

# MUNICIPALITY OF ANCHORAGE

## ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of August 14, 2001

### 1. CALL TO ORDER:

Assembly Chairman Dick Traini convened the meeting at 4:00 p.m. in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

### 2. ROLL CALL:

Present: Anna Fairclough, Dan Sullivan, Fay Von Gemmingen, Melinda Taylor, Doug Van Etten (4:05 p.m.), Dick Traini, Dan Kendall, Allan Tesche, Janice Shamberg, Dick Tremaine, Cheryl Clementson (5:00 p.m.).  
Absent: None.

### 3. PLEDGE OF ALLEGIANCE:

The pledge was led by Mr. Tremaine.

Mr. Kendall moved, to change the orders of the day to consider item 15.A,  
seconded by Ms. Fairclough, Board of Adjustment/Assembly Appeals,  
and it passed without  
objection,

Appeal S-10677, Glenn View Estates.  
(POSTPONED FROM 7-24-01)

Mr. Kendall moved, to affirm the decision of the Platting Board in appeal case,  
seconded by Ms. Fairclough, S-10677.

Mr. Kendall explained that this subdivision was platted in 1996, and one lot had double frontage, both on Hilltop Drive, the street behind the lot, and from Glenn Hill Circle, which was the primary access for the lot. Mr. Kendall said the original owner had placed a condition on the plat that allowed access from Glenn Hill Circle only, and it prohibited access from Hilltop Drive, at the back of the lot. Mr. Kendall said he was not in support of the petitioner's request for relief from that condition.

Ms. Fairclough addressed the public testimony and staff's comments before the Platting Board on the issue of Restriction Note No. 2 which restricts vehicular access to Hilltop Drive. She also pointed out several deficiencies with the petitioner's arguments in support of the second driveway with access to Hilltop Drive. Ms. Fairclough reiterated Mr. Kendall's comment that the community had agreed to the plat note restriction when the subdivision was built, and she urged a yes vote.

In response to Mr. Tremaine, Assistant Municipal Attorney Dennis Wheeler said no in-depth analysis had been done on this issue. He noted that the Assembly's primary focus should be the evidentiary issues as opposed to the procedural issues, i.e., was there sufficient evidence to support the decision of the lower board. Mr. Tremaine said that was his view of what was before the Assembly for consideration. He concurred with Mr. Kendall's and Ms. Fairclough's comments and said he too would vote in favor of affirming the Platting Board's decision.

Mr. Tesche concurred with Mr. Tremaine's comments regarding the narrow scope of the issue before the Assembly. He said there was no question that the record contained substantial evidence which supported the Platting Board's decision on this issue. He said he would vote in favor of the motion to affirm the Platting Board's decision.

Ms. Fairclough concluded that there was no procedural error, there was no error in the application of the law, and the findings and conclusions were supported by evidence contained in the appeal package, which she summarized. She urged a yes vote.

Question was called on the motion to affirm the decision of the Platting Board in appeal case S-10677 and it passed:

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

(Clerk's Note: Ms. Clementson was not in attendance at the time of the vote.)

The meeting recessed at 4:25 p.m. and reconvened at 5:00 p.m.

### 4. MINUTES OF PREVIOUS MEETING:

- A. Special Meeting – February 20, 2001
- B. Regular Meeting - February 27, 2001
- C. Regular Meeting – March 20, 2001

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

to approve the minutes of the special Assembly meeting of  
February 20, 2001 and the regular Assembly meeting of  
February 27, 2001.

Ms. Taylor moved,  
seconded by Ms. Fairclough

to approve the minutes of the regular Assembly meeting of  
March 20, 2001.

Mr. Traini noted that under "Members Present" on the first page, Kevin Meyer's name should be deleted and Dick Traini's name should be added.

Question was called on the motion to approve the minutes of the regular Assembly meeting of March 20, 2001, as amended and it passed without objection.

## **5. MAYOR'S REPORT:**

Mayor Wuerch commended the Assembly on the implementation of the new recording system. He reported that they were awaiting final fund transfer from the federal government to the Municipality of the \$1.75 million grant funding for continued work on the hillsides' fire safe program. He said the grant funds would be expended on new equipment, for the development of a community alert network, the purchase of high-resolution aerial imagery to assist in the planning and execution of next year's program, and to fund an extensive public education program. He added that the Municipality expected the \$6.5 million for next year's federal fiscal budget to be approved as well. Mayor Wuerch introduced David Levy, who was interviewed recently on the Municipality's bilingual home page for the racism task force. Mayor Wuerch noted that school would be starting soon, and he emphasized the Anchorage School District's "No Shots, No School, No Kidding" motto. He urged all parents to get their children in for shots so they could start school on time. Mayor Wuerch asked Municipal Manager Harry Kielling to address the Assembly at this time.

Municipal Manager Harry Kielling praised the fire department and EMS staff for their successful rescue of an elderly woman recently. He noted that implementation of a new computer-aided dispatch system had made it possible to dispatch units within 17 seconds, as opposed to one to two minutes, and that the fast response time was instrumental in saving the woman's life.

Mayor Wuerch announced the promotion of Lance Wilber, previously the AMATS Coordinator, to the position of Director of the Traffic Department. He said James Armstrong, 14-year veteran of the legislative staff, had been hired for the AMATS Coordinator position, and Dave Mumford would take the Facilities Management position, recently vacated by Joe Beauchamp. Mayor Wuerch invited everyone to the demonstration to be held on the second floor of the new high-speed digital broadband Internet server that was donated by AT&T and the Cellular Telecommunications and Internet Association through the auspices of Senator Stevens.

## **6. ASSEMBLY CHAIR'S REPORT:**

Chair Traini presented Vickie Cantrell, Deputy Municipal Clerk, with her 10-year pin.

At Chair Traini's request, Mr. Van Etten showed a PSA featuring Trajan Langdon addressing the problem of vehicles speeding through community neighborhoods.

Chair Traini advised that the Assembly members and others now had the capability of giving Powerpoint presentations on their laptop computers. He said they would soon have the capability of connecting to television for broadcast as well, and he thanked the Technology Committee, chaired by Mr. Sullivan, for the progress that had been made in this area.

## **7. COMMITTEE REPORTS:**

Mr. Tesche reported that the Elections Committee had had a number of discussions with Janet Kowlaski, Director, State of Alaska Division of Elections over the past two weeks regarding potential changes to state voting precincts as it will impact the Assembly reapportionment. He said on August 22, 2001, Ms. Kowlaski and her staff would be in Anchorage working with the Planning Department staff to brief the Assembly on the State's process. He said he had requested Office of Planning, Development and Public Works Director Craig Campbell to provide the Assembly with several different types of baseline mapping consolidated into a single map to assist the Assembly in this process. He anticipated that they would be able to begin to draw the proposed boundaries for Assembly districts by August 23rd or 24th. He said an ordinance must be prepared by August 28th for introduction at the regular Assembly meeting of September 11th, and for final Assembly action by September 17th.

## **8. ADDENDUM TO AGENDA:**

Ms. Fairclough moved,  
seconded by Ms. Taylor,

to amend the agenda to include the addendum items.

Chair Traini and Vice Chair Fairclough took turns reading the addendum items.

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

## **9. CONSENT AGENDA:**

Mr. Tesche moved,  
seconded by Ms. Fairclough,

to approve all items on the consent agenda as amended.

## A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS:

1. Resolution No. AR 2001-230, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Detective Robert N. Butcher** for his 16 years of service with the Municipality of Anchorage, Assemblymembers Clementson, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen.

Mr. Tesche requested this item be considered on the Regular Agenda. See item 10.A.

2. Resolution No. AR 2001-231, a resolution of the Anchorage Municipal Assembly **recognizing the founding members of the Alaska Chapter of the National Ovarian Cancer Coalition**, Assemblymembers Taylor, Clementson, Fairclough, Kendall, Shamberg, Sullivan, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen.

Ms. Taylor requested this item be considered on the Regular Agenda. See item 10.A.

3. Resolution No. AR 2001-232, a resolution of the Anchorage Municipal Assembly **recognizing and remembering Alice Howarth**, Assemblymembers Tesche, Clementson, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Traini, Tremaine, Van Etten, and Von Gemmingen.

Mr. Tesche requested this item be considered on the Regular Agenda. See item 10.A.

## B. RESOLUTIONS FOR ACTION – OTHER:

1. Resolution No. AR 2001-223, a resolution of the Assembly adopting the **Port of Anchorage Master Plan**, Port.
  - a. Assembly Memorandum No. AM 676-2001.

Mr. Tesche requested this item be considered on the Regular Agenda. See item 10.B.

2. Resolution No. AR 2001-227, a resolution of the Municipality of Anchorage providing for FY 2001 budget revision of fifteen thousand dollars (\$15,000) and FY 2002 budget appropriation of twenty thousand dollars (\$20,000) from Municipality of Anchorage Division of Community Planning and Development to the Anchorage Equal Rights Commission for the **Fair Housing Enforcement and Community Education activities**, Equal Rights Commission.
  - a. Assembly Memorandum No. AM 689-2001.
3. Resolution No. AR 2001-233, a resolution of the Anchorage Municipal Assembly **appointing Greg Moyer as Director, Department of the Assembly**, Assembly Chairman Traini.
4. Resolution No. AR 2001-234, a resolution of the Anchorage Municipal Assembly **appointing Elvi Gray-Jackson as Manager, Budget & Legislative Services**, Assembly Chairman Traini.
5. Resolution No. AR 2001-235, a resolution of the Anchorage Municipal Assembly encouraging preparation of an areawide plan for economic development through cooperative efforts of private and public entities, appropriating the sum of \$50,000 from Areawide General Fund (101) Balance to Non-Departmental to be used as a **grant to the Anchorage Economic Development Corporation** to begin that effort, and setting forth conditions under which additional Municipal funding will be made available to complete the plan, Assemblymembers Tesche, Fairclough, Sullivan, Taylor, Traini, Tremaine, Van Etten, and Von Gemmingen.
  - a. Assembly Memorandum No. AM 696-2001.

Ms. Fairclough requested this item be considered on the Regular Agenda. See item 10.B.

6. Resolution No. AR 2001-236, a resolution of the Anchorage Municipal Assembly requesting Congressional funding to both update the **Knik Arm Crossing Corridor Analysis** and to further implement regional land use and transportation planning between the Matanuska-Susitna Borough and the Municipality of Anchorage, Assemblymembers Traini and Van Etten. (**addendum**)
  - a. Resolution No. AR 2001-236(S), a resolution of the Anchorage Municipal Assembly requesting Congressional funding to both update the Knik Arm Crossing Corridor Analysis and to further implement regional land use and transportation planning between the Matanuska-Susitna Borough and the Municipality of Anchorage, Assemblymembers Traini and Van Etten. (**addendum**)

Mr. Tesche requested this item be considered on the Regular Agenda. See item 10.B.

7. Resolution No. AR 2001-237, resolution of the Municipality of Anchorage providing for the appropriation of a grant totaling thirty-four thousand, eight hundred fifty-two (\$34,852) dollars from the State of Alaska, Department of Education to the State Categorical Grants Fund (231), Cultural and Recreational Services Department for 800# **Interlibrary Loan and Reference Backup Services**. (**addendum**)
  - a. Assembly Memorandum No. AM 715-2001.
8. Resolution No. AR 2001-238, a resolution of the Municipality of Anchorage appropriating three thousand dollars (\$3,000) from a National Park Service grant to the Federal Categorical Grant Fund (241) for Girdwood Valley Service Area for **Iditarod National Historic Trail Reconstruction**, Cultural and Recreational Services. (**addendum**)
  - a. Assembly Memorandum No. AM 716-2001.
9. Resolution No. AR 2001-239, a resolution of the Municipality of Anchorage appropriating nineteen thousand two hundred eighty dollars (\$19,280) from the Equipment Maintenance Fund (601) of the

Facility and Fleet Management Department, as a contribution to the Management Information System Fund (607) of the Information Technology Department, for the purpose of **hiring a programmer/analyst to develop programs and analyze data using the GEMS2000 Database** utilized by Facility and Fleet Management and Public Transportation Departments, Office of Planning, Development and Public Works. **(addendum)**

a. Assembly Memorandum No. AM 718-2001.

C. BID AWARDS:

1. Assembly Memorandum No. AM 706-2001, recommendation of award to J & S Services Company for **furnishing and installing an IM240 Dynamometer** to the Municipality of Anchorage, Department of Health and Human Services (ITB 21B058)(\$182,475), Purchasing. **(addendum)**
2. Assembly Memorandum No. AM 714-2001, recommendation of award to Construction Machinery, Inc. for furnishing **One Truck Mounted Asphalt Spray Patching Machine** to the Municipality of Anchorage, Facility Management Department (ITB 21B064) (\$121,744), Purchasing. **(addendum)**

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 677-2001, amendment No. 7 to Purchase Order 73494 with LCMF, Inc. to provide professional **architectural/ engineering services** for capital improvement projects for the Municipality of Anchorage, Merrill Field Airport (\$163,921).
2. Assembly Memorandum No. AM 678-2001, amendment No. 1 to the professional services agreement with USKH Inc. 2000 term contract for professional **architectural services** in the amount of \$50,000, Water & Wastewater Utility.
3. Assembly Memorandum No. AM 679-2001, change order No. 3 to Vendor Contract No. 991409 with L&C Services for providing **asphalt crushing and stockpiling services** for the Municipality of Anchorage, Street Maintenance Department (\$215,000).
4. Assembly Memorandum No. AM 680-2001, amendment No. 5 to construction contract with Lynx Construction, Inc., providing construction services to renovate **dispatch area at Fire Station No. 12**, Contract No. C-200676, Project No. 01-08 (\$3,753), Project Management and Engineering.
5. Assembly Memorandum No. AM 681-2001, amendment No. 4 to Purchase Order No. 201739 with Unwin, Scheben, Korynta, Huettl, Inc. (USKH) to provide professional **architectural/engineering services** for capital improvement projects for the Municipality of Anchorage, Merrill Field (\$95,100).
6. Assembly Memorandum No. AM 682-2001, contract amendment No. two (2) to professional services contract with the Boutet Company for **project management services**, Project Management and Engineering (\$500,000).
7. Assembly Memorandum No. AM 683-2001, change order No. 2 to Vendor Contract No. 20MLP372 with Alpine Valve and Controls for providing **replacement parts and repair services** for the Municipality of Anchorage, Municipal Light & Power (\$30,000).
8. Assembly Memorandum No. AM 685-2001, **Sister City Commission appointment** (Frank Appel), Mayor's Office.
9. Assembly Memorandum No. AM 686-2001, **Bidding Review Board appointment** (David Dickhous) Mayor's Office.
10. Assembly Memorandum No. AM 687-2001, **On-Site Wastewater System Technical Review Board appointment** (J. Wesley Turner, M.D.), Mayor's Office.
11. Assembly Memorandum No. AM 692-2001, **Girdwood Valley Public Safety Board appointments** (David Sears, Debbie Whitethorn, Larry Daniels), Mayor's Office.

Mr. Tremaine requested this item be considered on the Regular Agenda. See item 10.D.

12. Assembly Memorandum No. AM 695-2001, appointment to the **Anchorage/Mat-Su Intergovernmental Task Force** (Henry Penney), Municipal Manager.
13. Assembly Memorandum No. AM 697-2001, **Assembly approval for expenditures of funds** – contract services, Assembly Chair Traini. **(addendum)**
14. Assembly Memorandum No. AM 699-2001, renewal of **agreement with the AFD Fire Explorers Post** (Chartered by the Boy Scouts of America) to provide AFD specified Class “C” uniforms to Department line personnel and raise funds through the sale of apparel and non-apparel logo items to visitors and the general public, Fire Department. **(addendum)**
15. Assembly Memorandum No. AM 700-2001, **Board of Adjustment Findings and Conclusions** on Case S-10625, Eagle Crossing Subdivision, Municipal Clerk. **(addendum)**

Mr. Tesche noted that he had recused himself on this item and would abstain on the vote on this item.

16. Assembly Memorandum No. AM 701-2001, recommendation of award to KPMG, LLC for providing readiness assessment, diagnostic and work plan development related to **Government Accounting Standards (GASB) 34 implementation** for the Municipality of Anchorage, Finance Department (RFP 21-P032)(\$110,000). **(addendum)**
17. Assembly Memorandum No. AM 702-2001, recommendation of award to Palmerco Construction, Inc. for **South Anchorage Sports Park, North Legion Baseball Field** for the Municipality of Anchorage, Office of Planning, Development and Public Works (21-C045)(\$689,671), Purchasing. **(addendum)**
18. Assembly Memorandum No. AM 704-2001, recommendation of award to various carriers providing various **insurance coverage** to the Municipality of Anchorage, Finance Department. **(addendum)**

19. Assembly Memorandum No. AM 705-2001, recommendation of award to Resource Data Incorporated for providing professional services for project management and technical support for implementation of Phase II of the **MAXIMO Work Management System** for the Municipality of Anchorage, Water and Wastewater Utility (RFP 21-P023)(\$300,000), Purchasing. (**addendum**)
20. Assembly Memorandum No. AM 707-2001, request approval to enter into **1% for Art agreement** with James Dault and Shala Dobson for artwork selected by an Art Selection Jury for the New Downtown Fire Station (\$35,000), Cultural and Recreational Services Department. (**addendum**)
21. Assembly Memorandum No. AM 708-2001, recommendation of award to CEF, Inc. dba Sonshine Enterprises for **Campbell Terrace Subdivision Road Improvement District (R.I.D.)** for the Municipality of Anchorage, Office of Planning, Development and Public Works (21-C040)(\$592,410.43), Purchasing. (**addendum**)
22. Assembly Memorandum No. AM 709-2001, recommendation of award to Barnes Architecture, Inc. for providing professional **architectural engineering services for the AWWU Operations and Maintenance Facility Electrical-Instrumentation Building** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (RFP 21-P016) (\$241,007), Purchasing. (**addendum**)
23. Assembly Memorandum No. AM 710-2001, recommendation of award to EMPCO, Inc. for miscellaneous repairs and construction to the **Merrill Field Landfill Gas Extraction system** for the Municipality of Anchorage, Solid Waste Services (21-C035) (\$124,931.54), Purchasing. (**addendum**)
24. Assembly Memorandum No. AM 711-2001, recommendation to award various contracts through a cooperative agreement with the State of Alaska to provide **Furniture, Fixtures, and Equipment (FF&E) for the Anchorage Jail Project** for the Municipality of Anchorage, Office of Planning, Development and Public Works (\$1,250,726), Purchasing. (**addendum**)
25. Assembly Memorandum No. AM 712-2001, change order No. 4 to Purchase Order 20MLP371 with General Electric Company for furnishing technical **services, repairs and replacement parts for general electric gas turbines** to the Municipality of Anchorage, Municipal Light & Power (\$500,000), Purchasing. (**addendum**)
26. Assembly Memorandum No. AM 713-2001, recommendation of award to Cullips Excavating, Inc. for **2001 Merrill Field Improvements** – reconstruct primary airport access roads for the Municipality of Anchorage, Merrill Field Airport (21-C037) (\$1,360,952.10), Purchasing. (**addendum**)

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 79-2001, second quarter 2001 **Fiscal Reports for Municipal Utilities/Enterprise Activities**, Office of Management and Budget.

Ms. Von Gemmingen requested this item be considered on the Regular Agenda. See item 10.E.

2. Information Memorandum No. AIM 80-2001, waiver of formal procedures for **E Street, 11th Avenue to 7th/8th Alley vault duct construction** contract for the Municipality of Anchorage, Municipal Light & Power (ITB 21-C042) (\$590,650.55).
3. Information Memorandum No. AIM 81-2001, **Internal Audit Report 2001-4**, Anchorage Downtown Partnership's Office of Management and Budget, Internal Audit.
4. Information Memorandum No. AIM 77-2001, memorandum on 2001 **School G.O. Bond Issuance**, Finance. (**addendum**)

Ms. Von Gemmingen requested this item be considered on the Regular Agenda. See item 10.E.

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2001-145, an omnibus ordinance amending Anchorage Municipal Code and Anchorage Municipal Code of Regulations to modify existing, and include additional, **fees, fines and penalties**, Municipal Attorney. *public hearing* 8-28-01.
  - a. Assembly Memorandum No. AM 717-2001.

(Clerk's Note: This item was scheduled for a work session later in the meeting. See after 10.E.2.)

2. Ordinance No. AO 2001-146, an ordinance amending Anchorage Municipal Code chapters 7.10, 7.50 and 7.60 and Anchorage Municipal Code of Regulations chapters 7.50 and 7.60 to reflect changes mandated by the **Federal Office of Federal Contract Compliance Regulations**, including: adding and amending definitions; updating filing of annual contract compliance information form; eliminating monthly reporting requirement; and adding language regarding confidentiality of information obtained during compliance evaluation. Changes for housekeeping purposes are also added, including repealing Anchorage Municipal Code of Regulations 7.50 and 7.60 and integrating selected portions of them into the Anchorage Municipal Code chapters 7.10, 7.50 and 7.60, Municipal Attorney. *public hearing* 8-28-01.
  - a. Assembly Memorandum No. AM 674-2001.
3. Resolution No. AR 2001-224, a resolution of the Municipality of Anchorage appropriating nine hundred seventeen thousand seven hundred seventy dollars (\$917,770) from the Alaska Department of Education and Early Development to the State Categorical Grants Fund (231) for the **Child Care Licensing Program** in the Department of Health and Human Services. *public hearing* 8-28-01.

Ms. Shamberg requested this item be considered on the Regular Agenda. See item 10.F.

- a. Assembly Memorandum No. AM 684-2001.

4. Resolution No. AR 2001-225, a resolution of the Municipality of Anchorage, Alaska, accepting and appropriating a State of Alaska Drinking Water Fund loan offer in the amount of five hundred thousand dollars (\$500,000) for financing a portion of the costs of the **Anchorage – Disinfection Alternatives Upgrade Project**, Water and Wastewater Utility. *public hearing* 8-28-01.  
a. Assembly Memorandum No. AM 688-2001.
5. Resolution No. AR 2001-226, a resolution of the Municipality of Anchorage, Alaska, accepting and appropriating a State of Alaska Clean Water Fund loan offer in the amount of three hundred seventy-five thousand dollars (\$375,000) for financing a portion of the costs of the **Anchorage FY99 Miscellaneous Small Sewer R&R, Phase II, projects**, Water and Wastewater Utility. *public hearing* 8-28-01.  
a. Assembly Memorandum No. AM 688-2001.
6. Resolution No. AR 2001-228, a resolution of the Municipality of Anchorage appropriating one hundred eight thousand seven hundred forty-six dollars (\$108,746) to the State Categorical Grants Fund (231) from the Alaska Department of Labor and Workforce Development for the **Workforce Investment Act Program Year 2000 Incentive Grant** within the Planning Department. *public hearing* 8-28-01.  
a. Assembly Memorandum No. AM 690-2001.
7. Resolution No. AR 2001-229, a resolution of the Municipality of Anchorage appropriating: six hundred six thousand five hundred dollars (\$606,500) from within the Areawide General Capital Improvement Program Fund (401); twenty-six thousand five hundred dollars (\$26,500) from within the Anchorage Fire Service Area Capital Improvement Program Fund (431), seventeen thousand dollars (\$17,000) from within the Chugiak/Eagle River Parks & Recreation Service Area; and thirty-nine thousand five hundred dollars (\$39,500) as a contribution from the Areawide General Capital Improvement Program Fund (401) to the Anchorage Roads and Drainage Service Area (ARDSA) Capital Improvement Program Fund (441), in support of the **Municipal Facilities Major Maintenance and Upgrade Program**, Office of Management and Budget. *public hearing* 8-28-01.  
a. Assembly Memorandum No. AM 691-2001.
8. Ordinance No. AO 2001-147, an ordinance amending Anchorage Municipal Code 4.70.040 pertaining to **Solid Waste Commission**, Solid Waste Services. *public hearing* 8-28-01.  
a. Assembly Memorandum No. AM 693-2001.
9. Ordinance No. AO 2001-148, an ordinance of the Anchorage Municipal Assembly continuing or reestablishing the **Solid Waste Commission** pursuant to Anchorage Municipal Code Section 4.05.150, Municipal Attorney. *public hearing* 8-28-01.  
a. Assembly Memorandum No. AM 694-2001.
10. Ordinance No. AO 2001-149, an ordinance of the Anchorage Municipal Assembly **continuing or reestablishing the Municipal Women's Commission** pursuant to Anchorage Municipal Code 4.50.150, Municipal Attorney. *public hearing* 8-28-01. (**addendum**)  
a. Assembly Memorandum No. AM 698-2001.
11. Ordinance No. AO 2001-150, an ordinance of the Anchorage Assembly amending Anchorage Municipal Code sections within Chapter 9.28 (concerning **driving under the influence**) to change the ~~maximum~~ blood alcohol concentration from 0.10 percent to 0.08 percent, to modify the definition of previously convicted, to modify the presumptions regarding intoxication, and to make other amendments to Chapter 9.28, Municipal Attorney. *public hearing* 8-28-01. (**addendum**)  
a. Assembly Memorandum No. AM 703-2001.

(Clerk's Note: A motion to reconsider action on this item was considered later in the meeting. See after item 10.B.1.)

12. Resolution No. AR 2001-240, a resolution of the Municipality of Anchorage appropriating four hundred forty-nine thousand two hundred twenty-four dollars (\$449,224) to the State Grants Fund (231), Department of Public Transportation from the Alaska Commission on Aging to assist in the funding of **coordinated transportation services for senior citizens and for people with disabilities** within the Municipality of Anchorage, Public Transportation Department. *public hearing* 8-28-01. (**addendum**)  
a. Assembly Memorandum No. AM 719-2001.
13. Resolution No. AR 2001-241, a resolution of the Anchorage Assembly appropriating eight hundred thousand dollars (\$800,000) from the Ice Revenue Bond Fund (265) to the Anchorage Parks and Recreation Service Area Capital Improvement Program Fund (461) and twenty-five thousand dollars (\$25,000) from within the Anchorage Parks and Recreation Service Area Capital Improvement Program Fund (461) for costs related to **construction of Dempsey Anderson Arena II and improvements to Dempsey Anderson Arena I**, Municipal Attorney. *public hearing* 8-28-01. (**addendum**)  
a. Assembly Memorandum No. AM 720-2001.
14. Resolution No. AR 2001-242, application for and acceptance and appropriation of State of Alaska, Department of Environmental Conservation (AEDC) grant funds under the **ADEC Matching Grant Program** (Senate Bill 29), Water and Wastewater Utility. *public hearing* 8-28-01. (**addendum**)  
a. Assembly Memorandum No. AM 721-2001.
15. Ordinance No. AO 2001-151, an ordinance authorizing the **conveyance of certain property interests** described as the north ten feet (N 10') of the south twenty feet (S 20') of Government Lot 6, NW¼, Section 4, Township 12 North, Range 3 West, S.M., Alaska and a 10' parcel located within the east 132' of Government Lot 16, SE¼, Section 4, Township 12 North, Range 3 West, S.M., Alaska, tax #014-061-09 and #014-082-04, Project Management and Engineering. *public hearing* 8-28-01. (**addendum**)  
a. Assembly Memorandum No. AM 722-2001.

16. Ordinance No. AO 2001-152, an ordinance amending the zoning map and providing for the **rezoning of approximately 0.1928 acres** from R-1 (Single Family Residential District) to PLI (Public Lands and Institutions District) for Block 4, Lot 28, Wickersham Subdivision #1, generally located on the southwest corner of Cache Drive and Bartlett Drive, Planning Department. *public hearing 8-28-01 9-11-01. (addendum)*
- a. Assembly Memorandum No. AM 723-2001.

Mr. Van Etten requested this item be considered on the Regular Agenda. See item 10.F.

17. Ordinance No. AO 2001-153, an ordinance amending the zoning map and providing for the rezoning from PC (Planned Community) District Holding Zone to PC (Planned Community) District and approving a **master plan for residential, commercial and industrial uses for Parcel 4 of the Chugiak Industrial Park Planned Community (PC)**, consisting of +/- 45 acres, located in Section 20, T15N, R1W, Seward Meridian, Alaska; generally located east of the Old Glenn Highway, north of South Birchwood Loop Road, and south of Jewel Street, extended. (Chugiak Community Council) (Planning and Zoning Commission Case No. 2000-160), Planning Department. *public hearing 9-11-01 10-16-01. (addendum)*
- a. Assembly Memorandum No. AM 724-2001.

Ms. Fairclough requested this item be considered on the Regular Agenda. See item 10.F.

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

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

(Clerk's Note: Mr. Tesche abstained on item D.15, AM 700-2001, Eagle Crossing Appeal Findings and Conclusions.)

**10. REGULAR AGENDA:**

**A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS:**

1. Resolution No. AR 2001-230, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Detective Robert N. Butcher** for his 16 years of service with the Municipality of Anchorage, Assemblymembers Clementson, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen.

Mr. Tesche moved, to approve AR 2001-230.  
seconded by Mr. Tremaine,  
and it passed without  
objection,

Mr. Tesche read the resolution, while Ms. Clementson presented it to Detective Butcher.

Detective Butcher said he appreciated the recognition and honor, and he acknowledged his wife Tina and two daughters and thanked them for supporting him in his career.

2. Resolution No. AR 2001-231, a resolution of the Anchorage Municipal Assembly **recognizing the founding members of the Alaska Chapter of the National Ovarian Cancer Coalition**, Assemblymembers Taylor, Clementson, Fairclough, Kendall, Shamberg, Sullivan, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen.

Ms. Taylor moved, to approve AR 2001-231.  
seconded by Mr. Tesche,  
and it passed without  
objection,

Mr. Tesche read the resolution, while Ms. Taylor presented it to Ms. Sexton and Ms. Donolo and Mr. Moyer displayed a poster for the organization.

Kim Colburn Sexton and Deb Donoho thanked the Assembly. Ms. Sexton read a certificate of appreciation while Ms. Donoho presented it to the Assembly on behalf of the members of the Alaska Chapter of the National Ovarian Cancer Coalition.

3. Resolution No. AR 2001-232, a resolution of the Anchorage Municipal Assembly **recognizing and remembering Alice Howarth**, Assemblymembers Tesche, Clementson, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Traini, Tremaine, Van Etten, and Von Gemmingen.

Mr. Tesche moved, to approve AR 2001-232.  
seconded by Ms. Clementson,  
and it passed without  
objection,

Mr. Tesche said Alice Howarth was a personal friend, a mother, and a well respected member of the Mountain View community. Mr. Tesche said he had worked with Ms. Howarth in founding Friends of Neighborhoods. Ms. Howarth had

recently passed away, and he asked that the Assembly remember and celebrate her life and achievements. He noted that a potluck memorial service would be held in her memory later in the week, and he invited the Assembly members to attend.

There was a suggestion to change the orders of the day to consider item 10.B.3, AR 2001-236, next out of order and there were no objections.

B. RESOLUTIONS FOR ACTION – OTHER:

1. Resolution No. AR 2001-223, a resolution of the Assembly adopting the **Port of Anchorage Master Plan**, Port.
  - a. Assembly Memorandum No. AM 676-2001.
2. Resolution No. AR 2001-235, a resolution of the Anchorage Municipal Assembly encouraging preparation of an areawide plan for economic development through cooperative efforts of private and public entities, appropriating the sum of \$50,000 from Areawide General Fund (101) Balance to Non-Departmental to be used as a **grant to the Anchorage Economic Development Corporation** to begin that effort, and setting forth conditions under which additional Municipal funding will be made available to complete the plan, Assemblymembers Tesche, Fairclough, Sullivan, Taylor, Traini, Tremaine, Van Etten, and Von Gemmingen.
  - a. Assembly Memorandum No. AM 696-2001.

Items B.1 and B.2 were considered later in the meeting. See after item B.3.

3. Resolution No. AR 2001-236, a resolution of the Anchorage Municipal Assembly requesting Congressional funding to both update the **Knik Arm Crossing Corridor Analysis** and to further implement regional land use and transportation planning between the Matanuska-Susitna Borough and the Municipality of Anchorage, Assemblymembers Traini and Van Etten. (**addendum**)
  - a. Resolution No. AR 2001-236(S), a resolution of the Anchorage Municipal Assembly requesting Congressional funding to both update the Knik Arm Crossing Corridor Analysis and to further implement regional land use and transportation planning between the Matanuska-Susitna Borough and the Municipality of Anchorage, Assemblymembers Traini and Van Etten. (**addendum**)

Mr. Tesche moved, to approve AR 2001-236(S).  
seconded by Ms. Von Gemmingen,

Mr. Tesche said this was a significant project, and the information provided by Mr. Wilber indicated that the study, with some modifications, was still basically valid. However, it would require a substantial update and revision, particularly in the cost estimates and some of the assumptions that may have changed over the last 15 years. He felt the Assembly should ensure that the studies were updated because they would provide Anchorage and the Matanuska-Susitna Borough with important technical background information if the project was to proceed.

Ms. Fairclough advised that Senator Cowdery, Chair of the Senate Transportation Committee, announced that he would host a forum to discuss the Knik Arm Crossing.

Question was called on the motion to approve AR 2001-236(S) and it passed with one objection by Ms. Clementson:

Ms. Fairclough moved, to reconsider action on item 9.F.11, AO 2001-150.  
seconded by Ms. Von Gemmingen,  
and it passed without objection,

Ordinance No. AO 2001-150, an ordinance of the Anchorage Assembly amending Anchorage Municipal Code sections within Chapter 9.28 (concerning **driving under the influence**) to change the ~~maximum~~ blood alcohol concentration from 0.10 percent to 0.08 percent, to modify the definition of previously convicted, to modify the presumptions regarding intoxication, and to make other amendments to Chapter 9.28, Municipal Attorney. *public hearing* 8-28-01. (**addendum**)

- a. Assembly Memorandum No. AM 703-2001.

Mr. Tesche moved, to amend AO 2001-150 to delete the word "maximum" in the  
seconded by Ms. Fairclough, third line of the title.  
and it passed without  
objection,

The public hearing was scheduled for August 28, 2001.

Chair Traini took a point of personal privilege to recognize Deirdre Brust, Assembly Minutes Clerk, who had recently accepted a new job at Municipal Light & Power. He said Ms. Brust would be missed in the Clerk's Office.

The Assembly then returned to item 10.B.1, AR 2001-223.

1. Resolution No. AR 2001-223, a resolution of the Assembly adopting the **Port of Anchorage Master Plan**, Port.
  - a. Assembly Memorandum No. AM 676-2001.

Mr. Tesche moved, to approve AR 2001-223.  
seconded by Ms. Von Gemmingen,



Mr. Tesche moved, to amend AR 2001-223 to incorporate a long-standing  
and it died for lack of a second, understanding between the Government Hill Community  
Council and the Port of Anchorage with respect to potential  
use of the defense fuels property.

Mr. Traini noted that not everyone had received Mr. Tesche's floor amendment.

Ms. Clementson pointed out that the Assembly had not been provided any information regarding the public's participation in the Port's process. She said she fully supported Mr. Tesche's amendment and would co-sponsor it, but she felt that this item should be scheduled for a work session and a public hearing.

Ms. Clementson moved, to schedule the public hearing for September 11, 2001.  
seconded by Mr. Sullivan,  
and it passed without  
objection,

2. Resolution No. AR 2001-235, a resolution of the Anchorage Municipal Assembly encouraging preparation of an areawide plan for economic development through cooperative efforts of private and public entities, appropriating the sum of \$50,000 from Areawide General Fund (101) Balance to Non-Departmental to be used as a **grant to the Anchorage Economic Development Corporation** to begin that effort, and setting forth conditions under which additional Municipal funding will be made available to complete the plan, Assemblymembers Tesche, Fairclough, Sullivan, Taylor, Traini, Tremaine, Van Etten, and Von Gemmingen.  
a. Assembly Memorandum No. AM 696-2001.

Ms. Fairclough moved, to approve AR 2001-235.  
seconded by Mr. Tesche,

Ms. Fairclough moved, to amend AR 2001-235 at section 3, line 28, to insert, "the  
seconded by Mr. Kendall, Chugiak/Eagle River Chamber" after the words, "the  
Anchorage Chamber of Commerce."

Mr. Tesche said Eric Britton of the Eagle River Chamber of Commerce and Larry Crawford of the Anchorage Economic Development Corporation had worked with him in the development of this item, and he introduced them at this time.

In response to Ms. Fairclough, Mr. Crawford stated his non-opposition to the proposed amendment.

Question was called on the motion to amend AR 2001-235 and it passed without objection:

Question was called on the motion to approve AR 2001-235 as amended and it passed:

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

C. BID AWARDS: None.

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 692-2001, Girdwood Valley Public Safety Board appointments (David Sears, Debbie Whitethorn, Larry Daniels), Mayor's Office.

Mr. Tremaine moved, to approve AM 692-2001.  
seconded by Ms. Shamberg,

Mr. Tremaine asked that Mayor Wuerch speak to the proposed appointments. Municipal Manager Harry Kielsing advised that the Mayor had to leave for another appointment. He recommended that the Assembly postpone action on those appointments they wished the Mayor to address.

Mr. Tremaine moved, to divide the question between the appointment of David Sears  
seconded by Ms. Shamberg, and the other appointments in AM 692-2001.  
and it passed with one  
objection by Mr. Kendall,

Mr. Tremaine moved, to approve the appointment of David Sears to Seat A in  
seconded by Ms. Shamberg, AM 692-2001.  
and it passed without  
objection,

In response to Chair Traini, Mr. Tremaine said he would provide documentation supporting his concerns with the other two appointments. Chair Traini invited the Administration to provide documentation in support of the appointments as well.

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 79-2001, second quarter 2001 **Fiscal Reports for Municipal Utilities/Enterprise Activities**, Office of Management and Budget.

Ms. Von Gemmingen moved,  
seconded by Mr. Tesche,

to accept AIM 79-2001.

Ms. Von Gemmingen noted that the revenue figures were in bold and the expenses were in a lighter font. She said it would be helpful if the reports were formatted consistently, in the same contrast, in the future. She thanked the Administration for providing the reports and she requested that reports be provided for general government as well.

Ms. Fairclough requested that Anchorage Water and Wastewater Utility General Manager Mark Premo provide the reason for the substantial increase in the uncollectibles figure in the Water Utility Fund from 2000 and 1999.

Question was called on the motion to accept AIM 79-2001 and it passed without objection.

2. Information Memorandum No. AIM 77-2001, memorandum on 2001 **School G.O. Bond Issuance**, Finance. (**addendum**)

Ms. Von Gemmingen moved,  
seconded by Mr. Sullivan,

to accept AIM 77-2001.

Ms. Frasca responded to Ms. Von Gemmingen's questions regarding the trust fund and reserve fund as they relate to the bond rating agency.

Question was called on the motion to accept AIM 77-2001 and it passed without objection:

Chair Traini noted that item 9.F.1, AO 2001-145 would be scheduled for a work session on August 28.

3. Resolution No. AR 2001-224, a resolution of the Municipality of Anchorage appropriating nine hundred seventeen thousand seven hundred seventy dollars (\$917,770) from the Alaska Department of Education and Early Development to the State Categorical Grants Fund (231) for the **Child Care Licensing Program** in the Department of Health and Human Services. *public hearing* 8-28-01.

Ms. Shamberg, Mr. Tremaine, and Mr. Kendall joined in introducing this resolution. The public hearing was scheduled for August 28, 2001.

#### F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2001-152, an ordinance amending the zoning map and providing for the **rezoning of approximately 0.1928 acres** from R-1 (Single Family Residential District) to PLI (Public Lands and Institutions District) for Block 4, Lot 28, Wickersham Subdivision #1, generally located on the southwest corner of Cache Drive and Bartlett Drive, Planning Department. *public hearing* ~~8-28-01~~ 9-11-01. (**addendum**)
  - a. Assembly Memorandum No. AM 723-2001.

Mr. Van Etten, Ms. Taylor, and Ms. Fairclough joined in introducing this ordinance. The public hearing was scheduled for September 11, 2001.

2. Ordinance No. AO 2001-153, an ordinance amending the zoning map and providing for the rezoning from PC (Planned Community) District Holding Zone to PC (Planned Community) District and approving a **master plan for residential, commercial and industrial uses for Parcel 4 of the Chugiak Industrial Park Planned Community (PC)**, consisting of +/- 45 acres, located in Section 20, T15N, R1W, Seward Meridian, Alaska; generally located east of the Old Glenn Highway, north of South Birchwood Loop Road, and south of Jewel Street, extended. (Chugiak Community Council) (Planning and Zoning Commission Case No. 2000-160), Planning Department. *public hearing* ~~9-11-01~~ 10-16-01. (**addendum**)
  - a. Assembly Memorandum No. AM 724-2001.

Ms. Fairclough, Mr. Kendall, and Mr. Van Etten joined in introducing this ordinance. The public hearing was scheduled for October 16, 2001.

There was a suggestion to change the orders of the day to consider item 12, Appearance Requests, and there were no objections.

**Jack Vinson & residents on 6600 block of 11th Avenue**, regarding construction and access to Tajv-Deen Village Townhouses.

Mr. Vinson provided the Assembly members with comments from the neighborhood residents regarding this item. He said he would also provide a petition signed by all the residents of the block opposing the construction and access to Tajv Deen Village Townhouses. He said he and his neighbors felt their due process and equal rights had been violated as construction had already begun and the neighborhood was not notified of any hearings, nor had they seen any permits for the project. He said many people in his neighborhood had purchased their homes on 11th Avenue because it was a dead-end street. He said access for the project was provided on 10th Avenue, and the residents had stopped the developers from using 11th Avenue as a thoroughfare. He said the developer had been rude, arrogant, abusive, and threatening to the residents. Mr. Vinson said children, elderly people, and handicapped people lived in this block, and the new development would add 56 units and 112 vehicles to the already crowded neighborhood. He cited over-crowded schools, escalating crime rates, and one of the highest tax mill rates in Anchorage as reasons why the residents of the 6600 block of 11th Avenue opposed this construction.

Ms. Clementson and Ms. Fairclough supported Mr. Vinson's testimony, and both said they had received numerous complaints regarding this development. Ms. Fairclough said she had contacted Officer Honeman to look into the complaints regarding the trucks using 11th Avenue for access to the project.

Chair Traini asked Municipal Manager Harry Kieling to provide the Assembly a memo at the next Assembly meeting addressing what was being done with respect to addressing the problem of the trucks for the project using 11th Avenue as a haul route. Mr. Kieling assured the Assembly and Mr. Vinson the Administration would look into the matter.

In response to Mr. Tesche, Mr. Vinson said he had contacted the Ombudsman's Office twice and was told there was nothing they could do about the problem. Chair Traini asked the Ombudsman's Office to check the log to see who had spoken with Mr. Vinson and what had been done with respect to his complaint. Mr. Tesche said that, specifically, he would like the Ombudsman's Office to answer two questions in writing: (1) Do the complaints have merit, and (2) If they do, what can the Municipality do to help resolve the situation. He asked that the Ombudsman's Office coordinate its response with the City Manager so that the issue could be resolved at the next regular Assembly meeting.

Ms. Fairclough moved, to change the orders of the day to consider item 14.A,  
seconded by Ms. Taylor, AR 2001-218.  
and it passed without  
objection,

Resolution No. AR 2001-218, a resolution adopting Amendment #2 to the 1999 Action Plan of the Municipality of Anchorage and awarding the grant of \$168,000 Community Development Block Grant funds to Catholic Social Services for the **Mobile Home Dislocation Assistance Program**, Planning Department.

1. Assembly Memorandum No. AM 665-2001.

Chair Traini opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Ms. Fairclough moved, to approve AR 2001-218.  
seconded by Ms. Taylor,

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

NAYS: None.

Ms. Von Gemmingen moved, to change the orders of the day to consider item 11.A,  
seconded by Ms. Fairclough, AO 2001-132.  
and it passed without  
objection,

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

A. Ordinance No. AO 2001-132, an ordinance amending Anchorage Municipal Code Subsection 3.30.172 F to **classify executive positions** (Deputy Police Chief), Employee Relations.  
1. Assembly Memorandum No. AM 624-2001.  
(POSTPONED FROM 7-24-01)

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

Ms. Von Gemmingen moved, to amend AO 2001-132 at line 13 to correct the word "major"  
seconded by Ms. Fairclough, to "mayor."  
and it passed without  
objection,

Question was called on the motion to adopt AO 2001-132 as amended and it passed:

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

NAYS: None.

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

Mr. Sullivan moved, to change the orders of the day to consider item 11.B,  
seconded by Mr. Tesche, AR 2001-178.  
and it passed without  
objection,

B. Resolution No. AR 2001-178, a resolution **protesting the renewal of the beverage dispensary-tourism liquor license for Spenard Paradise Inn** (License No. 1139); transmitting notification of violation of conditions to the State Alcoholic Beverage Control Board; and finding the continued operation of the licensed premise to be a public nuisance, Assemblymembers Von Gemmingen, Sullivan, Traini, Shamberg, Taylor and Van Etten.

1. Resolution No. AR 2001-178(S), a resolution protesting the renewal of the beverage dispensary-tourism liquor license for Spenard Paradise Inn (License No. 1139); transmitting notification of violation of conditions to the State Alcoholic Beverage Control Board; and finding the continued

operation of the licensed premise to be a public nuisance, Assemblymember Von Gemmingen.  
(addendum)  
(CONTINUED FROM 6-19-01; POSTPONED FROM 7-24-01)

Chair Traini gave the history of the resolution and noted a motion to approve AR 2001-178 was on the floor.

Mr. Sullivan moved to approve AR 2001-178(S).  
seconded by Mr. Tesche,

Ms. Von Gemmingen moved, to amend AR 2001-178(S) at page 2, line 17, to insert the  
seconded by Ms. Clementson, following: "WHEREAS, the licensee admitted that six of the  
and it passed without Inn's thirteen rooms are rented to local residents; and...."  
objection,

In response to Chair Traini, Lieutenant Ken Cole advised that the results of his inspection and compliance check of the premises of the Spenard Paradise Inn on August 1, 2001, were contained in the memo he had earlier provided to the Assembly. He stated that at the invitation of the Inn's attorney, Mr. Buckholdt, he had again visited the premises on August 11th and was shown several items that had been corrected since his previous visit. Lieutenant Cole responded to Assembly member questions.

Dixie Haas, Mr. Buckholdt, Mr. Song, Mr. Song's manager, Dennis Elsted, and Mr. Song's translator, Steven Noe, also responded to Assembly member questions.

Chair Traini and Ms. Fairclough expressed concern that the translator was not providing a verbatim translation of the Assembly's questions and the respondent's answers but, rather, was engaging in a dialog with the respondent. In response to Chair Traini, Mr. Buckholdt said the translation was adequate.

Mr. Tesche noted a discrepancy between an earlier question that was answered by Mr. Song and a later correction to his answer because he said he had answered it incorrectly because he was confused, and Mr. Tesche again questioned the adequacy of the translation by Mr. Song's interpreter.

Mr. Greene recommended that the translator be sworn by the Municipal Clerk to provide an accurate verbatim translation between the Assembly and the licensee, without side comments, instructions or extraneous dialog between the translator and the licensee.

The Municipal Clerk administered the oath to the Korean/English translator, Steven Noe.

Jason Pinion, security guard for the Spenard Paradise Inn, and Mr. Song's other representatives responded to lengthy Assembly member questions.

Municipal Manager Harry Kieling, Municipal Attorney Bill Greene, Assistant Municipal Attorney Dennis Wheeler, and Licensing Clerk Dixie Haas also responded to lengthy Assembly member questions.

Chair Traini advised that the one-hour limit for debate had been reached.

Mr. Sullivan moved, to amend AR 2001-178(S) to insert after the earlier  
seconded by Ms. Clementson, "WHEREAS" inserted at page 2, line 17, the following:  
and it passed without "WHEREAS, the licensee has not maintained the minimum  
objection, number of rooms for rental by the tourist trade, as required by  
State law, for the operation of a tourism liquor license; and...."

Question was called on the motion to approve AR 2001-178(S) as amended and it passed:

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

In response to Ms. Fairclough, Deputy Municipal Clerk Vickie Cantrell stated that the Assembly could suspense this item to be brought back to the Assembly in September for a second protest of continued operation to be forwarded to the State Alcoholic Beverage Control (ABC) Board in January 2002. Mr. Sullivan said they could count on Ms. Haas to take care of suspending this item for future Assembly consideration.

- C. Resolution No. AR 2001-86, a resolution of the Anchorage Municipal Assembly urging the Anchorage Parking Authority to **continue allowing use of the city-owned parking lot on Third Avenue between C and E Streets for Fur Rendezvous activities**, Assemblymembers Sullivan and Kendall.  
(POSTPONED FROM 3-20-01; CARRIED OVER FROM 5-15-01)
- D. Resolution No. AR 2001-127, a resolution **revising the Central Business District parking meter zones** authorizing the Municipal Traffic Engineer to designate parking meters in the area of 2nd Avenue to 9th Avenue and 'A' Street to 'I' Street in accordance with Title 9.34.010.A., Office of Planning, Development, and Public Works.
  - 1. Assembly Memorandum No. AM 377-2001.  
(CARRIED OVER FROM 5-8-01 AND 5-15-01; POSTPONED FROM 5-22-01)
- E. Ordinance No. AO 2001-102, an ordinance of the Anchorage Municipal Assembly creating the **Northwood Transportation Study Area** and imposing a moratorium on building permits for new development and on redevelopment which creates identified impacts. The moratorium also applies to zoning, site plan, conditional use and platting approvals. The moratorium applies to the area bounded by Spenard Road,

International Airport Road, and Minnesota Drive and shall be in effect until November 5, 2001 or until the Municipality adopts a study area report, whichever occurs first, Assemblymembers Sullivan and Von Gemmingen.

1. Assembly Memorandum No. AM 441-2001.  
(POSTPONED FROM 7-24-01)

Items 11.C and 11.E were carried over until August 28, 2001. Item 11.D was postponed to September 11, 2001.

## 12. APPEARANCE REQUESTS:

- A. **Paul J. Nangle**, regarding gravel trucks on Christensen Drive.

Mr. Nangle did not appear.

- B. **Jack Vinson & residents on 6600 block of 11th Avenue**, regarding construction and access to Tajv-Deen Village Townhouses.

This item was considered earlier in the meeting. See after item 10.

## 13. CONTINUED PUBLIC HEARINGS:

- A. Ordinance No. AO 2001-129, an ordinance amending Anchorage Municipal Code to enact a new Section 6.50.070 **establishing a trust fund for property tax relief**, Office of Management and Budget.  
1. Assembly Memorandum No. AM 586-2001.  
(CARRIED OVER FROM 7-24-01)

Chair Traini opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Mr. Kendall moved, to adopt AO 2001-129.  
seconded by Ms. Fairclough,

Mr. Tremaine moved, to postpone action on AO 2001-129 until August 28, 2001.  
seconded by Mr. Kendall,  
and it passed without  
objection,

- B. Ordinance No. AO 2001-138, an ordinance of the Municipality of Anchorage authorizing the **purchase of Crossroads Business Park, Tracts 5A and 5B**, Anchorage, Assemblymembers Sullivan and Von Gemmingen.  
(CARRIED OVER FROM 7-24-01)

Item 13.B was continued until August 28, 2001.

- C. Ordinance No. AO 2001-139, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Chapter 9.28 to **require liability insurance or other security to operate a motor vehicle** within the Municipality, to establish minimum insurance levels and exemptions, to establish penalties or the failure to have insurance, including impound and forfeiture of a vehicle used in the offense, and to amend other Code sections related thereto, Assemblymember Traini.  
1. Assembly Memorandum No. AM 637-2001.  
(CARRIED OVER FROM 7-24-01)

Chair Traini opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Ms. Clementson moved, to adopt AO 2001-139.  
seconded by Ms. Taylor,

Mr. Tremaine moved, to postpone action on AO 2001-139 until August 28, 2001.  
seconded by Ms. Taylor,  
and it passed without  
objection,

Ms. Clementson moved, to combine the public hearings for items 13.D, AO 2001-140,  
seconded by Ms. Fairclough, and 14.C., AO 2001-144.  
and it passed without  
objection,

- D. Ordinance No. AO 2001-140, an ordinance of the Anchorage Municipal Assembly **amending Anchorage Municipal Ordinance AO 2000-91(S)**, as Amended and Approved on June 20, 2000, by changing the time period to complete the 'Ordinance Review' required in Section 3 of the Ordinance, Assemblymember Tesche.  
(CARRIED OVER FROM 7-24-01)  
Ordinance No. AO 2001-144, an ordinance of the Anchorage Municipal Assembly amending AO 2001-91(S), As Amended, which provided for the **control and elimination of smoking in work places and**

**enclosed public places** to delete the requirement for inclusion of an overall economic impact in the implementation status report, Assembly Chair Traini.

1. Assembly Memorandum No. AM 670-2001.

Chair Traini opened the public hearing for AO 2001-140 and AO 2001-144 and asked if anyone wished to speak.

NIKKI HAARS, Smoke-Free Anchorage Coalition Coordinator at the American Cancer Society, testified in support of AO 2001-140. She said extending the evaluation timeline from one to two years would allow for four quarters of data to be obtained, as opposed to one quarter with the current deadline. She said this would produce more reliable and credible results regarding the impact of the Smoke-Free Anchorage ordinance. She added that if the timeline was extended to two years, the Municipality would be able to take advantage of the Behavior Risk Factor Survey, which studies Alaskans' health behaviors. She urged the Assembly to adopt AO 2001-140.

TIM SCHRAGE, representing the members of the Anchorage Cabaret Hotel Association of Restaurant and Retailers (CHARR), testified against both AO 2001-140 and AO 2001-144. He said the original ordinances were poorly written, had very little input from the business community, were not uniformly enforced, and had an overall negative impact on the CHARR members, who represent over 200 franchises, hotels, and other businesses in the Anchorage community. Mr. Schrage said he believed that the Assembly owed it to the business community at large to review the ordinance in the one-year timeline as set out in the original ordinances. Mr. Schrage noted that the Mayor's review committee opposed both ordinances, and he urged the Assembly to adhere to the original timeline and listen to the recommendations of the advisory committee.

Mr. Schrage responded to lengthy Assembly member questions.

JAMES FOSS expressed frustration that there was no place in public places for people who smoke, and he said it was obvious by the way the person who testified before him was interrogated, there was no sympathy and the ordinance would not be changed. He said he had operated Hot Shots for the past year, and last month business was down between 60 and 70 percent. In addition, his employees quit because they cannot smoke at work. He said playing pool and smoking cigarettes go together. He said when the ordinance went into effect he lost his older crowd, and kids began patronizing his establishment. He said now the young crowd constitutes approximately 70 percent of his business, and the older crowd no longer comes to his establishment because it was now a "kiddie hangout." He said he lost \$100,000 this year, so if they put off reviewing the ordinance for two years, he would not be around to testify the next time. He suggested that instead of making smoking in public establishments illegal, the Assembly allow business owners to specify whether they wish to be a smoking or non-smoking facility. He pointed out that some businesses cater to people who smoke, like bars and pool halls, and those business owners would be out of business if the present no-smoking law was continued.

RON EGLEY, owner of Gwennie's Old Alaskan Restaurant, said the smoking ordinance had adversely impacted his business. He said his establishment has been trying to comply with the ordinance as written, but has been cited three times. He said he owns a bar and has a beverage dispensary license. He had chosen to make his restaurant non-smoking, and the patrons complain because the people in the bar are smoking. He said when he went to non-smoking in the restaurant and bar during the daytime, he had lost \$150 a day. He said people are allowed to smoke in the bar only after 4:00 p.m., and for the first time this summer his nights have out-earned his daytime revenue. Mr. Egley said he had 20 years of records that would show his restaurant has historically been supported by the daytime revenue, and nighttime was the secondary revenue. He said he would not reinstitute smoking in his restaurant even if allowed to do so, but he wanted to be able to allow smoking in his bar. He urged the Assembly not to extend the ordinance for a year.

TOM ANDERSON, representing CHARR, said CHARR was not anti-smoking, and it was not pro smoking, it was a matter of rights and revenues. He concurred with the previous testifiers who asked that the review not be put off for another year. Mr. Anderson said the reason the Assembly did not hear from the business owners who have been adversely impacted by the no-smoking ordinance was because they felt intimidated. He said the CHARR members felt they were not savvy enough to give revision advice to Assembly members who were experts in that type of thing. He said at first they did not understand the ramifications of how this ordinance would impact their businesses, but they have been steadily experiencing the impacts since it had gone into effect. He said he felt the Assembly's question, had any businesses gone out of business because of the ordinance, was inappropriate. He said it would be more appropriate to evaluate what changes were experienced when the no-smoking ordinance became law. He said when the ordinance was implemented on the word of the health lobbyists, without consideration from the business factions, it produced an inequitable situation, and revisions were needed tonight, or some of those businesses that had not gone out of business yet due to the no-smoking law would soon be forced out of business.

JENNIE MURRAY, Tobacco Policy Coordinator at the American Cancer Society, said when Mr. Foss contacted them, they had lunch with him to listen to his problems and see what could be done to help him increase his business. She said Mr. Foss's pool hall had gone non-smoking in mid-May, and when representatives of the Cancer Society met with him the first of June, he told them his business had not increased. This led her to believe that the decrease in business he had experienced may or may not have been due to the no-smoking law. She said the Cancer Society believed the extension was appropriate, and it would provide four quarters of data and would facilitate determining how much of a business's loss was due to the no-smoking ordinance.

ANNETTE MARLEY, Alaska Native Health Board, member of the Smoke-Free Anchorage Coalition, and member of the Smoke-Free Air Ordinance Advisory Committee, said that the Alaska Native Health Board and the Smoke-Free Anchorage Coalition did not believe that a mandatory review of 2001-144 would be productive, and they did not advocate for the economic impact analysis to be a part of such review. She said the citizens of Anchorage have enjoyed breathing more easily since the ordinance was implemented. She said indications were that businesses that were affected by the ordinance were continuing at the same pace as before, i.e., a full restaurant every evening with no tables available for those without reservations. She said this was consistent with rigorous studies conducted on over 100 similar ordinances in the lower 48 where results showed no significant negative effect on the economy of the communities where the ordinances were enacted. She said the evaluation study would not produce a clear picture of the economic impact of the smoke-free air ordinance in Anchorage because Anchorage did not have a sales tax, so the source of data to be used would not be a precise indicator of

change in the local economy that could be attributed to the ordinance. However, she said this data would be attractive to the tobacco industry as it would be easily manipulated to an interpretation that would be most favorable to them. Ms. Marley noted that the vote of the Advisory Committee referred to several times this evening was flawed in that it was not on the agenda and several committee members who would have voted for the two ordinances were absent.

Ms. Fairclough moved, to extend the public hearing to 11:00 p.m.  
seconded by Ms. Von Gemmingen,  
and it passed with one objection  
by Mr. Kendall,

Chair Traini asked if anyone else wished to speak. There was no one, and he closed the public hearing.

Mr. Tesche moved, to adopt AO 2001-140.  
seconded by Mr. Van Etten,

Lengthy Assembly discussion was heard.

Question was called on the motion to adopt AO 2001-140 and it failed:

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

(Clerk's Note: Mr.Tremaine left the meeting at 10:45 p.m. before the vote was taken.)

Ms. Fairclough moved, to postpone action on 2001-144 indefinitely.  
seconded by Mr. Sullivan,  
and it passed without  
objection,

**14. NEW PUBLIC HEARINGS:**

- A. Resolution No. AR 2001-218, a resolution adopting Amendment #2 to the 1999 Action Plan of the Municipality of Anchorage and awarding the grant of \$168,000 Community Development Block Grant funds to Catholic Social Services for the **Mobile Home Dislocation Assistance Program**, Planning Department.  
1. Assembly Memorandum No. AM 665-2001.

This item was considered earlier in the meeting. See after item 10.

- B. Ordinance No. AO 2001-143, an ordinance of the Municipality of Anchorage approving the **disposal of a remnant of Lot 252, Section 33, T12N, R3W, Seward Meridian** near the intersection of Rabbit Creek Road and the Old Seward Highway to the Rabbit Creek Lions Club, Heritage Land Bank/Real Estate Services.  
1. Assembly Memorandum No. AM 649-2001.

Chair Traini opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Ms. Shamberg moved, to adopt AO 2001-143.  
seconded by Ms. Fairclough,

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

- C. Ordinance No. AO 2001-144, an ordinance of the Anchorage Municipal Assembly amending AO 2001-91(S), As Amended, which provided for the **control and elimination of smoking in work places and enclosed public places** to delete the requirement for inclusion of an overall economic impact in the implementation status report, Assembly Chair Traini.  
1. Assembly Memorandum No. AM 670-2001.

This item was considered earlier in the meeting. See item 13.D.

- D. Ordinance No. AO 2001-47(S), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Subsection 21.45.235.C. regarding the **maximum heights of churches** (Planning and Zoning Commission Case 2001-042), Assemblymember Taylor.

Item 14.D was continued until August 28, 2001.

- E. Ordinance No. AO 2001-114, an ordinance amending Anchorage Municipal Code Title 21 to **expand the definition for Subdivision** to include condominium, apartment, and similar developments and to establish standards for site plan review, construction, and warranty of public and private improvements for these developments, Assemblymember Fairclough. **(TO BE SUBMITTED)**

Ms. Fairclough moved, to postpone action on AO 2001-114 indefinitely.  
seconded by Ms. Clementson,  
and it passed without  
objection,

(Clerk’s Note: Item 14.E was not submitted.)

**15. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:**

- A. Appeal S-10677, Glenn View Estates.  
(POSTPONED FROM 7-24-01)

This item was considered earlier in the meeting. See after item 3, Pledge of Allegiance.

**16. SPECIAL ORDERS:** None.

**17. UNFINISHED AGENDA:** None.

**18. AUDIENCE PARTICIPATION:** None.

**19. ASSEMBLY COMMENTS:** None.

**20. EXECUTIVE SESSIONS:**

- A. **Report on Litigation.**

(Clerk’s Note: The executive session on this item was not held.)

**21. ADJOURNMENT:**

The meeting adjourned at 11:00 p.m.

\_\_\_\_\_  
Chairman

ATTEST:

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

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

VC/csc



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