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**MUNICIPALITY OF ANCHORAGE  
ASSEMBLY MEETING**

**Assembly Chambers, Loussac Library  
3600 Denali Street, Room 108**

**Minutes for Regular Meeting October 7, 2003**

14 **1. CALL TO ORDER**

15  
16 The Assembly Meeting was called to order by Chair Dick Traini at 5:02 p.m. in Assembly Chambers of the Loussac  
17 Library, 3600 Denali Street, Anchorage, Alaska.

18  
19 **2. ROLL CALL** A Quorum was achieved with Assemblymembers present.

20  
21 PRESENT: Allan Tesche, Brian Whittle, Fay Von Gemmingen, Melinda Taylor, Dick Traini, Anna Fairclough, Doug  
22 Van Etten, Dan Kendall, Janice Shamberg, Dick Tremaine and Dan Sullivan.

23 ABSENT: None.

24  
25 **3. PLEDGE OF ALLEGIANCE** ASB Superintendent Carol Comeau led the pledge.

26  
27 **4. MINUTES OF PREVIOUS MEETING**

28 A. Regular Meeting – June 10, 2003

29  
30 Chair Traini called for a motion to approve the Assembly Meeting Minutes.

31  
32 Mr. Tesche moved, to approve the Regular Meeting Minutes of  
33 Ms. Taylor seconded, June 10, 2003.  
34 and it was passed without objection,

35  
36 **5. MAYOR'S REPORT**

37  
38 Mayor Begich reported that on Friday he completed the Administration's Budget Proposals. He announced Friday's  
39 presentation of their proposed budget would be scheduled for 10:00 until 4:00 p.m. He stated that meeting would be  
40 opened to Assemblymembers and to the public and that members of the Administration would be available to answer  
41 questions.

42  
43 **6. ASSEMBLY CHAIR'S REPORT**

44  
45 Mr. Tesche urged all Assemblymembers to attend the budget presentation.

46  
47 **7. COMMITTEE REPORTS** None.

48  
49 **8. ADDENDUM TO AGENDA**

50  
51 Chair Traini read the Addendum items. He then called for a motion to incorporate Addendum items into the Regular  
52 Agenda.

53  
54 Mr. Tesche moved, to approve the inclusion of the Addendum items into the  
55 Ms. Taylor seconded, Regular Agenda.

56  
57 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall,  
58 Tremaine and Sullivan.

59 NAYES: None.

60  
61 Chair Traini read the Consent Agenda and asked for Assemblymembers to pull items for review and discussion. He  
62 then called for a motion to approve the remainder of Consent Agenda.

63  
64 Mr. Tremaine moved, to approve the remainder of the Consent Agenda, with the  
65 Mr. Tesche seconded, exception of those items pulled for review.  
66 and this motion was passed,

67  
68 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall,  
69 Tremaine and Sullivan.

70 NAYES: None.

71  
72 Chair Traini announced the unanimous approval of the amended Consent Agenda, with the exception of the pulled  
73 items and proceeded into discussion of those items.

74

1 **9. CONSENT AGENDA**

2 **9.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS**

- 3 9.A.1. Resolution No. AR 2003-300, a resolution of the Anchorage Municipal Assembly recognizing and  
4 honoring **Wysman (Tony) Barganier, Mar-Cris Castro, John Dyson, Jr., Tusi Mareko, Lorie Batac,**  
5 **and Dolores DeBus** for their service to the community as employees of the Child Care Assistance  
6 Program, Mayor Begich; Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche,  
7 Traini, Tremaine, Van Etten, Von Gemmingen and Whittle.

8  
9 Mr. Kendall requested this item be pulled for review on the Regular Agenda. (See item 10.A.1)

10  
11 **9.B. RESOLUTIONS FOR ACTION - OTHER**

- 12 9.B.1. Resolution No. AR 2003-304, a resolution of the Anchorage Municipal Assembly supporting  
13 legislation mandating that **fiscal notes** considering impact on local taxpayers be required for all State  
14 of Alaska legislation and administrative actions that could have economic impacts on school districts  
15 and local governments, Assemblymember Von Gemmingen.

16  
17 Mr. Tesche, Ms. Von Gemmingen and Mr. Traini requested this item be considered for review on the Regular Agenda  
18 for review. (See item 10.B.1)

- 19  
20 9.B.2. Resolution No. AR 2003-294, a resolution of the Municipality of Anchorage appropriating \$64,129 from  
21 the Federal Seized and Forfeited Monies from Categorical Fund (257), awarded from criminal narcotics  
22 cases by the U.S. Drug Enforcement Agency, to the **Police Investigation Fund (257)** for use by the  
23 Anchorage Police Department.

24 a. Assembly Memorandum No. AM 765-2003.

- 25 9.B.3. Resolution No. AR 2003-295, a resolution of the Municipality of Anchorage providing for the  
26 appropriation of a grant totaling \$10,000 from the State of Alaska, Department of Education and \$190  
27 as contribution from the Library 2003 Operating Budget within the Areawide General Fund (101) to the  
28 State Categorical Grants Fund (231), Cultural and Recreational Services Department for the **Spanish,**  
29 **ESL, and Literacy Collection,** Cultural and Recreational Services/Library.

30 a. Assembly Memorandum No. AM 766-2003.

- 31 9.B.4. Resolution No. AR 2003-296, a resolution of the Municipality of Anchorage providing for the  
32 appropriation of a grant totaling \$11,236 from the State of Alaska, Department of Education and \$430  
33 as a contribution from the Library 2003 Operating Budget within the Areawide General Fund (101, to  
34 the State Categorical Grants Fund (231) Cultural and Recreational Services Department or the **Library**  
35 **Story Packet II Program,** Cultural and Recreational Services/Library.

36 a. Assembly Memorandum No. AM 767-2003.

- 37 9.B.5. Resolution No. AR 2003-297, a revision to the 2003 General Government Operating Budget  
38 appropriating \$75,000 from unanticipated revenue in excess of budget within the Building Safety Fund  
39 (181) to the Development Services Department to fund a contract for **third-party commercial plan**  
40 **review services,** Development Services Department.

41 a. Assembly Memorandum No. AM 768-2003.

42  
43 Mr. Sullivan requested this item be considered for review on the Regular Agenda. (See item 10.B.5)

- 44  
45 9.B.6. Resolution No. AR 2003-298, a resolution of the Anchorage Municipal Assembly appropriating  
46 \$286,363 from the U.S. Department of Justice, Office of Justice Programs, Local Law Enforcement  
47 Block Grant and \$31,818 as a contribution from the Anchorage Police Service Area Fund (151),  
48 Anchorage Police Department 2002 Operating Budget, to the Federal Categorical Grants Fund (241),  
49 Anchorage Police Department, for the purpose of underwriting  
50 projects to **reduce crime and improve public safety,** Anchorage Police Department.

51 a. Assembly Memorandum No. AM 769-2003.

- 52 9.B.7. Resolution No. AR 2003-299, a resolution of the Municipality of Anchorage appropriating the  
53 sum of \$18,500 from the Alaska Department of Environmental Conservation as a pass through  
54 grant from the U.S. Environmental Protection Agency to the State Categorical Grants Fund  
55 (231), Department of Health and Human Services for **Fine Particulate (PM-2.5) monitoring,**  
56 Health and Human Services.

57 a. Assembly Memorandum No. AM 770-2003.

- 58 9.B.8. Resolution No. AR 2003-305, a resolution of the Municipality of Anchorage adopting the **Anchorage**  
59 **Carbon Monoxide Maintenance Plan,** Health and Human Services.

60 a. Assembly Memorandum No. AM 771-2003.

- 61 9.B.9. Resolution No. AR 2003-306, a resolution of the Municipality of Anchorage appropriating \$7,500 from  
62 **Lakehill Limited Road Service Area (LRSA) Fund Balance (Fund 123)** to Lakehill LRSA BY2003  
63 Operating Budget (Fund 123) for year round road maintenance services, Maintenance & Operations  
64 Department.

65 a. Assembly Memorandum No. AM 772-2003.

- 66 9.B.10. Resolution No. AR 2003-307, a resolution of the Municipality of Anchorage appropriating \$14,000 from  
67 **Rabbit Creek Limited Road Service Area (LRSA) Fund Balance (Fund 145)** to Rabbit Creek LRSA  
68 BY2003 Operating Budget (Fund 145) for year round road maintenance services, Maintenance &  
69 Operations Department.

70 a. Assembly Memorandum No. AM 773-2003.

- 71 9.B.11. Resolution No. AR 2003-308, a resolution of the Municipality of Anchorage appropriating \$3,000 from  
72 **Totem Limited Road Service Area (LRSA) Fund Balance (Fund 124)** to Totem LRSA BY2003  
73 Operating Budget (Fund 124) for year round road maintenance services, Maintenance & Operations  
74 Department.

75 a. Assembly Memorandum No. AM 774-2003.

- 1 9.B.12. Resolution No. AR 2003-309, a resolution of the Municipality of Anchorage appropriating \$40,000 from  
2 the State of Alaska Department of Military and Veterans' Affairs, Division of Emergency Services  
3 (ADES), to the State Categorical Grants Fund (231) to support the enhancement or updating of the  
4 Municipality's existing **Emergency Operations Plan** for all hazards with special emphasis on weapons  
5 of mass destruction terrorism preparedness, Office of Emergency Management.  
6 a. Assembly Memorandum No. AM 775-2003.
- 7 9.B.13. Resolution No. AR 2003-310, a resolution of the Municipality of Anchorage appropriating \$90,000 as a  
8 grant from the Federal Bureau of Land Management, when tendered, to Fund 241 Federal Grant  
9 Direct, for **Municipal Geographic Information System/Land and Horizontal Control Network**  
10 **Densification** of Anchorage Bowl 2000  
11 Project Management & Engineering Department.  
12 a. Assembly Memorandum No. AM 776-2003.
- 13 9.B.14. Resolution No. AR 2003-311, a resolution authorizing the Municipality of Anchorage, Public  
14 Transportation Department, to enter into an amendment to a Transfer of Responsibilities Agreement  
15 (TORA) in the amount of \$37,752 with the State of Alaska, Department of Transportation and Public  
16 Facilities, and appropriating these funds to the State Categorical Grants Fund (231) for **summer**  
17 **landscaping and winter ice and snow removal** at selected bus stops within the Anchorage Area  
18 through an Enhancement Youth Work Program, Public Transportation Department.  
19 a. Assembly Memorandum No. AM 777-2003.
- 20 9.B.15 Resolution No. AR 2003-322, a revision to the Purchasing Department's 2003 Operating Budget  
21 appropriating \$75,000 from earned program revenues for payment of fees and expenses associated  
22 with **disposal of surplus/excess municipal property**, Purchasing. **(Addendum)**  
23 a. Assembly Memorandum No. AM 795-2003.
- 24 9.B.16. Resolution No. AR 2003-323, a resolution of the Municipality of Anchorage appropriating \$10,550 from  
25 Areawide Fund Balance (101) to the YWCA as a grant to pay the full amount of taxes, penalty, interest  
26 and other costs owed for Parcel ID #002009440, Tax Year 2002- A parcel purchased by the **YWCA** in  
27 February 2002, Finance. **(Addendum)**  
28 a. Assembly Memorandum No. AM 797-2003.

29  
30 Mr. Traini requested this item be considered for review on the Regular Agenda. *(See item 10.B.16)*

- 31  
32 9.B.17. Resolution No. AR 2003-324, a resolution of the Anchorage Municipal Assembly supporting the men  
33 and women of the **1<sup>st</sup> Battalion 501<sup>st</sup> Parachute Infantry** in their mission to Afghanistan and their safe  
34 return, Mayor Begich; Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche,  
35 Traini, Tremaine, Van Etten, Von Gemmingen, and Whittle. **(Addendum)**

36  
37 Mr. Van Etten requested this item be considered for review on the Regular Agenda. *(See item 10.B.17)*

- 38  
39 9.B.18. Resolution No. AR 2003-325, a resolution of the Anchorage Municipal Assembly supporting the  
40 extension of the **East Anchorage Weed and Seed Program** and the expansion into new areas of the  
41 Russian Jack Area, Assemblymembers Whittle, Fairclough, Kendall, Shamberg, Taylor, Tesche, Traini,  
42 Tremaine, Van Etten, Von Gemmingen. **(Addendum)**

43  
44 Ms. Taylor requested this item be considered for review on the Regular Agenda. *(See item 10.B.18)*

45  
46 **9.C. BID AWARDS** None.

47  
48 **9.D. NEW BUSINESS**

- 49 9.D.1. Assembly Memorandum No. AM 762-2003, sunset of **Urban Design Commission**, Clerk's Office.

50  
51 Mr. Van Etten requested this item be considered for review on the Regular Agenda. *(See item 10.D.1)*

- 52  
53 9.D.2. Assembly Memorandum No. AM 763-2003, proprietary purchase with Motorola Communications, Inc.  
54 for providing **mobile and portable radios** to the Municipality of Anchorage, Municipal Light & Power  
55 (ML&P) (\$30,309.60), Purchasing.
- 56 9.D.3. Assembly Memorandum No. AM 764-2003, recommendation of award to USKH, Inc. for providing  
57 professional engineering services for the **Late Otis Surface Rehabilitation Project 68<sup>th</sup> Avenue to**  
58 **Abbott Road** for the Municipality of Anchorage, Office of Planning, Development and Public Works,  
59 Project Management & Engineering (RFP 23-P009 Project E) (\$652,003), Purchasing.

60  
61 Mr. Van Etten requested this item be considered for review on the Regular Agenda. *See item 10.D.3.*

- 62  
63 9.D.4. Assembly Memorandum No. AM 790-2003, **Bear Valley Limited Road Service Area Road of**  
64 **Supervisors** appointment (William Ennis), Mayor's Office.
- 65 9.D.5. Assembly Memorandum No. AM 791-2003, **Kay Linton Memorial Committee** appointments (Fay Von  
66 Gemmingen, Larry Baker, Dawn Linton-Warren, Deirdre Ford, Heather Rauch), Mayor's Office.
- 67 9.D.6. Assembly Memorandum No. AM 792-2003, **Little New Orleans #4337** – New Restaurant/Eating Place  
68 Liquor License (Taku/Campbell Community Council), Clerk's Office. **(Addendum)**
- 69 9.D.7. Assembly Memorandum No. AM 793-2003, **Three Cats Distributors #4338** – New Wholesale Liquor  
70 License (Downtown, Government Hill, South Addition Community Councils), Clerk's Office. **(Addendum)**
- 71 9.D.8. Assembly Memorandum No. AM 796-2003, Change Order No. 3 to P.O. 21APD240 with Doolittle &  
72 Associates, Inc. for additional **E-911 Project consultant and management services** for the  
73 Municipality of Anchorage, Anchorage Police Department (\$97,200). **(Addendum)**
- 74 9.D.9. Assembly Memorandum No. AM 759-2003, emergency Change Order No. 1 to contract with Alaska  
75 Road Boring for **storm drain reconstruction beneath 36<sup>th</sup> Avenue, C Street to Old Seward**

1 **Highway**, Project No. 01-04 (\$62,000), Project Management & Engineering. **(Addendum) (LAID ON**  
2 **THE TABLE)**

3  
4 Mr. Traini requested this item be considered for review on the Regular Agenda. *(See item 10.D.9)*

5  
6 **9.E. INFORMATION AND REPORTS**

7 9.E.1. Information Memorandum No. AIM 89-2003, **Monthly Financial Report** – August 2003, Finance.

8  
9 Mr. Tremaine requested this item be considered for review on the Regular Agenda. *(See item 10.E.1)*

10  
11 9.E.2. Information Memorandum No. AIM 90-2003, waiver of formal procedures for **Anchorage Senior**  
12 **Center kitchen expansion** for the Municipality of Anchorage, Project Management & Engineering  
13 Department (ITB 23-C069) (\$342,000), Purchasing.

14  
15 Mr. Tremaine requested this item be considered for review on the Regular Agenda. *(See item 10.E.2)*

16  
17 9.E.3. Information Memorandum No. AIM 91-2003, Internal Audit Report 2003-10 – **Cash Handling**  
18 **Procedure, Customer Service Division, Public Transportation Department**, Internal Audit.

19  
20 **9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**

21 9.F.1. Ordinance No. AO 2003-141, an ordinance of the Anchorage Municipal Assembly amending Anchorage  
22 Municipal Code Title 3.87 to comply with Internal Revenue Service legislation replacing the Premium  
23 and Retiree Medical Expense Reimbursement Plan with the **Health Reimbursement Arrangement**,  
24 Employee Relations. *(Public Hearing set for 10-21-03.)*

25 a. Assembly Memorandum No. AM 788-2003.

26 9.F.2. Ordinance No. AO 2003-142, an ordinance of the Anchorage Municipal Assembly amending the zoning  
27 map and providing for the rezoning of approximately 14 acres from PLI (Public Lands and Institutions)  
28 to B-3 SL (General Business District) with Special Limitations for **Tract E, Mental Health Trust Land**  
29 **Subdivision**; generally located at the southeast corner of Lake Otis Parkway and Providence Drive  
30 (University Area Community Council) (Planning and Zoning Commission Case 2003-072), Planning  
31 Department. *(Public Hearing set for 10-18-03.)*

32 a. Assembly Memorandum No. AM 789-2003.

33 9.F.3. Resolution No. AR 2003-312, a resolution of the Municipality of Anchorage appropriating \$139,372 of  
34 unappropriated revenue and reappropriating \$163,628 from the Areawide General Capital Improvement  
35 Fund (401), as a contribution to the Areawide General Fund (101) for the purpose of reimbursement to  
36 **SMG of Alaska** for the 2002 operating deficit, Economic & Community Development. *(Public Hearing*  
37 *set for 10-21-03.)*

38 a. Assembly Memorandum No. AM 778-2003.

39  
40 Mr. Tremaine requested this item be pulled for review on the Regular Agenda. *(See item 10.F.3)*

41  
42 9.F.4. Resolution No. AR 2003-313, a resolution of the Municipality of Anchorage appropriating \$179,500 as a  
43 grant from the Alaska Department of Health and Social Services to the State Categorical Grants Fund  
44 (231), Department of Health and Human Services, for the provision of **HIV Prevention and Partner**  
45 **Notification and Field Work**, Health and Human Services. *(Public Hearing set for 10-21-03.)*

46 a. Assembly Memorandum No. AM 779-2003.

47 9.F.5. Resolution No. AR 2003-314, a resolution of the Municipality of Anchorage appropriating \$539,723 as a  
48 grant to the State Categorical Grants Fund (231), from the Alaska Department of Health and Social  
49 Services to the Department of Health and Human Services for the provision of **Public Health**  
50 **Preparedness and Response for Bioterrorism**, Health and Human Services. *(Public Hearing set for*  
51 *10-21-03.)*

52 a. Assembly Memorandum No. AM 780-2003.

53 9.F.6. Resolution No. AR 2003-315, a resolution of the Municipality of Anchorage appropriating \$544,750 as a  
54 grant from the U.S. Department of Health and Human Services to the Federal Categorical Grants Fund  
55 (241), Department of Health and Human Services to fund **Family Planning Services**, Health and  
56 Human Services. *(Public Hearing set for 10-21-03.)*

57 a. Assembly Memorandum No. AM 781-2003.

58 9.F.7. Resolution No. AR 2003-316, a resolution of the Municipality of Anchorage appropriating \$550,000 as a  
59 supplemental grant award from the Alaska Department of Education and Early Development to the  
60 State Categorical Grants Fund (231), Department of Health and Human Services to fund the **Child**  
61 **Care Assistance Program**, Health and Human Services. *(Public Hearing set for 10-21-03.)*

62 a. Assembly Memorandum No. AM 782-2003.

63 9.F.8. Resolution No. AR 2003-317, a resolution of the Municipality of Anchorage appropriating \$1,005,748 as  
64 a grant award from the Alaska Department of Health and Social Services to the State Categorical  
65 Grants Fund (231) Department of Health and Human Services to fund the **Child Care Assistance**  
66 **Program**, Health and Human Services. *(Public Hearing set for 10-21-03.)*

67 a. Assembly Memorandum No. AM 783-2003.

68 9.F.9. Resolution No. AR 2003-318, a resolution to appropriate the amount of \$180,010 in Intragovernmental  
69 Revenues to Public Transportation Department's 2003 Direct Operating Budget in the Areawide  
70 General Fund (101) to provide **fixed route transportation service**, Public Transportation Department.  
71 *(Public Hearing set for 10-21-03.)*

72 a. Assembly Memorandum No. AM 784-2003.

73 9.F.10. Resolution No. AR 2003-319, a resolution of the Municipality of Anchorage appropriating \$478,646 to  
74 the State Grants Fund (231), Department of Public Transportation from the Alaska Department of  
75 Health and Social Services to assist in the funding of **coordinated transportation services** for senior

citizens within the Municipality of Anchorage, Public Transportation Department. *(Public Hearing set for 10-21-03.)*

a. Assembly Memorandum No. AM 785-2003.

- 9.F.11. Resolution No. AR 2003-320, a resolution of the Municipality of Anchorage authorizing the acceptance of a Federal Transit Administration Section 5307 grant and appropriating \$2,812,200 from the Federal Transit Administration to the Public Transportation Capital Improvement Fund (485) for the purchase of capital items and \$188,000 from the Federal Transit Administration along with \$47,000 for local matching funds from the Public Transportation Department's 2002 and 2003 Operating Budgets as a contribution to the Federal Categorical Grants Fund (241) for the **Americans with Disabilities Act (ADA) operating assistance**, Public Transportation Department. *(Public Hearing set for 10-21-03.)*

a. Assembly Memorandum No. AM 786-2003.

- 9.F.12. Resolution No. AR 2003-321, a resolution of the Municipality of Anchorage accepting and appropriating 2003 State of Alaska **legislative grants** (\$1,294,083) per Senate Bill 100, Office of Management & Budget. *(Public Hearing set for 10-21-03.)*

a. Assembly Memorandum No. AM 787-2003.

- 9.F.13. Ordinance No. AO 2003-138, an ordinance adopting and appropriating funds for the **2004 Municipal Utilities Operating and Capital Budgets** for the Municipality of Anchorage, Office of Management and Budget. *Public Hearings set for 10-28-03 (SPECIAL MEETING) & 11-4-03. (Addendum)*

a. Assembly Memorandum No. AM 751-2003.

- 9.F.14. Resolution No. AR 2003-289, a resolution approving the **2004-2009 Municipal Utilities Capital Improvement Program**, Office of Management and Budget. *Public Hearings set for 10-28-03 (SPECIAL MEETING) & 11-4-03. (Addendum)*

a. Assembly Memorandum No. AM 751-2003.

- 9.F.15. Ordinance No. AO 2003-139, an ordinance of the Municipality of Anchorage adopting and appropriating funds for the **2004 General Government Operating Budget** for the Municipality of Anchorage, Office of Management and Budget. *Public Hearings set for 10-28-03 (SPECIAL MEETING) & 11-4-03. (Addendum)*

a. Assembly Memorandum No. AM 750-2003.

- 9.F.16. Ordinance No. AO 2003-140, an ordinance adopting the **2004 General Government Capital Improvement Budget**, Office of Management and Budget. *Public Hearings set for 10-28-03 (SPECIAL MEETING) & 11-4-03. (Addendum)*

a. Assembly Memorandum No. AM 752-2003.

- 9.F.17. Resolution No. AR 2003-290, a resolution of the Municipality of Anchorage adopting the **2004-2009 General Government Capital Improvement Program**, Office of Management and Budget. *Public Hearings set for 10-28-03 (SPECIAL MEETING) & 11-4-03. (Addendum)*

a. Assembly Memorandum No. AM 752-2003.

- 9.F.18. Ordinance No. AO 2003-143, an ordinance amending the zoning map and providing for the rezoning of **Block 6, Lots 15, 16 and 17, and Block 7, Lots 2 and 3, Bruin Park Subdivision from R-6** (Suburban Residential, Large Lot) to R-1 SL (Single Family Residential with Special Limitations), generally located at Mona Avenue and Lake Otis Parkway (O'Malley-Huffman Community Council) (Planning and Zoning Commission Case 2003-069), Planning Department. *(Public Hearings set for 12-02-03) (Addendum)*

a. Assembly Memorandum No. AM 758-2003.

#### END OF CONSENT AGENDA

### 10. REGULAR AGENDA

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

- 10.A.1. Resolution No. AR 2003-300, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Wysman (Tony) Barganier, Mar-Cris Castro, John Dyson, Jr., Tusi Mareko, Lorie Batac, and Dolores DeBus** for their service to the community as employees of the Child Care Assistance Program, Mayor Begich; Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen and Whittle.

Mr. Kendall moved, to approve AR 2003-300.  
Ms. Fairclough seconded,  
and it passed without opposition,

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

Chair Traini asked all honored individual to come forward. Mr. Kendall read their names and recognition, with a brief history of these Child Care individuals and Ms. Fairclough presented the resolution to these individuals. Mr. John Dyson accepted the recognition on behalf of all the honored employees of the Child Care Assistance Program. Chair Traini offered thanks for the remarkable service provided to the children of Anchorage.

#### 10.B. RESOLUTIONS FOR ACTION - OTHER

- 10.B.1. Resolution No. AR 2003-304, a resolution of the Anchorage Municipal Assembly supporting legislation mandating that **fiscal notes** considering impact on local taxpayers be required for all State of Alaska legislation and administrative actions that could have economic impacts on school districts and local governments, Assemblymembers Von Gemmingen, Tesche, Whittle, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall, Tremaine and Sullivan.

1 Ms. Von Gemmingen moved, to approve AR 2003-304, as amended, with the addition  
2 Mr. Tesche seconded, of Taylor, Van Etten and Tesche as cosponsors.  
3 and this motion passed unanimously,  
4

5 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall,  
6 Tremaine and Sullivan.

7 NAYES: None.

8  
9 Ms. Taylor, Mr. Van Etten and Mr. Tesche requested to be co-sponsors of this item.

10  
11 Ms. Von Gemmingen read this resolution which requested that all information from fiscal notes be available for local  
12 government decision making, even when exact dollar amounts were not available. Ms. Von Gemmingen explained that  
13 it was critical to understand which state appropriations would be reduced or cut, that effected cities in Alaska by  
14 ultimately reducing local services. She pointed out that Article 10.14 of the Alaska State Constitution stated that the  
15 Executive Branch of the State Government had the responsibility to advise and assist local governments. Ms. Von  
16 Gemmingen requested that upon passage of this resolution, a copy be sent to Governor Murkowski and the Alaska  
17 State Legislature.  
18

19 Mr. Tremaine stated this was a most important resolution brought forth from the Municipal League, and requested this  
20 item have all Assemblymembers names on it.  
21

22 Mr. Tesche agreed with this issue's importance and listed some of the state mandated services that were being affected  
23 by State reductions, including many community services. Mr. Tesche named of several services that would be affected  
24 and mentioned various, additional cuts that the State had made, resulting in the direct, hard-dollar effect of \$27,000,000  
25 on the Municipality of Anchorage.  
26

27 Mr. Sullivan stated he supported this bill, but commented that our Alaska State Legislators were quick to point out that  
28 traditionally the State of Alaska provided things to us that normally were responsibilities of cities themselves.  
29

- 30 10.B.5. Resolution No. AR 2003-297, a revision to the 2003 General Government Operating Budget  
31 appropriating \$75,000 from unanticipated revenue in excess of budget within the Building Safety Fund  
32 (181) to the Development Services Department to fund a contract for **third-party commercial plan**  
33 **review services**, Development Services Department.  
34 a. Assembly Memorandum No. AM 768-2003.  
35

36 Mr. Sullivan moved, to approve AR 2003-297.  
37 Ms. Fairclough seconded,  
38

39 Mr. Sullivan pointed out that the language of the attached memorandum, AM 768-2003, suggested that the Municipality  
40 was taking unanticipated revenue in excess of the budget to fund this need. He pointed out that in the third paragraph  
41 of the memorandum stated "*anticipated, unearned revenues.*" He wondered if that was a typographical error. Mr.  
42 Abbott stated this was a typographical error and agreed the third paragraph needed to have wording corrected, to read:  
43 "unanticipated earned revenue."  
44

45 Mr. Sullivan moved, to amend AM 768-2003 *by changing*, in the third  
46 Ms. Fairclough seconded, paragraph, to read: "...unanticipated earned  
47 and it passed without objection, revenue...."  
48

49 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall,  
50 Tremaine and Sullivan.

51 NAYES: None.  
52

53 Mr. Sullivan moved, to approve AR 2003-297, with amended  
54 Ms. Fairclough seconded, AM 768-2003.  
55 and it passed without objection,  
56

57 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall,  
58 Tremaine and Sullivan.

59 NAYES: None.  
60

- 61 10.B.16. Resolution No. AR 2003-323, a resolution of the Municipality of Anchorage appropriating \$10,550 from  
62 Areawide Fund Balance (101) to the YWCA as a grant to pay the full amount of taxes, penalty, interest  
63 and other costs owed for Parcel ID #002009440, Tax Year 2002- A parcel purchased by the **YWCA** in  
64 February 2002, Finance. (**Addendum**)  
65 a. Assembly Memorandum No. AM 797-2003.  
66

67 Mr. Traini moved, to approve AR 2993-323.  
68 Mr. Tremaine seconded,  
69 and this motion failed,  
70

71 AYES: Tesche, Whittle, Taylor, Kendall, and Sullivan.

72 NAYES: Von Gemmingen, Traini, Fairclough, Van Etten, Shamberg and Tremaine.  
73

74 Mr. Traini relinquished the Assembly Chair to Mr. Tesche to explain that he had concerns with the memorandum that  
75 accompanied this resolution. AM 797-2003 explained the YWCA purchased the property from the private, taxable

1 entity in February, 2002. The YWCA was a tax exempt organization, but the taxable statuses of parcels in the MOA  
2 were established on January first. Based on the property owners' status as-of January, the property was taxable for  
3 2002. This would be the party from whom the YWCA purchased the property. YWCA did not qualify for property tax  
4 exemption in that tax calendar year, 2002, because they were not property owners of that parcel. Mr. Traini and Mr.  
5 Tesche had documentation from the State, stating that the full tax amount of the tax liability was determined as of  
6 January 1<sup>st</sup> of each calendar year. Mr. Traini pointed out that, on lines 24 and 25 in AM 797-2003, there was a fund  
7 balance. He stated he would not support granting the \$10,000.

8  
9 The Administration responded by saying they had concluded there was no way to help them resolve a past tax issue.  
10 Mr. Tremaine stated that normally new property owners were told of the status of the newly purchased property, first  
11 from the real estate agent, and then the title company. Mr. Tesche, acting Chair, asked if there was a YWCA  
12 representative in the audience.

13  
14 SUZANNE CHEROT, YWCA Board Member, testified and explained the time table by suggesting the closing was  
15 delayed for over two months, when they purchased this property. She also stated the YMCA thought, because of their  
16 non-profit and tax-exempt status, that it wouldn't be a concern. The YWCA did not discover the tax issue until the  
17 summer of 2003. Then the YWCA immediately contacted Assemblymembers for assistance to resolve this issue. She  
18 did not recall hearing of the taxable status explanation until after the closing was completed.

19  
20 Mr. Traini directed the Assembly to look at Lines 16-18, "While the YWCA has applied and been approved for a 75.5 tax  
21 exemption and tax year for 2003, they do not qualify under the law for any tax exemptions for the year 2002." He  
22 stated approving this resolution would be like giving away fund balance.

23  
24 Acting Chair Tesche called for further discussion, and with no further response, he asked Mr. Traini to retake the Chair  
25 to announce a vote. Chair Traini called for a vote on the main motion and approval of this resolution failed.

26  
27 10.B.17. Resolution No. AR 2003-324, a resolution of the Anchorage Municipal Assembly supporting the men  
28 and women of the **1<sup>st</sup> Battalion 501<sup>st</sup> Parachute Infantry** in their mission to Afghanistan and their safe  
29 return, Mayor Begich; Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche,  
30 Traini, Tremaine, Van Etten, Von Gemmingen and Whittle. (**Addendum**)

31  
32 Chair Traini read this resolution and called for a motion.

33  
34 Mr. Van Etten moved, to approve AR 2003-324.  
35 Mr. Whittle seconded,  
36 and it passed without objection,

37  
38 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall,  
39 Tremaine and Sullivan.  
40 NAYES: None.

41  
42 Mr. Van Etten asked if there were any persons in attendance from the audience, to represent the 1<sup>st</sup> Battalion 501<sup>st</sup>  
43 Parachute Infantry.

44  
45 ELDON TODD testified, explaining he was an adopted "Big Brother" and a member of the 1<sup>st</sup> Battalion 501<sup>st</sup> Parachute  
46 Infantry. Mr. Todd explained there were four men from WWII, who had been asked to be "Big Brothers," of these  
47 extraordinary young men who make up this parachute infantry team and thanked the Assembly for recognizing them.  
48 Chair Traini passed on wishes for their safe mission and their safe return.

49  
50 Mr. Van Etten read the certification, recognizing and honoring these dedicated, young men. Mr. Todd accepted this  
51 resolution. Mr. Van Etten asked Mr. Todd to again qualify his relationship with this special military force, and Mr. Todd  
52 explained that, in fact, he had belonged to the 1<sup>st</sup> Battalion 501<sup>st</sup> Parachute Infantry during WWII.

53  
54 10.B.18. Resolution No. AR 2003-325, a resolution of the Anchorage Municipal Assembly supporting the  
55 extension of the **East Anchorage Weed and Seed Program** and the expansion into new areas of the  
56 Russian Jack Area, Assemblymember Whittle, Fairclough, Kendall, Shamberg, Taylor, Tesche, Traini,  
57 Tremaine, Van Etten and Von Gemmingen. (**Addendum**)

58  
59 Mr. Whittle and Mr. Van Etten requested to be listed as co-sponsors of this item. Mr. Sullivan requested to abstain from  
60 voting on this item, due to a conflict of interest.

61  
62 Mr. Whittle moved, to approve AR 2003-325.  
63 Mr. Tesche seconded,

64  
65 Mr. Whittle offered praise for an excellent job these men and women have done, including their involvement with the  
66 Boys and Girls Club. He thought this organization had been instrumental in building better neighborhoods. Ms. Taylor  
67 stated the packet from the Weed and Feed Committee was huge, containing 100-200 pages, including evidence of their  
68 attempts to get funding from local governing bodies and local law enforcement agencies.

69  
70 Ms. Von Gemmingen recommended all Assemblymembers names be listed as co-sponsors of this resolution.

71  
72 Ms. Von Gemmingen moved, to approve AR 2003-325, as amended, *to include*  
73 Mr. Whittle seconded, all names of Assemblymembers as sponsors, with the  
74 and this motion passed, exception of Sullivan, who abstained due to a conflict of  
75 interest.

1  
2 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall and  
3 Tremaine.  
4 NAYES: None.  
5 ABSTAIN: Sullivan.  
6

7 **10.D. NEW BUSINESS**

8 10.D.1. Assembly Memorandum No. AM 762-2003, sunset of **Urban Design Commission**, Clerk's Office.  
9

10 Mr. Van Etten moved, to approve AM 762-2003.  
11 Mr. Tesche seconded,  
12 and this motion was passed,  
13

14 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall  
15 Tremaine and Sullivan.  
16 NAYES: None.  
17

18 Mr. Van Etten stated that a consultant from Seattle had spoken to the Urban Design Commission, specifically about  
19 creating a Design Standards Board. Mr. Van Etten stated this was an important step in reestablishing the function of  
20 the Urban Design Committee, a valuable issue at this time.  
21

22 10.D.3. Assembly Memorandum No. AM 764-2003, recommendation of award to USKH, Inc. for providing  
23 professional engineering services for the **Late Otis Surface Rehabilitation Project 68<sup>th</sup> Avenue to**  
24 **Abbott Road** for the Municipality of Anchorage, Office of Planning, Development and Public Works,  
25 Project Management & Engineering (RFP 23-P009 Project E) (\$652,003), Purchasing.  
26

27 Mr. Van Etten moved, to approve AM 764-2003.  
28 Mr. Tremaine seconded,  
29 and this motion passed,  
30

31 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall  
32 Tremaine and Sullivan.  
33 NAYES: None.  
34

35 Mr. Van Etten stated it was his understanding that both state and federal dollars had been appropriated for this project.  
36 He asked the Administration to confirm that one dollar of state money would match nine dollars of federal money, which  
37 had always been policy in the past.  
38

39 Mayor Begich responded that the Administration was currently addressing and trying to resolve that issue with the  
40 Governor. He remained optimistic that matching state funds would remain available to the MOA. He explained this  
41 10% funding history was originally allocated funds through action of the State of Alaska legislature, and the  
42 Administration was currently trying to reinstate the allocation for 2004.  
43

44 10.D.9. Assembly Memorandum No. AM 759-2003, emergency Change Order No. 1 to contract with Alaska  
45 Road Boring for **storm drain reconstruction beneath 36<sup>th</sup> Avenue, C Street to Old Seward**  
46 **Highway**, Project No. 01-04 (\$62,000), Project Management & Engineering. (**Addendum**)  
47

48 Mr. Sullivan moved, to approve AM 759-2003.  
49 Mr. Tremaine seconded,  
50 and this motion passed,  
51

52 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall,  
53 Tremaine and Sullivan.  
54 NAYES: None.  
55

56 Chair Traini explained that following a week of hard rains, there was a portion of road and storm drain, on 22<sup>nd</sup> Avenue  
57 off 36<sup>th</sup> that had washed out. The Road Maintenance Department had barricaded off this section of road because of the  
58 collapse. They had determined the extent of the collapse and predict the road would reopen in one day. Upon  
59 inspection of the storm drains on 36<sup>th</sup>, they discovered additional storm drain piping was in imminent danger of collapse.  
60 Chair Traini explained that upon Assembly approval the storm drain repair supplies would be ordered immediately. He  
61 urged passage of this memorandum to guarantee funds to replace remaining, damaged storm drains which may be lost  
62 if additional heavy rains continue.  
63

64 Chair Traini asked for questions from Assemblymembers. Ms. Von Gemmingen pointed out that the memorandum did  
65 not include areas of Arctic Blvd. The Administration responded that this was typical on a change order or a title of a  
66 contract that was being changed. In this case, there were currently storm drain repairs being completed on 36<sup>th</sup> Avenue  
67 and that the contractor could quickly move their operations to focus on the damaged Arctic storm drains.  
68

69 **10.E. INFORMATION AND REPORTS**

70 10.E.1. Information Memorandum No. AIM 89-2003, **Monthly Financial Report** – August 2003, Finance.  
71

72 Chair Traini read this informational memorandum and called for a motion.  
73

74 Mr. Tremaine moved, to approve AIM 89-2003.  
75 Mr. Tesche seconded,

1 and this item was passed,

2  
3 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall,  
4 Tremaine and Sullivan.

5 NAYES: None.

6  
7 Mr. Tremaine stated that Merrill Field's revenues were greatly below budget, and he asked Mayor Begich what this  
8 would mean for the future. He emphasized the revenues for Merrill Field were a significant decrease. Mr. Abbott  
9 explained that they did not have the resources available at the meeting to address this question. He offered to supply  
10 all detailed information at a later date, to answer any and all questions having to do with Merrill Field's financial  
11 statement.

12  
13 Mr. Tremaine stated that refuse collection's record indicated there was a high 'up-tic' in expenses in May, and asked if  
14 that the past, approved money had been put into the budget. He asked specifically if that would be a one-time expense.  
15 Mayor Begich stated that he thought Mr. Tremaine was correct, that the money was the 2.5 million dollar revenue  
16 distribution, and was to be a one-time patch in their budget. Mayor Begich stated that Mr. Hall was confirming that.  
17 Mayor Begich stated that he and the Administration were trying to eliminate these one-time allocations, because they  
18 were not appropriate methods of creating a sustainable budget. Mayor Begich stated that the Administration would not  
19 be using one-time money to patch the MOA 2004 budget.

20  
21 10.E.2. Information Memorandum No. AIM 90-2003, waiver of formal procedures for **Anchorage Senior**  
22 **Center kitchen expansion** for the Municipality of Anchorage, Project Management & Engineering  
23 Department (ITB 23-C069) (\$342,000), Purchasing.

24  
25 Chair Traini read the memorandum and called for a motion.

26  
27 Mr. Tremaine moved, to approve AIM 90-2003.  
28 Mr. Tesche seconded,  
29 and this motion was passed,

30  
31 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall,  
32 Tremaine and Sullivan.

33 NAYES: None.

34  
35 Mr. Tremaine stated this was a good project and had witnessed some of the construction completion. He noted that this  
36 went out to bid in the summer. From his discussions with the building contractors he had discovered that when the  
37 MOA negotiated bids in the summer, it led to higher costs. He stated that if bids were completed in winter the MOA  
38 would receive much lower bids and save money. Contractors had shown Mr. Tremaine bid numbers that, in some  
39 cases were six and seven figures difference. He proposed to the Administration to consider that they may be able to  
40 secure a better price by postponing bidding projects until the fall and winter.

41  
42 **10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**

43 10.F.3. Resolution No. AR 2003-312, a resolution of the Municipality of Anchorage appropriating \$139,372 of  
44 unappropriated revenue and reappropriating \$163,628 from the Areawide General Capital Improvement  
45 Fund (401), as a contribution to the Areawide General Fund (101) for the purpose of reimbursement to  
46 **SMG of Alaska** for the 2002 operating deficit, Economic & Community Development. (*Public Hearing*  
47 *set for 10-21-03.*)

48 a. Assembly Memorandum No. AM 778-2003.

49  
50 Mr. Tremaine requested a work session be scheduled for this item. Chair Traini said a short work session would be  
51 scheduled, and a half-hour work session would be sufficient. Chair Traini asked the Administration to schedule a work  
52 session to discuss this AR 2003-312.

53  
54 **11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS**

55 11.A. Resolution No. AR 2003-264, a resolution of the Anchorage Municipal Assembly approving the  
56 preliminary (conceptual) design for the **Muldoon Middle School, Community Center and Library**,  
57 Anchorage School District.

58 11.A.2. Resolution No. AR 2003-264; a resolution of the Anchorage Municipal Assembly approving the  
59 preliminary (conceptual) design for the Muldoon Middle School, Community Center and Library,  
60 Heritage Land Bank.

61 1. Assembly Memorandum No. AM 724-2003.

62 2. Assembly Memorandum No. AM 794-2003. (*Postponed from 9-23-03*)

63  
64 Chair Traini read the resolution and explained the history included a Public Hearing and there was no motion pending.  
65 He explained the addition of 11.A.2, was a memorandum from the Mayor approving the preliminary, conceptual design.  
66 He called for a motion.

67  
68 Mr. Tesche moved, to approve AR 2003-264.  
69 Ms. Taylor seconded,  
70 and this motion was passed,

71  
72 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall,  
73 Tremaine and Sullivan.

74 NAYES: None.

75

1 Ms. Taylor told the Administration she had heard of concerns about the reduction of the size of the Muldoon School  
2 Project and she wanted an explanation. Mayor Begich explained that the original design of the library was  
3 approximately 20,000, compared with the 7000 square feet of the current Muldoon Library. He understood they were  
4 currently cramped, and the new library was scheduled to be three times the size of the current facility. The recreational  
5 part of the community center was scheduled to be 52,000 square feet. For comparison he stated the Spenard  
6 Recreation Center was scheduled to be approximately 30,000 square feet. He explained the Spenard Recreation  
7 Center was a 'stand-alone' building, without joint-use of any mechanical rooms. Mayor Begich explained that the  
8 Muldoon School Project would be combining the two facilities to total 50,000 square feet, eliminating approximately  
9 20,000 square feet. He explained this would save a lot of money and would create a center which would be equal or  
10 better than other MOA community centers because the library would be attached. They purposefully planned these  
11 facilities to share a combined mechanical component, including the bathrooms, storage and meeting rooms, to save  
12 space. Mayor Begich stated the newly designed facility would be better quality.

13  
14 Ms. Taylor had spoken to a Muldoon Community Council member who was concerned about combining the buildings  
15 because some individuals who wanted to go to the community center might have a bad influence on some of the kids in  
16 the library. She wanted the Mayor and the Administration to provide assurances to her constituent that the library would  
17 remain private and quiet. He stated that there were methods to make it work well, like the Mountain View Community  
18 Center, which worked very well. He explained how security would insure that adults and kids would have proper  
19 monitoring. He stated they understood there were concerns of a quiet-style type for a library with a community center  
20 more active. Mayor Begich thought he and the Administration could achieve both, with the new design.

21  
22 Ms. Shamberg stated her concern of the ventilation system. She explained the community center's ventilation should  
23 not interfere with the library's ventilation system. Mayor Begich responded that he and the Administration had already  
24 discussed ventilation issues associated with the gym.

25  
26 Mr. Whittle stated that they had originally been assured that the design of the school and the design of the Creek Side  
27 Town Center would work together. He stated that he appreciated the community input on this item, noting the recent  
28 changes, but that the need was great for a new community center in this part of town. He added that with the current  
29 budget crunches, it was necessary to keep the costs down, and he supported the idea of consolidation.

30  
31 Chair Traini asked for further discussion, and there being none, he called for a vote. He announced the approval of this  
32 item.

- 33  
34 11.B. Assembly Memorandum No. AM 757-2003, **Board of Adjustment** appointment (Thomas Klinkner),  
35 Mayor's Office.  
36 *(Postponed from 9-23-03)*

37  
38 Chair Traini read this memorandum and called for a motion.

39  
40 Mr. Tesche moved, to approve AM 757-2003.  
41 Ms. Shamberg seconded,  
42 and this motion was passed,

43  
44 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall,  
45 Tremaine and Sullivan.

46 NAYES: None.

47  
48 Chair Traini called for discussion from Assemblymembers, and there being none, he called for a vote. He announced  
49 the item was approved unanimously.

## 50 12. APPEARANCE REQUESTS

51  
52 Chair Traini explained to the audience that those who wished to speak would have three minutes. He requested they  
53 state their name clearly for the record and that he would monitor their time.

- 54  
55 12.A. **Sandy Holladay** scheduled to testify, to propose MOA join International Association of Character  
56 Cities.

57  
58 SANDY HOLLADAY testified. She requested the Assembly pass a resolution for Anchorage to become a Community of  
59 Character, and join the International Association of Character Cities. She explained this would involve helping  
60 implement character building, assisting people in reaching their full potential and give everyone a chance for success in  
61 life, making schools safer, making students more successful and creating more productive and safer workplaces with  
62 less stress and more profits. She noted cities that had implemented this program had seen significant benefits. She  
63 explained these benefits included greater morale and increased productivity in business, lower workers compensation  
64 costs by 80-90%, higher profits, the ability to attract more business, lowered crime rates of up to 50%, reduction of city  
65 operating costs, reduction of city-wide vandalism and higher academic achievement. She gave example of several of  
66 these benefits in cities across the nation.

67  
68 Mr. Tesche asked Ms. Holladay about the specifics of reducing workers' compensation costs. He asked her to repeat  
69 the example of lowering this cost by 80%. She responded that this was typical, and not in just one community. He  
70 asked her to summarize exactly what her organization did to reduce these costs. She responded it was simple  
71 instruction of character quality to be incorporated directly into business, that when you started teaching people to think  
72 of self-correcting, loyalty, honesty and truthfulness, it did make a huge impact in the workplace. She said their team  
73 had an eight-minute informational video for business and government that would explain how the program worked. Mr.  
74 Tesche requested that she make that information available to him. He also asked Ms. Holladay about specifics about  
75

1 the reduction in crime rate in Fresno that she had quoted. She responded that Fresno's crime rate was cut in half after  
2 a year and a half, following their program, but could not remember the exact year, and encouraged Mr. Tesche to  
3 contact the Fresno Administration for documentation. Mr. Tesche requested any information she may have to share on  
4 this issue.

5  
6 Chair Traini questioned Ms. Holladay about the costs associated with this program. Ms. Holladay responded that they  
7 were seeking and wanted to rely on grants and corporate donations, and were not asking Anchorage for any money at  
8 this time. She added that the costs were actually quite small. She added that it saved more money than it ever would  
9 cost. Chair Traini repeated the question, and wanted to know what they were asking of the MOA. She responded they  
10 had no intention of asking for money and the program could be worked directly into the MOA regular training budget.

11  
12 **12.B. Doris McDaniel** scheduled to testify regarding Character First – Preparing and Equipping Youth.

13  
14 DORIS McDANIEL testified, stating she was there in support of Character First. She stated she was also the President  
15 and CEO of the Anchorage Urban League. She explained she wanted to implement Character First into the Anchorage  
16 Urban League. She stated she was a certified teacher and used to teach at McLaughlin High School. She explained  
17 their goal was to implement one character-building trait each month and that this month they learned the quality trait of  
18 'determination.' She proposed that with the implementation of Character First, they would see character building  
19 bringing honesty and truthfulness and would bring a reduction of fraudulent claims. She said that she had a video that  
20 explained different cities in the Lower Forty Eight which have seen Character First work in their communities. She  
21 recommended this program begin in homes, and then into schools and communities.

22  
23 **12.C. Yolanda Monroe** scheduled to testify regarding a practical strategy for investing in the lives of citizens  
24 of Anchorage.

25  
26 Ms. Yolanda Monroe did not appear.

27  
28 **12.D. Barbara Bankston** scheduled to testify regarding character determines success.

29  
30 Ms. Barbara Bankston did not appear.

31  
32 **12.E. Frances Elam, Elwood Nash & Dave Felton** scheduled to testify regarding signed petitions  
33 concerning access to new development.

34  
35 FRANCES ELAM, ELWOOD NASH AND DAVID FELTON testified as representatives of the Romig Park Subdivision.  
36 They stated they were dealing with a difficult situation in their subdivision and presented a signed petition of a large  
37 number of residents who felt strongly about this situation. She stated they were there to see if it was possible for the  
38 MOA Traffic Department to reverse the Colver Place entrance, located in their zoned R-1 subdivision, back to the zoned  
39 R-4, normal entrance located at West 25th Avenue and Clayton Subdivision. She explained there was a six-plex being  
40 completed in Clayton Subdivision, at Block 1, Lot 18A. Members of their group had contacted the MOA Traffic  
41 Department when they opened up the access into their R-1 zone area. She stated the members of this subdivision  
42 were very disappointed and would like their R-1 to remain separated from the R-4 area with a buffer that had been there  
43 for years. She stated this new access was too narrow and would slow emergency vehicle response time to their  
44 subdivision. She noted measurement statistics of the new six-plex, and indicated she thought it was in non-compliance  
45 with standards of construction codes. She said their group had been in conversation with the builder of this six-plex,  
46 voicing their concerns. She stated there was no notice given to them of the construction of this new six-plex or the  
47 newly established access route, which she and the group felt were inadequate.

48  
49 Mr. Sullivan asked the audience to indicate who was in attendance of the Assembly Meeting for presentation of this  
50 issue and many people indicated their intent. He thought it was an unusual lot, which allowed access to two different  
51 streets and legally the six-plex had the option of choosing which access to use. Ms. Elam argued that they had been  
52 promised in the past that their subdivision road was never to be used for access and would remain a dead-end street.

53  
54 Mr. Tremaine requested a response from the Administration as to why this change had happened. Mr. Abbott  
55 responded that the Development Services Office had set up a meeting with neighborhood residents and the developer  
56 to reach an accommodation on this situation. That meeting had been scheduled for October 14, 2003, and the  
57 Administration would help seek a remedy that everyone would accept. Mr. Tremaine stated that it was important to see  
58 that things like this were prevented in the future.

59  
60 To Ms. Von Gemmingen's question, Ms. Elam stated that they had been in touch with the developer,  
61 Assemblymembers Sullivan and Von Gemmingen, the North Star Community Council, personnel with MOA's Safety  
62 Department and the MOA Ombudsman. Ms. Von Gemmingen stated she would like to see 25th Avenue be considered  
63 as a main entrance and also a gated fence across the back.

64  
65 Mr. Tesche asked the Administration if they had the authority to grant the relief that these homeowners were requesting.  
66 He interpreted the maps to show that Colver Place was a platted right-of-way. Mr. Abbott responded that Mr. Tesche's  
67 interpretation was correct, that it would be a challenge to change the plans. He added they would be working with the  
68 developer to see if he would consider a change that would be mutually acceptable.

69  
70 Ms. Elam responded that the developer was Mr. David Hartman, who was not at the Assembly meeting.

71  
72 Mr. Sullivan requested that the Administration notify Ms. Von Gemmingen and himself of the public meetings  
73 concerning this issue. He stated that the comprehensive plan had a contradiction in it, with the encouragement of  
74 density, while at the same time reserving the character of existing neighborhoods. He stated this particular case had  
75 given them the opportunity to improve density and still preserve the character of the neighborhood by addressing a

1 simple road access issue. Mr. Abbott responded the meetings were scheduled for October 14th, at 2:00 p.m. at the  
2 Planning and Design Center, and he encouraged all interested parties to attend. Chair Traini pointed out to Mr. Abbott  
3 that the wish of the Assembly that the access be on 25th Avenue, not on Colver Drive.

- 4  
5 12.F. **Theresa Nangle Obermeyer, Ph.D.**, scheduled to testify regarding denial of the opportunity to address  
6 Anchorage School Board.

7  
8 DR.TERESA NANGLE OBERMEYER testified about her concerns with the Anchorage School District and wage  
9 equality within the Municipality of Anchorage.

10  
11 **13. CONTINUED PUBLIC HEARINGS** None.

12  
13 **14. NEW PUBLIC HEARINGS**

- 14 14.A. Ordinance No. AO 2003-129, an ordinance adopting the **U-Med/Universities and Medical District**  
15 **Framework Master Plan** as an element of the Anchorage 2020-Anchorage Bowl Comprehensive Plan  
16 and amending Chapter 21.05 of the Anchorage Municipal Code (Planning and Zoning Commission  
17 Case 2003-100), Planning Department.

- 18 1. Assembly Memorandum No. AM 725-2003.

19  
20 Chair Traini opened pubic testimony concerning the issue of continuing Wright Street through to Providence Drive.

21  
22 MICHAEL STOIANOFF, a resident of Wright Street opposed the proposed change of access before they do a full study.  
23 Mr. Stoianoff responded to Mr. Van Etten's questions, stating he had been told that the P&Z had resolved the issues  
24 concerning Wright, Piper, Folker and Dale Streets. He had heard the reservation of Wright Street going through would  
25 sunset in March, 2004. Mr. Stoianoff described his neighborhood as an ethnically diverse group of families with many  
26 children and pets. He said they have had problems in the past with people, trash and vandalism and helped resolve  
27 some of those issues by putting up the barricade fence in 1971. He felt if the street was opened for through access,  
28 there would be adverse effects again in the neighborhood and it would not be good for the kids or property values.

29  
30 DIANE ETTER, a member of the Tudor CC, testified. She spoke against the current plan, as it was designed. She  
31 stated that the Assembly designated the U/Med area as a major employment center when they completed the  
32 Anchorage 2020 Plan. She stated that the U/Med plan area would allow significant growth and development in the  
33 area, including to the institutions. She thought it would also allow for future expansion. She thought that for the Plan to  
34 work better, it needed to deal with the traffic. Ms Etter stated this Plan did not move traffic in and out of the district  
35 effectively. She had a report that stated this area experienced the worst traffic congestions in Anchorage. She stated  
36 that the report indicated there were eight intersections identified in Anchorage as the most congested, and that four of  
37 those intersections were in the U/Med area: Lake Otis and 36th, Lake Otis and Northern Lights, Lake Otis and Tudor  
38 and Seward Highway and 36<sup>th</sup>. There were too few access points into the University area. Originally P&Z had selected  
39 Pine Street as an access point, complete with overpasses for trails, including a ski trail, but in the final drafts of the Plan  
40 they removed Pine Street as an access point. The East Anchorage Transportation Study had recommended that 36th  
41 Ave go right through the University to Boniface Parkway, which would create a burden to College Gate. Ms. Etter  
42 responded to Mr. Van Etten, that their council had come up with some plans to ease the traffic, and Pine Street seemed  
43 the most logical choice for additional access.

44  
45 ANDRE McLEOD testified in opposition of this Plan, stating she felt their neighborhood has had enough changes. Their  
46 neighborhood was fifty years old and was now considered 'in transition' because of the growth in that area. Ms.  
47 McLeod responded that she didn't know if Pine Street would be the best choice for additional access. She said that  
48 Bragaw needed to be punched through.

49  
50 KATHLEEN PLUNKETT, member of the Russian Jack CC, stated that she was not interested in having Bragaw  
51 punched through, and also thought that Pine Street would not be a good choice because of unavailable land and new  
52 congestion where it would intersect with Northern Lights.

53  
54 BARBARA GARNER, Vice President of the University Area CC testified in opposition. The UACC had agreed with the  
55 U/Med Plan, emphasized their concern with the traffic and stated they did not want any more road intrusions be made  
56 into the district, primarily referencing Pines Street and Bragaw extensions. UACC also urged that Wright Street not be  
57 opened from Tudor through to Providence Drive. On September 25th UACC received a P&Z email notice, stating the  
58 U/Med would be heard at the Assembly, including discussion of Pine Street, Wright Street and Bragaw extensions. Ms.  
59 Garner felt the UACC homeowners group had been ignored. She stated that UACC should not be confused with Tudor  
60 CC, whose views are quite different. UACC urged for retaining the residential areas between Folker and Dales Streets,  
61 projecting higher density in the future. To Mr. Whittle's and Mr. Van Etten's questions of a Wright Street access, Ms.  
62 Garner responded that everyone should keep an open mind, to make sure whatever decision the Administration made  
63 was compatible with people's needs. She stated if a south access was absolutely necessary, she suggested doing a  
64 study before affecting the lives of so many people in this area. Wright Street was not her choice for an access.

65  
66 KELLY BROWN, a resident and property owner of East 42nd, testified. Ms. Brown testified that neighbors have taken a  
67 vehicle count of the traffic on 42nd, and there were 9000 in an 80 hour period. There have been no improvements  
68 made to this street. There were no sidewalks or gutters. She knew of people who would not take baby strollers on the  
69 street because it was too dangerous. Mr. Sullivan stated that 42nd was in line to get needed repairs.

70  
71 BEN HUNTINGTON, Associate Administrator of Operations at Providence Alaska Medical Center testified in support of  
72 the current U/Med Plan. He had a great deal of empathy for the neighbors in this district who were suffering with the  
73 traffic congestion and hazards. Mr. Huntington stated that 40th Street should be looked at as an access possibility. He  
74 felt the issue should be studied and well planned to ensure safety and effective access. He referenced his comments to  
75 the context of the executive summary of the U/Med Plan, with the purpose of identifying and reconciling the objectives

1 and priorities in institutional, residential, commercial and natural environment interests of the district, and to provide a  
2 framework for future land use decisions. Mr. Huntington stated there were no plans at this time for development of their  
3 land south of 40<sup>th</sup> Avenue. He indicated on the map where the proposed trade lands were located. He stated that  
4 Providence would be supportive of having a traffic circulation plan prior to the development of this property.

5  
6 GARY KATISON, of Kittleson and Associates, Inc. and PADDY TILLET, of Zimmer-Gunsul-Fransca Partnership,  
7 testified. Chair Traini explained these men were consultants hired by the MOA. He asked if there was anything they  
8 had heard that evening from public testimony that would change their recommendations concerning Wright Street and  
9 Piper Street. Each man responded "no." Chair Traini asked for questions from the Assembly. Ms. Von Gemmingen  
10 stated that there were discrepancies on the map of the U/Med district and concerns of zoning identification and she  
11 would like further clarification of their study. Mr. Tillett explained the key on the diagram says predominant land uses,  
12 and justified the yellow coloring they added between Folker and Dale, because it is predominantly residential. He  
13 stated his conclusion was that this was an area in transition and uses have been progressively changing for some time  
14 and a large part of that area was ready for improvement. He stated that in their text he described that they anticipate  
15 this area to be "mixed-use." He stated they were not prepared to recommend a particular zoning.

16  
17 The Planning Department stated that areas south of 40<sup>th</sup> designated for mixed-use commercial and residential,  
18 generally reflect underlying zoning as well as existing land uses. It was explained that the policy of the 2020 Plan was  
19 not to contribute to continued erosion of our residential land supply. Planning explained that zonings of R2-M, R3, R3-  
20 SL are in the area now. The land use designation in the U/Med Plan was not excluding the opportunity for mixed-use  
21 commercial, that there may be areas that were appropriate for mixed-use, such as along Tudor Road. Planning stated  
22 they were in the process of rewriting Title-21 and were reviewing drafts of mixed-use zoning districts. It was the intent  
23 to apply the appropriate mixed-use zoning district to the area.

24  
25 Mr. Katison responded that their submitted report did not designate Wright as a neighbor collector, but basically as a  
26 local street that would provide some connectivity through this area. This report provided a 20-year framework and was  
27 an update for the 1983 update of the Goose Lake Plan, addressing current streets with the options for the future, when  
28 density increased. They believe it was too premature to designate. Ms. Von Gemmingen stated that it appeared to her  
29 that they had tried to designate, referring to the red arrow at Pine Street in their report. Mr. Katison responded it was to  
30 show a potential access point, which was a point that was contributed from the East Study. He explained they had  
31 added other potential north and east access included Pine Street and Bragaw.

32  
33 Mr. Sullivan asked if they had reached enough conclusions to address the Alumni Drive extension. Mr. Katison  
34 responded that issue would be an issue of the property owner and the University of Alaska. He stated it would be  
35 difficult to address until the University of Alaska announced their development plans for that area. This was the reason  
36 they had proposed access off Northern Lights Boulevard to those development areas, without committing to a road all  
37 the way through the green areas. He referred back to the issue concerning Wright Street and stated that by choosing  
38 five streets for access instead of just one, it would dilute the congestion.

39  
40 Mayor Begich voiced his concern of the postponement of this issue until the 21<sup>st</sup>, stating it additional time and money,  
41 and would be an expense to fly these men back for the meeting. Chair Traini responded that it was important to  
42 postpone the action on AO 2003-129 because some of the amendments needed to be in written form, adding that the  
43 consultants did not need to be present for the next meeting.

44  
45 Mr. Sullivan moved, to postpone AO 2003-129 until October 21, 2003.  
46 Mrs. Von Gemmingen seconded,  
47 and it passed unanimously,

48  
49 14.B. Resolution No. AR 2003-285, a resolution of the Municipality of Anchorage appropriating \$960,814 from  
50 the Alaska Department of Health and Social Services as a grant to the State Categorical Grants Fund  
51 (231), Department of Health and Human Services to fund **Community Health Nursing Services**,  
52 Health and Human Services.

53 1. Assembly Memorandum No. AM 738-2003.

54  
55 Chair Traini read this resolution and opened Public Hearing.

56  
57 REGINA SMITH spoke of the importance of the Community Health Nursing Services.

58  
59 With no further public testimony, Chair Traini closed Public Hearing and called for a motion.

60  
61 Mr. Van Etten moved, to approve AR 2003-285.  
62 Mr. Tremaine seconded,  
63 and this motion was passed,

64  
65 AYES: Sullivan, Tremaine, Van Etten, Kendall, Shamberg, Fairclough, Traini, Von Gemmingen, Taylor, Whittle  
66 and Tesche.

67 NAYES: None.

68  
69 14.C. Resolution No. AR 2003-286, a resolution of the Municipality of Anchorage appropriating \$1,567,248  
70 from Alaska Housing Finance Corporation (AHFC) as a grant to the State Categorical Grants Fund  
71 (231), Department of Health and Human Services to fund the **Weatherization Assistance Program**,  
72 Health and Human Services. 1

73 1. Assembly Memorandum No. AM 739-2003.

74

1 Chair Traini read this resolution and opened Public Hearing. There being no public testimony, he closed Public Hearing  
2 and called for a motion.

3 Mr. Sullivan moved, to approve AR 2003-286.

4 Ms. Taylor seconded,  
5 and this motion passed unanimously,  
6

7 AYES: Sullivan, Tremaine, Van Etten, Kendall, Shamberg, Fairclough, Traini, Von Gemmingen, Taylor, Whittle  
8 and Tesche.

9 NAYES: None.

10  
11 14.D. Ordinance No. AO 2003-130, an ordinance amending Anchorage Municipal Code Chapter 15.20  
12 regarding **public nuisances** to add general provisions and provisions regarding inspection,  
13 enforcement, penalties and remedies; to clarify definitions; and to amend Anchorage Municipal Code  
14 Section 14.60.030 by amending and adding fines for violation of Anchorage Municipal Code Chapter  
15 15.20, Health and Human Services.

16 1. Assembly Memorandum No. AM 740-2003.

17  
18 Chair Traini read this ordinance and opened Public Hearing. With no public testimony, Chair Traini closed Public  
19 Hearing and called for a motion.

20  
21 Mr. Tesche moved, to approve AO 2003-130.

22 Mr. Tremaine seconded,  
23

24 Mr. Tesche stated that he supported the ordinance but wanted to add a floor amendment, to provide the option to a  
25 resident to pursue an action in small claims court, following a letter stating the complaint and the intention of action.  
26 After thirty days of the delivery of the letter, the courts could impose a daily fine of \$50.00 per day until a remedy is  
27 reached.”

28  
29 Mr. Tesche moved,  
30 Mr. Tremaine seconded,  
31 and this amendment passed unanimously,  
32

33 to amend AO 2003-130, *to include* a new Subsection D, Page  
34 13, Line 11, to read: D. A person who lives or owns real  
35 property located within 300 feet of a public nuisance, can  
36 recover money damages from the owner of that property. An  
37 action under this subsection may be made only in the small  
38 claims court of the state of Alaska and is subject to the  
39 jurisdiction and procedures of that court. No action may be  
40 brought under this subsection unless the plaintiff first delivers  
41 written notice to the municipal manager and the owner of the  
42 subject property advising of the violation and that party's intent  
43 to bring an action under this subsection within 30 days if the  
44 violation is not corrected or the municipality has not  
45 commenced its own enforcement action within that time. Upon  
46 proof by a preponderance of the evidence that a public  
47 nuisance exists or has existed on the property thirty (30) or  
48 more days after written notice was given to the owner, the  
49 court shall award damages to the plaintiff in a minimum  
50 amount of \$50 for every day that violation exists and is such  
51 additional amounts as the plaintiff may prove he or she is  
52 entitled.

53  
54 Mr. Tesche explained he thought it was important to provide additional remedy to private citizens, after they gave proper  
55 notice to the property owner of the nuisance. Municipal Attorney, Mr. Boness, didn't think there were major legal factors  
56 involved with this amendment.

57 Ms. Fairclough stated that there could be an interpretation concern with this ordinance and she gave the example of the  
58 gravel pits lakes in Sand Lake.

59 Mr. Boness responded to Mr. Tesche that he doubted if this would be used inappropriately because there were court  
60 rules that govern conduct of litigants. Mr. Tesche stated that there was the check of attorney fees that would prevent  
61 frivolous litigant from filing too many of these types of cases because they would have to pay. He also stated that if this  
62 were to be used inappropriately there was a mechanism in the small claims where the defendant could ask for the  
63 matter to be moved to the Superior Court, where there were many more rules for the plaintiff. Mr. Tesche felt that with  
64 all those protections, this amendment would be an additional tool that would be used in appropriate circumstances.

65 Mr. Tremaine questioned the legal path of the lawsuit must originate in the small claims court and then to the superior  
66 court. Mr. Tesche replied that if the plaintiff wanted to abate the nuisance he could simply ask for injunctive relief and  
67 file in the Superior Court under theories of law and this course of options was currently available.

68 Mr. Tremaine wanted clarification of this ordinance as it related to gray water.  
69

70 Chair Traini paused discussion to thank Sharon Cissna for attending the meeting. He explained the Assembly was  
71 honored to have a member of the House of Representatives visit the Assembly.  
72

73 Mr. Tremaine pointed out that the prevailing party had the right to recover fees paid. He explained that he thought there  
74 were things in the Code that we may not want this ordinance to do, even though it was not enforced that way. He gave  
75 the example, concerning dog feces, that when it became putrid waste and then liquefied and ran off private property;

1 the originating property owner was in violation. He gave another example of soapy water from washing your car would  
2 make you in violation, if it ran down your driveway and onto someone's property. He pointed out that on Page 1, it  
3 stated that any abandoned vehicle become junk. Mr. Tremaine was concerned that all those points may be interpreted  
4 differently in small claims court.

5  
6 Mr. Tremaine stated his concern of writing laws that strictly interpreted might do things they had not intended. He was  
7 concerned how a small claims court would interpret some of these examples he had shared.

8  
9 With no further discussion, Chair Traini called for a motion on the main motion.

10  
11 Mr. Tesche moved, to approve AO 2003-130, as amended.  
12 Mr. Tremaine seconded,  
13 and this motion was passed,

14  
15 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamborg, Van Etten, Kendall,  
16 Tremaine and Sullivan.

17 NAYES: None.

18  
19 Mr. Tesche proposed an immediate reconsideration and recommended a NO-vote.

20  
21 Mr. Tesche moved, for immediate reconsideration, on 2003-130.  
22 Ms. Shamborg seconded,  
23 and this motion failed,

24  
25 AYES: None.

26 NAYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamborg, Van Etten, Kendall,  
27 Tremaine and Sullivan.

28  
29 14.E. Ordinance No. AO 2003-137, an ordinance of the Municipality of Anchorage amending Chapter 3.85,  
30 Anchorage Municipal Code, relating to the **Police & Fire Retirement System**; providing for maximum  
31 employee contribution rates; providing for codification; providing an effective date, Police & Fire  
32 Retirement System.

33 1. Assembly Memorandum No. AM 761-2003.

34  
35 Chair Traini read this ordinance and opened Public Hearing. With no public testimony, Chair Traini closed Public  
36 Hearing and called for a motion.

37  
38 Mr. Tesche moved, to approve AO 2003-137.  
39 Mr. Sullivan seconded,  
40 and this motion passed,

41  
42 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamborg, Van Etten, Kendall,  
43 Tremaine and Sullivan.

44 NAYES: None.

45  
46 Mr. Sullivan summarized the changes by stating the MOA was taking a risk by putting the employee contribution as a  
47 fixed rate.

48  
49 14.F. Ordinance No. AO 2003-131, an ordinance reauthorizing AO 2002-95 which amended Anchorage  
50 Municipal Code Title 21 to allow **abbreviated platting** for the creation of subdivisions of three tracts or  
51 eight lots; to prohibit abbreviated subdividing of a contiguous parcel under the same ownership as a  
52 platted parcel platted within 48 months; and to allow the Platting Officer to vacate certain public or  
53 private easements, and refer applications to the Platting Board for additional analysis, Planning  
54 Department.

55 1. Assembly Memorandum No. AM 741-2003.

56  
57 Chair read the ordinance and opened Public Hearing.

58  
59 CHRIS HAMMER, President of HALO, the Home and Landowners Organization, testified, representing an area south of  
60 Dowling, east of the Seward Highway. He explained the short platting process could do a good job providing an  
61 efficient process to subdivide a small parcel in a developed area of town. It gave the developer a break when the risk of  
62 an adverse effect of the impacts of his development to the surrounding areas was likely to be minimal. He believed that  
63 this platting process might do just the opposite in a more rural and undeveloped area of town. He had recently  
64 witnessed areas of Anchorage that were being developed without a plan. The short platting process brings additional  
65 unplanned growth resulting in unnecessary consequences, without consideration of roads, trails, drainage, schools or  
66 fire protection. Mr. Hammer encouraged the Assembly to review the short platting process in a manner which would  
67 limit its benefits, to small parcels and other areas of town that would limit its use in large tracts that were adjacent to  
68 even larger tracts, allowing an opportunity for a developer to move through large areas of land without a plan.

69  
70 To Mr. Tremaine's question Mr. Hammer responded the tracts should be limited to lot size, depending on the zoning of  
71 the area. He explained if the developer was developing an R1 zone, dealing with 6000 square foot lots, perhaps an  
72 acre; if considering a 10-acre parcel, in an R6 zoning, perhaps an acre and one quarter, and so on.

73  
74 To Mr. Van Etten, Mr. Weaver explained this item would sunset on January 15, 2004.

75

1 DIANE HOLM, member of the Rabbit Creek Community Council, explained that they had experienced a number of  
2 problems in their area over the past year dealing with abbreviated platting. When faced with abbreviated platting, they  
3 had written appeals to the Planning Department, explaining how difficult it had been to deal with these cases. The  
4 developers had refused to communicate their plans, so their CC would not be allowed to comment. Their CC was  
5 concerned there was a developer who was currently developing without any sort of standards, guidance or planning.  
6 The Rabbit Creek CC urged the Assembly to not support the short platting process because of potential damage. She  
7 recommended that MOA reduce the number of allowable lots to be short platted, depending on the discretion of the  
8 platting department. She recommended they keep the 48-month requirement between short plat allowed on contiguous  
9 parcels, regardless of ownership. Ms. Holm stated the typical parcel sizes in her area were 10-acre. She  
10 recommended limiting the size of acreage to be platted, and gave examples of thirty or fifty acres, giving consideration  
11 to surrounding property owners. She recommended the minimum size to be ten acres, depending on topography of the  
12 area.

13  
14 TIM POTTER, of Dowl Engineering, explained that the platting process had worked very well over the years. It had  
15 been a way to balance the workload the MOA staff could manage with platting activities within the MOA. He explained  
16 that because lots were coming on the market so fast, and because of the time factor involved with platting, often the  
17 new parcels are 'piggy-backed.' Each was review separately, taking into account drainage, storm water, slope, etc. He  
18 suggested the appeal process was a self-protected process. Mr. Potter stated that applicants needed to meet all  
19 requirements of the zoning district and all specific subdivision requirements. Variances were issued from the Platting  
20 Board. Mr. Potter stated that his approach was generally the long platting process, because this process covered more  
21 detailed aspects, including the clients' needs and the surrounding areas. Ms. Shamberg pointed out that perhaps he  
22 was a different type of developer than some of the people they were dealing with, and that she appreciated his time.  
23 Mr. Potter stated that size preference of platting should depend on the area and the surrounding area.

24  
25 DEBBIE WULE, a resident of Bear Valley, and Vice President of Bear Valley CC, spoke on her behalf. She requested  
26 there be a reduction of allowable lots that could be short platted at one time, plus a size limit on the tracts. Ms. Wule felt  
27 the short platting process often bypasses the significance of the trails and that transportation issues were not being  
28 studied for impact to support development in the area.

29  
30 EVAN ROLLAND, homebuilder, testified. He stated that if the public had any objection to any platting issue, they could  
31 go to the Planning Department, sign their name and immediately the item would go to the long platting process. He  
32 didn't think there were anymore safeguards necessary.

33  
34 With no further public testimony, Chair Traini closed Public Hearing and asked for a motion of this item.

35  
36 Mr. Van Etten moved, to postpone AO 2003-131 until the  
37 first week in January.

38  
39 Chair Traini stated that because of the limited time remaining in the evening's meeting, that the U/Med issue would be  
40 resumed on October 21, 2003. He requested all amendments to that ordinance would need to be in writing. He stated  
41 they would try to listen to testimony of the two professional consultants from out-of-town, once the issue on the floor  
42 was completed.

43  
44 Chair Traini returned the floor to Mr. Van Etten.

45  
46 Mr. Van Etten moved, to postpone AO 2003-131 until October 21, 2003,  
47 Mr. Tremaine seconded, with a work session scheduled on the 17<sup>th</sup>, from  
48 3:00 to 4:00 p.m.

49  
50 Mr. Van Etten explained his motion was to allow time for all proposed amendments be in writing and it would allow  
51 additional time to think through this important issue.

52  
53 Ms. Fairclough stated that there was not enough time to amend AO 2003-131 with all the considerations before the  
54 Assembly. She suggested hearing testimony from the attorneys. She stated that while she concurred with the need,  
55 she urged a 'no' on postponement and a 'yes' on reauthorizing this ordinance, and allow the new Title-21 rewrite make  
56 corrections.

57  
58 Mr. Tremaine stated that, given the testimony so far, it wouldn't make sense to postpone, because they would be  
59 introducing a title at the next Assembly Meeting to make permanent changes. Mr. Weaver agreed the amendments that  
60 were still coming in would be given additional scrutiny. Mr. Tremaine stated he would vote 'no' on Mr. Van Etten's  
61 motion to postpone, but would vote 'yes' to pass this item, as-is.

62  
63 Mr. Van Etten withdrew his amendment to postpone and moved to approve.

64  
65 Mr. Van Etten moved, to approve AO 2003-131.  
66 Mr. Tremaine seconded,  
67 and this motion passed,

68  
69 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall,  
70 Tremaine and Sullivan.

71 NAYES: None.

72  
73 14.G. Ordinance No. AO 2003-132, an ordinance amending Anchorage Municipal Code Sections 21.35.020  
74 to define *Cemetery*, and Section 21.40.020 to prohibit the **burial of human remains**, other than

1 cremated remains, in any location other than a cemetery, in the Public Lands and Institutions (PLI)  
2 Zone District, Planning Department.  
3 1. Assembly Memorandum No. AM 742-2003.  
4

5 Chair Traini read this ordinance and opened Public Hearing. He invited all who wished to testify to please come forward.  
6

7 MIKE (*last name inaudible*), a former resident of Montana, where there were no regulations governing this, testified. He  
8 didn't see a problem with this, as long as the body was buried deep enough and in a way that would decompose  
9 naturally. He stated that he was not interested in paying \$30,000 to be buried. He urged the Assembly to amend this  
10 ordinance to define the details of back-yard burial.  
11

12 CHRIS HAMREY, resident of Golden View Drive, testified. He had attended the P&Z meeting when this was passed,  
13 and he remembered the discussion and response concluded that people could be buried on private property, and they  
14 thought that was a bad thing. He heard no reports of associated, adverse health problems, and it was a land-use issue.  
15 Mr. Hamrey stated he had not heard of any compelling reason to address this issue and he urged Assemblymembers not  
16 to pass this ordinance. Mr. Sullivan commented he appreciated that sentiment, but that the issue becomes problematic  
17 when land changes hands, and if the new owners decided to expand the house or redeveloped or subdivide the  
18 property, and unknowingly dig up a grave yard.  
19

20 KATY WESTFALL, President of Board of Trustees of Angelus Memorial Park and Cemetery, testified. She and the  
21 Board supported this ordinance. She had experienced dealing with many grieving people, and that they do irrational  
22 things, that they might regret later. She stated she did see a health issue, along with the issue of wanting to move the  
23 human remains thirty years later. She hesitated, and then explained that exhuming bodies was not what people thought  
24 it was. She urged the Assembly to pass this ordinance. Ms. Westfall responded that there were two cemeteries in  
25 Anchorage and one on Fort Richardson and the costs of plots range from \$600 to \$1600 plus internment fees. She  
26 estimated the plot and burial fees were about \$4000, with the funeral home services and the casket additional charges.  
27 Ms. Westfall responded that in the winter cemeteries like Fort Richardson maintain pre-dug holes, while Angelus  
28 Memorial Park could keep human remains in a cooler for the winter. Ms. Fairclough added the issue of finding a burial  
29 site would require a DNA examination to identify the body, with the expense going to the city. To Mr. Tesche's question,  
30 Ms. Westfall responded that with all of her 20 years of experience, she had always assumed that random burial was  
31 illegal in back yards. Ms. Westfall stated that now that this issue had become news in Anchorage, everyone might  
32 assume you could bury human remains anywhere, and the Assembly should address the issue that evening. To Mr.  
33 Sullivan's question, Ms. Westfall responded that cremation accounts for about 60% of all deaths and was a growing  
34 trend.  
35

36 To Mayor Begich's stated that if this issue was always assumed to be outlawed, then let the Assembly clarify that it is  
37 outlawed, and he urged passage of the ordinance.  
38

39 With no further public testimony, Chair Traini closed Public Hearing and called for a motion.  
40

41 Ms. Von Gemmingen moved, to approve AO 2003-132.  
42 Ms. Fairclough seconded,  
43

44 Mr. Sullivan commented that this ordinance made sense. He stated that about six months ago he had received a call  
45 from a Mr. Green who wanted a back yard burial and that Mr. Green was told it was illegal because it wasn't a permitted  
46 use within any existing zones.  
47

48 Mr. Van Etten asked the Administration if they were aware of any reason this issue had been brought forth at this time.  
49 Mr. Weaver responded it was simply clarity to the issue and correlates with the state statue for the definition of burial.  
50

51 Mr. Tesche wanted Mr. Weaver to again clarify his last statement, and asked if the only reason this was being addressed  
52 was because the State of Alaska said it needed to be done. Mr. Weaver responded that the passage of this ordinance  
53 gave clarity to the issue for the general public. Municipal Attorney, Mr. Boness, responded to Mr. Tesche's question,  
54 replying that the MOA was not required by state law, but that burial was required in cemeteries. Mr. Tesche stated he  
55 would vote in favor of this ordinance because bodies belong in cemeteries and cemeteries were regulated by land use  
56 planning.  
57

58 Mr. Tremaine stated that, with what he had just heard, that there was no need for this ordinance. He stated that Alaska  
59 was an area of homesteading, where land had never been settled before. There were many people across time, who  
60 had desired to be buried where they lived. He felt it needed to be clarified that the new laws started with the passage of  
61 the ordinance and would not apply to past burials. Chair Traini stated the Assembly did not pass expos-facto laws, for  
62 the record. He also stated that he felt it was important for burials to be allowed on a case-by-case basis. Mr. Boness  
63 responded that allowances would have to follow procedure of an ordinance, following Public Hearing. Mr. Tremaine  
64 stated he would vote in favor of this ordinance, although he felt it was an infringement on private property rights.  
65

66 Mayor Begich repeated that he and the Administration were interested in clarifying this burial issue for the general public.  
67 He reminded the Assembly their stand was in support of this ordinance.  
68

69 Mr. Sullivan asked for clarity on his cremation legality issue, posed earlier in the discussion. Mayor Begich stated the  
70 Administration would follow up on that issue.  
71

72 Ms. Von Gemmingen moved, to approve AO 2003-132.  
73 Ms. Fairclough seconded,  
74 and the motion was passed unanimously,  
75

1 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall,  
2 Tremaine and Sullivan.

3 NAYES: None.  
4

5 **15 SPECIAL ORDERS** None.  
6

7 **16. UNFINISHED AGENDA** None.  
8

9 **17. AUDIENCE PARTICIPATION** None.  
10

11 **18. ASSEMBLY COMMENTS** None.  
12

13 **19. EXECUTIVE SESSIONS** None.  
14

15 **20. ADJOURNMENT** Chair Traini called for a motion to adjourn the meeting.  
16

17 Mr. Tremaine moved, to adjourn the meeting.  
18

19 Mr. Van Etten seconded,  
20 and this motion passed without objection,

21 The meeting was adjourned at 10:26 p.m.  
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49 \_\_\_\_\_  
DICK TRAINI, Assembly Chair

50  
51  
52 ATTEST:  
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BARBARA GRUENSTEIN, Municipal Clerk  
62 Date Minutes approved \_\_\_\_\_, 2004  
63 MC:BG