

# MUNICIPALITY OF ANCHORAGE

## ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of March 27, 2001

### 1. CALL TO ORDER:

Assembly Chair Fay Von Gemmingen convened the meeting 5:00 p.m. in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

### 2. ROLL CALL:

Present: Dan Sullivan, Dick Traini, Pat Abney, Dan Kendall, Allan Tesche, Fay Von Gemmingen, Dick Tremaine, Anna Fairclough, Melinda Taylor, Doug Van Etten (5:30 p.m.), Cheryl Clementson.  
Absent: None.

### 3. PLEDGE OF ALLEGIANCE:

The pledge was led by Mr. Sullivan.

### 4. MINUTES OF PREVIOUS MEETING:

A. Regular Meeting - September 26, 2000 (Continued to 9/27/00 & 10/3/00)

Ms. Clementson moved, to approve the minutes of the regular Assembly meeting of September 26, 2000, continued to September 27 and October 3, 2000.  
seconded by Mr. Sullivan,

Mr. Sullivan requested the spelling of Mr. Cash's company, "RIM Architects" be corrected on page 27, line 45. There were no objections.

Question was called on the motion to approve the minutes with the correction requested by Mr. Sullivan and it passed without objection.

### 5. MAYOR'S REPORT:

Mayor Wuerch noted on Thursday of this week, the 75 millionth passenger is expected to travel on the People Mover bus system. He congratulated People Mover drivers and employees.

Municipal Manager Harry Kieling reported on an incident which occurred earlier today, at Service High School. He explained yesterday, there was a rumor of threatened violence at the school. Because of that threat, Anchorage Police reacted today according to their policy. He said the Administration would follow up with prosecution, if that is deemed appropriate. Mr. Kieling was pleased that students who heard of the threat acted correctly by reporting the threat to teachers. He encouraged everyone to remind children to immediately report any threats of violence.

Mr. Tesche requested a report of Administration actions on the State Legislative reapportionment plan.

### 6. ADDENDUM TO AGENDA:

Ms. Fairclough moved, to amend the agenda to include the addendum items.  
seconded by Mr. Tremaine,

Chair Von Gemmingen read the addendum items.

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

### 7. CONSENT AGENDA:

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

A. BID AWARDS:

1. Assembly Memorandum No. AM 307-2001, recommendation of award to Chugach Yard Care for furnishing **grounds maintenance and burial services** at the Anchorage Memorial Park Cemetery to the Municipality of Anchorage, Office of Planning, Development, and Public Works (ITB 20-B018) (\$183,373.49), Purchasing.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2001-83, an ordinance amending the zoning map and providing for the rezoning from B-3 (General Business District) to PLI (Public Lands and Institutions District) for **Audacious Subdivision, Lot 38A and the remainder of Lot 38A, Section 11, T14N, R2W, S.M., AK**; all located within the SE 1/4, Section 11, T14N, R2W, S.M., AK; generally located between Eagle River Road and VFW Road (Eagle River Community Council) (Planning and Zoning Commission Case 2000-175), Planning Department. *public hearing 5-8-01.*
  - a. Assembly Memorandum No. AM 303-2001.
2. Resolution No. AR 2001-73, a resolution of the Municipality of Anchorage appropriating \$850,000 from the MOA Trust Fund (0730) for **expert financial management services** provided in calendar year 2001, Finance Department. *public hearing 4-17-01.*
  - a. Assembly Memorandum No. AM 264-2001.
3. Resolution No. AR 2001-94, a resolution of the Municipality of Anchorage appropriating \$1,379,340 of 2001 Tax Revenues from the Chugiak, Birchwood, Eagle River Rural Road Service Area (CBERRRSA) Fund (119) to the CBERRRSA Capital Improvement Program Mill Levy Fund (419) and appropriate \$30,023 of 2000 Capital Improvement Program mill levy revenues contributed as part of 2000 first quarter budget revisions for **road and drainage capital improvement projects**, Office of Planning, Development, and Public Works. *public hearing 4-17-01.*
  - a. Assembly Memorandum No. AM 304-2001.
4. Resolution No. AR 2001-95, a resolution of the Municipality of Anchorage providing for a **revision of the 2001 General Government Operating Budget**, Office of Management and Budget. *public hearing 4-24-01.*
  - a. Assembly Memorandum No. AM 305-2001.
5. Ordinance No. AO 2001-86, an ordinance **setting the rate of tax levy and levying taxes** for the Municipality of Anchorage Areawide General Purposes including municipal schools and all service areas of the Municipality for the Municipal Tax Year 2001, Office of Management and Budget. *public hearing 4-24-01.*
  - a. Assembly Memorandum No. AM 306-2001.
6. Resolution No. AR 2001-96 a resolution of the Municipality of Anchorage providing for a **revision of the Anchorage School District Budget for FY 2001-2002**, Anchorage School District. *public hearing 4-24-01.*
  - a. Assembly Memorandum No. AM 316-2001.
7. Resolution No. AR 2001-90, a resolution authorizing eminent domain proceedings and acceptance of the Decisional Document for the **construction of the Boston Street and East 12th Court Upgrade**, Project #98-07, Office of Planning, Development, and Public Works. *public hearing 4-24-01 4-17-01.*
  - a. Assembly Memorandum No. AM 310-2001.

Ms. Clementson requested this item be considered on the Regular Agenda. See item 8.B.

8. Ordinance No. AO 2001-87, an ordinance enacting a new Section 25.70.070 authorizing the issue of **conduct orders in certain public areas** to remedy listed violations of the Anchorage Municipal Code and providing for appeals from those orders; amending Section 8.45.010 relating to the crime of trespass and Section 14.20.020 regarding administrative hearings, Assemblymembers Tesche, Traini, and Tremaine. *public hearing 4-17-01. (addendum)*
9. Ordinance No. AO 2001-88, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code 21.40.117 to **modify parking requirements in the New Girdwood Townsite**, Assemblymember Tremaine. *public hearing 4-17-01. (addendum)*

Mr. Tremaine requested this item be considered on the Regular Agenda. See item 8.B.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2001-77, a resolution **appointing election officials for the Regular Election of April 3, 2001**, Municipal Clerk.
2. Resolution No. AR 2001-84, a resolution of the Municipality of Anchorage providing for the appropriation of \$9,500 from donations to the Areawide General Fund (101) for the **Fair Housing Conference**, Anchorage Equal Rights Commission.
  - a. Assembly Memorandum No. AM 280-2001.
3. Resolution No. AR 2001-88, a resolution of the Municipality of Anchorage providing for the appropriation of a \$20,000 restricted donation from the Chester Park and Chester Creek Associates to the Parks & Recreation Fund (161), Sports & Recreation Division Operating Budget for the purpose of **operating an after school recreational program**, Cultural and Recreational Services.
  - a. Assembly Memorandum No. AM 298-2001.
4. Resolution No. AR 2001-89, a resolution of the Municipality of Anchorage appropriating \$100,000 from the Areawide General Fund (101) Balance to the Department of Finance to provide funding for the **development of a comprehensive work plan for implementation of GASB 34**, Finance Department.
  - a. Assembly Memorandum No. AM 299-2001.

Ms. Clementson requested this item be considered on the Regular Agenda. See item 8.C.

5. Resolution No. AR 2001-97, a resolution of the Anchorage Municipal Assembly **urging the State Legislature to fully fund the Governor's alcohol initiative** specifically related to substance abuse treatment for adults in urban and rural Alaska, Assemblymember Tesche.
  - a. Assembly Memorandum No. AM 312-2001.

Mr. Sullivan requested this item be considered on the Regular Agenda. See item 8.C.

6. Resolution No. AR 2001-98, a resolution of the Anchorage Municipal Assembly **recognizing the "Never Forget" Climb** - a mountaineering expedition to the top of Denali in memory of our fallen heroes, Assemblymembers Fairclough, Abney, Clementson, Kendall, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen. (**addendum**)

Ms. Fairclough requested this item be considered on the Regular Agenda. See item 8.C.

7. Resolution No. AR 2001-99, a resolution of the Anchorage Municipal Assembly **encouraging AMATS to use congestion mitigation and air quality resources** to conduct community education and participation projects including charettes, workshops and visual preference surveys as one step toward developing urban design standards and guidelines, Assemblymembers Tremaine and Clementson. (**addendum**)
8. Resolution No. AR 2001-100, a resolution of the Anchorage Municipal Assembly **recognizing and thanking the sponsors of the 2001 Special Olympics World Winter Games**, held in Anchorage, Alaska, March 4-11, 2001, Assemblymember Fairclough, Abney, Clementson, Kendall, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen. (**addendum**)

Ms. Fairclough requested this item be considered on the Regular Agenda. See item 8.C.

9. Resolution No. AR 2001-101, a resolution of the Anchorage Municipal Assembly requesting that the State Department of Transportation and Public Facilities apply nationally recognized standards in its **major investment study of 5th Avenue and the Glenn Highway between Gambell and McCarrey Streets**, Assemblymembers Tesche and Tremaine. (**addendum**)

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 308-2001, **Election Commission appointment** (William Mans), Mayor's Office.
2. Assembly Memorandum No. AM 309-2001, **Emergency Medical Service Board appointments** (Dr. Richard Brodsky, Dr. Gilbert Dickie, Dr. Michael Levy, Dr. Frank Sacco, Barbara Simonsen, R.N., Maj. David Foss, M.D.), Mayor's Office.
3. Assembly Memorandum No. AM 315-2001, **Library Advisory Board appointments** (Alden Todd, Mary Rasmussen, Mary Price), Mayor's Office.
4. Assembly Memorandum No. AM 300-2001, change order No. 4 to purchase order 73278 with Human Affairs Alaska for providing a **Managed Mental Health/Employee Assistance Program** for the Municipality of Anchorage, Employee Relations Department (\$112,500), Employee Relations.

Municipal Manager Harry Kieling requested this item be considered on the Regular Agenda. See item 8.D.

5. Assembly Memorandum No. AM 301-2001, amendment No. 4 to professional services contract with CRW Engineering Group for **Campbell Creek Trail Connection to Tudor Road Crossing**, Project #00-45 (\$100,000), Office of Planning, Development, and Public Works.
6. Assembly Memorandum No. AM 311-2001, recommendation of award to SMG of Alaska, Inc. for providing **management services of the Sullivan Arena, Ben Boeke and Dempsey Anderson Ice Arenas, and Egan Civic and Convention Center**, Cultural and Recreational Services Department (RFP 20-P061), Purchasing.
7. Assembly Memorandum No. AM 318-2001, **grant agreement with Anchorage Downtown Partnership, Ltd.** (\$37,500), Mayor's Office. (**addendum**)
  - a. Assembly Memorandum No. AM 318-2001(A), grant agreement with Anchorage Downtown Partnership, Ltd. (\$37,500), Mayor's Office. (**addendum**)

(Clerk's Note: AM 318-2001(A) WAS APPROVED) ...

8. Assembly Memorandum No. AM 319-2001, request for approval of **2001 funding and the professional services agreement with the Anchorage Convention and Visitors Bureau (ACVB)** (\$5,600,000), Cultural and Recreational Services. (**addendum**)

Mr. Tremaine requested this item be considered on the Regular Agenda. See item 8.D.

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 30-2001, **contract awarded between \$30,000 and \$100,000 through formal competitive processes** for the month of February 2001, Purchasing.
2. Information Memorandum No. AIM 31-2001, **Sole Source Procurement Report** for the month of February 2001, Purchasing.
3. Information Memorandum No. AIM 32-2001, Anchorage Water and Wastewater Utility construction contract change orders for **AWWU Operations Facility Phase II - Soils Disposal, Surface Restoration Contract - 2000, Anchorage Loop WTM Phase V-Water Main, Anchorage Loop WTM Phase V-Valve Vault**, Water and Wastewater Utility.
4. Information Memorandum No. AIM 33-2001, **Eagle River High School site selection**, Planning Department.

Question was called on the motion to approve the remaining items on the consent agenda as amended and it passed:

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten, Clementson.  
NAYS: None.

## 8. REGULAR AGENDA:

A. BID AWARDS: None.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Resolution No. AR 2001-90, a resolution authorizing eminent domain proceedings and acceptance of the Decisional Document for the **construction of the Boston Street and East 12th Court Upgrade**, Project #98-07, Office of Planning, Development, and Public Works. *public hearing 4-24-01 4-17-01.*
  - a. Assembly Memorandum No. AM 310-2001.

Ms. Clementson, Ms. Fairclough and Ms. Taylor joined in introducing this resolution.

Ms. Clementson moved, to schedule the public hearing for AR 2001-90 on April 17,  
seconded by Ms. Taylor, 2001.  
and it passed without objection,

2. Ordinance No. AO 2001-88, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code 21.40.117 to **modify parking requirements in the New Girdwood Townsite**, Assemblymember Tremaine. *public hearing 4-17-01. (addendum)*

Mr. Tremaine, Ms. Fairclough and Mr. Tesche joined in introducing this ordinance. The public hearing was scheduled for April 17, 2001.

Mr. Tremaine noted he spoke with Planning Department staff, who felt this ordinance did not need Planning and Zoning Commission (P&Z) review prior to the Assembly public hearing. He explained the Commission approved the Girdwood Transportation plan, where it states there should not be on-site parking in the new Girdwood Town Center. As Title 21 conflicts with this statement, it should be revised to match previous P&Z recommendations.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2001-89, a resolution of the Municipality of Anchorage appropriating \$100,000 from the Areawide General Fund (101) Balance to the Department of Finance to provide funding for the **development of a comprehensive work plan for implementation of GASB 34**, Finance Department.
  - a. Assembly Memorandum No. AM 299-2001.

Ms. Clementson moved, to approve AR 2001-89.  
seconded by Ms. Taylor,

In response to Ms. Clementson, Chief Fiscal Officer Kate Giard explained the appropriation was an estimate based on the amounts spent by other communities on this project.

Question was called on the motion to approve AR 2001-89 and it passed without objection.

2. Resolution No. AR 2001-97, a resolution of the Anchorage Municipal Assembly **urging the State Legislature to fully fund the Governor's alcohol initiative** specifically related to substance abuse treatment for adults in urban and rural Alaska, Assemblymember Tesche.
  - a. Assembly Memorandum No. AM 312-2001.

Mr. Sullivan moved, to approve AR 2001-97.  
seconded by Mr. Tesche,

Mr. Sullivan moved, to postpone action on AR 2001-97 until later in the meeting.  
seconded by Ms. Taylor,  
and it passed without  
objection,

(Clerk's Note: See after item 8.D for further action on this item.)

3. Resolution No. AR 2001-98, a resolution of the Anchorage Municipal Assembly **recognizing the "Never Forget" Climb** - a mountaineering expedition to the top of Denali in memory of our fallen heroes, Assemblymembers Fairclough, Abney, Clementson, Kendall, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen. **(addendum)**

Ms. Fairclough moved, to approve AR 2001-98.  
seconded by Mr. Tremaine,  
and it passed without  
objection,

Mr. Kendall read the resolution, while Ms. Fairclough presented it to Mike Gordon, a sponsor of the climb, and Mark Hall, a firefighter participating in the climb.

Captain Hall explained the Police and Fire departments take turns sending representatives on this climb. The climb will raise funds for the Boy Scouts of America. The theme is designed to remember firefighters across the country who have died in the line of duty. His nephew, an officer of the U.S. Navy, will climb with him to honor the memory of the crew of the U.S.S. Cole who died recently in a terrorist attack.

4. Resolution No. AR 2001-100, a resolution of the Anchorage Municipal Assembly **recognizing and thanking the sponsors of the 2001 Special Olympics World Winter Games**, held in Anchorage, Alaska, March 4-11, 2001, Assemblymember Fairclough, Abney, Clementson, Kendall, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen. **(addendum)**

Ms. Fairclough moved, to approve AR 2001-100.  
seconded by Mr. Kendall,  
and it passed without  
objection,

Mr. Sullivan read the resolution and Ms. Fairclough presented it to Jim Palmer of BP Exploration, Micki Becker of Phillips Alaska and John May of Northwest Airlines.

Melissa Anderson of Special Olympics thanked the sponsors and the people of Anchorage and Alaska.

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 300-2001, change order No. 4 to purchase order 73278 with Human Affairs Alaska for providing a **Managed Mental Health/Employee Assistance Program** for the Municipality of Anchorage, Employee Relations Department (\$112,500), Employee Relations.

Municipal Manager Harry Kielsing pointed out a needed correction to the memorandum, on line 19, to reflect the date “June 30, 2001.”

Ms. Clementson moved, to approve AM 300-2001 with the correction noted by  
seconded by Mr. Kendall, Mr. Kielsing.  
and it passed without  
objection,

2. Assembly Memorandum No. AM 319-2001, request for approval of **2001 funding and the professional services agreement with the Anchorage Convention and Visitors Bureau (ACVB)** (\$5,600,000), Cultural and Recreational Services. **(addendum)**

Mr. Tremaine moved, to approve AM 319-2001.  
seconded by Ms. Clementson,

In response to Mr. Tremaine, Mayor Wuerch said the parties had reached an agreement, which the proposed memorandum would complete. He noted a substantive change in the agreement included language to provide for potential changes in the bed tax rate.

Question was called on the motion to approve AM 319-2001 and it passed without objection.

(Clerk’s Note: Notice of reconsideration was given by Mr. Tremaine. See minutes of April 17, 2001.)

The Assembly then returned to item 8.C.2, AR 2001-97.

- Resolution No. AR 2001-97, a resolution of the Anchorage Municipal Assembly **urging the State Legislature to fully fund the Governor’s alcohol initiative** specifically related to substance abuse treatment for adults in urban and rural Alaska, Assemblymember Tesche and Van Etten.
- a. Assembly Memorandum No. AM 312-2001.

In response to Mr. Sullivan’s earlier question, Mr. Tesche announced the Governor recommended \$5.8 million for this program, of which \$5.2 million would be State general funds and \$.6 million would be Federal or other funds.

Question was called on the motion to approve AR 2001-97 and it passed without objection.

E. INFORMATION AND REPORTS: None.

Mayor Wuerch introduced and thanked the newly-appointed board and commission members.

- Ordinance No. AO 2001-74, an ordinance of the Anchorage Assembly amending the **curfew law** in Anchorage Municipal Code Section 8.75.060 and other related sections of the Code pertaining to curfew, Legal Department. **(LAID ON THE TABLE)**

Mr. Kendall, Mr. Tremaine and Ms. Fairclough joined in introducing this ordinance. The public hearing was scheduled for April 17, 2001.

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

- A. Assembly Memorandum No. AM 228-2001, 2001-2002 Liquor License Renewal: **The Raven** #4003 (Beverage Dispensary) (Fairview Community Council), Clerk's Office.  
(POSTPONED FROM 3-13-01)

Chair Von Gemmingen gave the history of the memorandum and noted no motions were pending.

Ms. Abney moved, to postpone action on AM 228-2001 indefinitely.  
seconded by Ms. Clementson,  
and it was withdrawn,

Mr. Sullivan moved, to approve AM 228-2001.  
seconded by Ms. Abney,  
and it passed with Ms. Clementson  
and Ms. Fairclough objecting,

- B. Assembly Memorandum No. AM 208-2001, Port of Anchorage Tariff Revisions-**New Port of Anchorage Terminal Tariff No. 5**, Port of Anchorage.  
1. Information Memorandum No. AIM 25-2001, Recommended Port of Anchorage Tariff Revisions-  
New Port of Anchorage Terminal Tariff No. 5, Port of Anchorage.  
(POSTPONED FROM 2-27-01)

Chair Von Gemmingen gave the history of the memorandum and noted no motions were pending.

Mr. Sullivan moved, to postpone action on AM 208-2001 until April 17, 2001,  
seconded by Ms. Abney, to allow time for review by the Port Commission.  
and it passed without  
objection,

- C. Resolution No. AR 2001-41, a resolution of the Anchorage Municipal Assembly authorizing a **wage adjustment for the Assembly Policy and Budget Analyst**, Assemblymembers Traini, Abney, Taylor, Tesche, and Van Etten.  
(POSTPONED FROM 2-27-01; CARRIED OVER FROM 3-20-01 SPECIAL MEETING)  
1. Resolution No. AR 2001-41(S), a resolution of the Anchorage Municipal Assembly authorizing a wage adjustment for the Assembly Policy and Budget Analyst. (**LAID ON THE TABLE**)

Chair Von Gemmingen gave the history of the resolution and noted a motion to release tapes of the March 20, 2001 special meeting executive session was on the floor.

Mr. Traini moved, to change his motion to release the March 20, 2001 executive  
seconded by Mr. Sullivan, session tapes on March 20, 2005.  
and it passed without  
objection,

Question was called on the motion to release tapes of the March 20, 2001 executive session on March 20, 2005 and it passed:

AYES: Sullivan, Traini, Abney, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten, Clementson.  
NAYS: None.

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

Mr. Traini moved, to approve AR 2001-41(S).  
seconded by Mr. Tesche,

Mr. Sullivan moved, to postpone action on AR 2001-41(S) until May 22, 2001 to  
seconded by Ms. Fairclough, allow time for review by the Assembly sub-committee.

In response to Ms. Clementson, Mr. Traini said there were no substantive changes in the substitute version, but the explanatory language was different.

In response to Ms. Clementson, Ms. Fairclough, a member of the sub-committee, said the committee reviewed the issue and made a recommendation to the Chair.

Question was called on Mr. Sullivan's motion to postpone action and it failed:

AYES: Sullivan, Von Gemmingen, Tremaine, Fairclough.  
NAYS: Traini, Abney, Tesche, Taylor, Van Etten, Clementson.

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

Question was called on the motion to approve AR 2001-41(S) and it failed:

AYES: Traini, Abney, Tesche, Taylor, Van Etten.  
NAYS: Sullivan, Kendall, Von Gemmingen, Tremaine, Fairclough, Clementson.

- D. Ordinance No. AO 2001-59, an ordinance of the Anchorage Municipal Assembly enacting a new Subsection D to AMC 12.15.030 relating to **municipal assessment of properties subjected to recorded deed restrictions on rents, the valuation of low income housing credits** awarded under 26 USC 42, and providing for the effective dates of its application, Assemblymember Tesche.
1. Assembly Memorandum No. AM 297-2001.  
(PUBLIC HEARING WAS CLOSED; CARRIED OVER FROM 3-20-01; POSTPONED FROM SPECIAL MEETING HELD 3-23-01)

Chair Von Gemmingen gave the history of the ordinance and noted a motion to adopt was on the floor.

Mr. Tesche moved, to reopen the public hearing for AO 2001-59.  
seconded by Mr. Tremaine,  
and it passed without  
objection,

Ms. Fairclough moved, to postpone the public hearing until April 17, 2001.  
seconded by Ms. Clementson,  
and it failed,

AYES: Sullivan, Von Gemmingen, Fairclough, Van Etten, Clementson.

NAYS: Traini, Abney, Kendall, Tesche, Tremaine, Taylor.

(See further action on this item later in the meeting, after item 11.A.)

- E. **NOTICE OF RECONSIDERATION:** Ordinance No. AO 2001-24(S), an ordinance amending the zoning map and providing for the rezoning from R-3 (Multiple-Family Residential District) to B-3 SL (General Business District with Special Limitations) for approximately 37 acres of a 69 acre parcel, the eastern half of **The Alaskan Village Subdivision** platted as Tract A, The Alaskan Village #1 Subdivision and Lots 32 thru 45, Block 1, Lots 20 thru 47, Block 2 and a portion of the NE 1/4, NW 1/4, The Alaskan Village Subdivision, all located within Section 24, T13N, R3W, S.M., AK; generally located on the southwest corner of DeBarr Road and the west side of Muldoon Road (Northeast Community Council) (Planning and Zoning Commission Case 2000-051), Assemblymembers Clementson and Tesche.  
(AMENDED AND APPROVED 3-20-01; NOTICE OF RECONSIDERATION WAS GIVEN BY MR. TRAINI 3-21-01)

Chair Von Gemmingen gave the history of the ordinance and noted the question of whether to reconsider action was before the body.

Ms. Clementson moved, to postpone action on the question until later in the meeting,  
seconded by Mr. Van Etten, to allow time to discuss the issue with community members  
who are scheduled to arrive at 9:00 p.m.

Mark Pfeffer, the developer, said it would be acceptable to postpone action until April 17, to allow time to meet with the community council.

Question was called on the motion to postpone action on the question of reconsideration until later in the meeting and it passed without objection.

(Clerk's Note: See before item 12.A. for further action on this item.)

The meeting recessed at 6:30 p.m. and reconvened at 7:10 p.m.

**10. APPEARANCE REQUESTS:**

- A. **Kenneth M. Duffus, P.E.**, concerning the Department of Public Works. (**addendum**)

Mr. Duffus did not appear.

**11. CONTINUED PUBLIC HEARINGS:**

- A. Resolution No. AR 2001-54, a resolution of the Assembly adopting the recommendations contained in the **Ship Creek Multi-Modal Transportation Plan** with changes recommended by the AMATS Technical Advisory Commission, Planning Department.
1. Assembly Memorandum No. AM 119-2001.  
(CONTINUED FROM 3-13-01)

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

PAUL LAVERTY urged the Assembly to approve the recommendations of the Planning and Zoning Commission and AMATS Technical Advisory Commission. He requested amendments, to address traffic concerns in the Ship Creek area. Traffic is often slowed because Laidlaw buses stop at all railroad crossings, per State law. There are many Laidlaw buses in the area, as the company's storage lot is located in the Ship Creek area. Also, Mr. Laverty pointed out the Alaska Railroad is working on various capital projects, which may affect location of proposed roadways. Lastly, Mr. Laverty asked an item on page 5 of the executive summary discussing a transit facility in the Ship Creek area be included with the recommendations in the Plan.

STUART HALL, president of the Government Hill Community Council, said the Council supported the proposed Plan. He noted there were some concerns about a new double roadway to replace the A and C Street off ramps, but felt those could be addressed at another stage of the Plan. Mr. Hall also submitted a proposed amendment regarding the Ingra/Gambell couplet extension to Whitney Road.

PAUL NANGLE, owner of a business on Christianson Drive, felt truck traffic on this Drive should cease. He asked the Plan include a provision to meet this goal. Mr. Nangle also disputed the idea of extending the Tony Knowles Coastal Trail to the Ship Creek area.

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

Mr. Tesche moved, to approve AR 2001-54.  
seconded by Ms. Abney,

Mr. Tesche moved, to amend AR 2001-54 in the attached memorandum,  
seconded by Ms. Taylor, AM 119-2001, on page 1, lines 35 and 36 to delete the language in the first “bullet” statement, and on lines 37 and 38 to read: “Ingra/Gambell couplet is extended to Whitney Road, with an off-ramp to Ship Creek Avenue, to provide a new alternative truck route out of the Ship Creek basin which bypasses downtown. The Ship Creek Avenue off-ramp will provide a new more direct access to the Alaska Railroad redevelopment area on the south side of Ship Creek.”

Mr. Tesche added his intent was to maintain the proposed construction phasing. He agreed with the Mayor that an at-grade access route for Ship Creek Avenue was acceptable.

Question was called on Mr. Tesche’s motion to amend and it passed:

AYES: Sullivan, Traini, Abney, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten.  
NAYS: None.

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

Mr. Tesche moved, to amend AR 2001-54 in the attached memorandum,  
seconded by Ms. Taylor, AM 119-2001, page 2 line 22 to insert a copy of the language in the 8<sup>th</sup> bulleted paragraph on page 5 of the Executive Summary which reads: “The study recognizes the potential for the Alaska Railroad Corporation to develop a commuter rail service between the Mat-Su Valley and Anchorage which will likely terminate in the Ship Creek Basin. If this comes to pass, an intermodal transit facility will need to be developed within Ship Creek to serve commuter passengers. A covered pedestrian overpass will also need to be needed to connect the transit facility to 3<sup>rd</sup> Avenue.”

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten.  
NAYS: None.

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

Mr. Sullivan moved, to amend AR 2001-54 in the attached memorandum,  
seconded by Mr. Traini, AM 119-2001, page 2, line 11 to read: “...Depot and Ship Creek. Strongly discourage commercial truck traffic on Christianson Drive.”

In response to Mr. Sullivan, Jon Spring of the Planning Department felt the proposed amendment would meet the intent of the Ship Creek Multi-modal Plan. However, it was unusual in this type of sub-plan to direct the Traffic Engineer to prohibit truck traffic on any particular road.

Mr. Sullivan agreed to change the word “prohibit” to read “strongly discourage.”

In response to Mr. Tesche, Mr. Spring felt truck traffic generally follows the most direct route. Reducing truck traffic on Christianson Drive, would likely increase use on the closest alternative: 3<sup>rd</sup> Avenue to L Street. Mr. Spring felt it was unlikely trucks would travel through the Fairview area if their destination was the west side of town.

Question was called on Mr. Sullivan’s motion to amend and it failed:

AYES: Sullivan, Traini, Abney, Kendall, Von Gemmingen.  
NAYS: Tesche, Tremaine, Fairclough, Taylor, Van Etten.

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

Ms. Fairclough requested the Traffic Engineer present a plan on April 17, 2001, by which traffic on Christianson Drive might be discouraged. Alternatively, she asked that members of the trucking industry meet with various interested parties to develop a plan.



Question was called on the motion to approve AR 2001-54 as amended and it passed:

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten.  
NAYS: None.

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

Vice Chairman Tremaine assumed the Chair.

The Assembly then returned to item 9.D, AO 2001-59.

Ordinance No. AO 2001-59, an ordinance of the Anchorage Municipal Assembly enacting a new Subsection D to AMC 12.15.030 relating to **municipal assessment of properties subjected to recorded deed restrictions on rents, the valuation of low income housing credits** awarded under 26 USC 42, and providing for the effective dates of its application, Assemblymember Tesche.  
1. Assembly Memorandum No. AM 297-2001.  
(PUBLIC HEARING WAS CLOSED; CARRIED OVER FROM 3-20-01; POSTPONED FROM SPECIAL MEETING HELD 3-23-01)

Vice Chairman Tremaine noted a motion to reopen the public hearing passed earlier in the meeting. He opened the public hearing and asked if anyone wished to speak.

JEFF JUDD spoke in support of the ordinance. In response to Mr. Tesche, Mr. Judd provided a suggested amendment, to reference Federal statues on deed restrictions. He said that amendment was discussed with the Chief Fiscal Officer and the Municipal Assessor.

Chair Von Gemmingen returned to the Chair.

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

Mr. Tesche moved,	to adopt AO 2001-59.
seconded by Mr. Sullivan,	
Mr. Tesche moved,	to amend AO 2001-59 on line 21 to read: “...deed restrictions
seconded by Mr. Traini,	under <b>26 USC 42 and 103 and 141-150</b> that directly or
	indirectly govern...”

In response to Ms. Fairclough, Municipal Assessor Marty McGee noted the proposed amendment was suggested by Mr. Judd. The intent was to include those properties whose financing is subject to Federal subsidy. The language also clarifies the type of deed restricted properties.

In response to Mr. Tesche, Mr. McGee said the proposed amendment would enhance his ability to identify properties subject to the ordinance.

Ms. Fairclough expressed concern about the financial impact of making the ordinance provisions retroactive.

In response to Mr. Tesche, Mr. Judd noted some of the property owners would receive a tax refund as a result of the ordinance, but other property owners would not receive a refund as they have not yet paid the taxes. He felt all the properties would likely default in the event the ordinance is not adopted.

There was a lengthy discussion of the effects of the retroactive provision in the ordinance.

Mr. Traini moved,	the previous question.
seconded by Ms. Abney,	

AYES: Traini, Abney, Kendall, Tesche, Tremaine, Taylor, Van Etten.  
NAYS: Sullivan, Von Gemmingen, Fairclough, Clementson.

(Clerk’s Note: This motion failed for lack of eight affirmative votes required to call the question.)

In response to Chair Von Gemmingen, Chief Fiscal Officer Kate Giard felt the Municipality would receive a Major Error letter from the State of Alaska if the ordinance was not adopted. The Municipality would then be responsible for remedy of that situation.

Mr. McGee explained the ramifications of a letter of Major Error. The Municipality would be required to change whatever procedure that caused the Major Error, and if that change was made there would be no further action. If a local jurisdiction chose to ignore a letter of Major Error, State funds would be in jeopardy.

Ms. Giard felt there would be adequate funds to refund the approximately \$700,000 due the property owners if the ordinance was adopted. She also felt there would be no impact on the State’s school funding formula.

Question was called on Mr. Tesche’s motion to amend and it passed:

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten, Clementson.  
NAYS: None.

Question was called on the motion to adopt AO 2001-59 as amended and it passed:

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Fairclough, Taylor, Van Etten, Clementson.  
NAYS: Von Gemmingen, Tremaine.

Mr. Tesche moved, immediate reconsideration of action on AO 2001-59.  
seconded by Ms. Abney,

Ms. Clementson moved, to enter reconsideration of action on AO 2001-59 on the  
seconded by Ms. Fairclough, minutes.

Mr. Tesche felt Ms. Clementson’s motion was out of order.

Chair Von Gemmingen ruled a motion to enter reconsideration on the minutes took precedence over Mr. Tesche’s motion.

Mr. Tesche moved, to appeal from the ruling of the Chair.  
seconded by Mr. Traini,

Question was called on whether the decision of the Chair should be sustained and it passed:

AYES: Sullivan, Kendall, Von Gemmingen, Tremaine, Fairclough, Clementson.  
NAYS: Traini, Abney, Tesche, Taylor, Van Etten.

Chair Von Gemmingen noted the question of reconsideration would come before the body on April 17, 2001.

12. NEW PUBLIC HEARINGS:

Mr. Sullivan moved, to change the orders of the day to consider item 12.F,  
seconded by Mr. Traini, AO 2001-61, to allow some young people present to  
and it passed without testify and depart.  
objection,

- Ordinance No. AO 2001-61, an ordinance of the Anchorage Municipal Assembly continuing or reestablishing the **Youth Advisory Commission** pursuant to Anchorage Municipal Code Section 4.05.150, Legal Department.
1. Assembly Memorandum No. AM 222-2001.
  2. Information Memorandum No. AIM 35-2001, Mayor’s Office.

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

ELENA ROMERDAHL, chair of the Youth Advisory Commission, encouraged the Assembly to support the proposed ordinance.

MATT MOON, a member of the Commission, said there would be a meeting of the Commission prior to April 17, 2001. He agreed to add the new curfew law to their agenda for review. Mr. Moon added the Commission would like to study the pending rezone of land in Muldoon in depth, to encourage establishment of a community technology center in the proposed development. He asked the Assembly to forward any proposed legislation regarding youth or youth issues to the Commission for review. Issues the Commission would like to review include the new curfew law and the proposed Eagle River high school.

Ms. Clementson invited a member of the Commission to attend School Site Selection Committee meetings.

BEAU BASSETT, spoke about the importance of the Commission, and encouraged support of the ordinance.

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

Ms. Clementson moved, to adopt AO 2001-61.  
seconded by Mr. Sullivan,

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten, Clementson.  
NAYS: None.

The Assembly then returned to item 9.E, AO 2001-24(S).

**NOTICE OF RECONSIDERATION:** Ordinance No. AO 2001-24(S), an ordinance amending the zoning map and providing for the rezoning from R-3 (Multiple-Family Residential District) to B-3 SL (General Business District with Special Limitations) for approximately 37 acres of a 69 acre parcel, the eastern half of **The Alaskan Village Subdivision** platted as Tract A, The Alaskan Village #1 Subdivision and Lots 32 thru 45, Block 1, Lots 20 thru 47, Block 2 and a portion of the NE 1/4, NW 1/4, The Alaskan Village Subdivision, all located within Section 24, T13N, R3W, S.M., AK; generally located on the southwest

corner of DeBarr Road and the west side of Muldoon Road (Northeast Community Council) (Planning and Zoning Commission Case 2000-051), Assemblymembers Clementson and Tesche.  
(AMENDED AND APPROVED 3-20-01; NOTICE OF RECONSIDERATION WAS GIVEN BY MR. TRAINI 3-21-01)

In response to Ms. Fairclough, Health and Human Services Director Jewel Jones noted there have been human impact studies regarding mobile homes in other communities. California, Oregon and Arizona have laws regarding this issue, which will be researched.

Chair Von Gemmingen reiterated the question of whether to reconsider action was before the body.

Ms. Taylor spoke in support of reconsideration and postponement of further action until May 8, 2001. She said this course of action was agreed upon after discussion with Ms. Clementson, members of the Community Council and the developer. The delay would also allow more time for discussion among these parties.

Ms. Clementson pointed out the developer agreed, within the constraints of Senate Bill 6, to extend the time period for existing tenants to move their homes.

Question was called on whether to reconsider action on AO 2001-24(S) and it passed:

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten, Clementson.  
NAYS: None.

Mr. Kendall moved, to postpone action on AO 2001-24(S) until May 8, 2001.  
seconded by Ms. Fairclough,  
and it passed without  
objection,

The Assembly then returned to the regular order, and item 12.A.

- A. Resolution No. AR 2001-58, a resolution of the Anchorage Municipal Assembly **naming the outdoor ice rink in Tikishla Park in honor of Scott Gomez**, First Alaskan in the National Hockey League to win the Stanley Cup, Cultural and Recreational Services.  
1. Assembly Memorandum No. AM 194-2001.

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. Kendall moved, to approve AR 2001-58.  
seconded by Mr. Tesche,

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten, Clementson.  
NAYS: None.

- B. Resolution No. AR 2001-62, a resolution of the Anchorage Municipal Assembly revising the 2001 General Government Operating Budget by appropriating the sum of \$270,310 from the Anchorage Metropolitan Police Service Area Fund (151) Balance to the Municipal Attorney to provide funding for **prosecution and prevention of domestic violence**, Assemblymembers Tesche, Taylor, Traini, and Van Etten.  
1. Assembly Memorandum No. AM 215-2001.

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

Mr. Tesche moved, to continue the public hearing for AR 2001-62 until  
seconded by Mr. Sullivan, April 24, 2001, to allow consideration at the same time as  
and it passed without first quarter budget revisions.  
objection,

- C. Resolution No. AR 2001-74, a resolution of the Municipality of Anchorage appropriating \$202,382 from the Heritage Land Bank Fund (221) to the Heritage Land Bank Capital Improvement Program Fund (421) for approved **HLB Capital Improvement Program projects**, Heritage Land Bank.  
1. Assembly Memorandum No. AM 274-2001.

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. Kendall moved, to approve AR 2001-74.  
seconded by Ms. Taylor,

Chair Von Gemmingen questioned the amount and accuracy of the appropriation.

In response, Acting Heritage Land Bank Director Dick Dworsky explained the proposed resolution would allow transfer of funds from one account to another, which is available for spending. He would provide a detailed explanation at a later date.

(Clerk's Note: See item 15, Unfinished Agenda for further action on this item.)

- D. Ordinance No. AO 2001-78, an ordinance of the Municipality of Anchorage, Alaska, modifying the requirement governing the **Notice of Bonded Indebtedness** for the April 3, 2001 Regular Municipal Election, Finance.
1. Assembly Memorandum No. AM 278-2001.

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. Taylor moved, to adopt AO 2001-78.  
seconded by Mr. Tesche,

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Fairclough, Taylor, Van Etten, Clementson.  
NAYS: Tremaine.

- E. Ordinance No. AO 2001-60, an ordinance of the Anchorage Municipal Assembly continuing or reestablishing the **Investment Advisory Commission** pursuant to Anchorage Municipal Code Section 4.05.150, Legal Department.
1. Assembly Memorandum No. AM 221-2001.
  2. Information Memorandum No. AIM 34-2001, Mayor's Office.

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. Kendall moved, to adopt AO 2001-60.  
seconded by Ms. Fairclough,

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten, Clementson.  
NAYS: None.

- F. Ordinance No. AO 2001-61, an ordinance of the Anchorage Municipal Assembly continuing or reestablishing the **Youth Advisory Commission** pursuant to Anchorage Municipal Code Section 4.05.150, Legal Department.
1. Assembly Memorandum No. AM 222-2001.
  2. Information Memorandum No. AIM 35-2001, Mayor's Office.

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

- G. Ordinance No. AO 2001-67, an ordinance of the Anchorage Municipal Assembly continuing or reestablishing the **Animal Control Advisory Board** pursuant to Anchorage Municipal Code Section 4.05.150, Legal Department.
1. Assembly Memorandum No. AM 249-2001.
  2. Information Memorandum No. AIM 36-2001, Mayor's Office.

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. Kendall moved, to adopt AO 2001-67.  
seconded by Ms. Abney,

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten, Clementson.  
NAYS: None.

- H. Ordinance No. AO 2001-71, an ordinance amending Anchorage Municipal Code Subsection 4.60.260A. to **reduce the number of members on the Housing and Neighborhood Development Commission** to eleven (11) members, Legal Department.
1. Assembly Memorandum No. AM 261-2001.

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. Kendall moved, to adopt AO 2001-71.  
seconded by Ms. Fairclough,

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten, Clementson.  
NAYS: None.

- I. Ordinance No. AO 2001-66, an ordinance authorizing the **disposal of 16,803 square feet from Lot 7A, Dowling Subdivision** (Plat 94-92), in Anchorage to the State of Alaska, Department of Transportation and Public Facilities, for right of way along Dowling Road and Old Seward Highway, Heritage Land Bank/Real Estate Services.
1. Assembly Memorandum No. AM 239-2001.

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. Kendall moved, to adopt AO 2001-66.  
seconded by Ms. Abney,

Mr. Tremaine noted the Polaris School Site was currently undersized, and this disposal would remove about another half-acre.

Gladys Wilson of the Heritage Land Bank noted the easement overlaps the berm, which cannot be used, so the disposal would not be a large reduction to the site. She added a correction should be made on line 11 of the attached memorandum AM 239-2001, to indicate the correct size of the general utility easement is 30 feet. Also, line 12 should be amended to read “entirely within” rather than “mainly within.”

Ms. Abney moved, to amend AO 2001-66 in the attached memorandum  
seconded by Mr. Tremaine, AM 239-2001 as described by Ms. Wilson.  
and it passed without  
objection,

Question was called on the motion to adopt AO 2001-66 as amended and it passed:

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten, Clementson.  
NAYS: None.

- J. Resolution No. AR 2001-39, a resolution of the Anchorage Municipal Assembly supporting HB 92 which will increase the **distance between an establishment where alcoholic beverages are sold and a school or church from 200 to 400 feet**, Assemblymember Sullivan.

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. Sullivan moved, to postpone action on AR 2001-39 indefinitely.  
seconded by Ms. Fairclough,

Mr. Sullivan explained the sponsor of HB 92 has withdrawn this legislation from consideration by the State Legislature. Therefore, the proposed resolution is not germane.

Question was called on the motion to postpone action on AR 2001-39 indefinitely and it passed without objection.

- K. Resolution No. AR 2001-78, a resolution of the Anchorage Municipal Assembly **amending the community council district boundaries for the Airport Heights Community Council**, Assemblymember Van Etten.  
1. Assembly Memorandum No. AM 270-2001, Municipal Manager.

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. Van Etten moved, to approve AR 2001-78.  
seconded by Ms. Fairclough,

Mr. Van Etten explained the resolution was a housekeeping matter that would add an unoccupied parcel to the council’s area.

Mayor Wuerch commented a review of all council boundaries was long overdue.

Question was called on the motion to approve AR 2001-78 and it passed:

AYES: Traini, Abney, Kendall, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten, Clementson.  
NAYS: Sullivan.

- L. Ordinance No. AO 2001-46, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 21 by adding a definition of **Large Retail Establishment**; adding Large Retail Establishment as a conditional use in Zoning Districts B-1A, B-1B, B-2A, B-2B, B-2C, B-3, B-4, I-1, I-2, and I-3; revising the maximum gross floor area for retail uses in Zoning District B-1B; and adding conditional use standards for Large Retail Establishments, Assemblymembers Fairclough, Tesche, Traini, Tremaine, and Von Gemmingen.  
1. Ordinance No. AO 2001-46(S), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 21 by adding a definition of *Large Retail Establishment*; adding *Large Retail Establishment* as a conditional use in Zoning Districts B-1A, B-1B, B-2A, B-2B, B-2C, B-3, B-4, I-1, I-2, and I-3 Districts; revising the maximum gross floor area for retail uses in Zoning District B-1B; and adding conditional use standards for *Large Retail Establishments*, Assemblymembers Tesche, Fairclough, Taylor, Traini, Tremaine, Van Etten, and Von Gemmingen. **(addendum)**  
2. Assembly Memorandum No. AM 313-2001, AO 2001-46(S); design and site plan requirements for large commercial establishments, Assemblymember Tesche. **(addendum)**

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

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

to continue the public hearing for AO 2001-46 until  
April 17, 2001.

- M. Ordinance No. AO 2001-69, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 3.20, Executive Organization, to add a new Section 3.20.065, **Assembly Confirmation Hearings**, regarding confirmation of key mayoral appointments, Assemblymember Tesche.
1. Assembly Memorandum No. AM 251-2001.

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. Tesche moved,  
seconded by Mr. Tremaine,

to AO 2001-69.

Mr. Tesche indicated the hearings would give Assembly members some insight into how certain mayoral appointees intended to carry out their assigned duties.

Mayor Wuerch questioned the need for the ordinance since the Assembly already has the absolute authority to confirm appointees. Various executives have been interviewed during Assembly work sessions.

There was discussion of alternatives that would allow the Assembly an opportunity to meet and question key mayoral appointees in an informal setting.

Mr. Tesche moved,  
seconded by Ms. Clementson,

to amend AO 2001-69 on line 32 by inserting the word  
“informal” between the words “conduct” and “confirmation.”

Mr. Traini and Mr. Kendall felt the ordinance was unnecessary.

In response to Mayor Wuerch, Mr. Tesche pointed out the ordinance limited the hearings to five particular appointees.

Municipal Attorney Bill Greene reminded the members the code contained a specific definition of “informal meeting” and the amendment may conflict with state statutes on open meetings.

Ms. Clementson withdrew her second and the amendment died for lack of a second.

Question was called on the motion to adopt AO 2001-69 and it failed:

AYES: Tesche, Tremaine, Taylor.

NAYS: Sullivan, Traini, Abney, Kendall, Von Gemmingen, Fairclough, Van Etten, Clementson.

- N. Ordinance No. AO 2001-70, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 6.30, **Administration of Budget**, to add a new Section regarding Assembly oversight of litigation settlements, Assemblymember Tesche.
1. Assembly Memorandum No. AM 253-2001.

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

TOM McGRATH pointed out no summary of economic effects was attached. He indicated the ordinance could increase costs if the administration cannot take advantage of an offer to settle because Assembly approval is required.

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

to continue to public hearing for AO 2001-70  
until May 8, 2001.

Mr. Tesche indicated he would discuss the ordinance and potential amendments with the Chief Fiscal Officer and Risk Manager.

- O. Ordinance No. AO 2001-72, an ordinance of the Municipality of Anchorage renumbering and amending Anchorage Municipal Code Section 9.12.010 to 9.28.019 and **modifying the penalties in Chapter 9.28, including the impound and forfeiture of vehicles used in the offense**, to incorporate the addition of the new Section 9.28.019, Assemblymember Traini.
1. Assembly Memorandum No. AM 263-2001.

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

Mr. Traini moved,  
seconded by Mr. Sullivan,  
and it passed without objection,

to continue to public hearing for AO 2001-72  
until April 17, 2001.

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

**14. SPECIAL ORDERS:**

An ordinance was laid on the table and introduced earlier in the meeting. See after item 8.

15. UNFINISHED AGENDA:

- A. Resolution No. AR 2001-74, a resolution of the Municipality of Anchorage appropriating \$202,382 from the Heritage Land Bank Fund (221) to the Heritage Land Bank Capital Improvement Program Fund (421) for approved **HLB Capital Improvement Program projects**, Heritage Land Bank.
  - 1. Assembly Memorandum No. AM 274-2001.

Chair Von Gemmingen noted a motion to approve was on the floor.

Chief Fiscal Officer Kate Giard recommended amendments to the resolution.

Mr. Kendall moved,	to amend AR 2001-74 on line 12 to read:
seconded by Mr. Tremaine,	"...includes \$342,200..."; on line 16 to read:
and it passed without objection,	"...Whereas, \$139,818..."; on line 34 to read: "...dollars
	(\$139,818); and amend the memorandum on line 2 to read:
	"...reallocates \$139,818...".

Question was called on the motion to approve AR 2001-74 as amended and it passed:

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten, Clementson.  
NAYS: None.

16. AUDIENCE PARTICIPATION: None.

17. ASSEMBLY COMMENTS:

Chair Von Gemmingen reminded members Board of Adjustment appeals would appear on the April 24 agenda.

In response to Mr. Tremaine, Chair Von Gemmingen said she would handle the issue of a pay adjustment for the Assembly Policy and Budget Analyst.

In response to Mr. Sullivan, Municipal Attorney Greene confirmed the Assembly had 30 days from receipt of the federal decennial census figures to make a determination whether it is malapportioned. If the body decides it is malapportioned, it then has five months to reapportion.

There was discussion on what date the Assembly would be required to make the first determination.

Mr. Tremaine announced Mr. Dan Coffey’s home and mobile phone numbers for anyone who wished to discuss election polling results.

18. EXECUTIVE SESSIONS: None.

19. ADJOURNMENT:

The meeting adjourned at 10:35 p.m.

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Municipal Clerk

Date Minutes Approved: \_\_\_\_\_, 2001

VC/db&jf

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