutes of the
seconded by Mr. Kendall, regular meetings of January 28,
and it passed without objection, February 11 and February 25, 1997.

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

6. **ADDENDUM TO AGENDA:**

Mr. Murdy moved, to amend the agenda to include
seconded by Ms. Von Gemmingen, the addendum items.

Chairman Begich read the addendum items.

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

7. **CONSENT AGENDA:**

Mr. Murdy moved, to approve all items on the
seconded by Ms. Clementson, consent agenda as amended.

A. **BID AWARDS:**

- 1. Assembly Memorandum No. AM 561-97, recommendation of award to Pruhs Corporation for **1997 miscellaneous construction services** for the Municipality of Anchorage, Public Works (ITB 97-C24), Purchasing.

Mr. Wohlforth asked this item be considered on the regular agenda. See 8.B.

- 2. Assembly Memorandum No. AM 582-97, recommendation of award to McKinley Fence Company of Alaska, Inc. for providing various **fencing services** as an "as needed" basis to the Municipality of Anchorage, Purchasing Department (ITB 97-C30), Purchasing.

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

- 1. Ordinance No. AO 97-97, an ordinance repealing Anchorage Municipal Code of Regulations Title 17 **regulating animal control fees, fines and penalties, mandatory sterilization and forfeiture of animals for cruelty to animals** and reenacting said provisions with amendments as various sections of Anchorage Municipal Code Title 17, Legal Department. public hearing 7-22-97.
 - a. Assembly Memorandum No. AM 583-97.
- 2. Resolution No. AR 97-147, a resolution of the Municipality of Anchorage appropriating from the Anchorage Fire Service Area (0131) Fund Balance: \$373,300 as a contribution to the Anchorage Fire Service Area CIP Fund (0431) and \$85,000 for Fire Department requirements

(to **purchase a pumper unit, training equipment and emergency radios, replace a hoist, and install wireless communications**), Fire Department. public hearing 7-22-97.

a. Assembly Memorandum No. AM 562-97.

Mr. Wohlforth asked this item be considered on the regular agenda. See 8.C.

3. Resolution No. AR 97-148, a resolution of the Municipality of Anchorage appropriating \$180,000 from the Anchorage Roads and Drainage Service Area (0141) Fund Balance and \$120,000 from the New Anchorage Police Service Area (0151) Fund Balance for additional Intragovernmental Charges from the Equipment Maintenance Fund (0601) for **increased vehicle depreciation**, Office of Management and Budget. public hearing 7-22-97.
 - a. Assembly Memorandum No. AM 563-97.
4. Resolution No. AR 97-149, a resolution **confirming and levying assessments for the water special improvements within Levy Upon Connection (LUC) Roll 97-W-1**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility. public hearing 8-19-97.
 - a. Assembly Memorandum No. AM 564-97.
5. Resolution No. AR 97-163, a resolution of the Anchorage accepting and appropriating \$12,111,493 from the State Department of Community and Regional Affairs to the State Categorical Grants Fund (0231) and appropriating \$109,157 of State Categorical Grants Fund (0231) Projected Interest Earnings for the **Safe Communities Program** in order to accommodate a change in payment schedule and assure the ability to provide continued financial support for public safety programs while reducing the impact on property taxpayers, Mayor Mystrom and Assembly Members Murdy and Wuerch. public hearing 7-22-97. **(addendum)**
 - a. Assembly Memorandum No. AM 603-97.
6. Resolution No. AR 97-164, a resolution of the Municipality of Anchorage appropriating a total of \$972,000 from General Government Operating Fund Balances to corresponding General Government Capital Improvement Funds to provide local matching funds for State Fiscal Year 1998 Matching Grants (AS 37.06) for **major municipal facilities upgrade**, Office of Management and Budget. public hearing 7-22-97. **(addendum)**
 - a. Assembly Memorandum No. AM 604-97.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 97-153, a resolution of the Anchorage Municipal Assembly **honoring Detective Jack W. Larsen for his 20 years of service** with the Anchorage Police Department, Assemblymembers Murdy, Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Von Gemmingen, Wohlforth, and Wuerch.

Mr. Murdy asked this item be considered on the regular agenda. See item 8.

2. Resolution No. AR 97-154, a resolution of the Anchorage Municipal Assembly **honoring Jean G. Ruppert, upon her retirement, for her 28 years of public services**, Assemblymembers Begich, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch.

(Clerk's Note: This item was reconsidered. See item 8 for further action.)

3. Resolution No. AR 97-150, a resolution for the acceptance and appropriation of \$35,550 to the Girdwood Valley Service Area Fund (0106) Cultural and Recreational Services Department from the Alaska Division of Emergency Management Office to make **repairs to flood damaged bridges and trails in Girdwood**, Cultural and Recreational Services.
 - a. Assembly Memorandum No. AM 565-97.
4. Resolution No. AR 97-151, a resolution amending the 1997 General Government Operating Budget appropriating \$40,000 from the Building Safety Service Area (0181) Fund Balance as a contribution to Property and Facility Management Department for **building remodeling and code upgrades**, Public Works.
 - a. Assembly Memorandum No. AM 566-97.
5. Resolution No. AR 97-152, a resolution authorizing the **disposal of a municipal interest within Lot 2, Block 6, Lincoln Park Subd.** located in the vicinity of Lois Drive and Spenard Road, Water and Wastewater Utility.
 - a. Assembly Memorandum No. AM 567-97.
6. Resolution No. AR 97-155, a resolution authorizing the Municipality to **acquire a portion of the leasehold interest of A.C.E. Flyers, Inc., the westerly 25 feet of Lot 2A, Block 5, Merrill Field Replat, Addition No. 3, Plat No. 90-56**, Merrill Field Airport.
 - a. Assembly Memorandum No. AM 584-97.
7. Resolution No. AR 97-156, a resolution authorizing the Municipality to **acquire Lot 5A of Block 23B, Third Addition to the Townsite of Anchorage, Plat C-28**, Merrill Field Airport.
 - a. Assembly Memorandum No. AM 585-97.

Mr. Wohlforth asked this item be considered on the regular agenda. See 8.D.

8. Resolution No. AR 97-157, a resolution to **establish the delinquent dates for the first and second half of yearly business personal and personal property tax payments** for Tax Year 1997, Finance. (addendum)
 - a. Assembly Memorandum No. AM 601-97.
9. Resolution No. AR 97-158, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Thomas R. Stahr for his years of service and accomplishments** as General Manager of Municipal Light and Power, Assemblymembers Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch. (addendum)

Mr. Wohlforth asked this item be considered on the regular agenda. See item 8.

10. Resolution No. AR 97-159, a resolution of the Anchorage Municipal Assembly **honoring Captain Shirley A. Warner, upon her retirement, for her 20 years of service** with the Anchorage Police Department, Assemblymembers Murdy, Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Von Gemmingen, Wohlforth, and Wuerch. (addendum)

Mr. Murdy asked this item be considered on the regular agenda. See item 8.

11. Resolution No. AR 97-160, a resolution of the Anchorage Municipal Assembly **recognizing the 5th Anniversary of West Anchorage's Community Patrol efforts**, Assemblymembers Von Gemmingen, Murdy, Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Wohlforth, and Wuerch. (addendum)

Ms. Von Gemmingen asked this item be considered on the regular agenda. See item 8.

12. Resolution No. AR 97-161, a resolution of the Anchorage Municipal Assembly **recognizing and thanking Mary Ann Pease for her 11 years of service** with the Municipality of Anchorage, Assemblymembers Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch. (addendum)

Ms. Clementson asked this item be considered on the regular agenda. See item 8.

13. Resolution No. AR 97-162, a resolution of the Anchorage Municipal Assembly revising Assembly Resolution 97-95 pertaining to the number of members which will comprise the **Recycling and Waste Reduction Advisory Task Force**, Assemblymember Abney. (addendum)
14. Resolution No. AR 97-165, a resolution requesting **safe communities funding** from the Department of Community and Regional Affairs, Office of Management and Budget. (addendum)
 - a. Assembly Memorandum No. AM 605-97.
15. Resolution No. AR 97-166, a resolution of the Anchorage Municipal Assembly regarding the Municipality of Anchorage's evaluation and Assembly approval of the **purchase of the Bank of America Center by the Alaska Housing Finance Corporation**, Assemblymember Von Gemmingen. (addendum)

Ms. Clementson asked this item be considered on the regular agenda. See 8.D.

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 568-97, confirmation of **appointment to 401(k) Retirement Committee** (Marianne Defendorf), Mayor's Office.
2. Assembly Memorandum No. AM 575-97, **Totem Limited Road Service Area Board of Supervisors appointment** (Hugo Dietrich), Mayor's Office.
3. Assembly Memorandum No. AM 578-97, **Geotechnical Advisory Commission appointment** (William Walker), Mayor's Office.
4. Assembly Memorandum No. AM 579-97, **Housing and Neighborhood Development Commission appointments** (Bobbi Fagg, Douglas Askerman, Bruce Webb, Celeste Benson, Patrick Fullerton, Marti Bradley, Geraldine Turner, Tim Sullivan, Virginia Juettner, Rebecca Holloway, Jody Hoffman, Gail West), Mayor's Office.
5. Assembly Memorandum No. AM 580-97, **Urban Design Commission** (Lewis Stackpole), Mayor's Office.
6. Assembly Memorandum No. AM 581-97, **Zoning Board of Examiners & Appeals appointment** (Barry Shennum), Mayor's Office.
7. Assembly Memorandum No. AM 586-97, **Black Angus Meat Market** - Transfer of Ownership of a Beverage Dispensary Liquor License and Restaurant Designation Permit (North Star/ Spenard Community Councils), Clerk's Office.
8. Assembly Memorandum No. AM 587-97, **China Lights** - Transfer of Ownership of a Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Eagle River Community Councils), Clerk's Office.
9. Assembly Memorandum No. AM 588-97, **Double D's Sandwich Shop** - Restaurant Designation Permit on a Restaurant/Eating Place Liquor License (Abbott Loop Community Councils), Clerk's Office.

Mr. Wuerch asked this item be considered on the regular agenda. See 8.E.

10. Assembly Memorandum No. AM 589-97, **Outback Restaurant** - Transfer of Location and Ownership of a Beverage Dispensary Liquor License and Restaurant Designation Permit (Spenard Community Council), Clerk's Office.

Mr. Meyer asked this item be considered on the regular agenda. See 8.E.

11. Assembly Memorandum No. AM 569-97, change order No. 1 to construction contract with Koho Contracting, Inc., for **park parking lots and other improvements package**, Cultural and Recreational Services.
12. Assembly Memorandum No. AM 570-97, grant agreement with the State of Alaska, Division of Family and Youth Services to provide **funding for the Juvenile Offender Program**, Municipal Manager's Office.
13. Assembly Memorandum No. AM 571-97, proprietary purchase of **computer software maintenance** from SAS Institute, Inc. for the Municipality of Anchorage, Management Information Systems Department/Purchasing.
14. Assembly Memorandum No. AM 572-97, proprietary purchase to ABB Systems Control Company, Inc. for furnishing **hardware/software maintenance support** to the Municipality of Anchorage, Municipal Light and Power/Purchasing.
15. Assembly Memorandum No. AM 573-97, change order No. 4 to purchase order 54221 with Honeywell, Inc. for providing **security system maintenance** to the Municipality of Anchorage, Department of Property and Facility Management/Purchasing.
16. Assembly Memorandum No. AM 577-97, **correction of assessment roll for sewer sanitary assessments in Levy Upon Connection (LUC) Roll 96-S-3** approved by AR 97-112, Clerk's Office.
17. Assembly Memorandum No. AM 590-97, **Anchorage Loop Water Transmission Main, Phase III** - Change Order No. 3, Water and Wastewater Utility.
18. Assembly Memorandum No. AM 591-97, change order No. 1 to contract C-63722, DAR-CON Corporation for **repair of three additional drums at the Sullivan Arena**, Property and Facility Management.
19. Assembly Memorandum No. AM 592-97, change order No. 6 to purchase order 42914 with Kempel Huffman & Ellis, P.C. for providing **legal services in labor law negotiations** for the Municipality of Anchorage, Employee Relations Department/Purchasing.
20. Assembly Memorandum No. AM 593-97, change order No. 6 to purchase order 44405 with Partnow Sharrock & Tindall, P.C. for providing **legal services** for the Municipality of Anchorage, Employee Relations Department/Purchasing.

Mr. Wohlforth asked this item be considered on the regular agenda. See 8.E.

21. Assembly Memorandum No. AM 594-97, change order No. 5 to purchase order 42900 with Paratransit Services for providing **MuniLift Paratransit Services** to the Municipality of Anchorage, Public Transportation Department/Purchasing.
22. Assembly Memorandum No. AM 595-97, change order No. 1 to purchase order 62899 to exercise the first option period with Loomis Armored, Inc. to provide **bonded cash pick-up services** for the Municipality of Anchorage, Public Transportation Department/ Purchasing.
23. Assembly Memorandum No. AM 596-97, recommendation of award to CH2M Hill, Inc. for providing consulting services to complete a **Telemetry/Supervisory Control and Data Acquisition (SCADA) requirements Definition Project** for the Municipality of Anchorage, Water and Wastewater Utility (RFP 68-96), Purchasing.
24. Assembly Memorandum No. AM 597-97, change order No. 1 to purchase order 62757 to exercise the first option renewal period with Alaska Airgas Company for providing **miscellaneous safety supplies** to the Municipality of Anchorage, Purchasing Department.
25. Assembly Memorandum No. AM 598-97, change order No. 3 to purchase order 53205 with Arctic Office Products for furnishing **miscellaneous personal computer supplies** to the Municipality of Anchorage, Purchasing Department.
26. Assembly Memorandum No. AM 599-97, recommendation of award to CH2M Hill for providing professional **design services for the Anchorage Regional Landfill (ARL) - Cell 6 project** for the Municipality of Anchorage, Solid Waste Services (RFP 29-97), Purchasing.
27. Assembly Memorandum No. AM 602-97, **Chugiak, Birchwood, Eagle River Rural Road Service Area Board of Supervisors appointments** (Ted Kinney, John Angel), Mayor's Office. **(addendum)**
28. Assembly Memorandum No. AM 606-97, proprietary purchase of a **pneumatic tire asphalt roller** from N.C. Machinery for the Municipality of Anchorage, Department of Property and Facility Management/Purchasing. **(addendum)**

Mr. Wohlforth asked this item be considered on the regular agenda. See 8.E.

29. Assembly Memorandum No. AM 607-97, **appointment to Police and Fire Retirement Board** (Elaine Christian), Mayor's Office. **(addendum)**

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 91-97, **ATU Telecommunications corporate policy for procurement and contracting**, Anchorage Telephone Utility.

Ms. Clementson asked this item be considered on the regular agenda. See 8.F.

2. Information Memorandum No. AIM 92-97, Internal Audit Report 97-12 - **Friends of the Library**, Cultural and Recreational Services, Assemblymember Begich.

Ms. Von Gemmingen asked this item be considered on the regular agenda. See 8.F.

3. Information Memorandum No. AIM 93-97, School Budget Advisory Commission Special Report - **ASD Business Systems Acquisition Project**, Office of Management and Budget.

Ms. Von Gemmingen asked this item be considered on the regular agenda. See 8.F.

4. Information Memorandum No. AIM 94-97, **ATU Labor Board Report**, Anchorage Telephone Utility.
5. Information Memorandum No. AIM 95-97, **1996 Independent Financial Audit Management Letter**, Finance.
6. Information Memorandum No. AIM 96-97, **1996 Comprehensive Annual Financial Report**, Finance.

Mr. Murdy asked this item be considered on the regular agenda. See 8.F.

Question was called on the motion to approve the remaining items on the consent agenda as amended and it passed without objection.

8. **REGULAR AGENDA:**

Mr. Murdy moved, to change the orders of the day
 seconded by Mr. Kendall, to consider the citation
 and it passed without resolutions and item 10,
 objection,
 Appearance Requests.

Resolution No. AR 97-153, a resolution of the Anchorage Municipal Assembly **honoring Detective Jack W. Larsen for his 20 years of service** with the Anchorage Police Department, Assemblymembers Murdy, Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Von Gemmingen, Wohlforth, and Wuerch.

Mr. Murdy moved, to approve AR 97-153.
 seconded by Mr. Kendall,
 and it passed without
 objection,

Mr. Carlson read the resolution, while Mr. Murdy presented it to Detective Larsen.

Detective Larsen thanked the Assembly.

Ms. Abney moved, to reconsider action on item
 seconded by Mr. Kendall, 7.C.2, AR 97-154.
 and it passed without
 objection,

Resolution No. AR 97-154, a resolution of the Anchorage Municipal Assembly **honoring Jean G. Ruppert, upon her retirement, for her 28 years of public services**, Assemblymembers Begich, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch.

Ms. Clementson moved, to approve AR 97-154.
 seconded by Mr. Wuerch,
 and it passed without
 objection,

Ms. Clementson read the resolution while Ms. Abney presented it to Ms. Ruppert.

Ms. Ruppert thanked the Assembly.

Resolution No. AR 97-158, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Thomas R. Stahr for his years of service and accomplishments** as General Manager of Municipal Light and Power, Assemblymembers Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch. **(addendum)**

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

to approve AR 97-158.

Ms. Clementson read the resolution while Mr. Wohlforth presented it to Mr. Stahr.

Mr. Stahr thanked the Assembly.

Resolution No. AR 97-159, a resolution of the Anchorage Municipal Assembly **honoring Captain Shirley A. Warner, upon her retirement, for her 20 years of service** with the Anchorage Police Department, Assemblymembers Murdy, Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Von Gemmingen, Wohlforth, and Wuerch. **(addendum)**

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

to approve AR 97-159.

Mr. Carlson read the resolution while Mr. Murdy presented it to Captain Warner.

Captain Warner thanked the Assembly.

Resolution No. AR 97-160, a resolution of the Anchorage Municipal Assembly **recognizing the 5th Anniversary of West Anchorage's Community Patrol efforts**, Assemblymembers Von Gemmingen, Murdy, Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Wohlforth, and Wuerch. **(addendum)**

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

to approve AR 97-160.

Mr. Meyer read the resolution while Mr. Murdy and Ms. Von Gemmingen presented it to representatives of the Patrol.

Members of the patrol thanked the Assembly and citizens who helped make the Patrol a success.

Resolution No. AR 97-161, a resolution of the Anchorage Municipal Assembly **recognizing and thanking Mary Ann Pease for her 11 years of service** with the Municipality of Anchorage, Assemblymembers Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch. **(addendum)**

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

to approve AR 97-161.

Ms. Von Gemmingen read the resolution while Ms. Clementson presented it to Ms. Pease.

Ms. Pease thanked the Assembly.

The Assembly then considered item 10, Appearance Requests.

- A. **Linn Pacillo**, to voice concerns about the Municipal Audit Committee.

Ms. Pacillo related her experience attending Municipal Audit Committee meetings. She played an audio excerpt from one meeting. She felt her concerns about the Anchorage Parking Authority were not taken seriously.

Ms. Von Gemmingen explained the actions of the Committee. She apologized if her remarks were taken in the wrong way. She recognized the importance of Ms. Pacillo's work for the community.

- B. **Roderick F. Gregg**, to request removal of the book "Space Demons" from the Anchorage School District public library.

Mr. Gregg complained about the contents of a book available in his daughter's elementary school library. He felt the School District's Controversial Materials Review Board was ineffective. He requested the Assembly ask the School Board to reconsider their action to allow the offending book to remain. He demanded to hear the Assembly's intent on his request, since the body approves the School District budget.

Ms. Clementson explained the Assembly approves the School District budget. However, the Assembly has no authority to direct allocation of School District funds.

- C. **Erik Braund**, regarding skateboard parks.

Mr. Braund, a skateboard user, felt a skateboard park was needed in Anchorage. He pointed out Proposition 13 was passed by voters in April 1997. The proposition included funds to build a skateboard park, yet there are no plans to complete this action. Mr. Braund felt a skatepark would provide a positive place for children to congregate. When kids are skating, they will have less time to get into trouble. He estimated a park would cost from \$50,000 to \$75,000 depending on materials. Since the amount of the bond for the project was \$30,000, he asked about plans for making up the difference. He also asked about the status of legislation to address the Municipality's liability for a park. He presented a plan to build a park, based on ESPN's X-game Park.

Operations Manager George Vakalis reported on the status of State legislation which would relieve the Municipality's liability for a skatepark.

In response to Ms. Von Gemmingen, Cultural and Recreational Services Director Connie Jones said she was working with other parks and recreation departments throughout the State. Mobilization efforts are in place for the next legislative session.

Mr. Wuerch asked the Municipal Attorney to evaluate and report whether declaring skateboarding a "dangerous sport" similar to skiing would relieve the Municipality's liability.

- D. **Mike O'Callaghan**, regarding unlawful acts performed by municipal agents of the Fire and Police Departments.

Mr. O'Callaghan explained the Fire Department extinguished a cooking fire at his home. Fire Department officials were accompanied by police officers, who threatened him with arrest and jail. He quoted from the Municipal Code 15.35.100, which prohibits open burning except open burning for pleasure, religious ceremonies, cooking and like social purposes. He felt his use of fire was legal. The law also states a fire official must have the appropriate paperwork to access property if the owner has denied access, which did not occur in his case. He expressed his intent to appeal for compensation, and litigate if necessary.

The meeting recessed at 5:40 p.m. and reconvened at 8:00 p.m.

Mr. Wuerch moved, to change the orders of the day
seconded by Mr. Kendall, to consider the regular agenda.
and it passed without
objection,

Chairman Begich recognized members of Scout Troop 188, present in the audience to work toward their citizenship merit badges.

Members of the Troop introduced themselves to the Assembly.

- A. TIME CRITICAL ITEMS: None.
- B. BID AWARDS:
1. Assembly Memorandum No. AM 561-97, recommendation of award to Pruhs Corporation for **1997 miscellaneous construction services** for the Municipality of Anchorage, Public Works (ITB 97-C24), Purchasing.

Mr. Wohlforth moved, to approve AM 561-97.
seconded by Ms. Clementson,
and it passed without
objection,

Mr. Wohlforth said his questions on this item had been answered.

- C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Resolution No. AR 97-147, a resolution of the Municipality of Anchorage appropriating from the Anchorage Fire Service Area (0131) Fund Balance: \$373,300 as a contribution to the Anchorage Fire Service Area CIP Fund (0431) and \$85,000 for Fire Department requirements (to **purchase a pumper unit, training** equipment and emergency radios, replace a hoist, and install wireless communications), Fire Department. public hearing 7-22-97.
 - a. Assembly Memorandum No. AM 562-97.

Mr. Wohlforth, Mr. Murdy and Ms. Clementson joined in introducing this resolution. The public hearing was scheduled for July 22, 1997.

In response to Mr. Wohlforth, Fire Chief Nolan described the base locations for the various equipment to be purchased. The pumper unit will be for Downtown Station #1; training equipment will be distributed to all truck companies; radios will be distributed to several units; the hoist will be at the maintenance shop; wireless communications will be used to connect a computer link between the Eagle River Station and Station #12 and between the Rabbit Creek Station and Station #12. He said there were two instances, since the reserve truck for Station #1 was damaged, that a ladder truck was not in service. In these instances, another ladder truck was

used from another station. He said a second Request for Proposal would be issued for a new ladder truck. A bid was done, but the amount was too high.

D. RESOLUTIONS FOR ACTION:

- 1. Resolution No. AR 97-156, a resolution authorizing the Municipality to **acquire Lot 5A of Block 23B, Third Addition to the Townsite of Anchorage, Plat C-28**, Merrill Field Airport.
 - a. Assembly Memorandum No. AM 585-97.

Mr. Wohlforth moved, to approve AR 97-156.
 seconded by Mr. Wuerch,
 and it passed without
 objection,

Mr. Wohlforth said his questions on this item had been answered.

- 2. Resolution No. AR 97-166, a resolution of the Anchorage Municipal Assembly regarding the Municipality of Anchorage's evaluation and Assembly approval of the **purchase of the Bank of America Center by the Alaska Housing Finance Corporation**, Assemblymember Von Gemmingen. (addendum)

Ms. Clementson moved, to approve AR 97-166.
 seconded by Mr. Murdy,

Ms. Clementson thanked Ms. Von Gemmingen for introducing this resolution.

Ms. Von Gemmingen noted one requirement for a purchase by Alaska Housing Finance Corporation was approval of the local governing body. She felt the Assembly should be involved in the decision of this purchase. She supported a public hearing, however, plans are to close on the purchase by July 15, 1997.

Ms. Von Gemmingen moved, to amend AR 97-166 to add a new
 section to read: "That Mayor Mystrom
 seconded by Mr. Bell, send a letter to AHFC with copies to
 and it passed without objection,
 Governor Knowles and Attorney General
 Botelho requesting the sale not be finalized until the
 Anchorage Assembly has held a public hearing and
 taken action."

Mr. Wohlforth advised against the proposal, because not enough time was available to deliberate. It was his understanding that the statute cited in the resolution was not applicable to the Bank of America building, and was the subject of litigation. He suggested the Assembly draft a letter to the Governor outlining its concerns.

Mr. Bell concurred with Mr. Wohlforth. He pointed out if the statute indeed required local governing body approval prior to action, the transaction could not commence without Assembly comment. He suggested postponement.

Mr. Wuerch asked his name be added as a sponsor. He felt the Assembly must interject and request the opportunity to comment. If it is found the Assembly does not have this right, there will be no harm done. He pointed out half the savings to the State as a result of the purchase would be at the expense of Anchorage property tax payers.

Mr. Meyer disclosed a potential conflict of interest because he oversees leasing of the empty ARCO building. The sale of the Bank of America building may produce tenants for the ARCO building.

Mr. Wohlforth moved, the question "does Mr. Meyer have
 seconded by Mr. Murdy, a substantial
 financial interest in the matter before the Assembly?"

In response to Mr. Wohlforth, Mr. Meyer said he would not gain financially by the Assembly's action, but he works to obtain tenants for the ARCO building.

Question was called on whether Mr. Meyer had a financial interest and it failed:

- AYES: Wohlforth, Wuerch, Clementson, Carlson, Murdy.
- NAYS: Bell, Abney, Kendall, Begich, Von Gemmingen.
- ABSTAIN: Meyer.

Mr. Wohlforth moved,

to postpone action on AR 97-166 until
seconded by Ms. Abney, July
22, 1997 and schedule a public hearing for the same
date, direct the Municipal Attorney's staff to prepare
an opinion on the question of the requirement for
Assembly consultation, and direct the Chair to send a
letter to the Governor requesting the closing date be
postponed until after the public hearing.

Ms. Von Gemmingen supported a public hearing, but pointed out the deal was set to close on July 15.

Question was called on the motion to amend and it failed:

AYES: Wohlforth, Bell, Abney, Clementson.

NAYS: Kendall, Wuerch, Begich, Von Gemmingen, Carlson, Murdy.

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

Question was called on the motion to approve AR 97-166 as amended and it passed:

AYES: Kendall, Wuerch, Begich, Von Gemmingen, Clementson, Carlson, Murdy.

NAYS: Wohlforth, Bell, Abney.

(Clerk's Note: Mr. Meyer was out of the room at the time of the vote. This action was reconsidered. See minutes of July 22, 1997 for further action. See also AR 97-167 in minutes of July 8, 1997 meeting.)

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 588-97, **Double D's Sandwich Shop** - Restaurant Designation Permit on a Restaurant/Eating Place Liquor License (Abbott Loop Community Councils), Clerk's Office.

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

to approve AM 588-97.

Mr. Wuerch noted his questions on this item had been answered.

2. Assembly Memorandum No. AM 589-97, **Outback Restaurant** - Transfer of Location and Ownership of a Beverage Dispensary Liquor License and Restaurant Designation Permit (Spenard Community Council), Clerk's Office.

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

to approve AM 589-97.

3. Assembly Memorandum No. AM 593-97, change order No. 6 to purchase order 44405 with Partnow Sharrock & Tindall, P.C. for providing **legal services** for the Municipality of Anchorage, Employee Relations Department/Purchasing.

Mr. Wohlforth moved,
seconded by Mr. Murdy,

to approve AM 593-97.

In response to Mr. Wohlforth, Employee Relations Director Tom Tierney discussed whether funds for this contract would be used for the appeal of an arbitration award for the Anchorage fire fighters. He said Mr. Bennet of Partnow et. al. was involved, he might be consulted for his recollection and would probably bill for his input. However, he was not the lead attorney on this issue, so any amount spent would be incidental. He said Atkinson Conway was the firm dealing with the arbitration appeal.

Mr. Wohlforth moved,
seconded by Mr. Murdy,
and it passed without
objection,

to postpone action on AM 593-97
until later in the meeting.

(Clerk's Note: See item 16, Unfinished Agenda.)

4. Assembly Memorandum No. AM 606-97, proprietary purchase of a **pneumatic tire asphalt roller** from N.C. Machinery for the Municipality of Anchorage, Department of Property and Facility Management/Purchasing. (**addendum**)

Mr. Wohlforth moved,
seconded by Ms. Clementson,

to approve AM 606-97.

Mr. Wohlforth said the Assembly was told the recycled asphalt program would be distributed equitably among Assembly districts, and Assembly members would be consulted about specific roads. However, review of the list indicated virtually no roads in his district were proposed to be included, nor was he consulted. He wrote a letter to the Public Works Director indicating his concern, and requesting a timely response.

Chairman Begich requested an explanation of the program and how resources are allocated throughout the Municipality.

Question was called on the motion to approve AM 606-97 and it passed without objection.

F. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 96-97, **1996 Comprehensive Annual Financial Report**, Finance.

Mr. Murdy moved, to accept AIM 96-97.
seconded by Ms. Abney,
and it passed without
objection,

Mr. Murdy submitted his questions on this item in writing.

2. Information Memorandum No. AIM 92-97, Internal Audit Report 97-12 - **Friends of the Library**, Cultural and Recreational Services, Assemblymember Begich.

Ms. Von Gemmingen moved, to accept AIM 92-97.
seconded by Mr. Murdy,
and it passed without
objection,

Ms. Von Gemmingen requested a memorandum detailing the amount of money Friends of the Library has contributed over the years. She congratulated the group for its hard work on behalf of the library.

3. Information Memorandum No. AIM 93-97, School Budget Advisory Commission Special Report - **ASD Business Systems Acquisition Project**, Office of Management and Budget.

Ms. Von Gemmingen moved, to accept AIM 93-97.
seconded by Mr. Murdy,
and it passed without
objection,

Ms. Von Gemmingen noted the report concluded consolidation would not be cost effective.

4. Information Memorandum No. AIM 91-97, **ATU Telecommunications corporate policy for procurement and contracting**, Anchorage Telephone Utility.

Ms. Clementson moved, to postpone action on AIM 91-97
seconded by Mr. Kendall, until July 22, 1997.
and it passed without
objection,

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

- A. **NOTICE OF RECONSIDERATION:** Resolution No. AR 97-96, a resolution of the Anchorage Municipal Assembly **directing the Administration to prepare and issue an Invitation to Bid or Request for Proposals to sell the Municipality's parking garages**, Assemblymembers Kendall, Abney, Begich, Bell, Carlson, Meyer, Murdy, and Wuerch.
 1. Assembly Memorandum No. AM 467-97, Finance.
 2. Resolution No. AR 97-96(S), a resolution of the Anchorage Municipal Assembly directing the Administration to prepare and issue an Invitation to Bid or Request for Proposals to sell the Municipality's parking garages, Assemblymember Kendall.
 (AMENDED 5-20-97; POSTPONED FROM 5-20-97; POSTPONED FOR 120 DAYS; NOTICE OF RECONSIDERATION WAS GIVEN BY ASSEMBLY MEMBER BELL 6-11-97)

Reconsideration of this item died for lack of action.

- B. Ordinance No. AO 97-60, an ordinance amending Anchorage Municipal Code Section 6.50.030 to **add corporate bonds and money market mutual funds as permitted investments**, defining and clarifying certain terms, and including brokers within the procedures governing notices to bid on municipal investments, Finance.
 1. Assembly Memorandum No. AM 303-97.
 2. Information Memorandum No. AIM 71-97.
 (POSTPONED FROM 4-29-97, 5-6-97, 5-20-97, AND 7-1-97)

This item was continued until July 22, 1997.

- C. Resolution No. AR 97-131, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages, a package store liquor license, located on Independence Park Subdivision, Tract Q3, generally located on the south side of the intersection of Abbott Road and Vanguard Drive and west of Independence Drive (Tesoro Northstore, Co. d.b.a. **Tesoro 7-Eleven**) (Case 97-099), Community Planning and Development.
 - 1. Assembly Memorandum No. AM 515-97.
(POSTPONED FROM 6-10-97)
- D. Assembly Memorandum No. AM 489-97, **Seven-Eleven #1** - Transfer of Location of a Package Store Liquor License (Abbott Loop Community Council), Clerk's Office.
(POSTPONED FROM 6-3-97 AND 6-10-97)

Items 9.C. and 9.D. were considered later in the meeting. See item 16, Unfinished Agenda.

- E. Resolution No. AR 97-102, a resolution of the Anchorage Municipal Assembly **revising the 1997 Solid Waste Disposal Utility Operating Budget**, Assemblymembers Abney and Kendall.
 - 1. Assembly Memorandum No. AM 462-97.
 - 2. Assembly Memorandum No. AM 477-97, Solid Waste Services.
(POSTPONED FROM 5-20-97; CARRIED OVER FROM 6-10-97)

This item was continued until July 22, 1997.

10. **APPEARANCE REQUESTS:**

- A. **Linn Pacillo**, to voice concerns about the Municipal Audit Committee.
- B. **Roderick F. Gregg**, to request removal of the book "Space Demons" from the Anchorage School District public library.
- C. **Erik Braund**, regarding skateboard parks.
- D. **Mike O'Callaghan**, regarding unlawful acts performed by municipal agents of the Fire and Police Departments.

These persons appeared earlier. See item 8, Regular Agenda.

<p>Mr. Wuerch moved, seconded by Ms. Abney, and it passed without</p>	<p>to change the orders of the day to receive testimony from Kay Linton on items 12.L. and 12.M, objection, 97-95 and AO 97-94.</p>	<p>AO</p>
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Ordinance No. AO 97-95, an ordinance enacting AMCR Chapter 25.60 to **establish new regulations governing the Anchorage Memorial Park Cemetery** with respect to the administration of the cemetery regulations and appeal process, interment and disinterment procedures, gravesite decorations, memorialization markers, burial vaults, plot reservations and fees, admission policy and other matters relating to the operation and use of the Anchorage Memorial Park Cemetery and the repeal of Anchorage Municipal Code 25.60.070 and 25.60.080, Public Works.

- 1. Assembly Memorandum No. AM 555-97.

Ordinance No. AO 97-94, an ordinance enacting Anchorage Municipal Code Section 25.60.100 to **establish the Cemetery Perpetual Maintenance Non-Expendable Trust Fund (0720)**, and authorizing and appropriating a contribution of \$150,000 of Fund Balance from the Areawide General Fund (0101) to the Cemetery Perpetual Maintenance Non-Expendable Trust Fund (0720), Finance.

- 1. Assembly Memorandum No. AM 554-97.

Chairman Begich opened the public hearing for AO 97-95 and AO 97-94 and asked if anyone wished to speak.

KAY LINTON spoke in support of both ordinances. She said a trust fund was necessary to ensure continued maintenance for the Cemetery. As proposed, Cemetery fees would be dedicated to this fund, rather than the current practice which places fee revenues into the general fund. After thorough research, it was determined vaults for new graves were necessary. Vaults keep the ground over the graves from sinking. In response to Mr. Wohlforth, Ms. Linton felt \$150,000 was adequate to start the trust fund. In response to Ms. Abney, Ms. Linton said the vaults would be used for new graves, and were not excessively expensive. Sunken ground over existing graves can be repaired without vaults.

(Clerk's Note: See 12.L. and 12.M. for further action on these items.)

11. **CONTINUED PUBLIC HEARINGS:**

- A. Ordinance No. AO 97-59, an ordinance amending Anchorage Municipal Code Section 21.50.220.A Conditional Use Standards - **Drive-In Banks** to exclude the B-2B (Central Business District Intermediate) and B-2C (Central Business District Periphery) from the requirement to have direct access to a street which is designated as Class 1 or greater in the Official Streets and Highways Plan, Assemblymember Wohlforth.

1. Information Memorandum No. AIM 89-97, Community Planning and Development.
2. Information Memorandum No. AIM 98-97, Community Planning and Development.

(addendum)

(CONTINUED FROM 6-10-97)

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

TIM POTTER, of DOWL Engineers, said the proposed ordinance was intended to be a housekeeping measure. He explained revisions to the Official Streets and Highways Plan (OS&HP) impacted other areas of Title 21 of the Municipal Code. The proposed ordinance is an attempt to correct one of the resulting inconsistencies in Title 21. An alternative to adoption of this ordinance would be a further revision of the OS&HP. He pointed out conditional use permits are considered by the Planning and Zoning Commission (P&Z) on an individual basis. The proposed ordinance would not change this practice; bank drive-thru windows remain a conditional use and would go through the standard P&Z process. He strongly urged adoption of the proposed ordinance. In response to Mr. Wohlforth, Mr. Potter said plans for the bank project went through the standard conditional use process, and were approved. In response to concerns from adjacent property owners, the project design has been revised. Additional landscaping of various properties along the alley might further mitigate access concerns.

DIANA LILEY spoke as part owner of property adjacent to the bank which would benefit from the proposed ordinance. She noted all the property owners along the alley oppose the bank project. She said an appeal of the P&Z decision regarding the bank's conditional use was not made because she did not know about the P&Z meeting, and was unfamiliar with Municipal government procedures. She argued banks should have convenient, well-marked access; the placement of the bank does not allow such signage. She felt the traffic hazard on I Street would be significant, if access was allowed through the alley. She asked the Assembly to consider that alleys are not roads, and should not be used as such.

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

Mr. Wohlforth moved,
seconded by Mr. Meyer,

to adopt AO 97-59.

In response to Mr. Wohlforth, Don Alspach of Community Planning and Development explained why staff supported the proposed ordinance before P&Z. All drive-in banks in the downtown area use alleys for either ingress or egress. Staff has not taken a position on P&Z's proposed amendment. However, if the ordinance is adopted with the proposed amendment, it would make all downtown banks non-conforming. He felt the bank project in question could proceed regardless of the Assembly's action on this ordinance, because appropriate variances and permits have already been issued. Mr. Alspach said the P&Z chair sometimes, but not always, announces appeal procedures at P&Z meetings.

Ms. Clementson supported adoption of the ordinance as presented. She pointed out adoption would have no effect on the concerns raise by the Lileys. She opposed the proposed P&Z amendment.

Mr. Wohlforth wished to help his constituents, but acknowledged the Assembly did not have an opportunity to affect the bank project at this point. Therefore, he concurred with Ms. Clementson.

Ms. Von Gemmingen echoed Mr. Wohlforth's comments.

Question was called on the motion to adopt AO 97-59 and it passed:

AYES: Wohlforth, Abney, Kendall, Begich, Meyer, Von Gemmingen, Clementson.
NAYS: Bell, Carlson, Murdy.

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

The meeting recessed at 9:28 p.m. and reconvened at 9:55 p.m.

- B. Resolution No. AR 97-123, a resolution of the Anchorage Municipal Assembly requesting that the School Budget Advisory Commission conduct a **study of the Anchorage School District's performance in constructing, repairing, and renovating school buildings** to determine if any improvements may be available, Assemblymember Bell.
(CARRIED OVER FROM 6-10-97)

This item was considered later in the meeting. See item 16, Unfinished Agenda.

12. NEW PUBLIC HEARINGS:

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

to change the orders of the day
to consider item 12.N, AR 97-145
and AM 516-97, out of order.

Resolution No. AR 97-145, a resolution of the Anchorage Assembly protesting a recreational site liquor license for **The Covered Bridge** located on C Street Bridge at Ship Creek (Downtown/Government Hill Community Councils), Assemblymember Wohlforth.

1. Assembly Memorandum No. AM 516-97, The Covered Bridge - New Recreational Site Liquor License (Downtown/Government Hill Community Councils), Clerk's Office.

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

DONYA CLEMENTS spoke as State director for the Foster Grandparent and Senior Companion programs. She said these organizations opposed the proposed liquor license. For the past five years, they have been fundraising at the Ship Creek King and Silver Salmon Derbies. Organizers have worked hard to orient these events around the family, and fear introduction of a liquor license would spoil these efforts. Ms. Clements pointed out donations at the Derbies are critical to the program, in light of declining government support. She submitted a resolution from the Foster Grandparent advisory council in opposition to the license.

SCOTT HAYWORTH, chair of the Ship Creek Enhancement Citizens Advisory Task Force, noted the Task Force has not taken a position on this license. However, he pointed out the proposed location for the Covered Bridge is in the center of the enhancement project area. Any land use activities at this location could greatly influence future development in the area. Upon cursory examination, he felt the application was not consistent with the work of the Task Force.

TOM VAN FLEIN, representing the applicant, said he had discussions with the president of the Foster Grandparents Program. They found some resolution is possible, such as co-sponsorship of salmon derbies. The applicant has no desire to undercut the Foster Grandparents involvement with the derbies. He questioned a statement in the Foster Grandparents resolution, that the Downtown Community Council voted to oppose the license. It was his understanding the Council postponed action on the issue. He agreed development of the Ship Creek area was an important issue which needs to be addressed. In response to Mr. Wohlforth, Mr. Van Flein confirmed the license was recreational, and would be used to serve alcohol in conjunction with the salmon derbies. He clarified the applicant, Mr. Reeves, leased the property from the Alaska Railroad (ARR) in the belief that tourism activities were to be promoted in the Ship Creek area. He said the ARR lease does not address alcohol sales; the issue has not been resolved.

RUDY FURLAND, co-owner of a small business near the Covered Bridge, noted alcohol is already available in the area, at the Railroad Brewery. There have been no negative incidents as a result of alcohol availability. He noted the applicant intended to create activities after the Foster Grandparent-sponsored derbies, and did not intend to compete with the group.

JOHN REEVES, the applicant, noted his background and education was centered on heritage preservation and tourism development. He discussed various buildings, museums and gold mines he has either built or restored. He said the proposed license was recreational, such as one for a ball park or race track, to create a place for tourists to sit and watch the fishing at Ship Creek. He did not want to compete with the Foster Grandparents' salmon derby operation. When he leased the property, his understanding was that the area was supposed to be developed as a tourist attraction. He has already invested \$500,000 in the project; currently, the Covered Bridge is a museum. In response to Mr. Carlson, Mr. Reeves discussed his negotiations with ARR. In response to Mr. Wohlforth, Mr. Reeves said food service would probably be informal, such as an outdoor barbecue.

<p>Mr. Bell moved, seconded by Ms. Abney, and it passed without objection,</p>	<p>to suspend the rules and extend the time to complete public hearings.</p>
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WAYNE CARPENTER, State development director for the Foster Grandparent programs, in charge of fund raising and conducting the salmon derbies, pointed out his organization does not support the license because the ARR does not support the license. He explained ARR issues the annual permit for their salmon derbies, and they have no desire to contradict their landlord. Also, he expressed concern about competition with their salmon derbies, which are principal fund raising activities for Foster Grandparents. After further discussions with Mr. Reeves, he was willing to work toward a solution; to possibly have more derbies during the summer, while avoiding competition. Mr. Carpenter said he has discussed the issue with members of the ARR Board, who indicated they might entertain a proposal if it was submitted formally as an amendment to Mr. Reeves' lease.

KAREN MORRISY, manager of ARR Real Estate Services, said the ARR Board discussed whether Mr. Reeves' lease allows alcohol sales. The Board directed Mr. Reeves to return with a detailed plan for sales and how they would interface with the derbies. There has been no response to this direction yet.

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

<p>Mr. Wohlforth moved, seconded by Mr. Murdy,</p>	<p>to approve AR 97-145.</p>
<p>Mr. Wohlforth moved, seconded by Mr. Bell, and it passed without</p>	<p>to amend AR 97-145 on line 18 to read: "...WHEREAS, the Government Hill Community Council objection, oppose issuance..."</p>

Mr. Wohlforth noted the Downtown Community Council has not yet voted on this application. He felt the proposal was not well-formulated, and questioned the wisdom of serving alcohol on a bridge near a fishing area. He pointed

out in Alaska, many drownings occur as a result of alcohol use. Mr. Wohlforth added he would reconsider the issue at a later date if Mr. Reeves can produce detailed plans, and proof of an agreement with the ARR and the Foster Grandparents organization.

Question was called on the motion to approve AR 97-145 as amended and it passed:

AYES: Wohlforth, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Clementson, Carlson, Murdy.
NAYS: Bell, Abney.

(Clerk's Note: No action was taken on AM 516-97.)

Mr. Wuerch moved, to extend the meeting past
seconded by Mr. Bell, 11:00 p.m. to complete public
and it passed with Messrs. hearings.
Kendall and Carlson objecting,

- A. Resolution No. AR 97-139, a resolution of the Municipality of Anchorage, Alaska, accepting and appropriating State of Alaska matching grant funds in the amount of \$1,000,000 for projects constructed under the **ADEC Matching Grant Program (Senate Bill 107)**, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 543-97.

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

Mr. Murdy moved, to approve AR 97-139.
seconded by Mr. Meyer,

AYES: Wohlforth, Bell, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Clementson, Murdy.
NAYS: None.

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

- B. Resolution No. AR 97-140, a resolution of the Municipality of Anchorage accepting, appropriating, reappropriating and deleting **State of Alaska legislative grants per Senate Bill 107**, Office of Management and Budget.
1. Assembly Memorandum No. AM 544-97.
 2. Resolution No. AR 97-140(S), a resolution of the Municipality of Anchorage accepting, appropriating, reappropriating and deleting State of Alaska legislative grants per Senate Bill 107, Office of Management and Budget.
 3. Assembly Memorandum No. AM 600-97.

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

Mr. Murdy moved, to approve AR 97-140(S).
seconded by Mr. Wuerch,

AYES: Wohlforth, Bell, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Clementson, Murdy.
NAYS: None.

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

- C. Resolution No. AR 97-127, a resolution authorizing the Municipality of Anchorage, Department of Property and Facility Management to enter into a Transfer of Responsibilities Agreement (TORA) in the amount of \$490,000 with the Department of Transportation and Public Facilities, State of Alaska, for a **Compressed Natural Gas Program** and appropriating these funds to the State Categorical Grants Fund (0231), Property and Facility Management.
1. Assembly Memorandum No. AM 492-97.

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

Mr. Murdy moved, to approve AR 97-127.
seconded by Mr. Meyer,

AYES: Wohlforth, Bell, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Clementson, Murdy.
NAYS: None.

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

- D. Resolution No. AR 97-141, a resolution of the Municipality of Anchorage appropriating \$120,000 from the Areawide General (0101) Fund Balance to the Department of Health and Human Services to pay a **negotiated settlement with the Anchorage Municipal Employees Association**

(Toni Pounds) and to resolve all claims arising from her employment with the Municipality, Legal Department.

1. Assembly Memorandum No. AM 548-97.

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

Mr. Murdy moved, to approve AR 97-141.
seconded by Mr. Meyer,

AYES: Wohlforth, Bell, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Clementson, Murdy.
NAYS: None.

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

- E. Resolution No. AR 97-142, a resolution of the Municipality of Anchorage appropriating \$450,000 from the U.S. Department of Justice, Office of **Community Oriented Policing Services (COPS)** to the Federal Categorical Grants Fund (0241); appropriating \$68,666 from the New Anchorage Police Service Area (0151) Fund Balance as a contribution to the Federal Categorical Grants Fund (0241) as first year grant match; appropriating \$147,000 from the New Anchorage Police Service Area (0151) Fund Balance as a contribution to the Equipment Maintenance Capital Fund (0606) for purchase of vehicles and equipment; and appropriating \$27,600 from within the New Anchorage Police Service Area (0151) Fund Balance for purchase of operating supplies, Anchorage Police Department.

1. Assembly Memorandum No. AM 552-97.

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

Mr. Murdy moved, to approve AR 97-142.
seconded by Ms. Von Gemmingen,

AYES: Wohlforth, Bell, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Carlson, Murdy.
NAYS: None.

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

- F. Resolution No. AR 97-143, a resolution of the Anchorage Municipal Assembly appropriating the sum of \$225,000 from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) to the Federal Categorical Grants Fund (0241), and \$122,270 from the New Police Service Area Fund Balance to the Federal Categorical Grants Fund (0241), for the purpose of **contracting with the private sector for subpoena and prisoner transport services**, Anchorage Police Department.

1. Assembly Memorandum No. AM 556-97.

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

Mr. Murdy moved, to approve AR 97-143.
seconded by Ms. Von Gemmingen,

AYES: Wohlforth, Bell, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Clementson, Carlson, Murdy.
NAYS: None.

- G. Ordinance No. AO 97-91, an ordinance amending Anchorage Municipal Code Section 27.30.135 to **name the Police Service Area the "Anchorage Metropolitan Police Service Area"**, Legal Department

1. Assembly Memorandum No. AM 549-97.
2. Ordinance No. AO 97-91(S), an ordinance amending Anchorage Municipal Code Section 27.30.135 to name the Police Service Area the "Anchorage Metropolitan Police Service Area", Legal Department.
3. Assembly Memorandum No. AM 574-97.

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

Mr. Murdy moved, to adopt AO 97-91(S).
seconded by Mr. Bell,

AYES: Wohlforth, Bell, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Clementson, Carlson, Murdy.
NAYS: None.

- H. Ordinance No. AO 97-92, an ordinance amending Anchorage Municipal Code Chapter 11.10 to re-enact former Section 11.10.085 without its sunset clause to **continue the authorization and direction to the Transportation Commission to implement and administer a drug and alcohol testing program for chauffeurs**, Legal Department.
1. Assembly Memorandum No. AM 550-97.

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

Mr. Murdy moved, to adopt AO 97-92.
seconded by Ms. Von Gemmingen,

AYES: Wohlforth, Bell, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Clementson, Carlson, Murdy.
NAYS: None.

- I. Ordinance No. AO 97-90, an ordinance amending Anchorage Municipal Code Section 8.05.270 by adding a new subsection to make it unlawful for any person to advertise the sale of fireworks unless the advertisement declares that the **sale, possession or use of fireworks** within the Municipality is unlawful, Legal Department.
1. Assembly Memorandum No. AM 513-97.
 2. Information Memorandum No. AIM 97-97.

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

Mr. Murdy moved, to adopt AO 97-90.
seconded by Ms. Von Gemmingen,

In response to Mr. Kendall, Municipal Attorney Mary Hughes explained how freedom of speech issues relate to this law. She reviewed Supreme Court decisions, and felt they supported this law, in that public safety is at stake.

Municipal Manager Larry Crawford added the law had a public purpose. The intent was to avoid a disastrous fire such as the one which destroyed Miller's Reach in the Matanuska Valley last year. He pointed out the hillside community is constantly at risk from a forest fire. Also, a lot of money is expended when police have to respond to reports of people using fireworks.

Question was called on the motion to adopt AO 97-90 and it passed:

AYES: Wohlforth, Bell, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Clementson, Carlson, Murdy.
NAYS: None.

Mr. Murdy moved, to combine the public hearings
seconded by Mr. Meyer, for items 12.J. and 12.K,
and it passed without AO 97-93 and AR 97-144.
objection,

- J. Ordinance No. AO 97-93, an ordinance amending Anchorage Municipal Code Section 12.35.010 and 12.35.015 to provide an option for the amount and time period of **tax exemptions for economic development property**, Finance.
1. Assembly Memorandum No. AM 553-97.
- K. Resolution No. AR 97-144, a resolution of the Municipality of Anchorage providing for the **designation of the Alaska Seafood Center as Economic Development Program property** and providing for tax exemptions during facility construction and the initial years of operation, Finance.
1. Assembly Memorandum No. AM 557-97.

Chairman Begich opened the public hearing for AO 97-93 and AR 97-144 and asked if anyone wished to speak.

TOM MCGRATH noted the Municipality's business and personal property tax system is problematic. A recent audit of the system revealed the same problems as those from years ago. Instead of fixing the problem, the proposed ordinance appears to be part of an attempt to slowly repeal all personal property taxes. Exemptions for aircraft, recreational vehicles and other personal property items exacerbate the inequities for remaining taxes. Inequities in real property taxation are also compounded. He urged the Assembly to defeat this ordinance, and address problems with the personal property taxation system as a whole. Mr. McGrath felt giving an exemption to the Alaska Seafood Center would do nothing to ensure employees would share in that benefit.

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

Mr. Murdy moved, to adopt AO 97-93.
seconded by Mr. Kendall,

In response to Mr. Bell, Howard Benedict, CEO of Alaska Seafood Center addressed the Assembly. Mr. Benedict said the final design was in process; groundbreaking was scheduled for July 21, 1997. Not adopting the proposed exemption would have a severe impact on the Center. He explained an exemption was necessary for the first two years of operation, as construction will begin but there will be no production.

In response to Mr. Meyer, Mr. Benedict said the Center would generate 450 year-round manufacturing jobs, as well as 750 indirect jobs. Annual payroll is estimated at \$18.5 million. Sixty million pounds of fish will be brought into the Center from Dutch Harbor, and ninety million pounds of product will be generated. He pointed out thirty-nine million pounds will travel through the Anchorage International Airport, about one hundred seventy-five fully loaded 747's annually.

In response to Mr. Wuerch, Mr. Benedict discussed the ready-to-eat products which the Center will produce.

In response to Mr. Wohlforth, Mr. Benedict said the average wage for employees at the Center, including management and custodial workers, would be \$41,000 annually. The processing involved uses highly technical equipment; it is very different from existing processing, which is very labor intensive.

In response to Mr. Wohlforth, Chief Fiscal Officer Jerry Anderson explained the structure and rules of the proposed exemption.

Question was called on the motion to adopt AO 97-93 and it passed:

AYES: Wohlforth, Bell, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Carlson, Murdy.
NAYS: None.

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

Mr. Wuerch moved, to approve AR 97-144.
seconded by Mr. Meyer,

AYES: Wohlforth, Bell, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Carlson, Murdy.
NAYS: None.

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

- L. Ordinance No. AO 97-95, an ordinance enacting AMCR Chapter 25.60 to **establish new regulations governing the Anchorage Memorial Park Cemetery** with respect to the administration of the cemetery regulations and appeal process, interment and disinterment procedures, gravesite decorations, memorialization markers, burial vaults, plot reservations and fees, admission policy and other matters relating to the operation and use of the Anchorage Memorial Park Cemetery and the repeal of Anchorage Municipal Code 25.60.070 and 25.60.080, Public Works.
 1. Assembly Memorandum No. AM 555-97.
- M. Ordinance No. AO 97-94, an ordinance enacting Anchorage Municipal Code Section 25.60.100 to **establish the Cemetery Perpetual Maintenance Non-Expendable Trust Fund (0720)**, and authorizing and appropriating a contribution of \$150,000 of Fund Balance from the Areawide General Fund (0101) to the Cemetery Perpetual Maintenance Non-Expendable Trust Fund (0720), Finance.
 1. Assembly Memorandum No. AM 554-97.

Chairman Begich opened the public hearing for AO 97-95 and AO 97-94 and asked if anyone wished to speak. There was no one and he closed the public hearing.

(Clerk's Note: Kay Linton testified on these items earlier in the meeting. See after item 10.)

Mr. Murdy moved, to adopt AO 97-95.
seconded by Mr. Meyer,

AYES: Wohlforth, Bell, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Carlson, Murdy.
NAYS: None.

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

Mr. Meyer moved, to adopt AO 97-94.
seconded by Mr. Kendall,

AYES: Wohlforth, Bell, Kendall, Wuerch, Begich, Von Gemmingen, Carlson, Murdy.
NAYS: None.

(Clerk's Note: Ms. Abney, Mr. Meyer and Ms. Clementson were out of the room at the time of the vote.)

- N. Resolution No. AR 97-145, a resolution of the Anchorage Assembly protesting a recreational site liquor license for **The Covered Bridge** located on C Street Bridge at Ship Creek (Downtown/Government Hill Community Councils), Assemblymember Wohlforth.

1. Assembly Memorandum No. AM 516-97, The Covered Bridge - New Recreational Site Liquor License (Downtown/Government Hill Community Councils), Clerk's Office.

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

- O. Resolution No. AR 97-146, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Beverage Dispensary License) located at Anchorage Original Townsite Block 24A, Lot 5, generally located on the north side of West 4th Avenue and West of "C" Street (Blondie's, Ltd. d.b.a. **Blondie's Cafe**) (Case 97-111), Community Planning and Development.
 1. Assembly Memorandum No. AM 560-97.

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

Mr. Murdy moved, to approve AR 97-146.
seconded by Mr. Meyer,

AYES: Wohlforth, Bell, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Carlson, Murdy.
NAYS: None.

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

- P. Ordinance No. AO 97-89, an ordinance amending Anchorage Municipal Code Title 25 by adding a new Chapter 25.25 to **establish site identification, selection, approval and acquisition processes and standards, criteria and public hearings for school site selections and acquisitions** including but not limited to the utilization of Requests for Proposals ("RFPs") and providing for identifying site needs, conduct of site studies, establishing specific site boundaries and criteria, the applicability of specified site selection, approval and acquisition processes, criteria for reviewing evaluating and selecting sites and responses to RFPs, review by the Planning and Zoning Commission, establishing review and advisory working groups and committees, conditions of Assembly site approval, requirements as to site acquisition and management and purchasing requirements, Assemblymembers Clementson and Begich.
 1. Assembly Memorandum No. AM 576-97.

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

Ms. Clementson moved, to continue the public hearing
seconded by Mr. Murdy, for AO 97-89 until July 22, 1997.
and it passed without
objection,

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

14. **SPECIAL ORDERS:** None.

15. **ASSEMBLY COMMENTS:** None.

16. **UNFINISHED AGENDA:**

- A. Resolution No. AR 97-123, a resolution of the Anchorage Municipal Assembly requesting that the School Budget Advisory Commission conduct a **study of the Anchorage School District's performance in constructing, repairing, and renovating school buildings** to determine if any improvements may be available, Assemblymember Bell.
(CARRIED OVER FROM 6-10-97)

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

LYNN HAMMOND, chair of the School Budget Advisory Commission, said the Commission would be happy to conduct the proposed study. He felt the question of how to be more cost effective was valid. Mr. Hammond said the Commission was sensitive to concerns that the study would be a burden on Anchorage School District staff; these concerns have been expressed in the past and he felt have been satisfactorily resolved. In response to Mr. Wohlforth, Mr. Hammond said two Commission members had modest engineering project management experience.

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

Mr. Bell moved, to approve AR 97-123.
seconded by Mr. Wuerch,

In response to Mr. Wohlforth, ASD Superintendent Bob Christal said District staff was always willing to investigate efficiency measures. However, this issue has been studied for years. If the study will take away significant construction staff time, it will detract from the mission of the District, which is to build schools efficiently and

effectively. Mr. Christal said comparisons of District costs have been done with the Municipality and the University of Alaska.

In response to Ms. Abney, Mr. Christal said an extensive review was performed in 1993, with contractors, engineers and architects. Practices were changed in accordance with their advice, which have resulted in significant cost savings.

In response to Ms. Clementson, Mr. Bell pointed out past studies have focused on savings from consolidation between ASD and the Municipality. This study would focus on construction efficiency within the District.

Mr. Wuerch pointed out in the private sector, competitive pricing helps ensure efficiency. In government, the only way to maintain low costs was to continually study efficiency measures. He felt the study was reasonable, and pointed out the School Budget Advisory Commission was willing to perform the task without compensation.

Question was called on the motion to approve AR 97-123 and it failed:

AYES: Bell, Kendall, Wuerch, Meyer, Clementson.
NAYS: Wohlforth, Abney, Begich, Von Gemmingen, Carlson, Murdy.

Mr. Kendall moved, to suspend the rules to consider
seconded by Ms. Clementson, items 9.C. and 9.D, AR 97-131
and it passed without and AM 489-97.
objection,

- B. Resolution No. AR 97-131, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages, a package store liquor license, located on Independence Park Subdivision, Tract Q3, generally located on the south side of the Intersection of Abbott Road and Vanguard Drive and west of Independence Drive (Tesoro Northstore, Co. d.b.a. **Tesoro 7-Eleven**) (Case 97-099), Community Planning and Development.
1. Assembly Memorandum No. AM 515-97.
(POSTPONED FROM 6-10-97)
- C. Assembly Memorandum No. AM 489-97, Seven-Eleven #1 - Transfer of Location of a Package Store Liquor License (Abbott Loop Community Council), Clerk's Office.
(POSTPONED FROM 6-3-97 AND 6-10-97)

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

Ms. Abney moved, to approve AR 97-131.
seconded by Mr. Kendall,

Mr. Wuerch distributed a letter from the Abbott Loop Community Council indicating opposition to the license.

Mr. Wohlforth disclosed ex parte contact on this issue. He received a telephone message from Patti Higgins who expressed opposition to the license, and had a conversation with Dan Coffey about the license.

Chairman Begich and Mr. Meyer disclosed they had the same contact with the same parties. Mr. Meyer noted he also discussed the issue with Al Tamagni. He pointed out there are many liquor stores near the proposed location, yet staff only reported on the number of stores on the east side of the New Seward Highway. Ms. Von Gemmingen reported she received a telephone message from Patti Higgins.

Ms. Clementson disclosed she had a brief conversation with Dan Coffey. She said she was opposed to placing liquor stores adjacent to gas stations. Also, the store is located directly in the path of children going to and from Service High School. She opposed the license.

In response to Mr. Murdy, Dan Coffey explained the application sought to transfer an existing license from a location on west Dimond Boulevard.

In response to Mr. Wohlforth, Don Alspach of Community Planning and Development explained the criteria for reporting on existing licenses in the area. The Municipal Code requires listing those licenses within one thousand feet. Staff also reported on the number of licenses in the affected community council area; in this case an error was made by including one license which was not inside the Abbott Loop Community Council.

Mr. Kendall moved, to call the previous question.
seconded by Ms. Clementson,

AYES: Wohlforth, Bell, Kendall, Wuerch, Begich, Von Gemmingen, Clementson, Carlson, Murdy.
NAYS: Abney, Meyer.

Question was called on the motion to approve AR 97-131 and it passed:

AYES: Wohlforth, Bell, Abney, Kendall, Begich, Carlson, Murdy.
NAYS: Wuerch, Meyer, Von Gemmingen, Clementson.

Mr. Kendall moved, to table AM 489-97.
seconded by Mr. Murdy,

AYES: Wohlforth, Bell, Abney, Kendall, Begich, Carlson, Murdy.
NAYS: Wuerch, Meyer, Von Gemmingen, Clementson.

- D. Assembly Memorandum No. AM 593-97, change order No. 6 to purchase order 44405 with Partnow Sharrock & Tindall, P.C. for providing **legal services** for the Municipality of Anchorage, Employee Relations Department/ Purchasing.

Question was called on the motion to approve AM 593-97 and it passed:

AYES: Bell, Kendall, Wuerch, Meyer, Von Gemmingen.
NAYS: Wohlforth, Abney, Begich, Clementson, Carlson, Murdy.

17. **AUDIENCE PARTICIPATION:** None.

18. **EXECUTIVE SESSIONS:** None.

19. **ADJOURNMENT:**

Mr. Murdy moved, to adjourn.
seconded by Mr. Kendall,
and it passed without
objection,

The meeting adjourned at 12:00 a.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: September 30, 1997

LF/db

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