

**MINUTES
of the
ANCHORAGE CITY COUNCIL MEETING**

**March 12, 2007
6:00 PM**

The Council members in attendance were as follows: Susan Mitchell, Brian Rublein, Jim Holtman, Bill Wetheron, Dan Heiskell, and Roger Durham. Mayor Tommy Hewitt presided. Also in attendance were Assistant to the Mayor Alice McKinley; Director of Public Works Erwin Booth; City Attorney John McGarvey; City Clerk Nan Schlindwein; Sewer Project Manager Joe Roehrig; Police Chief Chris Winders; and guests Nadine Brewer and Ann Stivers.

Mayor Hewitt called the meeting to order at 6:05 p.m.

MINUTES

The minutes from the February 12, 2007, regular meeting were presented. Durham made the motion, seconded by Holtman, and unanimously approved by Council to accept the minutes. The minutes from the February 27, 2007, special meeting were presented. After a correction from Mayor Hewitt, Mitchell made the motion, seconded by Durham, and unanimously approved by Council to accept the minutes.

TREASURER'S REPORT

The City's check register and financial report for February 2007 were presented. Durham asked about the disbursement of funds to Abel Construction Company. McKinley explained that this was the amount paid for work done to the Bellewood Bridge before the collapse and the clean-up and stabilization after the collapse.

POLICE REPORT

Chief Winders presented the February 2007 police report. No questions or concerns were raised. Heiskell asked about missing persons on the report. The Chief said that these were Bellewood youth and that they were usually found and returned to the campus.

HISTORIC PRESERVATION COMMISSION

Mitchell presented the HPC minutes from the February meeting and Wetheron presented a summary of the applications presented in 2006.

McKinley reported that construction at 11701 Hazelwood Road had been shut down because the contractor, Anchorage Real Estate, had gone over their allowable square footage. Metro and the City of Anchorage issued stop work orders on the project and the City of Anchorage fined them \$500.00. The contractor has an appointment tomorrow with the City's zoning officer to eliminate 500 square feet from the construction plan. The contractor has two and a half weeks to resolve before the zoning compliance certificate is revoked.

Durham asked for information regarding the signage request from Bellewood Children's Home. Mitchell reported that Bellewood was falling within the guidelines set by their conditional use permit, but it was suggested to them by the commission to use softer lamp lighting. McKinley reported that a term of the conditional use permit was that lighting must shine down rather than up.

OLD BUSINESS

A special Council meeting was scheduled for Tuesday, April 10th at 6:00 p.m. to review the two proposals on the City-owned Bellewood property. Council members Holtman and

Durham will work with McKinley to lay out and compare the two proposals and do a matrix summary analysis. The Civic Club has made plans to do the same comparison.

McGarvey presented a verbal resolution in regard to the Jefferson County Cable Commission. The commission has asked to be renamed the Jefferson County Suburban Cities Telecommunications Commission. McGarvey explained that within five years all of Jefferson County will have underground fiber optics. The commission will broaden the scope of what they oversee to include cable television, telecommunications, and other utility franchising issues on behalf of the citizens of the suburban cities. The resolution allows the Mayor to represent the City to sign the amended agreement and states that the City agrees to the provisions, terms and conditions in the agreement.

Resident Pat Welsh is coordinating a disaster and emergency council in the City. The motion was made by Mitchell to “acknowledge the establishment of the Anchorage Community Disaster Committee”, which was seconded by Rublein and unanimously passed by Council.

A variance request for the extension of secondary signage for 11100 Cherry Lane was introduced. No motion was presented to grant the request.

The variance request for secondary signage for 11500 Valley View Road was introduced. No motion was presented to grant the request. The City will be working in the next few months on amendments to the City’s realtor sign ordinance.

An ordinance establishing the City tax rate on real and personal property for the tax year 2006-2007 was read by Mitchell. The second reading will take place at the April meeting of City Council.

The City has approximately \$400,000.00 in the bank which will be consumed in the next five to six weeks. As it will be June before tax revenues start coming in, the City has been in contact with Commonwealth Bank regarding a loan of \$1,000,000.00 at 60% of prime rate. Decisions will be made in the next six months regarding the Bellewood property, Wagner Park and the sewer project, at which time the loan will be renegotiated to a five or six year loan. Rublein made the motion which was seconded by Heiskell to authorize the Mayor to negotiate and execute a short-term loan with Commonwealth Bank of up to \$1,000,000.00 with the specific terms of the contractual agreement approved by the Mayor and City Council.

Eric Taylor asked for information on the work being done to the Bellewood Bridge. McKinley explained that the project had begun about 10 days ago, and that the contractor has seventy days to have the bridge accessible to traffic, and eighty additional days to complete stone work. Heiskell said that he has seen an increase in the speed of traffic detouring around this construction. Chief Winders will move the mobile radar unit to different areas around the site to hopefully reduce traffic speed.

Council went into executive session at 6:45 p.m. They came out of executive session at 7:02 p.m. and voted unanimously to authorize the City’s counsel to negotiate a settlement with Cingular/AT&T of the unexpired term of the tower lease in which the City would receive a cash payment equal to half of the remaining payments due under the unexpired lease, or, in the event a settlement cannot be negotiated, to file a declaratory judgment action in Jefferson Circuit Court regarding the meaning of the contract language on termination of the tower lease, and, at counsel’s discretion, to file the action as a class representative of similarly situated lessors of cell phone transmission sites to Cingular and AT&T.

The Council voted unanimously to authorize settlement with the parties in Clark, *et al.* v, City of Anchorage, *et al.*, United States District Court for the Western District of Kentucky, Case No. 3:04-CV-677-C, that would also settle all pending matters initiated by or involving the City and James and Cynthia Miller. The settlement, as presented to the Council, would resolve the issues involving the border with Middletown through reciprocal ordinances of the Cities and an Agreed Judgment in a Jefferson Circuit Court action, require the City to quit claim its interests in land outside the adjusted municipal

boundary and require the City to obtain surveys and record any required deeds, to insure the title of public property outside of the City that as a result of road closures becomes associated with the Clark and Miller tracts, to indemnify the Clarks and Millers from any remediation actions initiated by governmental entities against them regarding hazardous substances identified in prior environmental inspections at Bellevue Park and to similarly indemnify the Clarks and Millers from remediation actions initiated by any governmental agency regarding hazardous substances on property owned by the Clarks and Millers if it can be shown that a hazardous substance migrated from Bellevue Park, to complete drainage work on the Clarks' property recommended by FMSM engineers to a maximum expenditure of \$15,000, and to pay for up to \$5,000 of additional drainage work on the Millers' property. The Council's authorization is subject to a final written settlement agreement acceptable to the Council, the dismissal with prejudice of all pending litigation, and the release of all claims of the Millers and Clarks that were or that could have been brought against the City through the date of the agreement.

The meeting adjourned at 7:30 p.m.

W. Thomas Hewitt,
Mayor

Nan Schlindwein,
City Clerk