

Draft - Spenard Community Council Meeting Minutes May 1, 2013

Meeting started @ 7:00 chaired by Jim Bowers. Minutes approved with no dissent. Agenda: Bob Auth handed out to the council a new, more complete agenda based on the work the Executive Committee had done at a work session on April 20, 2013 which the Chair did not attend due to illness. This agenda and the minutes were sent to the FCC in time for legal notice, but the unfortunately they did not send them out. The new agenda would move Minnesota Billiards forward, include In and Out Liquor and move the election earlier in the agenda so that maximum participation by council members would be possible. The Spenard Capital Improvement Projects (CIP) list would be added to the agenda. Another item under old business would be the sale of a motor home. The vote was 6-5 to keep the original agenda.

There is a **2014 CIP list** which needs to be filled out by the council before the June meeting. Since it was not added to the agenda, there was no discussion. Chairman Jim Bowers asked that the council members review it on their own and make comments to Jason Bergerson, vice chair, by May 20 so he can do the work of sifting through them and have them ready for filing by May 30 to the Municipality.

Legislative report - Rep. Lindsey Holmes said it "was a tough budget regime" and there were small projects funded. Rep. Harriet Drummond said Clare House got its new roof for \$450 thousand.

Bob Auth said that every capital improvement project that we requested was severely underfunded. Why do none of our priorities get funded? Rep. Holmes said only big projects have been getting funding in the past, so maybe next year.

Assemblyman Tim Steele said that the student allocation is not being inflation proofed. The local limit factor is doing a lot of harm to funding the schools. Ms. Holmes said she would have preferred more BSA (Base Student Allocation). Funding went towards one time energy and security projects.

Ms. Drummond said student allocation had not been discussed in Juneau.

T.J. from Sen. Berta Gardner's office introduced himself. Rep. Chris Tuck was in attendance but time ran out for him to give a report.

Assembly Report - Assemblyman Steele said the Assembly worked on the first quarter budget. The Assembly met with the Election Commission; they have a list of suggestions that are being looked into. AO37 is still out there, many people are unhappy and there is a possible legal challenge,.

Assembly Chair Hall clarified the budget is done. Chairman Bowers asked about the funding for Spenard Road. Mr. Hall said there is funding for design work that is going on now and there is no question that it will be a three lane road. Mr. Steele said that the conflict has been resolved, but the Legislature didn't get the message in time. Tom McGrath wanted to state for the record that it is not a unanimous agreement. The two Assemblymen agreed it was not unanimous, but there was enough consensus for the project to move forward.

Airport - John Johansen

The meetings for the Part 150 committee continue. Input committee meeting June 4. Mitigation factors for noise reduction on airport. The Master Plan working group will meet at CIRI, 11:00-1:00. The public open house will be at Coast International, May 23, from 5:30-8:00 p.m..The firefighter training will be May 16-17th. Lake Hood tie down parking at Alpha, Bravo and Charlie parking will be affected while storm drain work is done. Pilots can contact the office at 266-2411.

Airport committee - Bob Auth has been working with the communications committee and they want something in the Master Plan which includes having someone from the Airport come to every community council meeting. If it's in the Plan, it will be a formal commitment for the Airport to work with the community and be available for questions or comment and a more open dialogue with us on a continuing basis.

Liquor licenses - Jim Bowers

Naruto restaurant on 36th and Minnesota is on track for getting a beer and wine license. Go online and make a comment if you want.

In and Out - Tom McGrath said he invited Julia O'Malley from ADN to do a ride along and they witnessed an eight year old boy make a non-alcohol purchase at In and Out which is not allowed by law. He called the police who called ABC, ABC did more training. Ms. O'Malley is going to be doing a write up on the stores at Benson and 36th/Arctic. In and Out was asked to attend a public safety meeting that Tom attended along with other community members and they didn't bother to show. They have no conditional use permit, so it is difficult to put a condition on something that doesn't exist. They are grandfathered. Ernie is looking into that problem and how to deal with it because it is so widespread. The issue is going to be coming up again in early 2014.

Minnesota Billiards - Bob Auth

A copy of the minutes from the Feb. 12, 2013 ABC board meeting was passed out. The executive director, Shirley Cote, was here in March meeting along with the owners and legal counsel to MB, Mr. Fred Odsen. They had all been claiming the application has been pending with the ABC board. Bob Auth looked at the minutes of the ABC board for February and it shows that the license was approved "with delegation" at that meeting. He and the Chairman had a meeting with Sen. Hollis French who attempted to reach Ms. Cote by phone. She wasn't there. That leaves a big gap in what we had been told about this project. Why weren't we told that it was approved long ago and what's the explanation for that? Bob said he'd like the council to reconsider the resolution we approved last month or withdraw our support. Jason said since he made the motion to accept the resolution last time, he moves to open for a new discussion. Fred Odsen claimed he had no knowledge and this was all news to him. He was concerned about it being "arbitrary and capricious" if they were asked to go through the process again and what about "fair notice"? Bob Auth asked what about us getting fair notice too? He found this out on his own, not that any of the players disclosed this. Jason said he made a speech to accept the resolution last month based on our knowledge; it's compromising to us, he put in 40 hours trying to get all the information he thought he needed to make a decision. Some council members were confused over the term "with delegation", some

didn't want to be punitive to MB; we should be upset with the ABC board instead.

Mr. Odsen gave his opinion on what it normally means, which was solely that, as he freely admitted he did not know what it meant in this sense. Question from Anna if this means it bypasses the Assembly? Comments from the group were in agreement that the ABC board does not act like other governmental bodies. Mr. Odsen said that he got a notice from the clerk's office that it will be before the Assembly on May 21, although it doesn't seem it's been introduced. The hearing date was not fully resolved with conflicting statements. Bob Auth's motion to withdraw prior support of the liquor license/conditional use pending answers about what happened at the ABC board tied at 6-6. The Chairman did not vote. On reconsideration discussion, a member made a strong argument to support the license because of her belief that it was not fair to MB. A member of the the public said we still have the right to protest to the Assembly about the conditional use permit. The motion failed 8-4.

Chairman Bowers got a call from **Mel Shepard** on March 22. Mr. Shepard and his wife bought a Tioga motor home from Sam O'Connor. Sam was the Westside Patrol go-to person for many years until he left the SCC. Sam sold Mel the motor home, Mell wrote the check to SCC, Sam came back several years later and asked for another check which wasn't cashed. Many years later he got a call from Sam who demanded that Mel pay him the \$10,000.00. Because Mr. Shepard has been reading the papers about Sam and knows he shouldn't be getting the money, he called the chairman of the SCC, Jim Bowers. Mel still wants to make good on the debt, he's gathered up to \$7,000.00 and then last week he had a stroke. Allen said he as treasurer for more than 20 years, but he was not aware of any check to buy the home. Allen said he would be willing to talk to Mel about it.

Grant monies - Security equipment

The chairman stated we have \$9800.00 which needs to be spent by June. Allen said get bids from three companies for cameras. Tom said he'd be willing to get some specs together and the secretary can call for the rough estimate. The secretary reminded the group the paperwork has to be submitted by June 10 according to Jason.

Long House - Tom McGrath

He passed a handout of a tour he was on of Covington House and Safe Harbor Inn. He also went to Karluk Manor and was impressed. He was glad to see that old, rundown buildings are generating a lot of police calls when they are switched over to these uses, like housing for the homeless or street inebriates. They actually have far less police calls and lower impacts on the neighbors. Anchorage Mental Health Trust has been very good about answering community questions and being available for the public.

Special Election -

A month ago, Chairman Bowers announced he was leaving. Usually the vice chair would move to the chair position, but Jason would prefer to remain as vice-chair. The Chairman opened the floor to nominations. Bob Auth stated that since we have nothing that provides for this in our by-laws, we have to vote to have an election. A member said

maybe we can change the bylaws tonight to accommodate the special election. Jason moved that we have a special election in June to replace the chair. Tom McG seconded with the provision that it only be for the chair. Secretary Auth stated it will have to be for the secretary position also. Bob Auth said he was approached to run for chair. Peggy Auth would resign if he became the chair. Tom withdrew his amended wording. Jason moved for Bob as chair, seconded with Anna Brawley as secretary. Phil Isley nominated himself. A member asked if proxies are allowed. No. You must be present. A vote on the motion for special election chair and secretary positions passed 10-1.

Meeting adjourned at 9:03.

Objections to the Draft Minutes of the May 1, 2013 SCC Meeting:

I believe that the Minutes as submitted, due to omission, factual inaccuracy and tone are not an accurate representation of last month's meeting, nor do they reflect well on the Council. I believe that the Spenard Community Council will be most successful if we present all sides of issues and discussions and try to stay positive.

Paragraphs 1 & 2: If arguments in favor of the agenda submitted by Bob Auth are reflected in the minutes, the arguments supporting the Chair's agenda should be reported as well: The Chair asked to be teleconferenced in to the April 20th Executive Committee meeting, but this did not happen. In discussion prior to the vote, the Chair explained that to make most efficient use of time with a crowded agenda, items on the alternate agenda were covered under Committee reports. The exception was the 2014 CIP List, which the Chair agreed should be included and added to the original agenda; it was this amended agenda that the body approved. If memory serves, it was actually Jason Bergerson that suggested individuals email him suggestions about the CIP ranking; the Chair agreed that this was a good idea. For years the CIP ranking has been left to the Committee, with input from interested individuals, to later present to the Body for approval.

Perhaps most importantly, the Chair's agenda assured recognition of Kelly Peterson's success in obtaining a grant to improve Roosevelt Park. For the minutes not to reflect this under Agenda discussion and/or later under Parks does the Council and Kelly a disservice. The alternate agenda relegated this to a footnote to be included if time allowed. The Chair believes that although a good deed may be its own reward, public recognition of a good deed can inspire others.

"Minnesota Billiards Paragraphs": Please change "claiming" and "claim" to more neutral language. Why mention that Mr. Odsen gave his opinion if you don't share what it was? And I'd say that everybody was confused by "with delegation". The Chair did not vote because the 6-6 tie vote lasted seconds before one voter asked if he could change his vote and qualification of a voter was questioned. Considering the final vote (8-4), whether the Chair voted or not was a moot point.

Thank you for your consideration in amending the Draft minutes.