

# MUNICIPALITY OF ANCHORAGE

## ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of October 20, 1998

1. CALL TO ORDER:

Chair Von Gemmingen convened the meeting at 5:10 p.m. in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. ROLL CALL:

Present: Bob Bell, Ted Carlson, George Wuerch, Melinda Taylor, Charles Wohlforth, Fay Von Gemmingen, Cheryl Clementson, Kevin Meyer, Dan Kendall, Joe Murdy.  
Absent: Pat Abney (excused).

3. PLEDGE OF ALLEGIANCE:

Cub Scout Pack 219 presented the flags and led the pledge.

4. MINUTES OF PREVIOUS MEETING: None.

5. MAYOR'S REPORT:

Mayor Mystrom announced the resignation of Community Planning and Development Department Director Shelia Selkregg. He outlined her work on the comprehensive plan; landscape, sign and cluster housing ordinances; and renaissance zone. He thanked her for working to rebuild the Planning Department. Mayor Mystrom then announced he would be nominating Caren Mathis to fill the position of Director of Community Planning and Development.

6. ADDENDUM TO AGENDA:

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

Chair Von Gemmingen read the addendum item. She asked that an informational memorandum on the jet fuel pipeline (AIM 131-98) be added.

Mr. Murdy moved, to amend the Consent Agenda  
seconded by Ms. Taylor, to include AIM 131-98.  
and it passed without  
objection,

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

7. CONSENT AGENDA:

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

A. BID AWARDS:

1. Assembly Memorandum No. AM 987-98, recommendation of award to Skyline Electric, Inc. for furnishing repair/installation of street lights/poles, traffic signals, lift stations, and thaw wires to the Municipality of Anchorage, Public Works Department (ITB 98-118), Purchasing.

Municipal Manager George Vakalis asked this item to be considered on the Regular Agenda. See 8B.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 98-171, an ordinance amending Anchorage Municipal Code Sections 9.04.010, 9.32.070 and 9.30.030 to prohibit vehicles other than municipal buses from standing, stopping or parking in Municipal Transit bus stop zone, Public Transportation Department. public hearing 11-3-98.
  - a. Assembly Memorandum No. AM 970-98.
2. Resolution No. AR 98-325, a resolution of the Municipality of Anchorage appropriating the sum of \$55,000 from the U.S. Environmental Protection Agency and \$175,500 as a cash match from the 1998 Department of Health and Human Services Operating Budget to the Federal Categorical Grants Fund (0241) for the operation of the Anchorage Air Pollution Control Agency, Health and Human Services. public hearing 10-27-98.
  - a. Assembly Memorandum No. AM 971-98.
3. Resolution No. AR 98-326, a resolution of the Municipality of Anchorage appropriating \$1,408,308 to the State Categorical Grants Fund (0231) from the Department of Community and Regional

- Affairs for the JTPA Program Title III Dislocated Worker Program, Health and Human Services. public hearing 10-27-98.
- a. Assembly Memorandum No. AM 972-98.
  4. Resolution No. AR 98-327, a resolution of the Municipality of Anchorage appropriating \$1,076,688 to the State Categorical Grants Fund (0231) from the Department of Community and Regional Affairs for the JTPA Program Title IIA Adult Program, Health and Human Services. public hearing 10-27-98.
    - a. Assembly Memorandum No. AM 973-98.
  5. Resolution No. AR 98-328, a resolution of the Municipality of Anchorage appropriating \$153,592 to the State Categorical Grants Fund (0231) from the Department of Community and Regional Affairs for the JTPA Program Title IIC Youth Program, Health and Human Services. public hearing 10-27-98.
    - a. Assembly Memorandum No. AM 974-98.
  6. Ordinance No. AO 98-155, an ordinance adopting and appropriating funds for the Municipality's 1999 Anchorage Telephone Utility Operating and Capital Budgets, Anchorage Telephone Utility. public hearing 11-3-98 and 11-17-98.
    - a. Assembly Memorandum No. AM 991-98.
  7. Resolution No. AR 98-337, a resolution adopting the 1999-2004 Anchorage Telephone Utility Capital Improvement Program, Anchorage Telephone Utility. public hearing 11-3-98 and 11-17-98.
    - a. Assembly Memorandum No. AM 992-98.
  8. Resolution No. AR 98-287, a resolution of the Anchorage Municipal Assembly adopting the capital grants section of the 1999 Legislative Program for the Municipality of Anchorage, Office of Management and Budget. public hearing 10-27-98.
    - a. Assembly Memorandum No. AM 994-98.
  9. Resolution No. AR 98-339, a resolution of the Assembly adopting an amendment to the AMATS 1997 Long-Range Transportation Plan to add the Anchorage International Airport Landside Access Improvement Project, Community Planning. & Development. public hearing 11-3-98.
    - a. Assembly Memorandum No. AM 996-98.
  10. Resolution No. AR 98-340, a resolution of the Municipality of Anchorage appropriating \$200,000 from Police Service Area Fund (0151) balance and \$156,000 from Anchorage Fire Service Area Fund (0131) balance and \$44,000 for Areawide Fund (0101) balance for legal services for labor relations activities for the Anchorage Police Department and the Anchorage Fire Department/Employee Relations. public hearing 10-27-98.
    - a. Assembly Memorandum No. AM 997-98.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 98-281, a resolution of the Anchorage Municipal Assembly to support the Youth Risk Behavior Survey as an important source of information on health-related behaviors, and to request the Anchorage School District conduct the survey according to current state law & district policy, Assemblymember Carlson.
2. Resolution No. AR 98-329, a resolution of the Municipality of Anchorage accepting and appropriating \$10,000 to the Miscellaneous Operational Grants Fund (0261) from AT&T Alascom for the "Good News, Great Kids" program, Mayor's Office.
  - a. Assembly Memorandum No. AM 975-98.
3. Resolution No. AR 98-330, a resolution of the Municipality of Anchorage appropriating \$58,269 to the State Categorical Grants Fund (0231) from the Department of Community and Regional Affairs for the JTPA Program Title IIA Older Worker Program, Health and Human Services.
  - a. Assembly Memorandum No. AM 976-98.
4. Resolution No. AR 98-331, a resolution of the Municipality of Anchorage appropriating \$96,120 to the State Categorical Grants Fund (0231) from the Department of Community and Regional Affairs for the JTPA Program Title IIA 8% Education Coordination Program, Health and Human Services.
  - a. Assembly Memorandum No. AM 977-98.
5. Resolution No. AR 98-332, a resolution of the Municipality of Anchorage, Alaska, accepting a U.S. Department of Interior, U.S. Geological Survey grant in the amount of \$40,000 and appropriating said grant to the Anchorage Water and Wastewater Utility's Capital Improvement Budget for the "Implementation Strategy and Action Plan for the Migration to FGDC-Endorsed National Standards for Geospatial Data" project, Water and Wastewater Utility.
  - a. Assembly Memorandum No. AM 978-98.

Mr. Wohlforth asked this item to be considered on the Regular Agenda. See 8.D.

6. Resolution No. AR 98-333, a resolution adopting an allocation method for the FY99 Shared Fisheries Business Tax Program and certifying that this allocation method fairly represents the distribution of significant effects of fisheries business activity in the Cook Inlet Fisheries Management Area, Office of Management and Budget.
  - a. Assembly Memorandum No. AM 979-98.
7. Resolution No. AR 98-334, a resolution authorizing the Municipality to grant outdoor public display site, private sanitary sewer maintenance, access, and earthen screening berm easements across portions of Tracts A and B, Bartlett High School and Lots 1 and 3, Section 12, T13N, R3W, Seward Meridian, Centennial Park Sites, Public Works.
  - a. Assembly Memorandum No. AM 980-98.
8. Resolution No. AR 98-338, a resolution of the Anchorage Municipal Assembly recognizing and thanking those who provided assistance during the recent Spenard apartment fire, Assemblymembers

Von Gemmingen, Murdy, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Taylor, Wohlforth, and Wuerch.

Mr. Murdy asked this item to be considered on the Regular Agenda. See 8.D.

9. Resolution No. AR 98-341, a resolution of the Anchorage Municipal Assembly accepting the highest responsive bid from a responsible bidder as the successful bid for the purchase of Anchorage Telephone Utility (ATU) pursuant to the Anchorage Municipal Charter, AO 98-44(S-2), AR No. 98-83, AR No. 98-129(S-1, as amended), and the voters' authorization to sell ATU on April 21, 1998, Legal Department.
  - a. Assembly Memorandum No. AM 998-98.

Mr. Wohlforth asked this item to be considered on the Regular Agenda. See 8.D.

10. Resolution No. AR 98-342, a resolution of the Municipality of Anchorage appropriating \$50,000 from Areawide Fund (0101) balance for legal services for labor relations activities with the Anchorage Municipal Employees Association (AMEA), Employee Relations.
  - a. Assembly Memorandum No. AM 999-98.
11. Resolution No. AR 98-343, a resolution of the Municipality of Anchorage appropriating \$100,000 of refuse collections utility retained earnings to the Refuse Collections Utility Capital Fund (0561) and revising the 1998 Refuse Collections Capital Budget by a like amount to fund the acquisition of a frontload refuse collection vehicle, Solid Waste Services.
  - a. Assembly Memorandum No. AM 1000-98.

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 990-98, Equal Rights Commission appointment (Julie Eaton), Mayor's Office.
2. Assembly Memorandum No. AM 995-98, Zoning Board of Examiners and Appeals appointment (Sarah Lewis).
3. Assembly Memorandum No. AM 993-98, Jamico's Pizzeria - New Restaurant/Eating Place Liquor License and Restaurant Designation (Mt. View Community Council), Clerk's Office.

Mr. Wohlforth asked this item to be considered on the Regular Agenda. See 8.E.

4. Assembly Memorandum No. AM 1001-98, Fiori D'Italia - Transfer of Ownership of a Beverage Dispensary Liquor License (Spenard/ Turnagain Community Councils), Clerk's Office.
5. Assembly Memorandum No. AM 981-98, proprietary purchase of library materials from Congressional Information Service, Inc. for the Municipality of Anchorage, Department of Cultural and Recreational Services/Purchasing.
6. Assembly Memorandum No. AM 982-98, recommendation of award to Mila, Inc. and Human Resource Company, Inc. to provide training/employment services through Job Training Partnership Act (JTPA) Title III and State Training and Employment Programs (STEP) Employment Assistance Programs for the Anchorage/Mat-Su Service Delivery Areas for the Municipality of Anchorage, Department of Health and Human Services (RFP 45-98), Purchasing.
7. Assembly Memorandum No. AM 983-98, proprietary purchase of computer software maintenance/support from Compuware Corporation for the Municipality of Anchorage, Management Information Systems Department/Purchasing.
8. Assembly Memorandum No. AM 984-98, change order No. 2 to purchase order 43676 with Great Northern Engineers for providing additional professional engineering services for the Port Valve Yard Upgrade to the Municipality of Anchorage, Port of Anchorage/Purchasing.

Mr. Wohlforth asked this item to be considered on the Regular Agenda. See 8.E.

9. Assembly Memorandum No. AM 985-98, change order No. 1 to purchase orders 82707 and 82217 with Cal Worthington Ford for providing miscellaneous light duty vehicles to the Municipality of Anchorage, Department of Property and Facility Management/Purchasing.
10. Assembly Memorandum No. AM 988-98, change order No. 2 to purchase orders 71374 & 71375 with LCMF, Inc. and DOWL Engineers for providing professional surveying services to the Municipality of Anchorage, Public Works Department/Purchasing.
11. Assembly Memorandum No. AM 989-98, South Anchorage Snow Disposal Site, DPW 95-25 and 97th Avenue and "C" Street Sedimentation Basin, DPW 91-10, extension of electrical service by Chugach Electric Association, Inc., Public Works.
12. Assembly Memorandum No. AM 969-98, Anchorage Telephone Utility Board of Directors impending vacancy and Assembly procedure for new appointment, Municipal Clerk.

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 120-98, Monthly Financial Report - August 1998, Finance.
2. Information Memorandum No. AIM 121-98, notice of pending contract change order number one (1) to Quality Asphalt Paving, Inc. for the construction of Lake Otis Parkway Surface Rehabilitation, Campbell Creek Bridge to East 68th Avenue, DPW 98-05, Public Works.
3. Information Memorandum No. AIM 122-98, Northwood Drive/88th Avenue Surface Rehabilitation, DPW 96-13, notice of pending contract amendment to Wilder Construction Co., Public Works.

4. Information Memorandum No. AIM 123-98, waiver of formal procedures for Anchorage Police Department parking lot construction for the Municipality of Anchorage, Department of Property and Facility Management (ITB 98-C78), Purchasing.
5. Information Memorandum No. AIM 124-98, waiver of formal procedures for Hiland vault electrical service replacement for the Municipality of Anchorage, Water and Wastewater Utility (ITB 98-C83), Purchasing.
6. Information Memorandum No. AIM 126-98, a minor amendment to the 1997 Long-Range Transportation Plan clarifying the Major Investment Study procedures, Community Planning & Development.

Mr. Wuerch asked this item to be considered on the Regular Agenda. See 8.F.

7. Information Memorandum No. AIM 127-98, right-of-way acquisition procedures, Public Works.
8. Information Memorandum No. AIM 131-98, jet fuel pipeline construction permit, Assemblymember Von Gemmingen. (addendum)

Mr. Wohlforth asked this item to 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:

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

8. REGULAR AGENDA:

A. TIME CRITICAL ITEMS: None.

B. BID AWARDS:

1. Assembly Memorandum No. AM 987-98, recommendation of award to Skyline Electric, Inc. for furnishing repair/installation of street lights/poles, traffic signals, lift stations, and thaw wires to the Municipality of Anchorage, Public Works Department (ITB 98-118), Purchasing.

Municipal Manger Vakalis stated that the bid award had been protested. He requested the item to be tabled.

Mr. Wohlforth moved, to table AM 987-98.  
 seconded by Ms. Clementson,  
 and it passed without  
 objection,

C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION: None.

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 98-332, a resolution of the Municipality of Anchorage, Alaska, accepting a U.S. Department of Interior, U.S. Geological Survey grant in the amount of \$40,000 and appropriating said grant to the Anchorage Water and Wastewater Utility's Capital Improvement Budget for the "Implementation Strategy and Action Plan for the Migration to FGDC-Endorsed National Standards for Geospatial Data" project, Water and Wastewater Utility.
  - a. Assembly Memorandum No. AM 978-98.

Mr. Wohlforth moved, to approve AR 98-332.  
 seconded by Mr. Murdy,

In response to Mr. Wohlforth, AWWU Manager Mark Premo indicated the purpose of the grant was to evaluate time and money required to standardize the electronic formatting of the geographical information system so that the information could be shared among local, state and federal agencies.

Question was called on the motion to approve AR 98-332 and it passed without objection.

2. Resolution No. AR 98-338, a resolution of the Anchorage Municipal Assembly recognizing and thanking those who provided assistance during the recent Spenard apartment fire, Assemblymembers Von Gemmingen, Murdy, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Taylor, Wohlforth, and Wuerch.

Mr. Murdy moved, to approve AR 98-338.  
 seconded by Ms. Taylor,  
 and it passed without  
 objection,

Mr. Wuerch read the resolution while Mr. Murdy and Chair Von Gemmingen presented it to the representatives of organizations who helped victims of the apartment fire.

3. Resolution No. AR 98-341, a resolution of the Anchorage Municipal Assembly accepting the highest responsive bid from a responsible bidder as the successful bid for the purchase of Anchorage Telephone Utility (ATU) pursuant to the Anchorage Municipal Charter, AO 98-44(S-

2), AR 98-83, AR 98-129(S-1, as amended), and the voters' authorization to sell ATU on April 21, 1998, Legal Department.

a. Assembly Memorandum No. AM 998-98.

Mr. Wohlforth moved, to approve AR 98-341.  
seconded by Ms. Clementson,

Mr. Wohlforth moved, to postpone action until  
seconded by Ms. Clementson, later in the meeting.  
and it passed without  
objection,

(Clerk's Note: See after item 8.F.)

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 993-98, Jamico's Pizzeria - New Restaurant/Eating Place Liquor License and Restaurant Designation (Mt. View Community Council), Clerk's Office.

Mr. Wohlforth moved, to approve AM 993-98.  
seconded by Ms. Taylor,  
and it passed without  
objection,

In response to Mr. Wohlforth, Municipal Clerk Lejane Ferguson advised that a conditional use was in place.

2. Assembly Memorandum No. AM 984-98, change order No. 2 to purchase order 43676 with Great Northern Engineers for providing additional professional engineering services for the Port Valve Yard Upgrade to the Municipality of Anchorage, Port of Anchorage/Purchasing.

Mr. Wohlforth moved, to approve AM 984-98.  
seconded by Mr. Murdy,  
and it passed without  
objection,

In response to Mr. Wohlforth, Port Director Don Dietz indicated the change order was for "clean-up" of the project management phase of the project. The project has been constructed and is operating.

F. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 126-98, a minor amendment to the 1997 Long-Range Transportation Plan clarifying the Major Investment Study procedures, Community Planning and Development.

Mr. Wuerch moved, to accept AIM 126-98.  
seconded by Ms. Taylor,

Mr. Wuerch questioned the need for a major investment study under new federal laws. He suggested the matter be returned to the Administration and the Assembly ask for a revision that deletes the Major Investment Study (MIS) as a prerequisite for highway projects.

Mr. Wuerch moved, to return AIM 126-98 to Administration and ask the  
seconded by Mr. Carlson, Major Investment Study (MIS) to be deleted.  
and it was withdrawn,

Jon Spring, Transportation Planning Division, explained the Federal Highway Administration was awaiting more guidelines pertaining to Major Investment Studies (MIS). It appears the intent was not to totally abandon major investment studies but rather incorporate them into the National Environmental Policy Act (NEPA). The Administration tried to strike a balance in the Long-Range Transportation Plan and streamline the process for the MIS. The municipality worked closely with the state on this proposed amendment.

In response to Ms. Clementson, Mr. Spring noted that alternative transportation corridors would be investigated regardless of federal requirements for the MIS.

Mr. Wohlforth felt that the amendment, whether minor or major, required Assembly approval and should be presented for formal Assembly action.

Shelia Selkregg, Director of Planning and Development, explained that the lack of a federal process for the MIS delayed projects. The purpose of the amendment is to provide a process for the municipality to follow so projects are not delayed. Mayor Mstrom suggested the matter be postponed for two weeks and a work session held in the interim.

Ms. Clementson moved, to postpone AIM 126-98  
seconded by Mr. Meyer, indefinitely.  
and it passed without  
objection,

Ms. Clementson clarified the amendment would return as a resolution to be forwarded to the AMATS Policy Committee after Assembly action.

2. Information Memorandum No. AIM 131-98, jet fuel pipeline construction permit, Assemblymember Von Gemmingen. (addendum)

Mr. Wohlforth moved, to accept AIM 131-98.  
seconded by Mr. Murdy,

Executive Manager Elaine Christian explained the contractor expected the mud flats to be frozen by this time of year. Because the weather has been warm, there has been some problem with sinking and more room is needed to maneuver equipment. The work, as well as the actual easement needed for equipment, will be continuously monitored.

Question was called on the motion to accept AIM 131-98 and it passed without objection.

The meeting recessed at 5:55 p.m. and reconvened at 6:17 p.m.

The Assembly then returned to item 8.D.3, AR 98-341.

Resolution No. AR 98-341, a resolution of the Anchorage Municipal Assembly accepting the highest responsive bid from a responsible bidder as the successful bid for the purchase of Anchorage Telephone Utility (ATU) pursuant to the Anchorage Municipal Charter, AO 98-44(S-2), AR No. 98-83, AR No. 98-129(S-1, as amended), and the voters' authorization to sell ATU on April 21, 1998, Legal Department.

Chair Von Gemmingen invited public comment on AR 98-341.

HARRY BLANAS contended that the ballot language was not clear, so the municipality did not have a clear mandate to sell the utility. The matter should be rebalotted using unambiguous language. He opposed the sale because he believed the loss of the dividend would lead to increased taxes.

TIM MARTIN felt that the Assembly was not representing the public interest in matters surrounding the sale.

JEAN RUPPERT compared the sale process to a cryptoquote puzzle. The process that the Assembly adopted to sell the utility seems to continually change. There is no place to review all the materials or obtain information on the various groups that have been associated with the sale. Consequently, it is easy for owners and ratepayers to think the Assembly is misleading them or withholding information. It is important that integrity of process be maintained and that sufficient time be allowed for full disclosure.

JOHN WOOD noted that the sale of ATU started nine years ago. He praised the efforts of Charles Wohlforth in getting the question to this point. Sale proceeds will go into the trust fund established in the Charter. By next year, proceeds invested in the trust fund will equal more than the utility is worth today. He urged the Assembly to support the resolution.

GARY BROOKS, IBEW Local 1547 Business Manager, recalled that in the past the union had been on both sides. The major concern has been the welfare of union members employed by ATU. This April it appeared the potential buyers were unwilling to commit to ensuring job opportunities for Local 1547 members. Consequently, the union urged defeat of the question. However, the apparent successful bidder, Alaska Communication Systems (ACS), has ensured union workers that life after the sale will be as good as life now. Under the new management, ATU will continue to provide good jobs for citizens of Anchorage. He urged approval of the sale.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one.

Mr. Wohlforth moved, to approve AR 98-341.  
seconded by Ms. Clementson,

Mr. Wohlforth commented that the decision was historical. He reviewed the process employed to bring the community to this point. He thanked all the people who worked diligently to bring about the bid award. He outlined the advantages of selling the utility to the proposed bidder.

Mr. Carlson stated that he was a member of Matanuska Telephone Association (MTA), one of the bidders for ATU. He also received a dividend from MTA last year and expected to receive one in 1998.

Ms. Clementson noted that the question before the Assembly was award of the bid to ACS with whom Mr. Carlson has no connection.

Chair Von Gemmingen ruled Mr. Carlson's membership in MTA did not constitute a conflict of interest.

In reply to Mr. Carlson, Municipal Attorney Mary Hughes estimated it could cost up to \$50,000 per day to delay this decision.

Mr. Carlson explained he did not intend to ask to delay the process because of the cost and the withdrawal of MTA's bid. He felt that the current management should be retained during the transition process.

Mr. Bell reiterated his support for the sale of ATU. This time the process was clean and the resolution should be approved.

Mr. Kendall thanked all the bidders for participating. He acknowledged the service of ATU employees through the years. Former Mayor Tom Fink was correct five years ago when he brought forward the idea of selling the utility. The delay has cost the community \$205,000,000. Lastly, he welcomed ACS to Anchorage.

Mr. Meyer thanked Charles Wohlforth for his leadership on the ATU committee. In response to Mr. Meyer, Municipal Attorney Mary Hughes estimated the trust fund could receive \$110,000,000, if the assumptions are correct. Interest from the trust fund will offset the current dividend the municipality receives from ATU.

In response to Mr. Meyer, ATU Board of Directors Chairman George Sullivan said he thought the transition would go well. Many current managers are hopeful of continuing employment with the new owner. It seems to be a good offer.

Ms. Clementson urged citizens who want to understand the process more fully to obtain a copy of AR 98-341 and AM 998-98. Unlike a request for proposal, the bidding process does not allow negotiation. All bidders must meet certain criteria to be considered. The choice before the Assembly is an administrative one to accept or reject a bid.

Mr. Murdy welcomed ACS to Anchorage.

Chair Von Gemmingen noted the process to sell ATU had been a long one. After extensive research, the committee came to the conclusion that it was time to get politics out of ATU.

Question was called on the motion to approve AR 98-341 and it passed:

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

Mr. Murdy moved, immediate reconsideration  
seconded by Mr. Wohlforth, of AR 98-341.

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

The meeting recessed at 7:20 p.m. and reconvened at 7:45 p.m.

9. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS: None.

10. APPEARANCE REQUESTS: None.

11. CONTINUED PUBLIC HEARINGS:

A. Ordinance No. AO 98-95, an ordinance of the Municipality of Anchorage amending Title 21 of the Anchorage Municipal Code of Ordinances by amending 21.40.150 B-2A Central Business District Core, 21.40.160 B-2B Central Business District, Intermediate, and 21.40.170 B-2C Central Business District, Periphery to add public, private and parochial academic schools, business colleges and universities as permitted principal uses, Assemblymember Wohlforth.

1. Information Memorandum No. AIM 86-98, AO 98-95; amendment to zoning ordinance concerning schools in Central Business District, Community Planning and Development.
2. Information Memorandum No. AIM 125-98, AO 98-95; Planning and Zoning Commission recommendation on a Title 21 amendment concerning schools in the Central Business District, Community Planning and Development.

(CARRIED OVER FROM 7-21-98; CONTINUED FROM 8-18-98)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

KERRY MERRILL, Village Charter School teacher, supported relaxation of rules so sites for charter schools could be found. She urged the Assembly to approve a version of the ordinance that did not require charter schools to get conditional use permits.

KENNETH BREWSTER, a parent of a Village Charter School student, suggested charter schools be allowed in B-2B, B-2C and B-1B zones without restrictions and allowed by conditional use permits in other zones. He asked the location of the Walden Pond Charter School in the Dimond Mall be legitimized.

LINDA SHARP, Site Committee Chair for Village Charter School, urged the Assembly to divide the question between the downtown business core, industrial and B-2A. The downtown core is very safe for children. Charter schools were designed to provide competition for public schools as well as innovation and accountability. However, current law encumbers the operation of charter schools and should be changed. She noted the ordinance had not received opposition from citizens. She outlined the difficulties Village Charter School has had in locating an acceptable site.

RUTH MOULTON, felt that schools should only be allowed in the zones by conditional use permit. Although people may not oppose the ordinance in concept, the reaction may be very different when a school comes to their neighborhood. The location of a school effects traffic and may make some existing uses nonconforming. She questioned how the traffic would be handled when parents drop off and pick up students from schools in the downtown core area. At the least, only schools for children 15 years and older should be permitted in the downtown core. Requiring a conditional use permit will allow the Assembly to consider the consequences of each request.

KEN HAIRS, of Lounsbury and Associates representing Carr Gottstein Properties, asked that the ordinance amendment include the B-1B zone so those properties could be considered for charter school sites.

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

Mr. Wohlforth moved, to adopt AO 98-95(S).  
seconded by Ms. Taylor,  
and it was withdrawn,

(Clerk's Note: No substitute ordinance was produced. See AO 98-172 and AO 98-173.)

In response to Mr. Wohlforth, Shelia Selkregg, Director of Community Planning and Development, acknowledged the desire for charter and private school locations. Public school sites are subjected to extensive review. This proposal has the potential of eroding the integrity of existing zoning districts. The intent of the conditional use process is to ensure that the location of charter and private schools is carefully considered.

Don Alspach, Deputy Director of Community Planning and Development, advised that the Planning and Zoning Commission (P&Z) concluded the only way to weed out inappropriate locations for schools is through the conditional use process. The ordinance recommended by P&Z is quite different from the one currently before the Assembly and may need separate advertising.

Ordinance No. AO 98-172, an ordinance of the Municipality of Anchorage amending Title 21 of the Anchorage Municipal Code of Ordinances by amending 21.40.150 B-2A Central Business District Core, 21.40.160 B-2B Central Business District, Intermediate, 21.40.170 B-2C Central Business District, Periphery, 21.40.145 B-1B Community Business District and 21.40.200 I-1 Light Industrial District to add public, private and parochial academic schools, business colleges and universities as conditional uses, Assemblymember Wuerch. (**LAI D ON THE TABLE** attached to AIM 125-98)

Mr. Wohlforth expressed frustration that the ordinance could not be entertained tonight because it had already been through the P&Z process.

Mr. Wuerch, Ms. Taylor and Ms. Clementson supported introduction of AO 98-172 for public hearing on November 3, 1998. There was no objection.

Ms. Clementson moved, to postpone AO 98-95  
seconded by Ms. Taylor, indefinitely.

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

Mr. Kendall moved, to postpone AO 98-95  
seconded by Mr. Wuerch, until November 3, 1998.  
and it passed with  
Ms. Clementson objecting,

Ordinance No. AO 98-173, an ordinance of the Municipality of Anchorage amending Title 21 of the Anchorage Municipal Code of Ordinances by amending 21.40.145 B-1B Community Business District to add public, private and parochial academic schools, business colleges and universities as a permitted use and 21.40.150 B-2A Central Business District Core, 21.40.160 B-2B Central Business District, Intermediate, 21.40.170 B-2C Central Business District, Periphery, and 21.40.200 I-1 Light Industrial District to add public, private and parochial academic schools, business colleges and universities as conditional uses, Assemblymember Wohlforth. (**LAI D ON THE TABLE**)

Mr. Wohlforth, Mr. Kendall and Ms. Taylor supported introduction of AO 98-173 for public hearing on November 3, 1998. There was no objection.

- B. Ordinance No. AO 98-120, an ordinance of the Anchorage Municipal Assembly amending AMC 21.35.020 B. to change the definition of "Dwelling, Factory-Built" (Formerly Ordinance No. AO 97-129) (Planning & Zoning Commission Case #97-189), Assemblymember Carlson.
1. Assembly Memorandum No. AM 713-98.
  2. Information Memorandum No. AIM 98-98, AO 98-120: Planning and Zoning Commission recommendation on an ordinance amending Title 21 concerning the definition of dwelling, factory built, Community Planning and Development.
- (CONTINUED FROM 8-18-98, 9-22-98, AND 9-29-98)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Mr. Wohlforth moved, to postpone action until  
seconded by Mr. Carlson, November 17, 1998.

Municipal Manager George Vakalis advised that a substitute version would be forthcoming.

Ms. Clementson moved, to postpone AO 98-120  
seconded by Ms. Taylor, indefinitely.  
and it was withdrawn,



Mr. Wuerch moved,  
seconded by Mr. Wohlforth,

a substitute motion to reopen and continue the public hearing to November 17, 1998.

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

to amend the substitute motion by changing the date to December 8, 1998.

Question was called on the substitute motion as amended and it passed without objection.

Director of Community Planning and Development Shelia Selkregg recommended the Assembly receive a briefing from the HAND Commission prior to acting on the ordinances.

A work session was tentatively set for December 8, 1998.

## 12. NEW PUBLIC HEARINGS:

- A. Ordinance No. AO 98-162, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the borrowing from the State of Alaska Drinking Water Fund of an amount not to exceed \$17,150,000 for the purpose of financing a portion of the costs of the Anchorage Loop Phase V, the Service High Reservoir No. 6 and the Eagle River Water Transmission Main Projects in the Municipality, and providing for related matters, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 942-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Mr. Murdy moved,  
seconded by Ms. Clementson,

to adopt AO 98-162.

In response to Mr. Bell, Manager of Anchorage Water and Wastewater Utility Mark Premo stated the reservoir would be located on the southwest corner of the parking lot adjacent to Service High School. The project is in final design and expected to go to bid in the spring of 1999. The utility and the school district are working together to coordinate the location of utility and school facilities in this area.

Question was called on the motion to adopt AO 98-162 and it passed:

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

- B. Resolution No. AR 98-317, a resolution of the Municipality of Anchorage appropriating \$7,883,204 from the State of Alaska, Department of Community and Regional Affairs to the State Categorical Grants Fund (0231) for the Day Care Assistance Program in the Department of Health and Human Services.
1. Assembly Memorandum No. AM 952-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Mr. Murdy moved,  
seconded by Ms. Taylor,

to approve AR 98-317.

AYES: Bell, Carlson, Wuerch, Taylor, Wohlforth, Von Gemmingen, Meyer, Murdy.  
NAYS: None.

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

- C. Ordinance No. AO 98-165, an ordinance amending Anchorage Municipal Code Section 12.15.060(D) to increase the amount of taxes that will not be billed by the Municipality of Anchorage to \$20.00, Assemblymember Clementson.
1. Assembly Memorandum No. AM 955-98.
  2. Ordinance No. AO 98-165(S), an ordinance amending Anchorage Municipal Code Section 12.15.060(D) to increase the amount of taxes that will not be billed by the Municipality of Anchorage to \$20.00, Assemblymember Clementson. (addendum)
  3. Assembly Memorandum No. AM 1002-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Mr. Murdy moved,  
seconded by Ms. Taylor,

to adopt AO 98-165.

Ms. Clementson moved,  
seconded by Mr. Wuerch,

a substitute motion to adopt AO 98-165(S).

AYES: Bell, Carlson, Wuerch, Taylor, Wohlforth, Von Gemmingen, Clementson, Meyer, Murdy.  
 NAYS: None.

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

- D. Ordinance No. AO 98-161, an ordinance amending Anchorage Municipal Code Section 2.30.030 to clarify the permitted subjects of Assembly executive sessions, Assemblymember Kendall.
1. Assembly Memorandum No. AM 941-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Mr. Murdy moved, to adopt AO 98-161.  
 seconded by Mr. Wohlforth,

AYES: Bell, Carlson, Wuerch, Taylor, Wohlforth, Von Gemmingen, Clementson, Murdy.  
 NAYS: None.

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

Deputy Municipal Attorney Bill Greene advised that the ordinance did not substantially change existing law; only clarified it.

- E. Ordinance No. AO 98-164, an ordinance amending Anchorage Municipal Code Subsection 17.10.050A. regulating the restraint of animals in public places to provide a conditional exception from the requirements of control by leash for physically handicapped owners, Assemblymember Clementson.
1. Assembly Memorandum No. AM 954-98.

Ms. Clementson advised she intended to table this ordinance and refer the topic to the committee currently rewriting Title 17.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Ms. Clementson moved, to postpone AO 98-164  
 seconded by Ms. Taylor, indefinitely.  
 and it passed without  
 objection,

- F. Resolution No. AR 98-320, a resolution authorizing eminent domain proceedings and acceptance of the decisional document for the construction of the Bragaw Street Safety Improvements, 20th Avenue to DeBarr Road, Public Works.
1. Assembly Memorandum No. AM 958-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Mr. Murdy moved, to approve AR 98-320.  
 seconded by Ms. Taylor,

Regarding parking on the Bradley property, Vivian Dietz-Clark advised that negotiations were on-going with the property owner. She felt that there was an alternative plan which would not reduce the number of spaces.

Question was called on the motion to approve AR 98-320 and it passed:

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

- G. Resolution No. AR 98-335, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Package Store) located on Dimond Industrial Subdivision, Block 2, Lot 6B, generally located on the west side of the Old Seward Highway and south of Dimond Boulevard (Brown Jug d.b.a. Brown Jug) (Case 98-192), Community Planning and Development.
1. Assembly Memorandum No. AM 986-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

ED O'NEILL, an applicant, advised that the license was moving from the Merrill Field area to the Blockbuster building at Dimond and Old Seward Highway.

Mr. Bell clarified that neither Taku-Campbell or Bayshore Klatt Community Councils took a position on the transfer.

ED EARNHART, Taku-Campbell Community Council representative, advised that the council previously voted to oppose new liquor licenses in the city but not transfers of existing licenses.

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

Mr. Bell moved, to approve AR 98-335.  
seconded by Ms. Taylor,

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

- H. Ordinance No. AO 98-159, an ordinance amending the zoning map and providing for the rezoning from PLI-SL (Public Lands and Institutions with Special Limitations to I-1 SL (Light Industrial District) with Special Limitations regarding access, landscaping and design standards, for BLM Lot 15, Section 11, T14N, R2W, S.M., Alaska, generally located at the southeast corner of Lesmer Circle and Mausel Street (Eagle River Community Council)(Planning and Zoning Commission Case 98-113), Community Planning and Development.
1. Assembly Memorandum No. AM 914-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Mr. Murdy moved, to adopt AO 98-159.  
seconded by Mr. Carlson,

Mr. Carlson moved, to amend AO 98-159 on page 1, line 28,  
seconded by Mr. Kendall, by adding "A. Church sites shall be  
and it passed without exempted from provision of paragraph. 2  
objection, of this section."

Mr. Carlson stated that a sale to Community Covenant Church was pending. The church's construction plan has better screening than the ordinance requires.

In response to Mr. Wohlforth, Deputy Director of Planning Don Alspach advised the set back was required in order to screen industrial uses from adjacent residential development.

Question was called on the motion to adopt AO 98-159 as amended and it passed:

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

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

- I. Ordinance No. AO 98-153, an ordinance adopting the 1999 General Government Capital Improvement Budget, Office of Management and Budget.
  1. Assembly Memorandum No. AM 948-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

PAUL LAVERTY, asked that the budget be amended to allow reopening of the Government Hill fire station. Mapco is increasing the size of their refinery and soon will be shipping about 30% more jet fuel to the port. Government Hill is home to Richardson Vista, the largest apartment complex in the state. The Panoramic View apartment complex is right next door. These complexes house about 2,000 people. Road access to Government Hill can be cut off by a truck accident or train traffic. The community then becomes isolated from emergency vehicles. Reopening the fire station would improve protection for the port, the AT&T complex and the Government Hill neighborhood.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one, and she closed the public hearing. She advised the second public hearing would be held on October 27, 1998.

- J. Resolution No. AR 98-284, a resolution of the Municipality of Anchorage adopting the 1999-2004 General Government Capital Improvement Program, Office of Management and Budget.
  1. Assembly Memorandum No. AM 948-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing. She advised the second public hearing would be held on October 27, 1998.

- K. Resolution No. AR 98-285, a resolution of the Municipality of Anchorage adopting the 1999-2004 Six Year Fiscal Program, Office of Management and Budget.
  1. Assembly Memorandum No. AM 949-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Ms. Clementson moved, to approve AR 98-285.  
seconded by Mr. Meyer,

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

13. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS: None.

## 14. SPECIAL ORDERS:

- A. Resolution No. AR 98-281, a resolution of the Anchorage Municipal Assembly supporting the Youth Risk Behavior Survey as an important source of information on health-related behaviors, and requesting that the Anchorage School District conduct the survey in accordance with current state law and district policy, Assemblymember Carlson.

Mr. Wohlforth moved, to immediately reconsider  
seconded by Ms. Taylor, approval of AR 98-281.

Mr. Wohlforth was concerned that the resolution was not consistent with school board action. In specific, he wished to discuss the "permission" issue.

Question was called on the motion to reconsider AR 98-281 and it failed:

AYES: Taylor, Wohlforth, Von Gemmingen.

NAYS: Bell, Carlson, Wuerch, Clementson, Meyer, Kendall, Murdy.

- B. Resolution No. AR 98-346, a resolution directing the Anchorage School Board to submit its selection of school building design professionals and its selection of preliminary and subsequent school building designs to the Assembly for the Assembly's approval as required by Alaska Statute 14.14.060(e), Assemblymembers Bell, Meyer Clementson, Carlson, Kendall, and Wuerch. **(LAID ON THE TABLE)**

Ms. Clementson moved, to approve AR 98-346.  
seconded by Mr. Bell,

Ms. Clementson advised this was a very timely resolution because several school projects are in the works. Citizens in east Anchorage are particularly concerned about the lack of input on the model school chosen for the new Muldoon elementary school. It is the position of the Municipal Attorney that authority to approve building designs and design professionals was not transferred in the 1982 resolution.

Mr. Bell added the request for bids to construct the south Anchorage and Muldoon elementary schools specified a particular architect was to be used. He felt that was contrary to municipal purchasing laws. Secondly, under State law the Assembly is responsible for construction of all schools.

Mr. Wohlforth felt that the way the resolution was presented perverted the public process. Action should be delayed until next week to allow the members to review the matter and discuss it with the school district.

Mr. Wuerch argued the issue was not new but an old festering sore. The Assembly members' feelings on the matter should not surprise anyone on the school board or in the district administration. The Assembly should reassert its authority under State law.

Mr. Wohlforth moved, to postpone action  
seconded by Mr. Murdy, until October 27, 1998.

AYES: Wohlforth, Von Gemmingen, Murdy.

NAYS: Bell, Carlson, Wuerch, Taylor, Clementson, Meyer, Kendall.

Question was called on the motion to approve AR 98-346 and it passed:

AYES: Bell, Carlson, Wuerch, Taylor, Von Gemmingen, Clementson, Meyer, Kendall.

NAYS: Wohlforth, Murdy.

Mr. Bell moved, immediate reconsideration  
seconded by Mr. Meyer, of AR 98-346.

AYES: Wohlforth, Von Gemmingen, Clementson, Murdy.

NAYS: Bell, Carlson, Wuerch, Taylor, Meyer, Kendall.

## 15. ASSEMBLY COMMENTS:

- A. Mr. Wuerch inquired whether the blue light on the vote board could be used to identify speakers so people in the audience could follow the discussion better.
- B. Ms. Von Gemmingen announced the Westside Town meeting at Spenard Recreation Center from 7:00 p.m. to 9:00 p.m., October 21, 1998.
- C. Ordinance No. AO 98-84, an ordinance amending Anchorage Municipal Code Title 2 to enact a Demerit Point System to identify potential and actual problem alcoholic beverage licensees and establish standards and procedures for the assignment of points, notices, hearings and Assembly action on warnings to potential problem licensees and Assembly protests of the issuance, renewal, transfer and continued operation of an alcoholic beverage license and Assembly issuance, revocation or modification of or imposition of conditions on conditional land use permits for the retail sale of alcoholic beverages. An ordinance to also reorganize, consolidate, make uniform, clarify and otherwise amend all provisions of the Anchorage Municipal Code Titles 2, 10 and 21 relating to or regulating alcoholic beverages, the Assembly's issuance of conditional use permits and protests of the issuance, renewal, transfer and continued operation of persons and premises licensed to sell alcoholic beverages, Assemblymember Begich. (TO BE SUBMITTED)

Mr. Wohlforth moved,  
seconded by Ms. Clementson,

to postpone AO 98-84 indefinitely, and cancel the public  
hearing set for October 27, 1998.

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

16. UNFINISHED AGENDA: None.

17. AUDIENCE PARTICIPATION:

ANDREE McCLEOD thanked the members for supporting AR 98-281.

A representative of the Salvation Army thanked the community for its support and the Assembly for its recognition.

18. EXECUTIVE SESSIONS: None.

19. ADJOURNMENT:

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

to adjourn.

The meeting adjourned at 9:35 p.m.

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Chair

ATTEST:

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Municipal Clerk

Date Minutes Approved: January 26, 1999

LF/lf

**INDEX**

<i>Subject</i>	<i>Page</i>
Air Pollution Control Agency.....	1
Alaska Native Heritage Park.....	2
AMATS 1997 Long-Range Transportation Plan .....	2
Anchorage International Airport Landside Access Improvement Project .....	2
Anchorage Loop Water Transmission Main .....	9
Anchorage Telephone Utility Board Of Directors .....	3
Anchorage Telephone Utility Capital Improvement Program.....	2
Anchorage Telephone Utility Operating And Capital Budgets .....	2
Anchorage Telephone Utility Sale .....	3, 4, 6
Animals Restraint Requirements .....	10
Bus Zones Violations.....	1
Central Business District .....	7
Computer Purchases, Maintenance Or Licensing .....	3
Conditional Use For Sales Of Alcoholic Beverages.....	10
Conflict Of Interest.....	6
Day Care Assistance Program.....	9
Demerit Point System For Alcohol Establishments .....	12
Drinking Water Fund .....	9
Dwelling, Factory-Built Definitions.....	8
Easements Granting.....	2
Electrical Service .....	3
Eminent Domain .....	10
Engineering Services.....	3
Equal Rights Commission.....	3
Executive Sessions.....	10
Fire Department.....	2
General Government Capital Improvement Budget.....	11
General Government Capital Improvement Program.....	11
Geospatial Data Grant To AWWU.....	2, 4
Good News, Great Kids - AT&T Alascom Grant.....	2
Hiland Vault Electrical Service Replacement.....	4
Jet Fuel Pipeline Construction Permit .....	4, 6
Job Training Partnership Act.....	2, 3
Labor Relations Activities.....	3
Labor Relations, Police And Fire Negotiation Funding.....	2
Lake Otis Parkway Surface Rehabilitation.....	3
Legal Services .....	2, 3
Legislative Program.....	2
Library Materials .....	3
Light Duty Vehicles .....	3
Liquor Licenses.....	3, 5, 10
Long-Range Transportation Plan .....	4, 5
Monthly Financial Report.....	3
Northwood Drive/88th Avenue Surface Rehab .....	3
Parking Lot Construction, Police Department .....	4
Planning And Zoning Commission .....	7, 8, 11
Police Department.....	2, 4
Port Valve Yard Upgrade .....	3, 5
Recognizing Those Who Provided Assistance During The Recent Spenard Apartment Fire .....	2, 4
Refuse Collections Capital Budget Revision .....	3
Rezoning.....	11
Right-Of-Way Acquisition Procedures.....	4
School Building Designs Submission To Assembly.....	12
Schools, Business Colleges And Universities As Conditional Uses .....	8
Schools, Business Colleges And Universities As Permitted Principal Uses .....	7
Shared Fisheries Business Tax Program.....	2
Six-Year Fiscal Program.....	11
Snow Disposal Site.....	3
Street Lights/Poles, Traffic Signals, Lift Stations, And Thaw Wires .....	1, 4
Surveying Services .....	3
Taxes, Mimimum Billing .....	9
Youth Risk Behavior Survey .....	2, 12
Zoning Board Of Examiners And Appeals .....	3