

Municipal Clerk's Office
Approved
Date: **March 10, 2020**

Submitted by: Chair of the Assembly at the
Request of the Mayor; Vice
Chair LaFrance; Assembly
Member Weddleton
Prepared by: Department of Law
For reading: February 25, 2020

ANCHORAGE, ALASKA
AR No. 2020-67

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY
DESIGNATING THE EKLUTNA VALLEY COMMUNITY COUNCIL AREA AS A
SECURE TRASH REGULATION ZONE.**

WHEREAS, in AO 2019-74(S) (now codified as Anchorage Municipal Code section 15.110.070), the Assembly provided that the municipal manager "may recommend that the Assembly by resolution designate an area, neighborhood, or specific location to be a Secure Trash Regulation Zone" when the municipal manager determines: "(1) That the area, neighborhood, or specific location has experienced wildlife in trash, the presence of wildlife has greatly increased the likelihood of wildlife in trash, or any other potential wildlife-in-trash hazard exists; and (2) the designation is in the best interests of the municipality;"

WHEREAS, the Eklutna Valley Community Council area is an area of the municipality defined by AO 2003-75, and depicted in AMC 2.40.090 by the map attached as Exhibit A;

WHEREAS, the Eklutna Valley Community Council area is generally recognized to have a significant bear population;

WHEREAS, as a consequence of the significant bear population that resides in, or transits through the Eklutna Valley Community Council area, 10 of the 14 residential customers for curbside trash collection in the area, representing approximately 71%, have already elected to use bear-resistant trash containers, resulting in only four customers using a non-bear-resistant residential trash container;

WHEREAS, the Alaska Department of Fish and Game documented numerous occasions in which a bear was attracted to trash or other attractants, or broke into or attempted to break into a vehicle or structure in the Eklutna Valley Community Council area;

WHEREAS, in further recognition of the significant presence of bears and the hazards posed by the ongoing potential for bears to be attracted by and to feed on trash, the Eklutna Valley Community Council, by a vote of 15-1, adopted a resolution, attached as Exhibit B, noting that the Council "has reason to believe that Eklutna Valley is inhabited by more bears than people," and requesting that the Eklutna Valley Community Council area be designated as a Secure Trash Regulation Zone;

1 **WHEREAS**, as reflected in the memorandum submitted with this resolution, the
2 municipal manager has determined that the Eklutna Valley Community Council area
3 has regularly experienced wildlife in trash and the potential for wildlife-in-trash
4 hazard exists in the Eklutna Valley Community Council area;

5
6 **WHEREAS**, the only trash hauler currently providing residential service in the
7 Eklutna Valley Community Council area has sufficient bear-resistant containers in
8 both a 96-gallon and 64-gallon size to fill the requirements of the Secure Trash
9 Regulation Zone;

10
11 **WHEREAS**, the municipal manager has further determined that designation of the
12 Eklutna Valley Community Council area as a Secure Trash Regulation Zone is in
13 the best interests of the municipality;

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15 **WHEREAS**, the municipal manager has recommended that the Assembly designate
16 the Eklutna Valley Community Council area as a Secure Trash Regulation Zone;

17
18 **WHEREAS**, the Assembly further provided in AO 2019-74(S) (now codified as AMC
19 15.110.070C.) that “[a]fter designation of an area, neighborhood, or specific location
20 as a Secure Trash Regulation Zone, the municipal manager shall cause notice to
21 be given to owners and residents of real property in the manner indicated by the
22 resolution designating the Secure Trash Regulation Zone;” now, therefore,

23
24 **THE ANCHORAGE ASSEMBLY RESOLVES:**

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26 **Section 1. Findings.** The Anchorage Assembly finds and determines: (a) that the
27 Eklutna Valley Community Council area has experienced wildlife in trash and the
28 potential for wildlife in trash hazard exists in the Eklutna Valley Community Council
29 area; and (b) that designation of the Eklutna Valley Community Council area as a
30 Secure Trash Regulation Zone is in the best interest of the municipality.

31
32 **Section 2. Designation.** The Eklutna Valley Community Council area is hereby
33 designated a Secure Trash Regulation Zone for purposes of AMC 15.110.070,
34 effective April 1, 2020.


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36 **Section 3. Notice.** The municipal manager shall cause notice of the Eklutna Valley
37 Community Council area’s designation as a Secure Trash Regulation Zone to be
38 published in the Anchorage Daily News and the Alaska Star newspapers.
39 Additionally, the Eklutna Valley Community Council shall send notice via an email
40 list and community Facebook page. In all such cases, the content of the notice shall
41 advise that trash containers in Eklutna Valley Community Council area, other than
42 temporary construction dumpsters, must be bear-resistant as of April 1, 2020, and
43 provide individuals with instructions as to how to they may request bear-resistant
44 trash containers.

1 **Section 4. Effective Date.** This resolution shall be effective immediately upon
2 passage and approval by the Assembly.
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5 PASSED AND APPROVED by the Anchorage Assembly this 10th day of March,
6 2020.
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10 
11 _____
12 Chair

13 ATTEST:

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16 _____
17 for Municipal Clerk



MUNICIPALITY OF ANCHORAGE

Assembly Memorandum

No. AM 135-2020

Meeting Date: February 25, 2020

From: MAYOR

**Subject: A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY
DESIGNATING THE EKLUTNA VALLEY COMMUNITY COUNCIL
AREA AS A SECURE TRASH REGULATION ZONE.**

The municipal manager hereby recommends that the Anchorage Assembly designate the Eklutna Valley Community Council area as a "Secure Trash Regulation Zone."

Legal Background

Anchorage Municipal Code section 15.110.070 provides that the municipal manager "may recommend that the Assembly by resolution designate an area, neighborhood, or specific location to be a Secure Trash Regulation Zone" when the municipal manager determines: "(1) That the area, neighborhood, or specific location has experienced wildlife in trash, the presence of wildlife has greatly increased the likelihood of wildlife in trash, or any other potential wildlife in trash hazard exists; and (2) The designation is in the best interests of the municipality."

The Eklutna Valley Community Council Area

The Eklutna Valley Community Council is an area of the municipality defined by AO 2003-75, and as depicted by a map codified in AMC 2.40.090 (Exhibit A). It is significantly forested, surrounded by Chugach State Park, and is generally recognized to have a significant bear population.

Because of the prevalence of bears in the area, bear sightings in the Eklutna Valley Community Council are common. Because relatively few individuals live in the Community Council area, however, data showing reports of bears getting into garbage likely under-represents the prevalence and severity of the issue in the area.

The Eklutna Valley Community Council Area Has Experienced Bears in Trash, and the Potential for Bear in Trash Hazards Exist in The Eklutna Valley Community Council Area

As a consequence of the significant bear population that resides in, or transits through the Eklutna Valley Community Council area, over 71% of all residential customers for curbside trash collection in The Eklutna Valley

Community Council area have already elected to use bear-resistant trash containers: 10 of the 14 residential customers (ten customers have 95-gallon bear carts; three have regular 95-gallon carts and 1 has a regular 65-gallon cart; no customers have a 32-gallon cart).

The reality that the Eklutna Valley Community Council area faces an ongoing potential for bear in trash events is further reflected in community actions. In October 2019, the Eklutna Valley Community Council, by a vote of 15-1, adopted a resolution, 2019-01, supporting and requesting that the Eklutna Valley Community Council area be designated as a Secure Trash Regulation Zone (Exhibit B).

Designation of the Eklutna Valley Community Council Area as a Secure Trash Regulation Zone is in the Best Interest of the Municipality

Designation of the Eklutna Valley Community Council area is in the best interest of the Municipality. The designation is feasible, not especially costly, and will mitigate a prime cause of the recognized hazards posed by the Area's bear population.

Consultation with Alaska Waste, the primary provider of curbside garbage service in the Eklutna Valley Community Council area, has revealed that it services only four residential customers who today use a non-bear-resistant container. There are no commercial dumpsters in the area.

Alaska Waste has sufficient inventory of 96-gallon and 65-gallon bear-resistant carts on hand to provide service to the single customer not currently using a bear-resistant cart, once the Secure Trash Regulation Zone designation comes into effect and the use of non-bear-resistant carts is no longer permitted.

Individuals who upgrade their present service to a 96-gallon bear-resistant cart will in the near-term likely pay between <\$1 and \$3 dollars more than their existing service, per month. Alaska Waste has proposed permanent rates that would result increase the differential between regular 65- and 96-gallon service, and 65- and 96-gallon bear-resistant cart service to between \$11 and \$13 a month. It is seeking approval to offset that differential for customers in a Secure Trash Regulation Zone.¹

¹ In its most recent filing, Alaska Waste proposed the following rates for the Eklutna Valley Community Council area:

Service	Current Rate	Proposed Interim Rate	Proposed Permanent Rate
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In aggregate, if four existing customers not using a bear-resistant cart upgrade to a 96-gallon bear-resistant cart, the total near-term regulatory burden will be \$5/month.

Weighed against the regulatory cost are the benefits of reducing the risks of negative human/bear interactions. A wildlife biologist at the Alaska Department of Fish and Game reports that “almost all cases of problem bears in residential areas start with the bears getting into unsecured trash and identifying it as an easy food source.”² On balance, our determination is that the likely benefits outweigh the costs.

Notice

Alaska Waste has informed the Administration that it is willing to contact each of its existing customers in the Eklutna Valley Community Council area, and advise them that bear-resistant carts will be required as of April 1, 2020, by: (a) email, and (b) automated phone calls.

The municipality proposes to supplement those efforts by causing notice of the upcoming change to be published in the Anchorage Daily News and the Alaska

Zone 2 – Roll Cart Service			
32 Gallon Roll Cart	\$17.38/month	\$17.90/month	\$16.42/month
64 Gallon Roll Cart	\$19.85/month	\$20.42/month	\$18.28/month
96 Gallon Roll Cart	\$21.96/month	\$22.62/month	\$20.72/month
64 Gallon Bear Cart	N/A	\$29.01/month	\$29.01/month
96 Gallon Bear Cart	\$22.52/month	\$23.20/month	\$33.05/month

Alaska Waste also proposed a system wide “wildlife surcharge” of \$0.27/month; if adopted, the funds raised by the surcharge would be used to offset the extra costs of securing bear-cart service in Secure Trash Regulation Zones adopted by the Municipality. If the structure proposed by Alaska Waste is approved by the RCA, and the Eklutna Valley Community Council area is a declared a Secure Trash Regulation Zone, Alaska Waste has proposed that the following rates apply:

Service	Current Rate	Proposed Interim Rate	Proposed Permanent Rate
Zone 4 – Roll Cart Service			
64 Gallon Bear Cart	N/A	N/A	\$29.01/month
96 Gallon Bear Cart	N/A	N/A	\$33.05/month
Additional 64 Gallon Bear Cart	N/A	N/A	\$23.77/month
Additional 96 Gallon Bear Cart	N/A	N/A	\$27.80/month
Wildlife Secure Trash Credit 64 Gal	N/A	N/A	\$(10.46)/month
Wildlife Secure Trash Credit 96 Gal	N/A	N/A	\$(12.06)/month

² Mike Edgington, *Girdwood Bear Aware Community Group Forms*, GLACIER CITY GAZETTE (Nov. 18, 2018), available at: <https://glacierncitygazette.net/girdwood-bear-aware-community-group-forms/>.

Star. The notice will inform readers of the effect of the April 1 designation, and provide contact information for Alaska Waste, so that individuals without bear-resistant carts may alter their service as necessary.

Given the relatively small number of individuals affected and the significant amount of press attention being paid to the Assembly's recent creation of Secure Trash Regulation Zones—as well as the significant additional attention that Eklutna Valley's designation as only the second-ever such Zone is likely to garner—we believe effective notice of the designation will be provided by the means here proposed.

Implementation

Alaska Waste further advises that it can convert all of its existing customers in the Eklutna Valley Community Council area to bear-resistant carts by March 31, so long as it receives service-change requests by March 27.

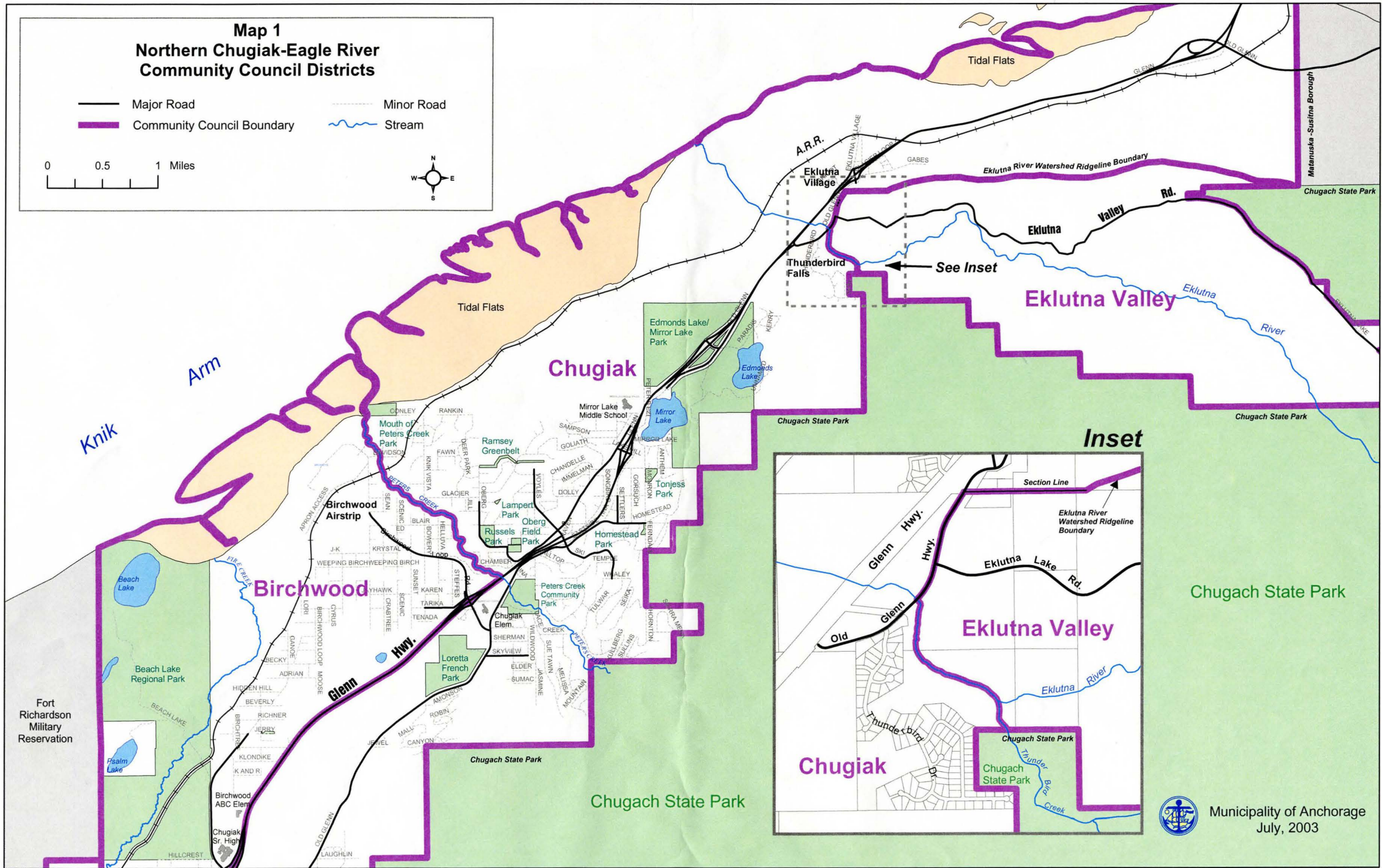
THE ADMINISTRATION RECOMMENDS APPROVAL.

Prepared by:	William D. Falsey, Municipal Manager
Concur:	Christopher M. Schutte, Director Office of Economic and Community Development
Concur:	Lance Wilber, Director Office of Management and Budget
Concur:	Alexander Slivka, CFO
Concur:	Deitra L. Ennis, Acting Municipal Attorney
Respectfully submitted:	Ethan A. Berkowitz, Mayor

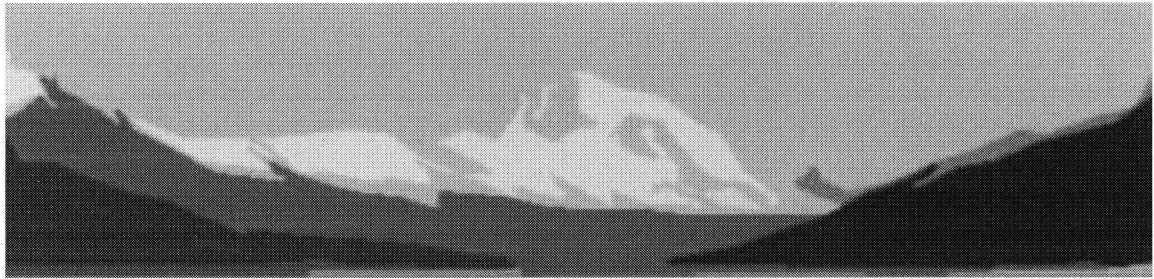
Map 1 Northern Chugiak-Eagle River Community Council Districts

- Major Road
- Community Council Boundary
- Minor Road
- Stream

0 0.5 1 Miles



Municipality of Anchorage
July, 2003



Eklutna Valley Community Council

RESOLUTION 2019-01

A RESOLUTION REQUESTING THAT THE ASSEMBLY DESIGNATE EKLUTNA VALLEY AS A 'SECURE TRASH REGULATION ZONE' PURSUANT TO ANCHORAGE MUNICIPAL CODE 15.110.070

WHEREAS, the Assembly has revised its trash handling ordinance to address the problem of bears and other wildlife getting into trash containers; and

WHEREAS, one new provision – which is not scheduled to take effect until March 1, 2020 – allows the municipal manager or designee to recommend that the Assembly designate “an area, neighborhood, or specific location to be a secure trash regulation zone”; and

WHEREAS, the designation must be based on a determination that 1) the area “has experienced wildlife in trash, the presence of wildlife has greatly increased the likelihood of wildlife in trash, or any other potential wildlife-in-trash hazard exists,” and 2) “the designation is in the best interests of the municipality”; and

WHEREAS, the Eklutna Valley Community Council is located in Eklutna Valley and encompasses all of the privately owned land within the valley east of the Old Glenn Highway; and

WHEREAS, Eklutna Valley is one of the most remote and least populated areas in the municipality; and

WHEREAS, we have every reason to believe that Eklutna Valley is inhabited by more bears than people, bears are often seen by residents and visitors, and residents with improperly secured trash have attracted bears; and

WHEREAS, most of the remainder of Eklutna Valley is within (or on Eklutna, Inc., land managed by) Chugach State Park, and the largest campground in the municipality is in the valley; and

WHEREAS, tens of thousands of people visit the Eklutna Valley portion of the park annually, and many sleep in tents; and

WHEREAS, improperly secured food and trash (both private and park-related) is known to increase the likelihood of property damage and the potentially hazardous habitation

of bears that are attracted to and then rewarded by human food and trash; and

WHEREAS, Eklutna Valley satisfies all of the ordinance's thresholds for designation as a 'secure trash regulation zone'; now, therefore, be it

RESOLVED, that the Eklutna Valley Community Council requests that the municipal manager or designee recommend that Eklutna Valley be designated a 'secure trash regulation zone' and that the Assembly recognize that request by resolution as provided in AMC 15.110.070; and

BE IT FURTHER RESOLVED that, after designation, the municipal manager ensure that notice is given to all owners and residents of real property located in Eklutna Valley.

Passed this 15th day of October 2019.



Margan Grover, President