

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of July 23, 2002

1. CALL TO ORDER:

The meeting was convened at 5:00 p.m. by Assembly Chairman Dick Traini in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. ROLL CALL:

Present: Allan Tesche, Brian Whittle, Melinda Taylor, Anna Fairclough, Dick Traini, Fay Von Gemmingen, Dan Kendall, Van Etten, Janice Shamberg, Dick Tremaine, Dan Sullivan.
Absent: Doug Van Etten (excused).

3. PLEDGE OF ALLEGIANCE:

Ms. Fairclough led the pledge.

4. MINUTES OF PREVIOUS MEETING:

A. Regular Meeting – February 12, 2002

Mr. Tesche moved, to approve the minutes of February 12, 2002.
seconded by Ms. Taylor,

Ms. Shamberg questioned Page 29, lines 48-52, where Ms. Clementson said she would vote to override the veto of AR 2002-51 if forced to vote on the issue. Mr. Sullivan noted on Page 28, lines 8 and 10, the spelling of Mr. Art Geuss was incorrectly spelled as Mr. Art Goise.

Mr. Tesche withdrew his motion to approve the minutes of February 12, 2002. Ms. Taylor withdrew her second.

Chairman Traini directed the Municipal Clerk to verify the statement made by Ms. Clementson and resubmit the minutes of February 12, 2002 for Assembly approval on August 6, 2002.

5. MAYOR'S REPORT:

Mayor Wuerch said the Municipality of Anchorage received a \$300,000 federal grant for Homeland Security pertaining to homebound seniors and physically or developmentally disabled residents, which would be a tremendous asset to the Anchorage Watchful Alert and Ready for Emergencies (AWARE) Program. Health and Human Services Director, Jewel Jones and the staff at the Department of Health and Human Services have embarked on an effort to identify the population at risk. They would be working with the Salvation Army's Older Alaska Program and the Retired Senior Volunteer Program to develop a work team to implement the effort. The Municipality of Anchorage has a new website image at www.Muni.org. They have changed software, which will save tens of thousands of dollars this year. Mayor Wuerch thanked Tom Pittman and his team for their good work as the Webmaster of the Municipality of Anchorage's website. Mayor Wuerch noted he would be leaving the Assembly meeting early. He would be throwing out the first baseball in the Mayor's Cup between the Anchorage Bucs and the Glacier Pilots.

6. ASSEMBLY CHAIR'S REPORT: None.

7. COMMITTEE REPORTS:

Ms. Fairclough noted that she, Ms. Von Gemmingen, and Mr. Tremaine would be traveling to Bethel to attend the Alaska Municipal League (AML) Legislative Convention to work with representatives to address issues important to the State.

8. ADDENDUM TO AGENDA:

Ms. Fairclough moved, to amend the agenda to include the addendum items.
seconded by Ms. Von Gemmingen,

Chairman Traini read the addendum items.

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

9. CONSENT AGENDA:

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

A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS: None.

B. RESOLUTIONS FOR ACTION – OTHER:

1. Resolution No. AR 2002-243, a resolution of the Anchorage Municipal Assembly requesting the Administration to evaluate the feasibility and desirability of establishing a **self-insurance fund** to pay the costs of judgments or settlement of employment practices claims and the availability of private insurance to cover those claims, Assemblymembers Tesche, Traini, Shamberg, Taylor, Tremaine, Van Etten, and Von Gemmingen.

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

2. Resolution No. AR 2002-244, a resolution of the Anchorage Municipal Assembly providing for the establishment of the **Anchorage and Mat-Su Regional Transportation Planning Organization** (RTPO), Assemblymember Tesche and Van Etten.

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

3. Resolution No. AR 2002-245, a resolution of the Municipality of Anchorage appropriating \$15,000 to the Federal Grants Fund (241) for costs associated with the **AWARE** (Anchorage is Watchful and Ready for Emergencies) Program, Office of Management and Budget. **(addendum)**
 - a. Assembly Memorandum No. AM 680-2002
4. Resolution No. AR 2002-247, a resolution approving construction of the **Alaskan Village & Chester Valley (W02-018) water line extension**, and providing for the eventual assessment against benefited property, Water and Wastewater Utility. **(addendum)**
 - a. Assembly Memorandum No. AM 682-2002.
5. Resolution No. AR 2002-248, a resolution approving construction of the **Alaskan Village & Chester Valley (S02-018) sewer line extension**, and providing for the eventual assessment against benefited property, Water and Wastewater Utility. **(addendum)**
 - a. Assembly Memorandum No. AM 683-2002.
6. Resolution No. AR 2002-249, a resolution approving the **Patterson Street water main extension** and providing for assessment of benefited properties at time of service connection, Water and Wastewater Utility. **(addendum)**
 - a. Assembly Memorandum No. AM 684-2002.

C. BID AWARDS:

1. Assembly Memorandum No. AM 678-2002, recommendation of award to CEF, Inc. dba Sonshine Enterprises for **Briarcliff/Newcomb Water Upgrade** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (ITB 22-C032) (\$925,656), Purchasing. **(addendum)**
2. Assembly Memorandum No. AM 688-2002, recommendation of award to Cullips Excavating, Inc. for **Patterson Street Upgrade, Phase I: E. 36th Avenue to E. Northern Light Boulevard** for the Municipality of Anchorage, Project Management and Engineering Department (ITB 22-C033) (\$1,329,833.50), Purchasing. **(addendum)**

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 675-2002, **Human Resources Advisory Board appointment** (Anne Sakumoto), Mayor's Office.
2. Assembly Memorandum No. AM 676-2002, **Sister City Commission appointment** (Mary Lu Cannelos), Mayor's Office.
3. Assembly Memorandum No. AM 671-2002, **Police Substation lease** (\$4,338.75), Real Estate Services.

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

4. Assembly Memorandum No. AM 679-2002, **Pump Station 10 Service Area Infiltration And Inflow Study** – Amendment No. 1 to contract for professional services with VEI Consultants (\$71,970), Water and Wastewater Utility. **(addendum)**
5. Assembly Memorandum No. AM 685-2002, **appointments to the Police and Fire Retirement Board of Trustees** (Kate Giard, Gereth Stillman), Mayor's Office. **(addendum)**
6. Assembly Memorandum No. AM 686-2002, change order No. 1 to purchase order 21APD240 with Doolittle & Associates, Inc. for additional **E-911 project consultant and management services** for the Municipality of Anchorage, Anchorage Police Department (\$167,400). **(addendum)**

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 72-2002, Internal Audit Report 2002-9 – **Knox Box Program, Anchorage Fire Department**, Internal Audit.
2. Information Memorandum No. AIM 75-2002, additional **Fund Balance** spent in 2002, Office of Management and Budget. **(addendum)**

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2002-115, an ordinance of the Anchorage Municipal Assembly amending the zoning map and providing for the rezoning of approximately 0.86 acres from R-5 to B-3 SL for **Lots 3, 4, 5 and 6, Arlon Subdivision**, generally located between Arlon and Golovin Streets, on the north side of Abbott Road (Abbott Loop Community Council) (Planning and Zoning Commission Case 2002-041), Planning Department. P.H. ~~9-10-02~~ 8-20-02.
 - a. Assembly Memorandum No. AM 500-2002.

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

2. Ordinance No. AO 2002-116, an ordinance of the Anchorage Municipal Assembly amending the zoning map and amending the Special Limitations of approximately 4.28 acres, currently zoned R-O SL and B-1B SL, described as **Lots 1B, 1C and 2, Raspberry Center Subdivision**, generally located at the southwest corner of Raspberry Road and Northwood Street (Sand Lake Community Council) (Planning and Zoning Commission Case 2002-042), Planning Department. P.H. ~~9-10-02~~ 8-20-02.
- a. Assembly Memorandum No. AM 677-2002.

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

3. Resolution No. AR 2002-246, a resolution of the Municipality of Anchorage, Alaska, accepting a U.S. Environmental Protection Agency grant in the amount of \$115,000 and appropriating said grant to the Anchorage Water and Wastewater Utility’s Capital Improvement Budget for the **“Vulnerability Assessment and Related Security Improvements at Large Drinking Water Utilities” project**, Water and Wastewater Utility. P.H. 8-6-02. **(addendum)**
- a. Assembly Memorandum No. AM 681-2002.
4. Resolution No. AR 2002-250, a resolution of the Municipality of Anchorage appropriating \$5,000,000 as a grant from the United States Forest Service to the Federal Categorical Grants Fund (241) and \$700,000 is appropriated as Intragovernmental Revenue from the grant and corresponding expenditure authorization increase to the Anchorage Fire Service Area Fund (131), Fire Suppression 2002 Operating Budget, to **support continuing hazardous fuels reduction efforts and prepare for and mitigate the ongoing wildfire hazard posed by the aftermath of the Spruce Bark Beetle Infestation**, Anchorage Fire Department. P.H. 8-6-02. **(addendum)**
- a. Assembly Memorandum No. AM 689-2002.

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

AYES: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Kendall, Shamberg, Tremaine, Sullivan.

NAYS: None.

(Clerk’s Note: Mr. Van Etten was excused from the meeting.)

Mayor Wuerch acknowledged the following appointments: Mary Lu Cannelos, Sister City Commission and Anne Sakumoto, Human Resources Advisory Board.

10. REGULAR AGENDA:

10A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS: None.

10B. RESOLUTIONS FOR ACTION – OTHER:

- 10B1. Resolution No. AR 2002-243, a resolution of the Anchorage Municipal Assembly requesting the Administration to evaluate the feasibility and desirability of establishing a **self-insurance fund** to pay the costs of judgments or settlement of employment practices claims and the availability of private insurance to cover those claims, Assemblymembers Tesche, Traini, Shamberg, Taylor, Tremaine, Van Etten, and Von Gemmingen.

Mr. Tesche moved, to postpone action on AR 2002-243 until August 6, 2002 in order to
seconded by Ms. Fairclough, meet with the Administration at their request.
and it passed without
objection,

- 10B2. Resolution No. AR 2002-244, a resolution of the Anchorage Municipal Assembly providing for the establishment of the **Anchorage and Mat-Su Regional Transportation Planning Organization (RTPO)**, Assemblymember Tesche and Van Etten.

Ms. Fairclough moved, to approve AR 2002-244.
seconded by Mr. Tesche,

Municipal Attorney Bill Greene said they advised [Municipal Manager Harry Kieling](#) and the Administration that the last two sentences in Section 4 of AR 2002-244, based upon both Federal and State court authority as well as interpreting the Charter, was an impermissible invasion of the Mayor’s executive appointing authority under Charter Section 5.07.B. Furthermore, Charter Section 5.07.A requires an Assembly ordinance to establish a board or commission.

Ms. Fairclough noted the Anchorage and Mat-Su Regional Transportation Planning Organization was not intended to circumvent the Mayor, but would be a bridge to help motivate regional planning issues. While the Mayor had appointed board members in the past, they felt a broader group would interject more names for consideration.

Mr. Greene said their opinion did not relate to, affect, nor did they have any problems with the Intergovernmental Memorandum of Agreement that was worked out with the Mat-Su Borough. The difficulties were in the provisions of the resolution that were referenced.

Ms. Fairclough said it was her understanding that the agreement would be mirrored by the Mat-Su Assembly as well.

Mayor Wuerch said the language in AR 2002-244 that would allow the Assembly to pick the public member clearly departed from the practice and Municipal Code. They worked to identify the major players that should be at the table during the developmental phase of the Memorandum of Agreement to include a military command representative, the Alaska Railroad president and his representative, and the Department of Transportation. He referenced page 2 and noted that the Port Director

1 or a member of the Port staff were not included. Line 32 gave the Mayor the prerogative of using one of the two remaining
2 positions that the Mayor had influence over as the Port Director. He felt AR 2002-244 would limit the Administration's
3 ability to seat the Port Director as a regular member of the body. He referenced the AMATS organization, which was
4 changed by a vote of the people to allow the Assembly to appoint two members. The proper way to deal with AR 2002-244
5 would be to place the question on the ballot to see if the citizens would make an exception as they did for AMATS. The
6 Administration felt the law was clear that appointments should be made by the Mayor and confirmed by the Assembly.
7

8 Mr. Tesche spoke in support of AR 2002-244. He did not feel the resolution took away the Mayor's appointing authority.
9 This was a regional intergovernmental board and not a municipal board or commission. His contacts with the planning
10 organization from the Mat-Su Borough indicated that the Borough Assembly was planning to do the same thing as the
11 Anchorage Assembly was proposing, which was to have a public member of the regional transportation bodies appointed by
12 the Assemblies as a means of insuring that the public was brought to the table in these discussions. He referenced line 32,
13 which said one of the appointees might be the Port Director. There was nothing in the resolution to prohibit the Mayor from
14 seating the Port Director as one of the two appointments that he would make to the commission. The Mayor was free to
15 place the Port Director on his team and his delegation. He felt the big question was whether or not this was going to be an
16 effort between two governments at both the legislative level and the executive level or was the regional transportation effort
17 going to be something done by the Mayor to work with the Mat-Su Borough. He felt there should be balance between the
18 executive and legislative on these appointments, which was precisely what was written into AR 2002-244.
19

20 Ms. Fairclough said the Mat-Su Borough was concerned at the original meeting that Anchorage would take over the regional
21 planning. AR 2002-244 did not include the Port Director, but there was never any intent to exclude Governor Sheffield.
22 Section 4 lines out that the Municipality and the Mat-Su Borough are on even ground. There was concern that if the Port
23 Director had a stand-alone position then the Municipality of Anchorage would have more weight within the committee.
24 There was also concern that the Port Director would be more concerned with Anchorage issues versus Mat-Su issues.
25

26 Mr. Sullivan said they did not question that the organization would have value, but they felt it should either be done correctly
27 or not done at all. The Charter was clear that these types of organizations should be introduced by ordinance.
28

29 Mr. Sullivan moved, to postpone action on AR 2002-244 indefinitely.
30 seconded by Mr. Kendall,
31

32 Mr. Tesche noted that a postponement would mean delaying or killing the resolution. He felt it was important for the
33 Assembly to send a strong signal to the Mat-Su Borough that we care about this regional planning organization and wish to
34 participate in it. Meetings were currently being setup for the month of August. Delaying AR 2002-244 on a technicality
35 would send the wrong signal to the Mat-Su Borough. Mr. Tesche requested a day to review the code and the previous actions
36 of the Assembly in which they had created collaborative organizations with the Mat-Su Borough to verify Mr. Greene's legal
37 opinion and then he would introduce an ordinance that would confirm AR 2002-244. He felt delaying AR 2002-244 would
38 send the signal to the Mat-Su Borough that Anchorage did not care about regional transportation planning.
39

40 Ms. Fairclough spoke in opposition to postponing AR 2002-244 indefinitely. She reiterated that this was not a Municipality
41 of Anchorage board and did not have anything to do with the Charter. This was about regional cooperation with the Mat-Su
42 Borough. She pointed out the Anchorage and Mat-Su Regional Transportation Planning Organization was a morphogenesis
43 between the two governments, which was an exception and not held to the Anchorage Charter.
44

45 Mr. Sullivan encouraged a yes vote to postpone AR 2002-244 indefinitely. Every action of the Assembly was prescribed by
46 either the Charter or the Code. Regardless of the makeup of the organization, the Assembly needed to construct the
47 organization under the proper rules.
48

49 Mr. Tremaine did not see any reason to postpone AR 2002-244. The Assembly had adequate time to discuss the issue at the
50 current meeting.
51

52 Mayor Wuerch referenced page 3 of the Memorandum of Agreement, which reads, "Each member organization will have the
53 responsibility to determine how its representatives will be selected. Representatives will be affirmed through written action
54 of the decision making body of each entity." To be true to the Memorandum of Agreement, the sentence dictates that we
55 comply with the City Codes and Ordinances. He supported the motion to postpone AR 2002-244.
56

57 Question was called on the motion to postpone AR 2002-244 indefinitely and it failed.
58

59 AYES: Kendall, Sullivan.

60 NAYS: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Shamberg, Tremaine.
61 (Clerk's Note: Mr. Van Etten was excused from the meeting.)
62

63 Mr. Tremaine noted that the Anchorage and Mat-Su Regional Transportation Planning Organization was an
64 intergovernmental organization. He pointed out that he was the Anchorage representative for the Alaska Municipal League,
65 which was a board, and he was not selected or appointed by the Mayor. Assemblymember Von Gemmingen would soon be
66 the president of the Alaska Municipal League, which was not an action that had to be confirmed by the Mayor. The Charter
67 referenced Municipal organizations. The Anchorage and Mat-Su Regional Transportation Planning Organization was an
68 agreement entered into by the Municipality of Anchorage and the Municipality of the Mat-Su Borough. He encouraged a yes
69 vote on AR 2002-244.
70

71 Mr. Tesche said he was present when the language for the Memorandum of Agreement was negotiated between the Mat-Su
72 Borough and the representatives of the Municipality of Anchorage. The clear intent of the language was that each
73 organization would determine their representatives. He saw no barrier in the language of the Memorandum of Agreement to
74 AR 2002-244.
75

Question was called on the main motion to approve AR 2002-244 and it passed.

AYES: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Shamberg, Tremaine.

NAYS: Kendall, Sullivan.

(Clerk's Note: Mr. Van Etten was excused from the meeting.)

Mr. Tesche moved, for immediate reconsideration of AO 2002-244.
seconded by Ms. Fairclough,

Mr. Tesche recommended a no vote.

Question was called on the motion for immediate reconsideration of AO 2002-244 and it failed.

AYES: Kendall, Sullivan.

NAYS: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Shamberg, Tremaine.

(Clerk's Note: Mr. Van Etten was excused from the meeting.)

C. BID AWARDS: None.

D. NEW BUSINESS:

10D1. Assembly Memorandum No. AM 671-2002, Police Substation lease (\$4,338.75), Real Estate Services.

Mr. Whittle moved, to approve AM 671-2002.
seconded by Mr. Tesche,
and it passed without
objection,

In response to Mr. Whittle, Anchorage Police Department Chief Monegan said the substations throughout Anchorage enhanced the police presence and their ability to stay in the geographical areas. Substations were designed so officers could utilize telephones, computers, restock supplies, and provide an area to take statements from witnesses. The substations allowed the officers to use computers and complete their reports without returning to the main station. He felt the substation would be effective due to its visible location in Spenard.

Question was called on the motion to approve AM 671-2002 and it passed without objection.

E. INFORMATION AND REPORTS: None.

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

10F1. Ordinance No. AO 2002-115, an ordinance of the Anchorage Municipal Assembly amending the zoning map and providing for the rezoning of approximately 0.86 acres from R-5 to B-3 SL for **Lots 3, 4, 5 and 6, Arlon Subdivision**, generally located between Arlon and Golovin Streets, on the north side of Abbott Road (Abbott Loop Community Council) (Planning and Zoning Commission Case 2002-041), Planning Department. P.H. ~~9-10-02~~ 8-20-02.

a. Assembly Memorandum No. AM 500-2002.

Ms. Von Gemmingen, Ms. Fairclough, and Mr. Tremaine joined in introducing AO 2002-115. Public hearing was scheduled for September 10, 2002.

Ms. Von Gemmingen noted that AO 2002-115 went before the Planning and Zoning Commission in May and should be addressed as soon as possible.

Ms. Von Gemmingen moved, to reschedule the public hearing for AO 2002-115 for August 20, 2002.
seconded by Mr. Tesche,

In response to Ms. Fairclough, Ms. Von Gemmingen said she did not know if all the parties would be available for the August 20, 2002 meeting.

Ms. Fairclough pointed out that they had already advertised the public hearing as September 10, 2002. She urged a no vote on rescheduling the public hearing for August 20, 2002.

Question was called on the motion to schedule the public hearing for AO 2002-115 for August 20, 2002 and it passed with Ms. Fairclough objecting.

10F2. Ordinance No. AO 2002-116, an ordinance of the Anchorage Municipal Assembly amending the zoning map and amending the Special Limitations of approximately 4.28 acres, currently zoned R-O SL and B-1B SL, described as **Lots 1B, 1C and 2, Raspberry Center Subdivision**, generally located at the southwest corner of Raspberry Road and Northwood Street (Sand Lake Community Council) (Planning and Zoning Commission Case 2002-042), Planning Department. P.H. ~~9-10-02~~ 8-20-02.

a. Assembly Memorandum No. AM 677-2002.

Ms. Von Gemmingen, Ms. Fairclough, and Mr. Tesche joined in introducing AO 2002-116. The public hearing was scheduled for September 10, 2002.

Ms. Von Gemmingen moved, to reschedule the public hearing for AO 2002-116 for August 20, 2002.
seconded by Mr. Tesche,

Ms. Von Gemmingen noted that the applicant was in danger of losing the property. The document had been floating around for a long time. She would appreciate rescheduling the public hearing for August 20, 2002.

Ms. Fairclough asked Chairman Traini to direct the Municipal Clerk to notify the Planning Department of the rescheduled public hearings for both AO 2002-115 and AO 2002-116.

Question was called on the motion to reschedule the public hearing for AO 2002-116 for August 20, 2002 and it passed without objection.

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

- 11A. Assembly Memorandum No. AM 601-2002, change order No. 1 to the contract with the Law Firm of Gilmore & Doherty for continuing representation in the case of **Toney v. MOA** 3AN-95-5067CI (\$90,000), Legal Department. **(addendum)**
(POSTPONED FROM 6-25-02 AND 7-16-02; NO MOTIONS PENDING)

Chairman Traini gave the history of AM 601-2002 and noted no motion was on the floor.

Ms. Fairclough moved, to approve AM 601-2002.
seconded by Ms. Von Gemmingen,

Question was called on the motion to approve AM 601-2002 and it passed.

AYES: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Kendall, Sullivan.

NAYS: Tremaine.

ABSTAIN: Shamberg.

(Clerk's Note: Mr. Van Etten was excused from the meeting.)

The meeting recessed at 5:50 p.m. and reconvened at 6:10 p.m.

12. APPEARANCE REQUESTS:

- 12A. **Tom Hull**, regarding progress report on dislocation/relocation assistance for Brookside Manor Mobile Home Park residents.

TOM HULL said they were currently looking at the Catholic Social Services Assistance Fund, which was HUD money, as well as any monetary assistance from the developer to assist in the moving of the mobile homes. He felt it would be at least the middle of September before the homes would be livable. The City has been working with the residents, which they appreciated. They would be meeting again on Thursday to discuss the issue. He referenced a notice to Mayor Wuerch from Melinda Taylor and Brian Whittle asking the City to waive the fees that would be incurred in the moving process. The fees included \$475 for units older than 1973 and \$175 for newer mobile homes. He felt the waiving of the fees would be very helpful and thanked everyone concerned.

In response to Ms. Fairclough, Mr. Hull said the eviction notice was for July 31, 2002 and they had not come to any final agreements regarding an extension. The owner's counsel was present at the meeting, but did not provide a definite answer regarding the July 31, 2002 eviction date. At this point the eviction was still in place for July 31, 2002. If they did not have the funds and time to move, their only recourse would be litigation.

In response to Ms. Taylor, [Planning Department Director Sue Fison](#), said they met with the owner, her attorney, legal services representing the mobile home residents and Paul Jones from the Legal Department. She felt the eviction date could be flexible. They were trying to obtain assistance from the mobile home park as well as our program, but funds from our program would not be immediately available. She noted that there were 40 buried fuel tanks on the property and the developer needed to get the environmental issues taken care of this year so they could begin development next year. She felt this was an excellent time to negotiate due to the timelines that needed to be met. They have done a good job in reducing the moving costs. They had about 32 more mobile homes to move, but some of those were more difficult and involved handicapped children and other issues.

Chairman Traini ruled that Tom Hull would appear again on August 6, 2002 under Appearance Request to give an update.

- 12B. **Andrée McLeod**, regarding muni.org. **(addendum)**

ANDREE McLEOD said she went to the Municipality of Anchorage's website to see what was on the agenda for the Assembly, but there was no link to the Assembly's homepage on the website's main page. She noted on the Mayor's homepage there was an organizational chart that showed the Mayor and the Assembly. She pointed out that there should be parity between the Mayor and the Assembly, which should be reflected on the homepage.

Chairman Traini asked the Administration to add a link to the Assembly's homepage to the website's main page.

13. CONTINUED PUBLIC HEARINGS:

- 13A. Ordinance No. AO 2002-98, an ordinance amending the zoning map and approving the rezoning of approximately 75 acres from R-6 (Suburban Residential – Large Lot) Zoning District to PC (Planned Community) Zoning District for the E 1/2, NW 1/4, SW 1/4, NW 1/4, the NE 1/4, SW 1/4, NW 1/4, the S 1/2, SW 1/4, NW 1/4, and the SE 1/4, NW 1/4, Section 21, T12N, R3W, S.M., AK, generally located on the southeast corner of **Lake Otis Parkway and East 112th Avenue** (Huffman/O'Malley Community Council) (Planning and Zoning Commission Case 2002-011), Assemblymember Traini.

1. Assembly Memorandum No. AM 662-2002, AO 2002-98; Planning and Zoning Commission recommendation on rezoning of approximately 75 acres from R-6 to PC for the E 1/2, NW 1/4, SW 1/4, NW 1/4, the NE 1/4, SW 1/4, NW 1/4, the S 1/2, SW 1/4, NW 1/4, and the SE 1/4, NW 1/4, Section 21, T12N, R3W, S.M., AK, Planning Department.
2. Ordinance No. AO 2002-98(S), an ordinance amending the zoning map and approving the rezoning of approximately 75 acres from R-6 (Suburban Residential – Large Lot) Zoning District to PC (Planned Community) Zoning District for the E 1/2, NW 1/4, SW 1/4, NW 1/4, the NE 1/4, SW 1/4, NW 1/4, the S1/2, SW 1/4, NW 1/4, and the SE 1/4, NW 1/4, Section 21, T12N, R3W, S.M., AK, generally located on the southeast corner of Lake Otis Parkway and East 112th Avenue (Huffman/O’Malley Community Council) (Planning and Zoning Commission Case 2002-011), Planning Department.
3. Assembly Memorandum No. 673-2002.
(CONTINUED FROM 7-16-02)

Chairman Traini noted that the public hearing for AO 2002-98 had been continued from July 16, 2002. The developer has asked that AO 2002-98 be postponed indefinitely, because they did not intend to go forward with it.

Chairman Traini opened the public hearing and asked if anyone wished to speak.

RYAN DINKEL, president of the Huffman/O’Malley Community Council, said she was speaking on behalf of the neighbors of the gravel pit and those affected by the dust and slope instability. They were all disappointed that the developers had taken the route they had, which delayed the restoration, slope stabilization and dust control. No matter what goes into the pit, geotechnical-engineering studies needed to be done to assure everything was done correctly. The slopes could not be stabilized or the dust controlled until an updated restoration plan was made. The updated restoration plan should be designed by a geotechnical engineer. They felt the studies should begin immediately. The proposed development has brought many things to light, one of which is the illegal mining of the five-acre tract and possible over excavation of the north slope along 112th Avenue. The current restoration plan calls for 50-foot slopes. The northeast corner of the pit has slopes of approximately 90 feet. By sound engineering practices, this slope in particular may need to be redesigned to make it safe again. There are many intricacies to the restoration of this pit and the plans done in 1978 may not be sufficient any longer. To assure the safety of those living under the slopes and above them, it is necessary to have geotechnical engineering and there is no better time than the present. We are all eagerly anticipating a lesser impact of the pit to the surrounding neighborhoods. She asked the Assembly to urge the developers to consider conducting these studies in the interim.

Ms. Fairclough asked [Municipal Manager Harry Kieling](#) to provide an update at the next Assembly meeting of the Code enforcement actions and the progress on the pit, as well as any required restoration within the old ordinance.

LAURA BONNER said she lived on the north side of the gravel pit. She was concerned about the quality of the water. Most of the neighbors were on wells, but she had not seen any reference to testing the water in any of the plans regarding this property.

GREG HOLT said he had lived in the area for the last year. He was working with a group called the United Neighbors. They were pleased that the developer was considering the elimination of multi-family dwellings in the area, but there were many other issues that were unresolved including the restoration of the gravel pit, the existing water table and the water quality of the surrounding wells, design standards for the building and the fit within the existing community. Although the builder had taken a different direction, there were still many things that needed to be addressed. United Neighbors would continue to work with the Huffman/O’Malley Community Council and the builder to resolve these issues in a way that would make the surrounding community proud of the development. About 100 people attended the Planning and Zoning Commission meeting. There was concern that by the time this reached the public hearing process, it was pretty much a done deal and in spite of the numerous people who spoke, the plan would go forward. He hoped the public would have more input into the process in the future. They felt the 2020 Comprehensive Plan and the design standards applied whether it was a planned community or some other rezoning.

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

Mr. Tremaine moved, to postpone AO 2002-98 and AO 2002-98(S)
seconded by Ms. Von Gemmingen, indefinitely.
and it passed without
objection,

Mr. Tremaine noted this was a big issue that would be coming back before the Assembly. There was information in Municipal files that suggested that the water table had been breached in the gravel pit and that the water table was affecting other people. They knew about illegal septic systems and unregistered wells in rental units and he would like to know what legal actions and enforcement actions were being taken against the owner. He would like to know how the Planning and Zoning Commission would bring this large rezone into compliance with the 2020 Plan. He encouraged the staff to work with the developer to get a geotechnical study started. They heard public testimony regarding air quality and air inversions within the pit. It was his understanding that gravel extraction had ceased and there were some court ordered stipulations that should have taken effect. He would like a briefing on where those issues stood.

Ms. Fairclough said there was a mobile home on the property that did not appear on any of the Municipal records. She submitted a written request for information on enforcement issues including water tables, slope stability, illegal well and septic, tax base of the mobile home, air quality and gravel extractions.

In response to Mr. Tesche, Chairman Traini said Ms. Fison would arrange a site visit for the Assemblymembers on a Tuesday before snowfall.

14. NEW PUBLIC HEARINGS:

- 14A. Resolution No. AR 2002-230, a resolution of the Municipality of Anchorage accepting and appropriating, when tendered, United States Department of Transportation, Transportation Security Administration (TSA) Grant Number DTMA1G02041 in the amount of \$458,208 through the agent of the TSA, the Maritime Administration (MARAD). The Municipality of Anchorage accepts and appropriates this grant to the Port of Anchorage Capital Fund (571) for **enhanced facility and operational security at the Port of Anchorage** pursuant to the United States Department of Defense Appropriations Act for 2002 (Public Law 107-117), Port of Anchorage.
1. Assembly Memorandum No. AM 626-2002.

Chairman 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 approve AR 2002-230.
seconded by Ms. Fairclough,

Question was called on the motion to approve AR 2002-230 and it passed.

AYES: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Kendall, Shamberg, Tremaine, Sullivan.
NAYS: None.
(Clerk's Note: Mr. Van Etten was excused from the meeting.)

- 14B. Resolution No. AR 2002-213, a resolution confirming and levying assessments for the water special improvements within **Levy Upon Connection (LUC) Roll 02-W-1**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 563-2002.

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

Ms. Von Gemmingen moved, to approve AR 2002-213.
seconded by Mr. Kendall,

Question was called on the motion to approve AR 2002-213 and it passed.

AYES: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Kendall, Shamberg, Tremaine, Sullivan.
NAYS: None.
(Clerk's Note: Mr. Van Etten was excused from the meeting.)

- 14C. Resolution No. AR 2002-218, a resolution approving the **West 45th Avenue water main extension** from Northwood Drive to Van Buren Street and providing for assessment of benefited properties at time of service connection, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 589-2002.

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

Ms. Von Gemmingen moved, to approve AR 2002-218.
seconded by Mr. Kendall,

Question was called on the motion to approve AR 2002-218 and it passed.

AYES: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Kendall, Shamberg, Tremaine, Sullivan.
NAYS: None.
(Clerk's Note: Mr. Van Etten was excused from the meeting.)

- 14D. Ordinance No. AO 2002-97, an ordinance of the Anchorage Municipal Assembly **removing the map legend reference to dwelling density** associated with sewer service within the Hillside Wastewater Management Plan, Assemblymember Tremaine.
1. Assembly Memorandum No. AM 667-2002.

Chairman Traini opened the public hearing and asked if anyone wished to speak.

ROBIN WARD said she was the chairman of the Development Council for the Anchorage Homebuilders Association. She noted that they were not necessarily for or against AO 2002-97. They felt there needed to be research and technical advice from a third party planning group or someone who could look into the future and see if there might be some unintended consequences from something that may seem simple at this point, but could have some very far reaching affects to the development community and the community councils in the neighborhood.

In response to Mr. Tremaine, Ms. Ward pointed out that their natural urban growth boundaries were dictated by the mountains and oceans. We only have so much land left and we have to share it. She was concerned that neighborhoods would use this as an opportunity not to share growth. She felt there needed to be more research done on the issue.

DIANE HOLMES spoke on behalf of the Rabbit Creek Community Council, the five southeast Anchorage community councils, and HALO, Incorporated. In May they passed a joint resolution requesting that this legend note be removed. She noted that the word "recommended" not "required" was on the legend. She felt this should be clarified no matter what

1 happened. During the 2020 Plan's public hearings it was apparent that the public was concerned about good public process
2 and good planning. Part of the 2020 Plan concerns building according to what the land dictates. It is not good planning
3 when the regulation says density will occur no matter what the slope, winds or soils say. She asked the Assembly to vote this
4 as a temporary suspension of the recommended three dwelling units per acre requirement so they could get on with a good
5 planning process.

6
7 In response to Ms. Shamberg, Ms. Holmes explained why it was important to the five community councils to separate the
8 density and water wastewater from each other. The Hillside district plan would not be in place for a long time. They had a
9 great deal of undeveloped land, some of which was very poor for development due to wetlands, steep slopes, poor soils and
10 very high winds. Without the Hillside district plan and a designation of where density should be according to the topography,
11 developers would come in and say they had to build three dwelling units per acre if they wished to have sewers. Many areas
12 are not required to have sewers, because it is outside the Hillside Wastewater Management Plan. According to the 2020 Plan,
13 there would not be sewers in certain parts of the City. They would like to adhere to the 2020 Plan and good planning
14 policies.

15
16 In response to Mr. Tesche, Ms. Holmes said she read the ordinance, which was very straightforward. She understood a need
17 within the community for additional housing, but she also knew that the 2020 Plan called for certain areas of the Municipality
18 to be low density. Until the Hillside district plan was completed, they would not know what the density should be in
19 relationship to the topography. She did not feel the ordinance would discourage or prohibit any type of residential
20 development in the area. She felt there were areas that were subject to the three dwelling units per acre requirement that most
21 likely would not be developed because of their particular topography, terrain or other characteristics. She felt there were lots
22 that could be developed at a lower density for residential purposes, but because of the three dwellings units per acre
23 recommendation they would not currently be developable.

24
25 CHRIS HAMRY said water, sewer and residential densities had always been a struggle on the Hillside. Land development in
26 southeast Anchorage had many challenges including steep slopes, poor slope conditions, bedrock and the pressure to develop
27 as many living units per acre as possible. Solutions to the problems were tough to solve and this language added to the
28 difficulty by restricting an engineer's range of technical solutions and giving groups additional issues to address. The three
29 dwelling units per acre requirement was not supported by technology either for onsite or offsite wastewater treatment. He
30 asked the Assembly to approve AO 2002-97.

31
32 In response to Mr. Tremaine, Mr. Hamry said he worked in the construction/development field. He felt AO 2002-97 would
33 give an engineer a wider opportunity to look at the options available for a piece of property. He felt three dwellings units per
34 acre would sometimes make a piece of property undevelopable and could hinder some marginal projects.

35
36 In response to Ms. Shamberg, Mr. Hamry said he was currently the president of HALO, which was incorporated 27 years ago
37 to encourage rural residential development in southeast Anchorage. They have fought many battles to try and keep
38 commercial development off of the Hillside area and support responsible water/sewer onsite systems so that there was not a
39 requirement to have three dwelling units per acres as a mandate by the City that would push for the higher densities. They
40 supported a more rural characteristic for southeast Anchorage. This has always been a very important issue to HALO,
41 Incorporated. HALO currently had 700 dues paying members. They felt the Hillside district plan was a very important
42 document to get a comprehensive look at the Hillside. They felt there might be some areas that higher densities would be
43 appropriate, but the plan needed to look at the zoning, schools, utilities, slopes and the types of soils. He noted that Hillside
44 had the largest portion of undeveloped land in Anchorage and pressure would be put on southeast Anchorage to develop
45 more residential properties. At a certain point a community had to make a decision to either build high-rise buildings to
46 accommodate more people or simply say they could not accommodate more people.

47
48 In response to Mr. Tesche, Mr. Hamry did not feel AO 2002-97 would prevent three dwelling units per acre, but it would
49 eliminate the requirement. He could not state whether or not this would affect the attitude of other neighborhoods towards
50 density. He felt requiring three dwelling units per acre would restrict some land that could be developed at a lower density.
51 He agreed that removing the requirement of three dwellings units per acre could place additional property back into a
52 marketable state that could be developed at a lower density. A community is made up of many components and we zone to
53 put different things in different places. He did not feel density was a lifestyle issue as much as the fact that there should be
54 space in a community for everyone to live and grow. Some people prefer to be downtown in a high-rise building, but others
55 prefer to be in more rural areas. He did not feel high density housing was necessarily appropriate in all areas of a community.

56
57 In response to Ms. Taylor, Mr. Hamry pointed out that many people chose to live in cities and enjoyed that way of life. He
58 did not agree that high or low density defined quality of life. The idea that if you do not pack more people in southeast
59 Anchorage then you must pack more people into northeast Anchorage was flawed. Each community needed to make a
60 decision on how much density was healthy for the community. He did not feel it should be looked at as southeast against
61 northeast, but each community should make decisions on density independently. At some point, the community would have
62 to say they did not have room for more residential housing and people would have to go elsewhere. Density has become an
63 issue in many communities throughout the country and each community has to make a decision on where to draw the line.

64
65 JESS GRAEBLATT said this issue had been discussed many times at the community council and in the neighborhood. He
66 lives in the Potter Valley area, which is a steeply sloped neighborhood. They were talking about different areas of Anchorage
67 like they were equivalent from an engineering perspective, but they were not. He felt the three dwelling units per acre was an
68 arbitrary number. Hillside was more constrained by topography and you cannot always get three dwellings units per acre.
69 Flexibility in the three dwelling units per acre might allow a creative compromise both from an engineering and community
70 perspective. The community has long supported the idea that the three dwelling unit per acre restriction should be removed.

71
72 Chairman Traini asked if anyone else wished to speak. There was no one, and he closed the public hearing.

73
74 Mr. Tremaine moved, to adopt AO 2002-97.
75 seconded by Ms. Shamberg,
76

1 Mr. Tremaine moved, to amend AO 2002-97, Page 1, and line 30, to add
2 seconded by Mr. Tesche, “Notwithstanding the provisions of AMC 21.10.015A,” at the
3 and it passed without beginning of Part B, Section 2.
4 objection,
5

6 Ms. Von Gemmingen spoke in opposition to approving AO 2002-97. She felt AO 2002-97 should be postponed, sent back to
7 the Planning and Zoning Commission and resubmitted to the Assembly with maps for clarification.
8

9 Ms. Taylor moved, to limit the debate on AO 2002-97 to one hour.
10 seconded by Ms. Fairclough,
11 and it passed without
12 objection,
13

14 Mr. Tesche noted that five community councils and HALO had all spoken in favor of AO 2002-97. He pointed out that this
15 was a longstanding issue on the Hillside. The logic the Assembly has heard to date and the arguments made in support of the
16 ordinance appear to support its enactment, because the removal of this restriction would actually help development rather
17 than hinder development by possibly bringing more developable property onto the market and giving developers more
18 flexibility in how they are going to address unique issues of topography, terrain and other characteristics of the lots. He
19 found it remarkable that an ordinance of this magnitude in terms of its importance and affect on development had not
20 generated any meaningful opposition before the Assembly. He would support AO 2002-97, because it made sense and he
21 had not heard a strong and compelling reason to vote against it. The other question was whether or not the Assembly should
22 take action on AO 2002-97 tonight, because there were questions of process and a request by the homebuilders for a work
23 session. An ordinance of this magnitude and importance was questionable if it could not withstand a work session and
24 another opportunity by the building community to review it. He would like to see a final analysis and comments by the staff
25 on whether or not this ordinance was in keeping with the best provisions of the 2020 Plan before taking action. He felt a
26 work session would be beneficial and he would like to hear from the homebuilders.
27

28 Mr. Tesche moved, to postpone AO 2002-97 until August 6, 2002 and schedule
29 seconded by Mr. Whittle, a one-hour work session for August 6, 2002.
30

31 Mr. Tesche said without commenting on the merits of the ordinance, the process was important. They had a planning process
32 in place and its purpose was to provide the best information. He felt AO 2002-97 should have gone before the Planning and
33 Zoning Commission before the Assembly. AO 2002-97 was introduced by title only on June 25, 2002, but they did not see
34 the body until July 15, 2002. AO 2002-97 was a planning issue and should not be rushed. He asked the Assembly to respect
35 the process and send AO 2002-97 to the Planning and Zoning Commission before taking action.
36

37 Ms. Fairclough noted that postponing AO 2002-97 to August 6, 2002 would give the Assembly another chance to discuss the
38 issues, but the Planning and Zoning Commission would not meet before that time. She suggested postponing AO 2002-97
39 until the Planning and Zoning Commission had a chance to review it.
40

41 Mr. Tesche felt August 6, 2002 would provide enough time for meaningful commentary to help him make his decision on
42 AO 2002-97.
43

44 Mr. Tremaine questioned the need for a work session, because the Assembly had the time to discuss the issue tonight in front
45 of the public. When developers asked for exemptions the Assembly decided the issue at the current meeting. He did not feel
46 there was a reason to postpone AO 2002-97 or to hold a work session on the issue, because there was no question that could
47 not be asked and answered in front of the public.
48

49 Mr. Sullivan felt there was every reason to postpone AO 2002-97 and have it go before the Planning and Zoning
50 Commission, because that was the proper process. The process was setup so that items before the Assembly came with a
51 staff analysis and the input of the Planning and Zoning Commission. He felt AO 2002-97 should be postponed and submitted
52 to the Planning and Zoning Commission.
53

54 Mr. Sullivan moved, to amend the motion to postpone AO 2002-97 with the
55 seconded by Ms. Fairclough, provision that it be sent to the Planning and Zoning Commission and
56 then be resubmitted to the Assembly.
57

58 Ms. Von Gemmingen felt the Assemblymembers needed clarification, insight from the Planning and Zoning Commission and
59 a work session on AO 2002-97. She did not feel they had the necessary information to make an informed decision.
60

61 Ms. Shamberg noted that AO 2002-97 was not complex and did not require additional information. She pointed out that this
62 was an interim regulation that would only be effective through October 2002. AO 2002-97 would correct a mistake of
63 interpretation by city officials. The legend on the map has been interpreted to mean you could not build houses that have
64 sewer and water if there were less than three dwelling units per acre, but that was never the intent. It was not a requirement,
65 but a recommendation in order to pay the cost inherent in sewer installation.
66

67 Mr. Whittle said he would like more history and a legal interpretation on how the three dwelling units per acre had become a
68 requirement when the legend said it was recommended.
69

70 Ms. Taylor said she would like to have a work session, but felt the issue should not be postponed beyond August 6, 2002.
71 She urged a no vote on the motion to amend the motion.
72

73 Mr. Tesche recommended a no vote. We have a concurrent process, which is a process whereby the Assembly is taking
74 action on a matter that is important to the Hillside area and might allow some additional development. If the Assembly does
75 not take the concurrent action, we might lose some development. He noted that the ordinance did not restrict development.
76 He felt they could get enough information to take action on this issue by August 6, 2002.

Mr. Sullivan said amendments to Title 21 of the Comprehensive Plan required review of the Planning and Zoning Commission according to the law. He felt the Assembly should consistently follow the procedure.

In response to Ms. Fairclough, Mr. Tremaine said it had been pointed out to the Planning staff that the legend said, “recommended.” He thought there had been a legal opinion issued on the subject. He was surprised that the Planning staff was not prepared to talk about AO 2002-97.

In response to Ms. Fairclough, Mr. Tremaine said preparing an Assembly Resolution to meet the date of August 6, 2002 to clarify the policy would be a potential compromise.

Ms. Fairclough said she supported sending AO 2002-97 to the Planning and Zoning Commission as was appropriate for a recommendation. At the same time, the Legal Department could prepare an Assembly Resolution that would interpret the legend note so that it could be implemented immediately. If the Assembly Resolution was not satisfactory to the Legal Department or the Planning and Zoning Commission, AO 2002-97 could go forward under the normal process. She felt it was ludicrous to require a minimum density on the slopes and topography of the Hillside area.

[Municipal Manager Harry Kieling](#) said the issue was the process. The process was to send AO 2002-97 to the Planning and Zoning Commission and that process should be respected.

Question was called on Mr. Sullivan’s amendment to postpone AO 2002-97 and send it to the Planning and Zoning Commission and it failed.

AYES: Fairclough, Traini, Von Gemmingen, Kendall, Sullivan.

NAYS: Tesche, Whittle, Taylor, Shamberg, Tremaine.

(Clerk’s Note: Mr. Van Etten was excused from the meeting.)

Question was called on Mr. Tesche’s motion to postpone AO 2002-97 until August 6, 2002 and schedule a work session and it failed.

AYES: Tesche, Whittle, Taylor, Fairclough, Traini.

NAYS: Von Gemmingen, Kendall, Shamberg, Tremaine, Sullivan.

(Clerk’s Note: Mr. Van Etten was excused from the meeting.)

The meeting recessed at 7:48 p.m. and reconvened at 7:50 p.m.

Ms. Fairclough moved, to postpone AO 2002-97 to November 19, 2002.
seconded by Ms. Von Gemmingen,

Ms. Fairclough felt AO 2002-97 could be addressed comprehensively in November. A resolution could be passed that stated it was the intent of the Assembly to change the word “should” to “shall.” She encouraged a yes vote.

In response to Chairman Traini, Ms. Fison said the Planning and Zoning Commission could hear AO 2002-97 in time for the Assembly to consider it on November 19, 2002.

In response to Ms. Fairclough, Ms. Fison said AO 2002-97 could be placed at the beginning of the Planning and Zoning Commissions agenda in October.

Question was called on Ms. Fairclough’s motion to postpone AO 2002-97 to November 19, 2002 (after going before the Planning and Zoning Commission) and it passed.

AYES: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Sullivan.

NAYS: Kendall, Shamberg, Tremaine.

(Clerk’s Note: Mr. Van Etten was excused from the meeting.)

Ms. Fairclough moved, for immediate reconsideration of AO 2002-97.
seconded by Ms. Von Gemmingen,

Ms. Fairclough urged a no vote.

Question was called on the motion for immediate reconsideration of AO 2002-97 and it failed.

AYES: Kendall, Shamberg.

NAYS: Tesche, Whittle, Fairclough, Traini, Von Gemmingen, Tremaine, Sullivan.

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

(Clerk’s Note: Mr. Van Etten was excused from the meeting.)

15. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS: None.

16. SPECIAL ORDERS:

A. Ordinance No. AO 2002-108, an ordinance amending Chapters 21.35, 21.40, and 21.45 of the Anchorage Municipal Code to change the definition of **housing for the elderly**, to permit senior housing in certain residential and business districts, and to specify parking requirements for senior housing, Assemblymember Tesche.
(LAID ON THE TABLE & INTRODUCED BY TITLE ONLY 6-25-02; PUBLIC HEARING WAS SCHEDULED FOR 10-22-02)

Mr. Tesche moved, to postpone AO 2002-108 indefinitely.
seconded by Mr. Tremaine,

Mr. Tesche said AO 2002-108 had been introduced several weeks ago at the request of the developer. AO 2002-108 should be postponed indefinitely, because the developer intended on bringing a different solution before the Assembly.

In response to Mr. Tremaine, Mr. Tesche said AO 2002-108 was a proposed ordinance on deteriorated property and tax incentives.

In response to Chairman Traini, Mr. Moyer said AO 2002-108 was the companion document to AO 2002-107, which was postponed indefinitely a few weeks ago. AO 2002-108 was being carried on the agenda because the public hearing was not scheduled until October. They would like to have AO 2002-108 postponed indefinitely so they did not have to continue placing ads in the paper for the public hearing.

Question was called on the motion to postpone AO 2002-108 indefinitely and it passed without objection.

17. UNFINISHED AGENDA: None.

18. AUDIENCE PARTICIPATION:

THERESA OBERMEYER felt there was absolutely no accountability within the Anchorage School District. On May 13, 2002, Ms. Obermeyer asked for the names, addresses and phone numbers of the 16 educators that got a junket to Anchorage. The Anchorage School District would be producing a glossy curriculum report in the beginning of August that said everything was great. It was her understanding that Phi Delta Kappa was established through KPMG, who does the books for the Permanent Fund Board and the Anchorage School District.

In response to Ms. Obermeyer, Chairman Traini said he spoke to the school superintendent and she said the information had been mailed to Ms. Obermeyer via registered mail.

19. ASSEMBLY COMMENTS:

Mr. Sullivan noted that Mr. Whittle should replace Ms. Clementson on the Assembly’s organizational chart.

Ms. Fairclough said she and Mr. Kendall would be holding a meeting at the Joy Lutheran Church on July 31, 2002 from 6:00 p.m. to 7:00 p.m. The State Fire Marshal would be discussing fire incidents in the community specific to the Eaglewood Subdivision. They would appreciate the attendance of an Anchorage Police Department officer who was familiar with the geography of the area. In addition to fire problems, the area has also experienced problems with vandalism. They wanted to raise awareness within the community regarding vandalism and fire prevention.

Mr. Kendall acknowledged some Boy Scouts in the audience. Scott Price, 13 years old, said he was in troop 266 and was at the Assembly meeting to learn more about community government.

20. EXECUTIVE SESSIONS: None.

21. ADJOURNMENT:

Chairman Traini adjourned the meeting at 8:14 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: _____, 2002

GM:cmw