

MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEETING

Assembly Chambers, Z. J. Loussac Library
3600 Denali Street, Room 108

Minutes for Regular Meeting of December 16, 2003
Carried Over to December 17, 2003, as amended

1. CALL TO ORDER

The meeting of December 16, 2003 was convened by Assembly Chair Dick Traini at 5:00 p.m. and the meeting continued on December 17, 2003, beginning at 5:05 p.m. Both meetings were held in the Assembly Chambers of the Loussac Library, Room 108, 3600 Denali Street, in Anchorage, Alaska.

2. ROLL CALL

A Quorum was achieved, with all Assemblymembers present for each evening; with the exception of Mr. Tesche arriving after roll call was completed on December 17, 2003, and Ms. Fairclough was excused from the meeting early on December 17th.

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

ABSENT: None.

3. PLEDGE OF ALLEGIANCE The pledge was led by Ms. Von Gemmingen.

4. MINUTES OF PREVIOUS MEETING

A. Meeting Minutes – October 21, 2003

Mr. Tesche moved, to approve the Minutes of the Regular Assembly
Ms. Taylor seconded, Meeting of October 21, 2003.
and this motion passed unanimously,

5. MAYOR'S REPORT

Mayor Begich reported that he and the Administration were part of a ceremony today with the Secretary of Veterans Affairs, who announced that Anchorage would host the National Veterans' Wheelchair competition in July 2006. He explained this was the single largest wheelchair competition in the world, with over 500 participants. The Mayor and Secretary discussed the concept of a Veterans' Campus. They would bring all of the Veterans' facilities into one campus, instead of being spread throughout the city. He stated there were about 30,000 veterans in the Municipality.

Mayor Begich also reported on legislation for firefighters that was recently passed by the President, modeled after the *Cops Program*. The intent of this six-year program was to educate 75,000 new firefighters in the area of enforcement. Mayor Begich requested Assembly support for Administration proposals on this issue.

The Mayor reported that the Municipality had raised \$31,000 from the private sector to purchase 1200 carbon monoxide detectors for moderate to low income individuals and families. He thanked the Red Cross for their assistance with the distribution of these CO detectors and Federal Express for supplying the shipping of those detectors from California.

The Mayor requested that an Executive Session be scheduled for the evening, for discussion of labor issues.

Mr. Sullivan congratulated the Mayor on his work with the carbon monoxide detectors.

6. ASSEMBLY CHAIR'S REPORT

Chair Traini thanked Senator Gary Wilkins and Senator Ethan Berkowitz for their attendance of the evening's meeting.

7. COMMITTEE REPORTS

Mr. Tesche recommended when they consider appropriations for the new *COPS* grants or firefighters proposals, that everyone keep in mind the federal money would eventually run out, and the MOA would have to eventually layoff those positions. The Mayor stated that Alaska was a first responder for the Homeland Security Division and now had federal requirements that would be continually funded in part by the federal government.

Ms. Von Gemmingen recently returned from the National League of Cities meeting in Nashville. The partnerships between city and state and federal governments was a key topic. Ms. Von Gemmingen announced that Chair Traini had been elected to the Board of Directors of the National League of Cities.

Mr. Tesche congratulated Chair Traini and explained his appointment to the Board of Directors of the National League of Cities was significant. He stated that many thousands of people across the nation had voted for Chair Traini. He explained this was a very important appointment because it gave our community a key seat at one of the largest organizations of municipal governments. Mr. Tesche added that the Central Cities Council, a group of 50-70 members, was currently working on key issues of security, education, transportation and infrastructure.

Mr. Tremaine stated that at the National League of Cities meetings, Alaska was always a topic of high interest and members were constantly asked questions concerning ANWR, energy and economic development. He stated that Nashville supported a bed tax, property tax and a 9.25% sales tax. Nashville's local paper reported the locals had spent \$660,000, with matching funds from private sector, for the National League of Cities Convention and that the locals felt it was a good investment of their money.

Chair Traini stated the Central Cities Council would be a significant tool that would help link the federal government and cities without having to go through state governments.

Ms. Von Gemmingen said the Central Cities Council had requested that Alaska elect an individual for their Environment, Energy and Natural Resources Steering Committee.

8. ADDENDUM TO AGENDA

Chair Traini read the Addendum items. He called for any additional Addendum items, and there being none, he called for a motion to incorporate Addendum items into the Regular Agenda. Three items were Laid on the Table and the Chair assigned them Agenda Numbers 9.F.7 and 9.F.8. and 14.D.

Mr. Tesche moved,	to approve the inclusion of the Addendum items into the
Ms. Taylor seconded,	Regular Agenda.
and this motion was passed,	

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

NAYES: None.

Chair Traini called for a motion on the Consent Agenda.

Mr. Tesche moved,	to approve the Consent Agenda.
Mr. Tremaine seconded,	

Chair Traini called for Assemblymembers to request items be pulled and moved to the Regular Agenda for discussion.

9. CONSENT AGENDA

9.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

9.A.1. Resolution No. AR 2003-384, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Clara "Billie" Lewis** for her 10 years of service with the Municipality of Anchorage, Mayor Begich; Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen and Whittle.

Mr. Tesche requested this item be pulled for review on the Regular Agenda. (*See item 10.A.1*)

9.A.2. Resolution No. AR 2003-386, a resolution of the Anchorage Municipal Assembly recognizing the **Anchorage Water and Wastewater Utility (AWWU) GIS Team** that received the 2003 ESRI Special Achievement in GIS Award, Mayor Begich; Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen and Whittle.

Ms. Von Gemmingen requested this item be pulled for review on the Regular Agenda. (*See item 10.A.2*)

9.B. RESOLUTIONS FOR ACTION - OTHER

9.B.1. Resolution No. AR 2003-349, a resolution of the Anchorage Municipal Assembly approving the preliminary (conceptual) design for the **Chester Valley Elementary School Addition and Renovation Project**, Anchorage School District.

a. Assembly Memorandum No. AM 866-2003.

9.B.2. Resolution No. AR 2003-350, a resolution of the Anchorage Municipal Assembly approving the revised (schematic) design for the **Sand Lake Elementary School Addition and Renovation Project**, Anchorage School District.

a. Assembly Memorandum No. AM 867-2003.

9.B.3. Resolution No. AR 2003-387, a resolution of the Municipality of Anchorage appropriation \$20,000 as a grant from the Anchorage Woman's Club to the Miscellaneous Grants Fund (261) for the Anchorage Police Department to provide for the purchase of additional **defibrillators**, Anchorage Police Department.

a. Assembly Memorandum No. AM 967-2003.

Chair Traini asked if any member of the Anchorage Woman's Club was in attendance, and there were none. He asked Ms. Elvi Gray-Jackson to begin a resolution to honor these women and to contact that group of women and invite them to come before the Assembly, so a formal recognition could be made for their efforts. APD Chief Walt Monegan stated that the Women's Club had made a donation of \$20,000 for the defibrillators.

- 1 9.B.4. Resolution No. AR 2003-390, a resolution of the Municipality of Anchorage appropriating \$15,000 as a
2 donation from ConocoPhillips to the Miscellaneous Operational Grants Fund (261) for the support of
3 the **Westchester Saturday Family Skate**, Office of Economic & Community Development.
4 a. Assembly Memorandum No. AM 983-2003.

5
6 Mr. Whittle requested this item be pulled for review on the Regular Agenda. (See item 10.B.4)

- 7
8 9.B.5. Resolution No. AR 2003-391, a resolution of the Municipality of Anchorage appropriating \$1,470 as a
9 contribution from the Areawide General Fund Balance, and appropriating \$77,510 from the Areawide
10 General Fund (101) 2003 Operating Budget, to the Areawide Capital Reserve Fund (401) for **capital**
11 **maintenance and improvements to City Hall**, Real Estate Services.
12 a. Assembly Memorandum No. AM 984-2003.
13 9.B.6. Resolution No. AR 2003-392, a resolution of the Anchorage Municipal Assembly stating its temporary
14 non-objection to the transfer of ownership of a beverage dispensary liquor license for the **Carousel**
15 **Cocktail Lounge** located at 3206 Spenard Road, Assembly Chair Traini.
16 9.B.7. Resolution No. AR 2003-389, a resolution of the Anchorage Municipal Assembly supporting **Alaska**
17 **Senate Concurrent Resolution 12**, acknowledging the natural unfairness in the current local
18 governmental structure and requesting the Local Boundary Commission to present a recommendation
19 for borough incorporation to the Legislature in order to formally request residents living in certain
20 unorganized areas of Alaska to help operate and financially provide for their local school system,
21 Assemblymember Tesche, Traini, Van Gemmingen, Fairclough and Sullivan.
22 a. Assembly Memorandum No. AM 976-2003.

23
24 Mr. Tesche requested this item be pulled for review on the Regular Agenda. (See item 10.B.7)

- 25
26 9.B.8. Resolution No. AR 2003-395, a resolution of the Municipality of Anchorage appropriating \$2,000 from
27 **Rabbit Creek Limited Road Service Area** (LRSA) Fund Balance (Fund 145) to Rabbit Creek LRSA
28 BY2003 Operating Budget (Fund 145) for year round road maintenance services, Maintenance &
29 Operations Department. **(Addendum)**
30 a. Assembly Memorandum No. AM 1001-2003.
31 9.B.9. Resolution No. AR 2003-396, a resolution of the Municipality of Anchorage appropriating \$4,000 from
32 the Anchorage Museum Association and \$150 as a contribution from the CY03 Museum Operating
33 Budget, Areawide General Fund (101) for administrative fees to Miscellaneous Operational Grants
34 Fund 261 to fund a **temporary museum attendant** for the Anchorage Museum of History and Art
35 (\$4,150), Office of Economic & Community Development. **(Addendum)**
36 a. Assembly Memorandum No. AM 1002-2003.

37
38 **9.C. BID AWARDS**

- 39 9.C.1. Assembly Memorandum No. AM 957-2003, recommendation of award to F & F Construction for
40 **Emergency Operations Center basement upgrades** for the Municipality of Anchorage, Project
41 Management & Engineering (ITB 23-C074) (\$235,942), Purchasing.
42 9.C.2. Assembly Memorandum No. AM 958-2003, recommendation of award to Christensen Builders for
43 **AWWU Operations Facility mechanical upgrades** for the Municipality of Anchorage, Anchorage
44 Water & Wastewater Utility (ITB 23-C072) (\$685,000), Purchasing.
45 9.C.3. Assembly Memorandum No. AM 959-2003, recommendation of award to Tire Distribution Systems,
46 Inc. for furnishing **miscellaneous tires, repairs and service calls** for the Municipality of Anchorage,
47 Purchasing Department (ITB 23-B076) (\$280,682.22), Purchasing.
48 9.C.4. Assembly Memorandum No. AM 977-2003, recommendation of award to Western Peterbilt of Alaska
49 for furnishing a **residential frontload refuse truck** to the Municipality of Anchorage, Solid Waste
50 Services (ITB 23-B080) (\$166,283), Purchasing.
51 9.C.5. Assembly Memorandum No. AM 986-2003, recommendation of award to VCA Alpine Animal Hospitals
52 to provide **spay/neuter surgeries and microchip implants** to the Municipality of Anchorage,
53 Department of Health & Human Services (ITB 23-B089) (\$117,000), Purchasing.
54 9.C.6. Assembly Memorandum No. AM 987-2003, recommendation to Spenard Builders Supply and Uresco
55 Construction Materials for furnishing **miscellaneous building and roofing materials** to the
56 Municipality of Anchorage, Department of Health & Human Services (ITB 23-B074) (\$275,000),
57 Purchasing.
58 9.C.7. Assembly Memorandum No. AM 988-2003, recommendation of award to Alaska Power Agency for
59 furnishing **polemount, padmount, and submersible transformers** to the Municipality of Anchorage,
60 Municipal Light & Power (ITB 23-B081) (\$214,117.57), Purchasing.

61
62 **9.D. NEW BUSINESS**

- 63 9.D.1. Assembly Memorandum No. AM 960-2003, **Anchorage Parking Authority Board of Directors**
64 appointment (Joelle Hall), Mayor's Office.
65 9.D.2. Assembly Memorandum No. AM 961-2003, **Chugiak-Eagle River Parks and Recreation Board of**
66 **Supervisors** appointments (Alexandra Hill, Ann Newbury, Brian Fay, Charles Horsman), Mayor's Office.
67 9.D.3. Assembly Memorandum No. AM 962-2003, **Transportation Commission** appointment (James
68 Beauchamp), Mayor's Office.
69 9.D.4. Assembly Memorandum No. AM 975-2003, **Investment Advisory Commission** appointments (Soren
70 Orley, Bryan Talbott-Clark), Mayor's Office.
71 9.D.5. Assembly Memorandum No. AM 994-2003, **Americans with Disabilities Act Advisory Commission**
72 appointment (Ramona McAleese), Mayor's Office.
73 9.D.6. Assembly Memorandum No. AM 995-2003, **Police and Fire Retirement Board of Trustees**
74 appointment (Jim Bauman), Mayor's Office.
75 9.D.7. Assembly Memorandum No. AM 997-2003, **Housing and Urban Development Commission**
76 appointment (Debbi Newgent), Mayor's Office.

- 9.D.8. Assembly Memorandum No. AM 970-2003, 2004/2005 Liquor License Renewals: **The Lions Den #658; The Woodshed #4231, Red Robin Burger & Spirits Emporium-3401 Penland Pkwy. #2267; Red Robin Burger & Spirits Emporium #2 -401 E. Dimond #3304; Red Robin Burger & Spirits Emporium #3-4140 B St. #3685 – Beverage Dispensary; Tokyo Garden #4063, Siam Cuisine #3084 – Restaurant/Eating Place; Kmart Corporation-400 Rodeo Drive #3426; Yukon Spirits #996 – Package Store (Spenard, Taku/Campbell, Downtown, Turnagain, Campbell Park, Mt. View, Airport Heights, Russian Jack, Old Seward, Bayshore/Klatt, Tudor Area, and Rogers Park Community Councils), Clerk's Office.**
- 9.D.9. Assembly Memorandum No. AM 971-2003, **Goldrush Liquors #3349 – Transfer of Ownership & Name Change for a Package Store Liquor License (Taku/Campbell & Abbott Loop Community Councils), Clerk's Office.**

Mr. Van Etten requested this item be pulled for review on the Regular Agenda. *(See item 10.D.9)*

- 9.D.10. Assembly Memorandum No. AM 972-2003, **Shine's Sushi Restaurant #4345 – New Restaurant/Eating Place Liquor License (Eagle River Community Council), Clerk's Office.**
- 9.D.11. Assembly Memorandum No. AM 973-2003, **Al's Alaskan Inn #10 – Renewal of a Beverage Dispensary/Tourism Liquor License (Old Seward/Taku-Campbell & Abbott Loop Community Councils), Clerk's Office.**

Mr. Tremaine requested this item be pulled for review on the Regular Agenda. *(See item 9.D.11)*

- 9.D.12. Assembly Memorandum No. AM 974-2003, **The Office Lounge #806 – Transfer of Ownership for a Beverage Dispensary Liquor License (Spenard Community Council), Clerk's Office.**
- 9.D.13. Assembly Memorandum No. AM 963-2003, Utility Relocation Agreement with Chugach Electric Association for the **West Northern Lights Boulevard Upgrade, Nathaniel Court to Wisconsin Street**, PM&E Project No. 01-10 (\$115,000), Project Management & Engineering.
- 9.D.14. Assembly Memorandum No. AM 966-2003, proprietary services contract approval with Rim Architects Inc. for providing **architectural engineering services for Fire Station 15** for the Municipality of Anchorage, Project Management & Engineering (\$261,802), Purchasing.
- 9.D.15. Assembly Memorandum No. AM 978-2003, Amendment No. 3 to contract with Alaska Boring, **storm drain reconstruction beneath 36th Avenue, C Street to Old Seward Highway**, Project No. 01-04 (\$30,611), Project Management & Engineering.
- 9.D.16. Assembly Memorandum No. AM 989-2003, recommendation of award to Tryck Nyman Hayes to provide professional engineering services to complete the **Delaney Park Design Study Project** for the Municipality of Anchorage, Project Management & Engineering (RFP 23-P019 Project A) (\$140,000), Purchasing.

Mr. Tesche requested this item be pulled for review on the Regular Agenda. *(See item 10.D.16)*

- 9.D.17. Assembly Memorandum No. AM 964-2003, proprietary purchase to EBSCO Subscription Services for providing **library periodical subscriptions** for the Municipality of Anchorage, Department of Cultural & Recreations Services (\$50,000), Purchasing.
- 9.D.18. Assembly Memorandum No. AM 965-2003, Change Order No. 1 to Vendor Contract 21FIN197 with Alaska Financial Services for providing **collections contract services** for the Municipality of Anchorage, Finance Department (\$100,000), Purchasing.
- 9.D.19. Assembly Memorandum No. AM 979-2003, Change Order No. 4 to Blue Cross Blue Shield of Alaska for providing **medical, dental, vision and audio benefits and claims administration** to the Municipality of Anchorage, Employee Relations (\$34,878,782), Purchasing.

Mr. Tremaine requested this item be pulled for review on the Regular Agenda. *(See item 10.D.19)*

- 9.D.20. Assembly Memorandum No. AM 980-2003, Calendar Year 2004 change orders to purchase orders with Aetna US Health Care and States West Life Insurance Company for providing **employee life and long and short term disability coverage** for the Municipality of Anchorage, Employee Relations Department (\$1,070,890), Purchasing.
- 9.D.21. Assembly Memorandum No. AM 990-2003, Change Order No. 4 to P.O. 231254 (formerly 212699) with Magellan Behavioral Health Inc. for providing **Employee Assistance Program services** to the Municipality of Anchorage, Employee Relations Department (\$115,000), Purchasing.
- 9.D.22. Assembly Memorandum No. AM 981-2003, proprietary purchase to Pfizer Inc. for providing **contraceptives and medications** to the Municipality of Anchorage, Department of Health & Human Services (\$45,000), Purchasing.
- 9.D.23. Assembly Memorandum No. AM 982-2003, proprietary purchase with Mustang Dynamometer for providing an **I/M 240 Dynamometer** to the Municipality of Anchorage, Department of Health and Human Services (\$87,395), Purchasing.

Mr. Sullivan requested this item be pulled for review on the Regular Agenda. *(See item 10.D.23)*

- 9.D.24. Assembly Memorandum No. AM 991-2003, proprietary purchase of **computer software support and maintenance** from Tiburon, Inc. for the Municipality of Anchorage, Anchorage Police Department (APD) (\$134,130), Purchasing.
- 9.D.25. Assembly Memorandum No. AM 992-2003, Contract Amendment No. 3 to Purchase Order 234184 with Securitas Security Services USA, Inc. for furnishing **security guard services** to the Municipality of Anchorage, Municipal Light & Power (\$365,190.44), Purchasing.
- 9.D.26. Assembly Memorandum No. AM 993-2003, approval of an intergovernmental cooperative agreement with the Matanuska-Susitna Borough for the **analysis of ferry service and other transportation improvements** for the Municipality of Anchorage, Port of Anchorage (\$150,000), Purchasing.

Mr. Whittle requested this item be pulled for review on the Regular Agenda. (See item 10.D.26)

- 9.D.27. Assembly Memorandum No. AM 969-2003, proprietary purchase contract for professional **2003 Federal lobbying services** with Birch, Horton, Bittner and Cherot by William P. Horn (\$12,000), Municipal Manager's Office.
- 9.D.28. Assembly Memorandum No. AM 1003-2003, proprietary purchase for **underground locate services** with Alaska DigLine Inc. d/b/a Locate Call Center of Alaska, Inc. for the Municipality of Anchorage, various utilities and Departments (\$74,888), Purchasing. **(Addendum)**
- 9.D.29. Assembly Memorandum No. AM 1004-2003, recommendation of award to various carriers for providing **various insurance coverage** to the Municipality of Anchorage, Operations Department (\$634,681), Finance. **(Addendum)**
- 9.D.30. Assembly Memorandum No. AM 1005-2003, Change Order No. 1 to Contract 22MIS105 with Alaska Communication System, Inc. for **local telephone services** for the Municipality of Anchorage, Information Technology Department (\$752,000), Purchasing. **(Addendum)**

Mr. Tremaine requested this item be pulled for review on the Regular Agenda. (See item 10.D.30)

9.E. INFORMATION AND REPORTS

- 9.E.1. Information Memorandum No. AIM 106-2003, **contracts awarded between \$50,000 and \$100,000 through formal competitive processes** for the month of November 2003, Purchasing.
- 9.E.2. Information Memorandum No. AIM 107-2003, **Sole Source Procurement Report** for the month of November 2003, Purchasing.
- 9.E.3. Information Memorandum No. AIM 108-2003, **Monthly Financial Report** - October 2003, Finance.

9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

- 9.F.1. Ordinance No. AO 2003-166, an ordinance of the Municipality of Anchorage, Alaska, approving submission by the Anchorage Water & Wastewater Utility (AWU, ASU) **proposed rate changes** to the Regulatory Commission of Alaska, Anchorage Water & Wastewater Utility.
a. Assembly Memorandum No. AM 985-2003. (Public Hearing set for 1-6-04.)
- 9.F.2. Resolution No. AR 2003-388, a resolution of the Municipality of Anchorage appropriating \$500,000 from the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA), to the Federal Categorical Grants Fund (241), Department of Health and Human Services for **Substance Abuse Treatment Programs for women**.
a. Assembly Memorandum No. AM 968-2003. (Public Hearing set for 1-6-04.)
- 9.F.3. Resolution No. AR 2003-393, a resolution of the Anchorage Municipal Assembly appropriating \$1,500,000 and **revising the 2003 Municipal Light and Power Operating Budget**, Municipal Light & Power. (Public Hearing set for 1-6-04.)
a. Assembly Memorandum No. AM 996-2003.
- 9.F.4. Resolution No. AR 2003-394, a resolution of the Municipality of Anchorage appropriating \$299,000 as a contribution to the Areawide General Fund (101) and Management Information Systems Fund (607), 2003 Operating Budget, from the Building Safety Fund (181) Fund Balance to complete the **expansion of the Planning and Development Center**, Municipal Manager's Office. **(Addendum)**
a. Assembly Memorandum No. AM 998-2003. (Public Hearing set for 1-6-04.)
- 9.F.5. Resolution No. AR 2003-397, a resolution of the Municipality of Anchorage appropriating \$168,880 of Areawide Service Area Fund (Fund 101) Unappropriated Insurance Recovery Revenues to the Areawide Service Area Fund (Fund 101) Maintenance and Operations Department 2003 General Operating Budget to provide funding for **emergency repairs to various municipal facilities** damaged by the windstorm of March 12, 2003, Maintenance & Operations Department. **(Addendum)**
a. Assembly Memorandum No. AM 1006-2003. (Public Hearing set for 1-6-04.)
- 9.F.6. Ordinance No. AO 2003-167, an ordinance amending Anchorage Municipal Code Section 6.50.060 to extend the period for determining average market value when calculating the annual endowment formula payout and clarifying procedures and authority used in the selection process associated with selecting money managers servicing the **MOA Trust Fund**, Finance. (Public Hearing set for 1-6-04.)
a. Assembly Memorandum No. AM 1007-2003. **(Addendum)**
- 9.F.7. Ordinance No. AO 2003-168, an ordinance amending Anchorage Municipal Code Section 10.45.050, pertaining to **surcharges** on events held in the George M. Sullivan Arena, Department of Economic & community Development. **(Laid on the Table)** (Public Hearing set for January 6, 2004)
- 9.F.8. Ordinance No. AO 2003-169, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 2.30.050, **introduction of ordinances**; action of ordinances, Chair Traini. **(Laid on the Table)** (Public Hearing set for January 6, 2004)

END OF CONSENT AGENDA

Chair Traini called for a motion to approve the remainder of Consent Agenda.

Mr. Tremaine moved, to approve the amended Consent Agenda, with the exception
Mr. Tesche seconded, of Mr. Whittle with a possible conflict of interest on 9.C.6 and
and this motion was passed, Ms. Taylor with a possible conflict of interest with 9.D.4.

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

NAYES: None.

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

10. REGULAR AGENDA

10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

10.A.1. Resolution No. AR 2003-384, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Clara “Billie” Lewis** for her 10 years of service with the Municipality of Anchorage, Mayor Begich; Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen and Whittle.

Chair Traini read this resolution title and called for a motion from Mr. Tesche.

Mr. Tesche moved, to approve AR 2003-384.
Ms. Taylor seconded,
and this motion was passed unanimously,

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

NAYES: None.

Ms. Taylor presented the award as Mr. Tesche read the proclamation, honoring Clara “Billie” Lewis for her work and dedication as the Director of the Anchorage Senior Center since September 1, 1993. Mr. Tesche stated that under her direction the Center had grown in membership from 1800 to over 2400 active seniors. Ms. Lewis would be retiring, after ten years of service, on January 4, 2004.

Chair Traini, Ms. Taylor, Mayor Begich, Mr. Sullivan, and Mr. Van Etten offered their praise, congratulations and thanks to Ms. Lewis for her dedicated service to the city and community.

10.A.2. Resolution No. AR 2003-386, a resolution of the Anchorage Municipal Assembly recognizing the **Anchorage Water and Wastewater Utility (AWWU) GIS Team** that received the 2003 ESRI Special Achievement in GIS Award, Mayor Begich; Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen and Whittle.

Chair Traini read the title of this resolution and called for a motion from Ms. Von Gemmingen.

Ms. Von Gemmingen moved, to approve AR 2003-386.
Mr. Van Etten seconded,
and this motion passed unanimously,

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

NAYES: None.

Ms. Von Gemmingen presented the award as Mr. Van Etten read the proclamation, honoring the Anchorage Water and Wastewater Utility GIS Team. The GIS Team, including Larry Brice, Julie Moyson, Tim Kelly, John Devrees, Ed Whitmore, Betsy Lawhorn, Vivian Letkowski, Katherine Browning and Everett Clarey, had demonstrated a high level of research in geospatial computer technology by implementing a state-of-the-art data base and developing an intranet based geospatial portal interface to AWWU and Municipal Enterprise Systems. This technology would allow employees immediate access to current AWWU information for all levels of business and customer service.

A GIS Team member thanked Larry Brice and MOA’s Mark Premo for their leadership, vision and involvement with their project.

The Mayor stated the GIS technological achievement would make AWWU much more efficient with their accomplishments and customer service.

10.B. RESOLUTIONS FOR ACTION - OTHER

10.B.4. Resolution No. AR 2003-390, a resolution of the Municipality of Anchorage appropriating \$15,000 as a donation from ConocoPhillips to the Miscellaneous Operational Grants Fund (261) for the support of the **Westchester Saturday Family Skate**, Office of Economic & Community Development.

a. Assembly Memorandum No. AM 983-2003.

Chair Traini read this resolution and called for a motion from Mr. Whittle.

Mr. Whittle moved, to approve AR 2003-390.
Mr. Tremaine seconded,
and this motion was passed,

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

NAYES: None.

Mr. Whittle thanked Conoco Phillips for their support of the Saturday Family Skating at Westchester Lagoon. Mr. Sullivan thanked Conoco Phillips for their continued sponsorship of many Anchorage activities.

10.B.7. Resolution No. AR 2003-389, a resolution of the Anchorage Municipal Assembly supporting **Alaska Senate Concurrent Resolution 12**, acknowledging the natural unfairness in the current local

governmental structure and requesting the Local Boundary Commission to present a recommendation for borough incorporation to the Legislature in order to formally request residents living in certain unorganized areas of Alaska to help operate and financially provide for their local school system, Assemblymember Tesche, Traini, Van Gemmingen, Fairclough and Sullivan.
a. Assembly Memorandum No. AM 976-2003.

Chair Traini read this resolution and called for a motion from Mr. Tesche.

Mr. Tesche moved, to approve AR 2003-389,
Ms. Taylor seconded,

Ms. Von Gemmingen moved, to amend AR 2003-389, *by adding* Assemblymembers Traini, Von Gemmingen, Fairclough and Sullivan as cosponsors.
Mr. Sullivan seconded,
and this motion was approved unanimously,

ALASKA STATE SENATOR GARY WILKINS addressed the Assembly in support of the Alaska Senate Concurrent Resolution 12 (SCR 12). Senator Wilkins shared the eleven standards which had been created to be a check list for rural communities to consider for becoming a borough. The Senator stated it was their goal to bring these new communities under new governing management with the plan for them to eventually become independent. He urged the Assembly to support this legislation.

Chair Traini thanked Senator Wilkins for flying to Anchorage to address the Assembly.

To Mr. Kendall's question, the Senator responded that the map he had handed out indicated those communities which could meet the eleven standards, making each a candidate for becoming a new borough.

Mr. Tesche stated that the local Boundary Commission had the identified seven areas in Alaska that qualified for incorporation.

Mr. Tremaine stated that he noticed that the Wrangell/Petersburg and Prince William Sound areas were not included with the Senator's report. Senator Wilkins stated that it took one to six years for a community to qualify. He stated that their standards for qualification of incorporation were primarily based on paying for their own schools.

Ms. Fairclough stated that it was the responsibility of the Boundary Commission to select the areas for incorporation. She encouraged the Commission to give equity to rural Alaska as well as urban Alaska. For the record, she explained that Mr. Tesche had formerly served on the Boundary Commission, but was no longer associated, alleviating any conflict of interest he may have had.

Mr. Sullivan thanked Senator Wilkins for coming to testify. To Mr. Sullivan's question, the Senator responded that preliminary calculations indicated the State of Alaska would gain roughly \$4 million with the additional taxes generated from these newly formed boroughs.

To Mayor Begich's question, the Senator responded that the state required the school districts to pay four mils of their property value to fund education. He added there were three areas that were not being considered for incorporation which included Prince William Sound, represented by John Harris; Wrangell/Petersburg, with Senator Bert Stedman and Representative Peggy Wilson and Aleutians West, with Representative Carl Moses and Senator Lyman Hoffman. The areas being considered included the Upper Tanana Basin, Copper River and Glacier Bay.

ALASKA STATE REPRESENTATIVE ETHAN BERKOWITZ testified before the Assembly, speaking against this resolution. He explained that this legislation would damage unorganized boroughs which did not have tax support, and it would do serious injury to the urban-rural gap. He added that the Bush Caucus had requested that he testify before the Assembly to say their rural communities were adamantly opposed to this legislation. Representative Berkowitz explained that this issue was not an Assembly matter and that there were many other complications that had not been factored into this resolution. Representative Berkowitz warned that rural Alaska would not be pleased if the Assembly endorsed this bill.

To Mr. Tesche, Representative Berkowitz responded that the actions of the resolution would work against the formation of organized boroughs.

To Mr. Tremaine, Representative Berkowitz responded that the State Legislature acted as the Assembly of the unorganized boroughs.

To Mr. Van Etten, Representative Berkowitz responded that the revenues which were expected to be raised with this new resolution would not cover the costs necessary for administering and executing local government in those rural areas.

Mayor Begich stated that the Administration did not support this legislation. Their aim was to reduce the rural and urban divide. He understood that this resolution was opposed by rural Alaska. He questioned why the Assembly had gotten into this debate, when clearly it was not an Anchorage issue. He felt the MOA's stand should be to support rural Alaska. He mentioned that 90% of the activity at the Port of Anchorage supplied rural Alaska. He mentioned that the combined property taxes from Chugiak Native and the Arctic Slope Corporations Headquarters alone contribute to the MOA in the amount of \$400,000 per year. He encouraged the Assembly to stay out of those decisions and to postpone action on this item.

Ms. Fairclough agreed with Mayor Begich that they did not want to divide the state. This resolution was simply a statement from the Municipal Assembly, asking the state government to review the entire State of Alaska, searching for ways to equably share the costs of state government. She urged a YES-vote on item AR 2003-289.

Mr. Tesche stated that he would agree with a postponement, if this issue could be addressed promptly in January, when the MOA was creating an Administrative package of issues to be addressed in Juneau. He added that these issues had not been discussed by the local Boundary Commission.

Ms. Fairclough stated that this had been an issue for the past forty years, and while she would support postponement of this issue for further discussion, she felt strongly that rural Alaskan residents would eventually benefit from redefining their own governments. She said she would agree to postponement until early January to allow for discussion.

Ms. Taylor stated she was concerned, as was the Mayor, that if rural Alaska saw this as a hostile action, that perhaps large money-generating functions, like the Alaska Federation of Natives Convention, would be cancelled. She agreed with the Mayor that this legislation should be postponed and worksessions be held to discuss the possible impact of this legislation on this community.

Ms. Taylor moved,	<i>to postpone</i> AR 2003-389, as amended, until January 6,
Mr. Tremaine seconded,	2004, and schedule a worksession for discussion of this
and this motion was passed,	issue.

AYES: Sullivan, Tremaine, Shamberg, Van Etten, Fairclough, Taylor, Whittle and Tesche.

NAYES: Kendall, Traini and Von Gemmingen.

Mr. Sullivan stated that they were scheduled for a committee hearing on legislative priority programs on January 6, 2004. He asked the incorporation of AR 2003-389 into that Agenda.

10.C. BID AWARDS None were pulled for review.

10.D. NEW BUSINESS

10.D.9. Assembly Memorandum No. AM 971-2003, Goldrush Liquors #3349 – Transfer of Ownership & Name Change for a Package Store Liquor License (Taku/Campbell & Abbott Loop Community Councils), Clerk's Office.

Mr. Van Etten moved to approve, and it was seconded by Mr. Whittle. Mr. Van Etten requested a technical correction be made to Line 23.

Mr. Van Etten moved,	to amend AM 971-2003, on Line 23, <i>to delete</i> the word
Mr. Whittle seconded,	[and] to read: "...above establishment until the conditional
and this motion passed unanimously,	use permit is granted."

Mr. Van Etten moved,	to approve AM 971-2003, as amended.
Mr. Whittle seconded,	
and this motion was passed,	

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

NAYES: None.

ABSENT: Fairclough, excused.

10.D.11. Assembly Memorandum No. AM 973-2003, Al's Alaskan Inn #10 – Renewal of a Beverage Dispensary/Tourism Liquor License (Old Seward/Taku-Campbell & Abbott Loop Community Councils), Clerk's Office. (*Postponed until January 6, 2004*)

Chair Traini read the title of this memorandum and called for a motion.

Mr. Tremaine moved,	<i>to postpone</i> AM 973-2003 until January 6, 2004.
Mr. Tesche seconded,	

Mr. Tremaine requested postponement until January 6, 2004, so that the Assembly could review the 23 DUIs attributable to this establishment by the APD. He requested the owner of Al's Alaskan Inn be scheduled to appear before the Assembly to discuss this issue and asked the Clerk's Office to summarize the type of license issued to this establishment. Mr. Tremaine questioned if the establishment should have a tourism license. He wanted to know if this establishment was in compliance with the Municipal Code and the ABC Board. Chair Traini asked the Municipal Clerk to contact Mr. Choy and request his appearance before the Assembly on January 6, 2004. He urged a YES-vote on postponement.

and this motion passed unanimously,

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

NAYES: None.

ABSENT: Fairclough, excused.

10.D.16. Assembly Memorandum No. AM 989-2003, recommendation of award to Tryck Nyman Hayes to provide professional engineering services to complete the **Delaney Park Design Study Project** for the Municipality of Anchorage, Project Management & Engineering (RFP 23-P019 Project A) (\$140,000), Purchasing.

Chair Traini read the title of this memorandum and called for a motion from Mr. Tesche.

Mr. Tesche move, to approve AM 989-2003.
Mr. Whittle seconded,

Mr. Tesche stated that the Administration was reviewing a very futuristic and complete design that would create a downtown park that would last for the next one hundred years.

Mr. Van Etten questioned the \$140,000 design study and how this project fit into the MOA Areawide Parks rewrite. Mr. Tesche stated that the projected study for Delaney Park would be preparing a complete park for the downtown Anchorage park strip.

and this motion was passed,

AYES: Tesche, Whittle, Taylor, Von Gemmingen, Traini, Van Etten, Shamberg and Sullivan.
NAYES: Kendall and Tremaine.
ABSENT: Fairclough, excused.

10.D.19. Assembly Memorandum No. AM 979-2003, Change Order No. 4 to Blue Cross Blue Shield of Alaska for providing **medical, dental, vision and audio benefits and claims administration** to the Municipality of Anchorage, Employee Relations (\$34,878,782), Purchasing.

Chair Traini read the memorandum title and called for a motion from Mr. Tremaine.

Mr. Tremaine moved, to approve AM 979-2003.
Ms. Fairclough seconded,

Mr. Tremaine stated he wanted this memorandum reviewed because he questioned the proposed 20 percent increase in insurance costs. The Administration responded that their proposed 19.04 percent increase in costs for Premera Blue Cross-Blue Shield Insurance was comparable with increases across the nation.

Two years ago the Municipality agreed to switch insurance companies from AETNA to Blue Cross-Blue Shield, and signed up for complete coverage with high performance standards for Municipal workers.

BARBARA RUSSELL, Director of Sales for Premera Blue Cross-Blue Shield in the Northwest U.S., stated that insurance care costs were rising all across the nation and there are no indications that the costs would be lessening. To Mr. Tremaine's questions, Ms. Russell responded that Premera was responding to the MOA's requests to improve turnaround time on claims, to answer calls in a timely fashion and perform "single-call resolution," completing random satisfaction surveys and improving accuracy and standards on the claims that were processed. To Mr. Sullivan's question, Ms. Russell responded that there was a 14 percent increase in claims from the MOA in the last year. Ms. Russell stated that their company was for non-profit and audit reports would be made available to the MOA. To Chair Traini's question, she responded that Premera had indicated they were interested in becoming a for-profit entity in the future. To Ms. Fairclough's question, Ms. Russell responded that the coverage per MOA employee ranged in cost from between \$900 and \$1000 per month.

The Administration stated they would be reviewing the Municipal medical plans in 2004 for options to reduce costs.

To Chair Traini, Ms. Russell responded that Premera insurance costs were based solely on Alaska.

and this motion to approve AM 979-2003 passed,

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

10.D.23. Assembly Memorandum No. AM 982-2003, proprietary purchase with Mustang Dynamometer for providing an **I/M 240 Dynamometer** to the Municipality of Anchorage, Department of Health and Human Services (\$87,395), Purchasing.

Chair read this memorandum title and called for a motion.

Mr. Sullivan moved, to approve AM 982-2003.
Mr. Tremaine seconded,

Mr. Sullivan stated that this completed the process of allowing the very expensive I/M 240 dynamometer to be used to test vehicles emissions.

Municipal Purchasing Officer, Mr. Bart Mauldin, proposed a technical correction to the memorandum, to correct a typographical error on Line 34.

Mr. Sullivan moved, to amend AM 982-2003, *by changing* the dollar figure on
Mr. Tremaine seconded, Line 34 to read "\$72,395."
and this motion passed unanimously,

Mr. Sullivan moved, to approve AM 982-2003, as amended.
Mr. Tremaine seconded,

and this motion was passed,

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

NAYES: None.

ABSENT: Fairclough, excused.

10.D.26. Assembly Memorandum No. AM 993-2003, approval of an intergovernmental cooperative agreement with the Matanuska-Susitna Borough for the **analysis of ferry service and other transportation improvements** for the Municipality of Anchorage, Port of Anchorage (\$150,000), Purchasing.

Chair Traini read this memorandum and called for a motion from Mr. Whittle.

Mr. Whittle moved, to approve AM 993-2003.
Mr. Tremaine seconded,

Edward Leon, the Director of Finance and Administration for the Port of Anchorage, testified that the environmental assessment had been completed and the study supported a ferry between Point MacKenzie and the Port of Anchorage. He explained that this was partial payment (twenty percent) matching funds for the grant moneys to pay for the assessment and design of this plan. To Mr. Whittle's question, Mr. Leon stated that the next step would be paying additional environmental assessment fees and the design costs.

and this motion passed,

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

NAYES: Sullivan.

10.D.30. Assembly Memorandum No. AM 1005-2003, Change Order No. 1 to Contract 22MIS105 with Alaska Communication System, Inc. for **local telephone services** for the Municipality of Anchorage, Information Technology Department (\$752,000), Purchasing. **(Addendum)**

Chair Traini read this memorandum title and called for a motion.

Mr. Tremaine moved, to approve AM 1005-2003.
Mr. Whittle seconded,

Mr. Tremaine questioned why cell phones were not included with this contract, as it had always been in the past. Mr. Abbott stated that the MOA cell phone contracts were now with Cellular One.

and this motion was passed,

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

NAYES: None.

ABSENT: Fairclough, excused.

10.E. INFORMATION AND REPORTS No items were pulled for discussion.

10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

10.F.7. Ordinance AO 2003-168, an ordinance of the Municipal Assembly, amending Anchorage Municipal Code, 10.45.050, pertaining to **surcharges** on events held in the George M. Sullivan Sports Arena, Assemblymember Fairclough. **(Laid on the Table)** (Public Hearing set for 1-06-04)

Ms. Fairclough presented AO 2003-168, an ordinance amending Anchorage Municipal Code, Section 10.45.050, pertaining to surcharges on events held in the George Sullivan Arena, with Public Hearing set for January 6, 2004.

Ms. Fairclough moved, to introduce AO 2003-168.
Mr. Tremaine seconded,
Mr. Kendall was the concurring third,

Ms. Fairclough stated that this issue had been on-going for the past two years. Mr. Kendall asked that a financial statement from the Egan Center be presented to the Assembly for consideration of both facilities. Mayor Begich supplied the Assembly with financial statements on the Dempsey Anderson, the Ben Boeke, the Egan Center and the Sullivan Arena.

10.F.8. Ordinance AO 2003-169, an ordinance of the Anchorage Municipality amending Anchorage Municipal Code, Section 2.30.050, Assembly **introduction on ordinances**, Assemblymember Traini. **(Laid on the Table)** (Public Hearing set for 1-06-04)

Chair Traini called for a motion to introduce on this Laid on the Table item.

Chair Traini moved, to introduce AO 2003-169 with Public Hearing set for
Mr. Tesche seconded, January 6, 2004.
Ms. Von Gemmingen was the concurring third,

To Ms. Von Gemmingen's question, Mr. Tesche and Chair Traini confirmed this was a continuation of the same ordinance from their last meeting of December 16, 2003. Chair Traini announced the approval of introduction of this unnumbered ordinance, and asked for Public Hearing to be set for January 6, 2004.

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

- 11.A. Ordinance No. AO 2003-52, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Subsection 21.15.005.E. requiring that the Department of Community Planning and Development provide **notice of public hearing** by mailing to property owners within 1,000 feet of land subject to an application for variances, conditional uses, subdivision approval, and other special land use permits, Assemblymembers Taylor, Shamberg, Van Etten, Whittle, Sullivan, Tesche, Traini and Fairclough.
1. Assembly Memorandum No. AM 175-2003.
 2. Assembly Memorandum No. AM 492-2003.
 3. Assembly Memorandum No. AM 527-2003.
- Carried Over from 6-10-03 AND 6-24-03; Postponed from 7-8-03 (Special Meeting); Carried Over from 9-23-03; Postponed from 9-30-03 (Special Meeting)*

Chair Traini read this memorandum title and called for a motion from Ms. Taylor.

Ms. Taylor moved, to approve AO 2003-52.
Ms. Von Gemmingen seconded,

To Ms. Taylor, the Mayor responded that he and the Administration were still trying to improve the process of electronic notification, introduced earlier in 2003. He assured the Assembly that everyone remained optimistic that this would be a very effective tool with public notification of MOA issues. Mayor Begich stated that Mr. Troy Swanson, Director of IT Division, was working on new, cost-effective ideas for the website to improve the public notification system. The Mayor said that their Administration was reviewing every cost throughout the Municipality and encouraged the Assembly to work with the electronic system to set up public notification.

Mayor Begich stated that no action was necessary on this ordinance, that its purpose was to point out that upgrades were being completed and the email alert notification system was ready for use by all MOA departments and divisions.

Ms. Von Gemmingen stated that she received notification almost daily after she had signed up for email alert notification for six different community council reports. She thought the mapping could be more detailed.

Mr. Tesche stated he was concerned about the cost of this system and questioned the allocations of funds going into this new electronic system instead of maintaining the regular system of notification.

Ms. Shamberg stated that South Anchorage supported this ordinance.

Ms. Taylor commended Mayor Begich for the new appointments made to the IT Division. She stated that the purpose of this ordinance was to make a statement and felt this legislation could be postponed indefinitely.

Ms. Taylor moved, to postpone indefinitely AO 2003-52.
Mr. Tesche seconded,
and this motion was passed,

AYES: Tesche, Whittle, Taylor, Von Gemmingen, Traini, Van Etten and Kendall.
NAYES: Shamberg, Tremaine and Sullivan.
ABSENT: Fairclough, excused.

Mayor Begich encouraged community councils from South Anchorage to meet with Deputy Municipal Manager Michael Abbott, to find out how to improve the electronic notification system.

- 11.B. Information Memorandum No. AIM 94-2003, transmittal of the Planning and Zoning Commission recommendation of denial for a rezoning application request to rezone 2.01 acres from R-1A (Single Family Residential) to B-3 (General Business District) for a relinquished right of way parcel and **Lots 1, 2, 3, 4, 5 and 10, Block D, Deborah Subdivision**, generally located at 12907 Old Glenn Highway, Eagle River (Planning and Zoning Commission Case 2003-094), Planning Department.
(Postponed from 10-21-03; Carried Over from 11-18-03; Postponed from 12-2-03)

Ms. Fairclough moved, to postpone AIM 94-2003 until February 3, 2004.
Ms. Tremaine seconded,

Ms. Fairclough explained she wanted to postpone this item because she was planning to meet with the homeowners associated with this bill.

and this motion was passed,

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

12. APPEARANCE REQUESTS

- 12.A. **Carol Wulff**, regarding fines for code violations.

CAROL WULFF testified before the Assembly regarding Municipal Code enforcements. She and her husband had recently been cited for violations concerning their business box-van, stored in their driveway. She explained that she and her husband had operated their business from their home for the past 20 years and felt they were wrongly cited. She argued that the definitions were unclear, the Code enforcement was confused on this issue and officers were not following Code, but rather working from complaints from citizens. She stated that the decision that was made would affect anyone with a sign on their vehicle.

To Mr. Kendall's question, Ms. Wulff responded that the Hearing Officer ruled that the vehicle was in violation, even though her truck did not meet the definition of a commercial vehicle. Mr. Kendall stated there was confusion with the definition of business oriented vehicles and asked the Administration for a more clear definition of commercial vehicles that were parked in residential areas in the Municipality.

Mayor Begich stated he would gladly supply the definition of a commercial vehicle, but that the Hearing Officer made the decision. The Administration would be working to improve the Zoning Enforcement system and process. Mayor Begich also felt there were other issues that were not mentioned.

Mr. Tremaine stated this issue was common in his district and that new legislation was needed.

Ms. Shamberg agreed with both Mr. Tremaine and Mr. Kendall and said it was a Code that needed to be fixed and that it was not intended to affect people like Ms. Wulff.

Ms. Fairclough agreed that the Code was unclear and that it needed to be addressed. She added that she had gotten calls from Ms. Wulff's neighbors, complaining about the signs, the ladders, that the vehicle could be seen from the street and that paint had been dumped onto the lawn.

Mr. Whittle stated this issue was far-reaching and its address would involve examination of home businesses in the entire Municipality. He stated it was time for the Assembly to address it, but it would not be a simple issue.

To Mr. Sullivan, Ms. Wulff responded that they had been fined and the citation indicated that the vehicle could remain parked on their property during the winter. In the summer they would be allowed to park the vehicle on the street, with signs and ladders. Mr. Sullivan explained that in many zones the residents maintained very high standards of what they would allow in sight of their homes.

12.B. Owners of the **Gaslight Lounge, Avenue Bar, Buckaroo Club, and 515 Club.**

JOHN PATTEE, owner of the Gaslight Lounge, testified. To Mr. Whittle's question of improvements, Mr. Pattee responded they were planning to improve their parking lot lighting. He suggested creating a drug-free zone, which would increase fines to violators. He suggested creating an *Off The Road* program, in association with taxi drivers, to help transport people who had too much to drink. They had run into liability concerns in the past with this issue but he remained optimistic that a program like this still could be started.

Mr. Pattee responded to Mr. Whittle's question, that the *Ambassador Program* could expand to cover drinking patrol during the evening, covering Spenard and downtown.

Ms. Fairclough stated that the Anchorage Police Department had been working with the downtown and Spenard areas after reports of high incidents of crime.

Ms. Von Gemmingen stated that the numbers of police incidents surrounding the 515 Club were the lowest they had seen in years. Mr. Todd Richardson, the owner's son, stated that there were two or three owners present in the establishment at all times. Ms. Von Gemmingen stated that she was concerned with the ten DUIs from the surrounding area and asked what they were doing to correct the problem. Mr. Richardson stated they maintained a person who helped people to taxis.

Ms. Von Gemmingen addressed the Buckaroo Club, asking about their violations, including a liquor violation, one alcohol violation, one violation of serving alcohol to a minor and nine attributable DUIs in their area. The owner of the Buckaroo stated they now had security employees for their premises.

13. CONTINUED PUBLIC HEARINGS

13.A. Ordinance No. AO 2003-153, an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Section 10.40.050, Adult-Oriented Establishment License, to require **adult cabarets** be licensed, Assemblymembers Sullivan, Traini and Kendall.

1. Assembly Memorandum No. AM 868-2003. (*Continued from 12-02-03*)

Chair Traini opened Public Hearing for AO 2003-153.

NANCY FAIR, representing the Service High School, the Anchorage Council of PTSA and the Alaska State PTA, testified in support of licensing of sexual-oriented businesses (SOBs). She said her research indicated there were direct correlations between these types of sexual-oriented businesses and sexual violations, including prostitution, rape and assaults, along with the degradation of community standards, lower property values, lower morality, sensitive of pornography among children and respect for marital relationships. She stated the MOA had some of the weakest laws in the nation governing these sexual-oriented establishments. She stated the things they were most concerned with also included the issuance of indefinite permits to operate and allowances of at least 1000 feet from schools, residents, churches, parks and libraries. She said there were also concerns involving no required closing times, no annual licensing, no annual inspections, no enforcement of Title 21 or MOA Codes, the lack of inspections of underage involvement and preventing and reducing the crimes associated with SOBs.

1 Mr. Sullivan voiced his appreciation for all the work and research she had accomplished in this area. To Mr. Sullivan,
2 Ms. Fairclough responded that she felt the licensing was a good, first step in cleaning up and monitoring these adult-
3 oriented establishments.

4
5 To Mr. Tesche, Ms. Fairclough responded that the ordinance did not prohibit nudity or sexual activity and this licensing
6 would be the beginning of change for control and requirements which would lead to APD oversight. She stated that
7 licensing would help the monitoring of illegal age, drugs, alcohol violations, prostitution and sexual crimes and she
8 urged a YES-vote.

9
10 ARMANDO GONZALES, testified. For the past five years he had managed *Fantasies*, located downtown. He stated
11 he had witnessed ladies grow into competent and respectful women, who were able to support themselves and their
12 families without assistance from government or welfare. He stated this type of independence had given these young
13 women a sense of pride, which increased their self esteem and improved their quality of life. He felt that this ordinance
14 was counter-productive and possibly unconstitutional.

15
16 To Mr. Kendall's question, Mr. Gonzales did not have an answer why they should be treated differently than other strip
17 establishments.

18
19 KAREN EIKEWIEST, Director of Youth Advocacy at Covenant House, Alaska, testified in support of the ordinance.
20 She explained that her organization was focused on youth aged 13 to 20. The reality of these clubs was that many
21 young women were being exploited, there were unhealthy working conditions, the girls were not being paid any set
22 wage per hour, the women were encouraged to prostitute their bodies and there were extremely unhealthy conditions
23 on and off the stage. Her research had indicated that there were many youth under eighteen years of age employed,
24 and she had interviewed one sixteen year old. The Covenant health clinic had seen many women from these clubs, as
25 young as thirteen, who had contracted sexual transmitted diseases and had been sexually active where AIDS had
26 been reported.

27
28 AJACKADER SHERYL ICKNOOGINOK-APADAKEY or "Foxy," a professional dancer from *Fantasies*, testified. She
29 stated she had worked at *Fantasies* for the past two years. She explained she was a convicted felon, who had made a
30 big mistake three years ago and have been straightening out her life ever since. She wanted to stay in Anchorage, so
31 she would not have to return to her abusive home and depressive environment. Two years ago she lived at the
32 Salvation Army, had worked for \$6.00 per hour, had often gone hungry and had been unhappy. She was proud that
33 she could now afford her own rent, her utilities, vehicle insurance and was saving money to attend the *Career*
34 *Academy* for becoming a travel specialist. She stated that *Fantasies* supported her with her studies, and she recently
35 graduated as the valedictorian with a 94.2% GPA among over 500 students. To Mr. Sullivan, she responded that she
36 didn't see how licensing would effect her employment. She stated that *Fantasies* would fire any violator and ran a very
37 straight show and there were many women who worked there who lived respectable lives.

38
39 BRAD WEISS, testified in support of the licensing.

40
41 JACOLYN DEARSAYS, a nineteen-year-old dancer from *Fantasies*, testified. She stated she had never seen any
42 under-aged person in the club, or any drug or drinking abuse.

43
44 REGINA "Amazon" MANTEUFEL testified. She stated she was a former dancer and stripper. She stated she would
45 like to recommend an amendment to the ordinance, by adding a Subsection B on Page 3, adding, "...comply with all
46 Alaska Labor Rulings." She cited many lawsuits and stated she was currently involved with a lawsuit involving a labor
47 dispute with one of the clubs in town. She felt all clubs needed to pay minimum wage.

48
49 SAM O'CONNOR, member of the Public Safety Commission, who worked with teen and street prostitutes, testified.
50 He stated that most prostitutes had started out in these strip joints. Many of the women came from *Show Boat* and
51 the *Alaska Bush Company*. Mr. O'Connor said that he supported the licensing rules to help regulate, to protect the
52 city, to monitor activity and to protect the girls. To Mr. Tesche's question, Mr. O'Connor responded that the Public
53 Safety Commission had met in the past month discussing licensing adult-oriented establishments, but had not made a
54 stand on this issue.

55
56 CAROL HARTMAN, owner of *Fantansies* for the past fifteen years, testified. She thanked Mr. O'Connor for saying that
57 her club was not high on the list for prostitution. She stated that the properties in her area were rising in value and she
58 thought the Mayor was incorrect with his statement that clubs promote questionable activity in the area. She objected
59 to the licensing, stating that it was against their constitutional rights, and added that rapes in her area of town were
60 down in numbers from past years. To Ms. Shamborg's question, Ms. Hartman responded that she objected to the
61 licensing because she felt the Municipality was grouping her business with other adult oriented establishments, like
62 massage parlors and escort services and there was not enough enforcement available in Anchorage. Mr. Sullivan
63 explained to her the licensing theory, and stated he didn't think it would be that intrusive. Ms. Hartman explained
64 there were people in town that were always trying to 'get even,' and it would be easy for the right or wrong person to
65 cause trouble, calling in violations. Mr. Tremaine stated that Ms. Hartman was not within a 1000 square feet of an R-1
66 zoning. She stated they had health permits and licenses that prohibited under 18 years-of-age.

67
68 SARAH MAYFIELD, Vice President of American Mothers, Alaskan Chapter, testified. Ms. Mayfield read a letter from
69 their Chapter President about the effects of sexualized media on youth. Ms. Mayfield stated that they supported the
70 licensing and found these clubs detrimental to the community.

71
72 KEMA HAMILTON, a night club disc jockey, testified against the licensing and regulating. He stated he saw many girls
73 who were lost but had found stabilization for their lives in the clubs.

74
75 REBECCA ROBERTS, a member of a community PTA group testified in support of the licensing. She cited many
76 similar cases across the nation where licensing of sexually-oriented businesses had reduced rape and sexual abuse
77 crimes. She urged the Assembly to vote in favor of this ordinance.

CHERYL CLEMENSON testified that she had been on the Assembly when the original ordinance was passed. She did not know how Cabarets had been excluded when they passed the original legislation, and felt the remaining clubs needed to conform to bar regulations for all adult oriented establishments. To Mr. Tesche's question, Ms. Clemenson responded that fire and safety issues would be addressed with the required inspections.

SUE DOWNEY, a Spenard resident, testified. She stated she thought the licensing would help protect the dancers.

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

Mr. Sullivan moved, to approve AO 2003-153.
Mr. Kendall seconded,

Mr. Sullivan summarized that his ordinance was simply correcting an error in the original law, since cabarets had been overlooked when licensing for adult-oriented businesses had originally been addressed.

Ms. Fairclough stated that she was the Executive Director of Standing Together Against Rape (STAR) and the Rape Crisis Center in Anchorage. She felt she did not have a conflict of interest with her participation of this issue, but would allow the body to decide. Chair Traini ruled that she did not have a conflict of interest, but rather gave credibility to this issue. He gave his approval for her to participate with the discussion and action of this issue and there were no objections.

To Mayor Begich, Mr. Sullivan responded that he had met with the Public Safety Commission for discussion of this ordinance.

Mr. Tremaine suggested that no one understood the very simple purpose of the ordinance. He moved to postpone.

Mr. Tremaine moved, to postpone final Action on AO 2003-153 until the end
Ms. Fairclough seconded, of the evening's meeting.
and this motion was withdrawn,

Mr. Tesche moved, to amend the Tremaine motion, to postpone
Ms. Taylor seconded, AO 2003-153 until January 20, 2003.

Mr. Tesche stated that many questions had been raised about how this ordinance fit into the larger scheme of Municipal regulations. By postponing the Action on this ordinance until January 20, members would have time to explore the bigger picture of Municipal regulations and the opportunity to get a formal recommendation from the Public Safety Commission.

Mr. Kendall stated he objected to postponement, and encouraged the Assembly to address this issue that evening. Mr. Sullivan also opposed postponement of this ordinance.

and this motion failed,

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

Chair Traini returned to discussion on the main motion, AO 2003-153.

Mr. Tesche stated there were still unsettled issues with this ordinance. He voiced his concern over possible unfair labor acts within these clubs.

Mr. Kendall felt this was an appropriate ordinance, with no extreme overregulation.

Mr. Sullivan felt this ordinance was in order, including requirements of licensing, a fee, inspections and setting compliance and standards.

Mr. Sullivan moved, to approve AO 2003-153.
Mr. Kendall seconded,
and this motion was passed,

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

Ms. Fairclough cast the motion for immediate reconsideration and urged a NO-vote.

Ms. Fairclough moved, for immediate reconsideration of AO 2003-153.
Mr. Sullivan seconded,
and this motion failed,

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

The motion for immediate reconsideration failed, and Chair Traini explained this motion would not be considered before the Assembly again.

13.B. Resolution No. AR 2003-312, a resolution of the Municipality of Anchorage appropriating \$139,372 of unappropriated revenue and reappropriating \$163,628 from the Areawide General Capital Improvement Fund (401), as a contribution to the Areawide General Fund (101) for the purpose of reimbursement to **SMG of Alaska** for the 2002 operating deficit, Economic & Community Development.

1. Assembly Memorandum No. AM 778-2003.
(Continued from 10-21-03 and 11-4-03)

Chair Traini read this resolution. Mr. Abbott, Deputy Municipal Manager, requested this resolution be postponed until February 17, 2003. Chair Traini explained that Public Hearing had already been scheduled but that this item would be heard again after postponement, and urged the public to wait with their testimony. Chair Traini opened Public Hearing. There being no public testimony, he closed Public Hearing and called for a motion.

Ms. Fairclough moved, *to postpone* AR 2003-312 until February 17, 2004.
Mr. Tremaine seconded,
and this motion was passed,

AYES: Sullivan, Kendall, Van Etten, Fairclough, Traini and Taylor.
NAYES: Tremaine and Von Gemmingen.
ABSENT: Tesche, Whittle and Shamberg temporarily out of room.

Mayor Begich explained that the SMG President was planning to travel to Anchorage to testify on this item and the company was creating a package for the Administration to review.

13.C. Ordinance No. AO 2003-136, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 4.60 and creating the **North Ship Creek Development and Safety Commission**, Assemblymember Tesche.
1. Assembly Memorandum No. AM 760-2003. (Continued from 10-21-03)

Chair Traini opened Public Hearing. With no one to testify, Chair Traini closed Public Hearing and called for a motion.

Mr. Tesche moved, *to postpone indefinitely* AO 2003-136.
Mr. Tremaine seconded,
and this motion passed without objection,

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

13.D. Ordinance No. AO 2003-114, an ordinance establishing a new **Fire Lake Community Council** pursuant to Anchorage Municipal Code Chapter 2.40, modifying the boundaries for Eagle River, Birchwood and Chugiak Community Councils; and amending Community Council maps in accordance therewith, Assemblymember Kendall. (Continued from 10-21-03)

Chair Traini read this ordinance. There were several Assemblymembers who immediately stated they had not received the ordinance packet from Mr. Kendall.

Ms. Fairclough stated that she had attended the recent Fire Lake Community Council Public Hearing. There had been thirty or forty members who testified about the boundaries and had been told that this issue was scheduled to be reviewed with the Planning and Zoning Department before it would be addressed by the Assembly.

Mr. Kendall stated the Fire Lake Community Council members had agreed to meet for a third meeting, to agree on the boundary changes prior to the document's finalization. Mr. Kendall stated they were planning to have their conclusion ready for presentation by the second week in February.

Mr. Kendall moved, *to postpone* AO 2003-114 until February 17, 2004.
Ms. Fairclough seconded,
and this motion was passed,

AYES: Taylor, Traini, Fairclough, Van Etten, Kendall and Sullivan.
NAYES: Von Gemmingen and Tremaine.
ABSENT: Tesche, Whittle and Shamberg temporarily out of room.

14. NEW PUBLIC HEARINGS

Chair Traini requested Assemblymembers consider combining Public Hearing for 14.A, 14.B. and 14.C, on items AO 2003-161, AO 2003-164 and AR 2003-385, concerning road service areas. Mr. Tremaine moved to combine the items, Ms. Shamberg seconded and the motion was unanimously approved. Traini read these ordinances and opened combined Public Hearing on these three items.

DEBBIE OSSIANDER, a member of the Board of Directors of the Chugiak Eagle River Chamber of Commerce, testified. The Board had directed her to testify in support of AR 2003-385, with the proposed increase of funding to their road service area, CBERRRSA. She had recently attended a Birchwood Community Council Meeting and the entire group, without exception, also fully supported this resolution.

TED PEASE, member of the Board of Supervisors of the Birchtree-Elmore LRSA, testified in support of items 14.A. and 14.C. He stated the Board felt the LRSA tax revenues should be outside of the tax cap. Mr. Pease stated he had been authorized by the following LRSAs to state that this was also their position: Glenn Alps, Totem, South Golden View, Sky Ranch Estates and Valley View. He stated there were also many more rural road service areas which supported these road service areas.

CHRIS HAMMER, President of the HALO Home and Landowners of Southeast Anchorage, testified in favor of resolution AR 2003-385.

VICKY CANTRELL testified to explain the difference between the LRSAs and the Anchorage road and drainage service area. She stated that tax payers pay for more than the maintenance of their residential streets. She stated that there were many roads in the Anchorage area that were maintained with tax dollars, including Denali, Elmore Road, Huffman, McGinnis (between 36th and Tudor), 100th Avenue, South Dimond, 9th Avenue, Northern Light at Midtown, Loussac Library parking lot, Arctic Boulevard, portions of Bragaw and Abbott Loop, the pedestrian improvements at UAA on Northern Lights, Wisconsin Street, DeArmoun, Lake Otis from 68th to Abbott, the Anchorage signal system improvements, South Port Boulevard, Raspberry Road and 9th Avenue from L Street to Ingra. To Mr. Sullivan's question, Ms. Cantrell responded that a percentage of mill levy should be added to the LRSAs to accommodate for those public roads. Both Mr. Sullivan and Mr. Kendall thanked her for her testimony. To Mr. Van Etten question, Ms. Cantrell responded that the mill levy should eventually be across the board, involving all residents of Anchorage.

TED KENNY, Representative of the Chugiak Birchwood Eagle River Rural Road Service Area (CBERRRSA), testified for the Board, in full support of the two ordinances and the resolution and urged their approval.

Chair Traini called for further public testimony, and there being none, he closed Public Hearing and called for a motion for each of these items.

14.A. Ordinance No. AO 2003-161, an ordinance amending Anchorage Municipal Code Section 12.25.040 to reduce the 2004 maximum attainable tax revenue by an amount attributable to exclusion of **limited road service areas** from the 2004 Budget, Assemblymembers Shamberg, Tremaine, Fairclough, Tesche, Van Etten, Traini, Taylor, Whittle, ~~and~~ Von Gemmingen, Sullivan and Tesche. *(Clerk's note: Public Hearing was combined for items 14.A, 14.B and 14.C)*

Chair Traini called for a motion. Ms. Fairclough moved to approve and Mr. Tremaine seconded.

Mr. Sullivan and Mr. Tesche requested to be added as cosponsors.

Mayor Begich stated he and the Administration were in full support of this ordinance.

Mr. Tremaine stated he heard overwhelming support of this legislation from residents. He stated that most of the parks in the MOA were accessed by LRSAs roads.

Mr. Tremaine, referring to Section 2, beginning on Line 41 and continuing to the next page, that those figures could be added together to total over \$4 million. He explained that this was the amount that the tax cap would be reduced. He explained that this figure, plus the \$1,828,360 would be added together to total nearly \$6 million and that this would be added back to the overall budget.

Ms. Fairclough moved, to approve AO 2003-161, as amended.
Mr. Tremaine seconded,
and this motion was passed,

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

NAYES: None.

14.B. Ordinance No. AO 2003-164, an ordinance amending Anchorage Municipal Code Section 12.25.040 to reduce the maximum attainable tax revenue by an amount attributable to exclusion of **Chugiak Birchwood Eagle River Rural Road Service Area** from the 2004 Budget, Assemblymembers Fairclough, Shamberg, Tremaine, Van Etten, Traini, Taylor, and Whittle.
(Clerk's note: Public Hearing was combined for items 14.A, 14.B and 14.C)

Chair Traini read this ordinance title and called for a motion.

Mr. Tesche moved, to approve AO 2003-164.
Mr. Tremaine seconded,
and this motion was passed,

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

NAYES: None.

14.C. Resolution No. AR 2003-385, a resolution revising the 2004 General Government Operating Budget to increase **funding for Limited Road Service Areas (LRSAs) and the Chugiak Birchwood Eagle River Rural Road Service Area (CBERRRSA)** to maximum allowed by their respective voter-approved mill rates, Assemblymembers Tesche and Fairclough.
(Clerk's note: Public Hearing was combined for items 14.A, 14.B and 14.C)

Chair Traini read the resolution title and called for a motion. Mr. Tesche moved to approve and it was seconded by Mr. Tremaine. Ms. Fairclough requested to be added as a cosponsor, which was welcomed by Mr. Tesche.

Mr. Tesche stated that this resolution amended the budget for 2004, along with the other two ordinances.

Mr. Kendall stated this would make a difference with the Chugiak Eagle River Road Service Areas and the Hillside Road Service Areas.

To Mr. Kendall's question, the Mayor responded that this action would lower the overall tax cap, equaling dollar-per-dollar that was raised through the CBERRRSAs and the LRSAs. The Mayor stated that LRSAs Boards would be making recommendations for what the dollar amounts would be for each tax cap. Municipal Attorney Boness added that as long as each service area had established their own tax cap, then all would be treated the same.

Ms. Shamberg also wanted to state for the record, that the use of the word 'maximum' might imply that the residents can be taxed beyond what had been discussed, but in reality it meant what was actually allowed by law. Mr. Boness added the reference for maximum was not to the LRSAs, but to the tax cap ordinance and the only taxation allowed with the LRSAs was to the maximum amount authorized by the voters in the respective areas.

Mr. Tesche moved, to approve AR 2003-385, as amended.
Mr. Tremaine seconded,
and this motion was passed,

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

NAYES: None.

ABSENT: Sullivan, temporarily out of room.

Ms. Fairclough proposed a motion for immediate reconsideration, and urged a NO-vote.

Ms. Fairclough moved, for immediate reconsideration of AO 2003-385.
Ms. Shamberg seconded,
and this motion failed,

AYES: None.

NAYES: Tesche, Whittle, Taylor, Von Gemmingen, Traini, Fairclough, Van Etten, Kendall, Shamberg and Tremaine.

ABSENT: Sullivan, temporarily out of room.

- 14.D. Ordinance No. AO 2003-159(S), an ordinance amending Anchorage Municipal Code Chapter 12.05 Sections relating to the **Board of Equalization** and certain processes, procedures and requirements applicable to appeals of assessed valuations of property for tax purposes; providing for multiple panels of the board consisting of a three member quorum; compensation of the board members; submission of evidence required by property owners; and the confidentiality of certain evidence of commercial property values affecting competition, Finance. (**Laid on the Table**)
1. Assembly Memorandum No. AM 934-2003.
 2. Ordinance No. AO 2003-159, an ordinance amending Anchorage Municipal Code Chapter 12.05 Sections relating to the **Board of Equalization** and certain processes, procedures and requirements applicable to appeals of assessed valuations of property for tax purposes; providing for multiple panels of the board consisting of a three member quorum; compensation of the board members; submission of evidence required by property owners; and the confidentiality of certain evidence of commercial property values affecting competition, Finance.

Chair Traini read this ordinance title and asked for a statement from the Administration, as the prime sponsor. Mayor Begich stated the Administration would comment and summarize during discussion. Chair Traini opened Public Hearing.

CLYDE BAXLEY testified against the ordinance. He felt this ordinance tightened the control of the Municipal Assessor. He objected, not to the ordinance itself, but to many of the decisions that the current Municipal Assessor had made, including the tax-exempt status of an unlimited number of residential properties in the MOA, owned by the Anchorage Baptist Temple. Mr. Baxley stated that he had met personally with Mr. Marty McGee, the Municipal Assessor and he understood Mr. McGee to be interpreting the law in support of the tax exemptions. Mr. Baxley stated that each time he had tried to challenge this tax-exemption with the Board of Equalization the Assessor had insisted that he be referred to court, where there would be attorney fees and court costs. Mr. Baxley stated he was upset with the power and control of the Municipal Assessor, and felt it was wrong. Chair Traini reminded Mr. Baxley that the State of Alaska granted churches tax-exempt status.

BRAD WEISS, spoke in opposition to the fees from residents wishing to question property appraisals. He remembered a couple of years ago that the appraisal of his home had jumped almost \$50,000 in one year. He stated that the Appraisal Department could cut down on complaints if they would slow down the increased tax assessment.

DEANNA [ESSARD] ESSERT, a multiple property owner, testified against the ordinance. She felt this would be an additional burden of fees, in addition to the taxes already being paid. As an owner of three, single-family homes, plus her own residence, she felt burdened with the amounts of tax she had paid the MOA. She stated that she had MOA appraisals that were tens of thousands of dollars less than what the property sold for. Ms. [Essard] Essert stated that this ordinance limited her civil rights.

LARRY NOREEN, Chair of the Board of Equalization, testified. He stated there seemed to be a concern of the oversight power of the Board of Equalization. He explained that the Board of Equalization had discovered that many older properties were not equal to comparable properties because of the lack of inspections. The State of Alaska Assessors agreed with the concern of the lack of inspections. The new Administration had recognized this and had appropriated some help to address that issue with the new Budget. He stated another misunderstanding of the Board also involved exemptions of tax. Mr. Noreen stated that the public should not let the Administration take away the Board of Equalization from them. To Mr. Sullivan's questions, Mr. Noreen responded that the rights of the appellant included the right to appear before a panel of experts to review their property evaluation and have questions answered. The current "S" Version should eliminate the part that referred to general business experience, and on Page 2, Line 2, leave in the description of expertise and evaluation of real and personal property. Mr. Noreen said another change should include making the fees refundable if an appellant withdrew within a reasonable amount of time, once they saw the actual evaluation was valid. Mr. Noreen did not agree with the rapid escalation of assessments.

NEIL THOMAS, the Vice Chair of the Board of Equalization, stated the "S" Version was an improvement from the original ordinance. He stated that it was a benefit to the citizens to have the expertise of professionals who had real estate backgrounds review their property appraisals, to be able to distinguish between the legitimate cases and the ones that needed adjustments.

CHRIS ~~[HAMMERLY]~~ HAMRE testified against this ordinance. He stated he did not want just part-time assessors, but rather experts who were current and knowledgeable about municipal properties and who could resolve the issues quickly and credibly. Mr. ~~[Hammerly]~~ Hamre stated that the most recent court ruling ruled to fix the timeliness of processing appeals. To Mr. Tremaine's question, Mr. ~~[Hammerly]~~ Hamre responded that some changes to improve the system could include making the appeal process simpler for the citizens. He explained that there should be published evaluations, with the appeal process allowing reasonable time frames, but to lessen the time for the review process. It should balance the proof requirements, correct the credibility of assessments across the community and be a priority to make assessments fair and not disenfranchises the community. An appeal process should encourage government to do a better job, not to relieve them from scrutiny. To Mr. Tremaine's question, Mr. ~~[Hammerly]~~ Hamre responded that citizens did not find the process friendly, but rather were overwhelmed with demands, often with no explanation of the system, with no one available to answer questions.

To Mr. Tremaine's question, Mayor Begich responded that the Administration had recognized that the process had problems and they were already making changes to correct the concerns, including training and reorganization of the Assessor's Department.

CLAYTON WALKER, with the Alaska Law Offices, representing Anchorage Property Owners Association, testified. He stated he had handled many of these cases before and, up until recently, had always settled things before they reached the Board of Equalization. He questioned the fairness of the fees to property owners. He stated that on the AO 2003-159 Version, he questioned the definitions used by the Assessor that would be impossible for the property owners to overcome. The APOA wanted to ensure the retention of the current Board expertise, rather than finding assessors on a part-time basis with only general business knowledge. Mr. Walker stated that clearly the original AO 2003-159 Version should not be approved by the Assembly.

Chair Traini asked the Municipal Attorney where he found the terms he used in the legislation. Mr. Boness responded that the terminology came from court cases. He added that the same language was used by the Alaska State Legislature and had become State Law.

GREG ANDERSON disagreed with the fees, including the refund idea if the appeal was in the favor of the appellant.

RYAN ~~[STENSEL]~~ STENCEL, a community council president, disagreed with the ordinance. She stated it was an extremely intricate and complex ordinance which had potentially far reaching consequences. While she thought the "S" Version had addressed many of the concerns, she recommended postponing further action until February to allow time for a complete public process and a well-written ordinance.

BILL GAMEL, Vice Chair on the Board of Equalization, testified that most of the "S" Version appeared to be satisfactory, but he voiced concern on the formal appeal process. He thought the appeals process should address the rights of citizens, allowing them to express their concerns and request formal appeal of properties.

A gentleman (*name inaudible*) testified, stating he considered the "S" Version an improvement but was concerned with the lack of expertise required for the board members and the proposed fee structure. He stated that this issue had not been discussed recently in many community council meetings and urged the Assembly to postpone action to collect further public input.

DAVID McCABE, Vice Chair and 20-year member on of the Board of Equalization, testified. He felt the "S" Version did not solve the critical problems of the process. He stated he was disappointed with the restrictions of power of the board members. He felt the real problems were related to the lack of standards of evaluations and records of sold properties, and that assessments were sporadic and non-conforming. To Mr. Tesche's question, Mr. McCabe responded that the proposed Board of Equalization qualifications of judicial experience were an improvement, but he stated that the experience of real estate evaluations were also important.

Chair Traini called for further public testimony, and there being none, he closed Public Hearing and called for a motion.

Mr. Tremaine moved, to approve AO 2003-159(S).
Mr. Tesche seconded,

Mr. Tremaine moved, to amend AO 2003-159(S), *by changing* on Page 1, Line 15,
Mr. Tesche seconded, 12.05.050 to "12.050.045."

1 and this motion passed without objection,

2
3 Mr. Tremaine moved, to amend AO 2003-159(S), *by adding* on Page 1, Line 20,
4 Mr. Tesche seconded, Subsection A: "...and shall comply with state law for
5 and this motion passed without objection, supplementary assessment roles."

6
7 Mr. Tremaine moved, to amend AO 2003-159(S), *by deleting* on Page 1, Lines 21
8 Mr. Tesche seconded, through Line 25, [~~the entire Subsection B~~].
9 and this motion passed without objection,

10
11 Mr. Tremaine moved, to amend AO 2003-159(S), *by deleting* on Page 2, Line 28,
12 Mr. Tesche seconded, A.2. the words: [~~and alternate members~~].
13 and this motion passed without objection,

14
15 Mr. Tremaine moved, to amend AO 2003-159(S), *by changing* on Page 3, Line 9,
16 Mr. Tesche seconded, June 30th to "January 1st."
17 and this motion was withdrawn,

18
19 Mr. Sullivan moved, to amend Mr. Tremaine's amendment *by changing* January
20 Mr. Tremaine seconded, 1st to "December 31st."
21 and this motion passed without objection,

22
23 Mr. Tremaine accepted Mr. Sullivan's change as a friendly amendment.

24
25 Mr. Tremaine moved, to amend AO 2003-159(S), on Page 1, *by adding* a new
26 Mr. Tesche seconded, Subsection B to read: "The assessor shall review annually
27 and this motion passed without objection, those properties that are exempt from taxation to determine
28 whether such properties continue to qualify for an exemption."

29
30 Mr. Tremaine stated that his amendments were addressing the concerns the Assembly had heard with the public
31 testimony, work sessions and emails. He stated he was very pleased with the cooperation of the Administration.

32
33 Mr. Kendall moved, to amend AO 2003-159(S), *by deleting* on Page 8, Line 6,
34 Mr. Sullivan seconded, Section 5, the word [~~immediately~~] and *by inserting*
35 and this motion failed, "...starting with the 2004 tax year...."

36
37 AYES: Fairclough, Kendall and Sullivan.

38 NAYES: Tesche, Whittle, Taylor, Von Gemmingen, Traini, Van Etten, Shamberg and Tremaine.

39
40 Mr. Kendall said the Municipal Board of Equalization needed to conclude their unfinished business before imposing
41 these changes.

42
43 Mayor Begich objected to this amendment. He stated the Administration had already incorporated an enormous
44 amount of opportunity for public testimony and the December 31st would be a more appropriate date. To Mr. Kendall's
45 question, Mayor Begich responded that the pending appeals would go forward as scheduled, with the new Board of
46 Equalization completing all cases in order, with no fees assigned to the cases prior to the passage of this ordinance.

47
48 Ms. Von Gemmingen stated that she did not see a reason for this amendment because the starting date of the newly
49 established appeal process was only a few days away.

50
51 To Mr. Tesche's question, Municipal Attorney Boness responded that state law governing municipal assessment
52 policies, practices and procedures was rather specific and did apply to homeowners within municipalities. Mr. Boness
53 responded that the "S" Version did confirm to Alaska State Law.

54
55 To Chair Traini's question, Mr. Boness, responded that the passage of the AO 2003-159(S) would not discharge the
56 current Board of Equalization, but the BOE would discharge one-third of the members on December 31, 2003, when
57 their terms were up.

58
59 Mr. Kendall stated that for management purposes, he proposed to allow current Board of Equalization members to
60 continue until March, for this one time only, to allow time for the Assembly to appoint new members. Mr. Boness
61 stated that legal interpretation of the new amendment would mean the terms of those members which would normally
62 expire in 2003, would now expire December 2003, and the terms of members expiring in 2004 would remain
63 untouched until December 31, 2004.

64
65 Mr. Tremaine asked for the Administration to allow Mr. Dan Moore to be available to answer questions from persons in
66 attendance that evening, concerning the Bed and Breakfast tax issue.

67
68 Chair Traini returned to continued discussion on the main motion, AO 2003-159(S).

69
70 Mr. Kendall moved, to amend AO 2003-159(S), on Page 2, Line 30 *by replacing*
71 the period with a comma, *by reinstating* the brackets and *by*
72 *reinstating* the last sentence, to read: "..., in real and
73 personal property appraisal, the real estate market, the
74 personal property market and other fields related to their
75 functions as board members."
76

Mr. Tremaine proposed a friendly amendment to Mr. Kendall's amendment to leave the period on Line 30, and then insert before adding the last line, "general businesses experience may include that..."

Mr. Tremaine moved, to amend the Kendall amendment to AO 2003-159(S)
Mr. Kendall seconded, *by changing after the comma and before the last sentence, to*
read: "....general businesses experience may include that in
real and personal property appraisal, the real estate market,
the personal property market and other fields related to their
functions as board members."

Mr. Kendall moved, to amend the Tremaine amendment *by exchanging the*
and this motion was withdrawn, words [~~may include~~] to "should include," to read: "....general
businesses experience should include that in real and
personal property appraisal, the real estate market, the
personal property market and other fields related to their
functions as board members."

Mayor Begich stated he and the Administration opposed this amendment. It was their intention to diversify, and he did not think it was the intention of this ordinance to hire board members who were real estate agents. Mr. Kendall withdrew his amendment to the Tremaine amendment.

Ms. Von Gemmingen moved, to amend the Tremaine amendment to read: "general
Mr. Tremaine seconded, business expertise may include real and personal property
and this motion passed without objection, appraisal, the real estate market, the personal property
market and other similar fields."

Mayor Begich stated that it was apparent the Assemblymembers were trying to get it right, and this amendment was heading in the right direction, and he offered his approval.

Mr. Sullivan moved, to amend AO 2003-159(S) on Page 7, beginning on Line 14,
Mr. Kendall seconded, *by deleting the words to read: "... shall have 30 days [from*
and this motion failed, *the date of notification by the assessor]" and by adding*
"...is received by the assessor."

AYES: Fairclough, Kendall and Sullivan.

NAYES: Tesche, Whittle, Taylor, Von Gemmingen, Traini, Van Etten, Shamberg and Tremaine.

Mayor Begich wanted to go on record as opposing this motion. He stated that the Administration had made the fee adjustment a sliding scale, based on economic value of the appeal.

Mr. Tesche urged a NO-vote on the Sullivan's motion.

Mr. Tremaine moved, to amend the Tremaine amendment *by changing the*
Ms. Fairclough seconded, expiration date of terms Board of Equalization Board
and this motion passed with one objection, Members from [~~December 31st~~] to "January 15th."

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

NAYES: Kendall.

Chair Traini asked for unanimous consent on this amendment, and it passed with one objection. Chair Traini called for a vote on the main motion.

Mr. Tremaine moved, to approve AO 2003-159(S), as amended.
Mr. Tesche seconded,
and this motion passed with one objection,

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

NAYES: Kendall.

Mr. Tremaine moved for immediate reconsideration and urged a NO-vote.

Mr. Tremaine moved, for *immediate reconsideration* of AO 2003-159(S),
Mr. Tesche seconded, as amended.
and this motion failed,

AYES: Sullivan and Kendall.

NAYES: Tremaine, Shamberg, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor, Whittle and Tesche.

Chair Traini called for a motion to combine Public Hearing on 14.E, 14.F. and 14.G.

Mr. Sullivan moved, to combine Public Hearing on AR 2003-383, AR 2003-370
Ms. Taylor seconded, and AR 2003-373.
and this motion was passed,

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

5
6 Chair Traini read these, three resolutions and opened a combined Public Hearing.

7
8 ANN FLISTER, a Hillside resident, testified against the DeArmoun Phase II. She felt there were catastrophic
9 concerns, including a road proposed to cut through and destroy their existing home. She viewed the proposed
10 changes would create harmful impacts, safety issues and increased costs to taxpayers. To Mr. Sullivan's question,
11 she responded that the DOT's statement impacted not only her home, but affects 63 other property owners. To Ms.
12 Von Gemmingen's question, Ms. Flister responded that she had contacted the State of Alaska, prior to building her
13 home, and she and the other property owners understood the DOT improvements included widening the existing
14 pavement and bike path on the North side of the road and there would be no impact to their property. But, she had not
15 gotten that information in letter-form. To Chair Traini's question, Ms. Flister stated that adjusting the appropriated \$3
16 million down to \$1 million, would not guarantee the State halting the project of expansion of the road right-of-ways and
17 she urged the Assembly to consider no funding for this project.

18
19 JEFF PARKER, an attorney representing many homeowners along DeArmoun Road, testified that the DOT would
20 eventually have to meet many more policy requirements before the right-of-way change could begin. Mr. Parker stated
21 that a figure of \$1 million for 2004 would not be usable money. In response to Ms. Von Gemmingen, Mr. Parker stated
22 that the environmental categorical exclusion, approved by FHWA in 1998, followed the exact route of the present right-
23 of-way. Mr. Parker stated it was reasonable to assume that there was no anticipated change of the route, and this was
24 what the DOT had informed homeowners of future improvements. To Mr. Sullivan's question, Mr. Parker stated that
25 the DOT had not backed down with their proposed right-of-way expansion, but rather were becoming more
26 confrontational with homeowners who would be affected with the proposed expansions. Mr. Parker stated that he saw
27 major problems with the current DOT Design Study Report, their definition of a rural collector road system and an
28 urban collector road system.

29
30 JULIE MAKER, representing herself, and the 65 homeowners on DeArmoun, testified that many of their concerns had
31 been addressed and she wanted to urge the Assembly to halt the project by stopping all funding for this project. To
32 Mr. Sullivan, Ms. Maker responded that she felt DeArmoun Road did not need any improvements.

33
34 BOB MAKER testified that he saw the proposed recreation trail as a main problem. He stated he had gone door-to-
35 door, collecting over 240 signatures, and had only found one person in favor of the trail. He felt this issue was a worst
36 injustice to the property owners.

37
38 DEANNA [~~ESSARD~~] ESSERT, representing Sand Lake Community Council, testified against the proposed 17.6% for
39 transportation enhancements. She stated that the Sand Lake Community Council approved of the reinstatement of the
40 10% funding level for transportation enhancements. To Mr. Tremaine's question, Ms. [~~Essard~~] Essert stated that the
41 proposed money could better be spent on filling potholes and general road improvements throughout the MOA.

42
43 BRENDA SMART, representing herself, testified against the proposed road improvements for DeArmoun. She
44 sympathized with the Flister family possibly losing their home.

45
46 CHERYL RICHARDSON, representing the Anchorage Citizens Coalition, testified. She presented packets to
47 Assemblymembers, and referred to Tables 4 and 5, concerning enhancements and congestion mitigation and air
48 quality. She stated she felt outraged with the number of road designs and proposed trails and was most concerned
49 with pedestrian safety issues. She stated there were two pedestrian fatalities already this year and she felt that the
50 MOA had not shown enough interest in public safety. To Ms. Shamberg's question, Ms. Richardson recommended
51 taking the \$3 million from the DeArmoun project and starting a Pedestrian Safety Plan. To Ms. Taylor's question, Ms.
52 Richardson responded that Muldoon Road needed much help with the public safety issue. To Ms. Von Gemmingen's
53 question she responded that there was an area in Spenard where pedestrians crossed the highway regularly and were
54 not safe.

55
56 With no additional public testimony, Chair Traini closed Public Hearing and called for a motion on each of the items,
57 beginning with AO 2003-373.

- 58
59 14.E. Resolution No. AR 2003-383, a resolution of the Municipality of Anchorage appropriating \$625,000
60 from the Federal Highway Administration (FHWA) to the Federal Grants Fund (241) for the Traffic
61 Department, Transportation Planning Division, **Anchorage Metropolitan Area Transportation**
62 **Solutions** (AMATS), Traffic Department.

- 63 1. Assembly Memorandum No. AM 955-2003.

64
65 *(Clerk's Note: See above for combined Public Hearing for items 14.E, 14.F and 14.G)*

66
67 Mr. Tesche moved, to approve AR 2003-383.
68 Mr. Sullivan seconded,
69 and this motion passed unanimously,

70
71 AYES: Sullivan, Tremaine, Shamberg, Kendall, Van Etten, Traini, Von Gemmingen Taylor, Whittle and
72 Tesche.
73 NAYES: None
74 ABSENT: Fairclough, excused.

- 75
76 14.F. Resolution No. AR 2003-370, a resolution of the Anchorage Assembly adopting recommendations to
77 be forwarded to the Anchorage Metropolitan Area Transportation Solutions (AMATS) Policy

Committee regarding the adoption of the **FFY 2004-2006 Transportation Improvement Program** (TIP), Traffic Department.

1. Assembly Memorandum No. AM 923-2003.

(Clerk's Note: See above for combined Public Hearing for items 14.E, 14.F and 14.G)

Mr. Van Etten moved, to approve AR 2003-370.
Mr. Tremaine seconded,

Mr. Tremaine stated this was a complicated issue and questioned the possibility of taking funds from one area and applying it to another area. Mr. Lance Wilber, Municipal Director, stated that funds could be moved between tables three, four and five, but he encouraged Assemblymembers to try to keep appropriations within the original division of each table within 15%. He handed out the newer, revised table, dated December 10th.

Ms. Fairclough moved, to amend AR 2003-370, *by substituting* the 2004 Fiscal
Mr. Tremaine seconded, Appropriations Table in their packets with this resolution, with
and this motion passed unanimously, the newly amended Table, dated December 10th.

Mr. Tremaine moved, to amend AR 2003-370, Table III, Project 1, Dowling Road
Mr. Fairclough seconded, Extension Reconstruction, *by increasing* funding
and this motion passed unanimously, for 2004-D, Design, to "\$1 million dollars."

Mr. Tremaine said the purpose of his amendment was to speed up a connection between Minnesota and the Old Seward Highway, a project that was critically needed and had been halted by lack of state funding. To Chair Traini's questions, Mr. Lance Wilber responded that the word "Design" would be an accurate heading for this Table.

Mr. Tremaine moved, to amend AR 2003-370, Table III, Project 8, *by*
Mr. Tesche seconded, *decreasing* funding for DeArmoun Road Reconstruction
Phase II, from [\$3 million] to "\$50,000."

Mr. Tremaine stated his intent for the \$50,000 was to be an appropriation for design utility moneys. He stated the figure to be appropriated for the entire Table could be \$500,000. Chair Traini stated he would be comfortable staying with the \$50,000 figure unless he heard otherwise from Mr. Lance Wilber, before the policy meeting on Friday.

To Ms. Fairclough, Mayor Begich responded that the Administration agreed with the proposed amendments to AR 2003-370, so-far. Mr. Wilber responded that the \$50,000 would not cover the Design, and the Administration would support that appropriation to be up to \$500,000.

Mr. Van Etten proposed increasing Mr. Tremaine's proposed appropriation from \$50,000 to \$500,000. Mr. Tremaine accepted this as a friendly amendment.

Mr. Van Etten moved, to amend the Tremaine amendment for AR 2003-370, Table
Mr. Tesche seconded, III, Project 8, Line 8, *to change* funding for DeArmoun Road
and this motion passed unanimously, Reconstruction Phase II, from [\$3 million] to "\$500,000."

Mr. Tremaine moved, to amend AR 2003-370, Table III, Project 8, under Project
Mr. Tesche seconded, Phasing Plan, *by omitting* [2004 Right-of-way].
and this motion passed unanimously,

Mr. Tremaine moved, to amend AR 2003-370, on Table X, a Subset of Project
Ms. Fairclough seconded, Nine, *by adding* Number 7, "Project Location," to read:
"Advancing Pavement specifications, in particular paraffin
content of the petroleum base for pavement projects in the
TIF with the funding for 2004 to be \$1,500,000."

Mr. Tremaine stated that there were many maintenance concerns with the roads in the municipality and that the paraffin content of the asphalt was largely to blame for the degradation of the asphalt road surface. He stated the specifications could be changed for the asphalt used in the MOA to make the roads last longer.

and this motion passed unanimously,

Because Ms. Fairclough was preparing to leave the Chambers, Chair Traini allowed her a moment of privilege. Ms. Fairclough wished to go on record as a YES-vote for AO 2003-342, 14.ff, a project that affected Eagle River.

Mr. Tremaine moved, to amend AR 2003-370, *by changing* Table III, Line 9,
Ms. Shamberg seconded, under 2004, *by increasing* that amount from [\$5.5
and this motion passed unanimously, million] to "\$7 million."

Ms. Von Gemmingen stated for the record that Ms. Flister did contract work for her, and she knew in the past that Ms. Fister had done contract work for her husband and his business. She did not know if Ms. Flister was still working for her husband. Chair Traini ruled Ms. Von Gemmingen had no conflict of interest and directed her to participate with the issue.

Ms. Taylor voiced her concern about projects that were continually delayed year after year, and requested the Administration give assurance that Muldoon Road upgrades would be completed.

Mr. Whittle mentioned his concern about addressing the long-term plan of the east-west heavy traffic congestion coming into town. He stated he had talked with the Administration, which was communicating with the State of Alaska about the possibilities of unification of city and state roads in order to address their rapid deterioration.

To Mr. Van Etten's question, Mr. Lance Wilber responded that the Policy Committee had directed \$300,000 for the Campbell Creek Trail to investigate the feasibility and costs of a pedestrian over-crossing where the trail intersected with Lake Otis. He stated that report, with estimates, would be available in early 2004. Mr. Wilber stated the \$1 million was the proposed figure that staff had originally thought would be needed for the right of way, prior to the construction of the over-crossing, but recently he had heard costs of between \$5 and \$8 million for the right-of-way and crossing. To Chair Traini's question, Mr. Wilber stated they had not calculated the figures for an under-crossing. He advised not transferring money from the Midtown Trail, because the Lake Otis Trail crossing was ready to go to construction, providing a link from the Midtown Trail to Chester Creek. To Mr. Van Etten's question, Mr. Wilber stated that the crossing at A Street had already been designed to provide safety improvements. Mr. Wilber responded to Mr. Sullivan, stating that extra safety concerns were already being addressed with the right-turn-lane programs. Ms. Shamberg mentioned that increased delays on traffic signals might decrease intersection vehicle accidents and Mr. Wilber stated that issue was being addressed.

Mr. Whittle stated that pedestrian safety needed to be a high priority and the Traffic Department was under contract to operate and maintain all traffic signals in the MOA and there was a new program for the congestion mitigation and air quality projects that had received federal funds.

There being no further discussion, Chair Traini called for a vote on the main motion.

Mr. Van Etten moved, to approve AR 2003-370, as amended.
Mr. Tremaine seconded,
and this motion passed,

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

- 14.G. Resolution No. AR 2003-373, a resolution of the Anchorage Assembly recommending approval of the **2003 Long-Range Transportation Plan** to the Anchorage Metropolitan Area Transportation Solutions (AMATS) Policy Committee, Traffic Department.
1. Assembly Memorandum No. AM 937-2003.

(Clerk's Note: See above for combined Public Hearing for items 14.E, 14.F and 14.G)

Mr. Tesche moved, to approve AR 2003-373.
Mr. Sullivan seconded,
and this motion passed unanimously,

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

- 14.H. Ordinance No. AO 2003-158, an ordinance of the Anchorage Municipal Assembly amending Chapter 12.20, **Hotel-Motel Room Tax**, to amend the chapter heading and definitions to include operators of bed & breakfast guest facilities with 1-3 rooms, Assemblymembers Tremaine and Von Gemmingen.

Chair Traini read this ordinance and explained that AO 2003-165 was to replace AO 2003-158, and he called for a motion.

Ms. Shamberg moved, to postpone indefinitely AO 2003-158.
Mr. Tremaine seconded,
and this motion passed unanimously,

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

- 14.I. Ordinance No. AO 2003-165, an ordinance amending Anchorage Municipal Code Chapter 12.20 to revise the definition of operator to include **Bed & Breakfast and other establishments** with 3 or fewer rooms for rent and adding provisions relating to the administration of the Chapter, Assemblymembers Tremaine, Shamberg and Von Gemmingen. **(Addendum)**
1. Assembly Memorandum No. AM 999-2003, AO 2003-165, amending Anchorage Municipal Code Chapter 12.20 to revise the definition of operator to include **Bed and Breakfast and other establishments** with 3 or fewer rooms to rent and adding provisions relating to administration of the Chapter, Assemblymembers Tremaine.
2. Information Memorandum No. AIM 109-2003, Summary of Economic Effects for AO 2003-165: An ordinance amending Anchorage Municipal Code Chapter 12.20 to revise the definition of operator to include **Bed & Breakfast and other establishments** with 3 or fewer rooms for rent and adding provisions relating to the administration of the Chapter, Assemblymembers Tremaine.

Chair Traini explained this ordinance replaced the original AO 2003-158 on bed tax, and he opened Public Hearing on this item. Mr. Tesche stated he had a conflict of interest and would not be participating with the action of this bill. Chair Traini excused Mr. Tesche from participation with this issue.

CINDY [TYNARD] KINARD, a B&B owner in partnership with her husband since 1995, testified. She urged Assemblymembers to rewrite the legislation to better meet the needs of the owners of these small businesses in Anchorage.

DOREEN SABICO-HOUGHT, a B&B owner, testified. She stated she made about \$5000 per year, and she felt the fewer rooms you had in a B&B, the less flexibility there was with business operations. She said that most operators were older folks trying to supplement their income. To Ms. Shamberg's question, Ms. Sabico-Hought responded that she would propose changing the bonding, simplifying accounting requirements and eliminating taxes on the smaller B&B businesses.

RITA GITTENS, the current President of the B&B Organization, questioned the Administration on how these laws would be enforced. She stated there were many discrepancies already with licensed and unlicensed Bed and Breakfasts. Their organization required permits, licensing and inspections. She stated there were seventy-five members in the organization and estimated that there could be as many as four hundred smaller Bed and Breakfasts in the MOA, many of which did not maintain licenses or permits.

LEONARD DEAL testified in agreement with the tax change and urged the Assembly to pass this ordinance.

GARY ALLEN, owner of the Eagle River Hotel, testified in opposition to the ordinance and stated he felt that this proposed tax would not be fair.

CHRIS VON IMHOFF, the Chief Executive Officer of Alyeska Resort, and also a member of the Board of Directors of the Anchorage Bed and Breakfast (ABB) testified by saying it was their stand to support the taxation to be more equalized among all B&B. Mr. Von Imhoff stated that they strongly supported the ordinance. To Ms. Shamberg, Mr. Von Imhoff responded that they refer most of their visitors to local accommodations, through booking agents and with their own front desk.

BRUCE BUSTAMONTE, President and CEO of the Alaska Convention and Visitor's Bureau (ACVB), testified. He explained they do many advertisements for B&B, catering to 205,000 visitors annually, including advertising through listings in their published Visitor Guide, on email and email links and their web site. He stated they keep a binder for B&B current members and he supported this ordinance and urged the Assembly to pass it. To Ms. Von Gemmingen's question, Mr. Bustamonte replied that in order to use the benefits, including use of the ACVB's web site for advertisement, it was a requirement to be a member, with membership fees based on the number of employees, not based on the numbers of beds.

GARY ALLEN, owner of the Eagle River Motel, testified to request that this tax be kept fair. Mr. Allen stated he wanted all B&Bs to pay taxes. He stated that only ACVB Board Members who paid bed tax should be allowed to make decisions on how the bed tax money was spent. He stated that out of the current, twenty five ACVB Board Members, there were only four that paid bed tax.

JEFF HUFFMAN, owner of the Lakeside Jewel B&B, stated he supported the 8% bed tax, but worried about the rising bonding costs and insurance fees and was concerned with the unlicensed B&Bs that were in operation. He opposed small B&Bs having to pay up to \$5,000 to begin a business. To Ms. Shamberg's question, Mr. Huffman replied that he agreed with an amendment that required the surety bond include a complete tax return disclosure.

MARY ERNST, owner of Mahogany Manner, a historic B&B in downtown Anchorage, testified in support of the bed tax for all operating, short-term accommodation establishments. She felt that the smaller B&Bs exemptions were unfair. Responding to Ms. Shamberg's questions, Ms. Ernst responded that the things which needed to be addressed were the surety bonds, and suggested there should be one group that included all five rooms or less. To Mr. Sullivan's question, Ms. Ernst replied that enforcement was important. To Mr. Tremaine, she replied there was dissention among B&B owners because B&Bs with three rooms or less were able to advertise their rooms with no tax.

KATHERINE O'CONNOR, owner of a four-room Hillside B&B, testified in support of the bed tax and regulation. She wanted all B&Bs to be members of ACVB, including apartments or condos that were rented out seasonally or for weekends. To Ms. Shamberg's question, Ms. O'Connor stated that while the proposed ordinance included language that would include all types of rentals with three or fewer rooms for rent, there were many rentals which were in noncompliance. To Mr. Tremaine's question, Ms. O'Connor stated that she agreed that even one bedroom rentals for less than 30-days should be included.

DON BRAUN, a B&B owner, spoke in support of the bed taxation to include smaller B&Bs.

Chair Traini called for further public testimony, and there being none, he closed Public Hearing. Chair Traini called for a motion on AO 2003-165.

Ms. Shamberg moved, to approve AO 2003-165.
Mr. Tremaine seconded,

Ms. Shamberg stated that she felt all B&Bs needed to contribute to the bed tax. She felt one amendment that would help ease the initial financial burden to smaller B&Bs would be to eliminate surety tax requirement.

Ms. Shamberg moved, to amend AO 2003-165, *by deleting* the sentence,
Mr. Tremaine seconded, on Page 2, on Lines 23-27 concerning requirements of
and this motion passed unanimously, surety bonds.

Ms. Shamberg moved, to amend AO 2003-165, *by deleting*, on Page 2, Section 4.
Mr. Tremaine seconded,
and this motion passed unanimously,

Ms. Shamberg moved, to amend AO 2003-165, *by renumbering* Section 3 to
Mr. Tremaine seconded, Section 4.
and this motion passed unanimously,

Ms. Shamberg moved, to amend AO 2003-165, *by adding* a new Section 3, on Page
Mr. Tremaine seconded, 2, Line 36, to read: E. "Security for fiduciary performance
and this motion passed unanimously, under this section may be waived for an operator having
three or fewer rooms for rent, provided the operator files a tax
return and remits the full amount of tax due by the due dates
prescribed in this chapter."

Ms. Shamberg stated that after listening to public testimony, these amendments would help resolve the concerns.

Mr. Kendall questioned who would provide the waivers prescribed in the amendment. Mr. Jeff Sinz stated that the Municipal Treasurer would be responsible for administration of this Code, including the necessary waivers. To Mr. Kendall's question, Mr. Dan Moore stated that a waiver would be automatic, as described by Code and monitoring would be necessary for filing, due dates and staying in compliance.

To Mr. Tremaine's questions, Mr. Moore responded that this would apply not only to B&Bs, but would apply to an operator of any establishment with one or more rooms and would include weekend rentals of homes and apartment rentals for less than thirty days. He added that the requirements included seasonal and year-round certificates.

Mr. Kendall stated that this was the third time this issue had come before the Assembly concerning bed tax. He stated he would again not support it because he did not think it was necessary and the current program was adequate.

Mr. Tremaine stated he felt that tourists could use all goods and services in the MOA, and the smaller B&Bs should be included with the taxes for those services.

Ms. Von Gemmingen stated there was a new summary of economic effects published that was more recent than the one attached to the ordinance. She stated that, after discussing this issue with many B&B owners, and she felt all B&Bs needed to be included with the bed tax.

Mr. Van Etten stated that a sales tax exemption should not exist for one-bedroom to three-bedroom facilities.

Ms. Shamberg and Ms. Von Gemmingen each requested to be added as a cosponsor to this ordinance.

Chair Traini called for a vote on the main motion.

Ms. Shamberg moved, to approve AO 2003-165, as amended.
Mr. Tremaine seconded,
and this motion was passed,

AYES: Sullivan, Tremaine, Shamberg, Van Etten, Traini, Von Gemmingen and Whittle.
NAYES: Kendall and Fairclough.
ABSTAIN: Tesche, excused.
ABSENT: Taylor (*temporarily out of room*).

14.J. Ordinance No. AO 2003-155, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Sections 8.65.030, Soliciting, and 9.28.026 and 9.28.027 relating to **impoundment and forfeiture of vehicles**, to authorize impoundment and forfeiture of a vehicle that is operated, driven, or in the physical control of an individual during the commission of the offense of soliciting for prostitution, Assembly Chair Traini and Sullivan. (**Addendum**)
1. Assembly Memorandum No. AM 904-2003.
2. Information Memorandum No. AIM 100-2003, Summary of Economic Effects for AO 2003-155: An ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Sections 8.65.030, Soliciting, and 9.28.026 and 9.28.027 relating to **impoundment and forfeiture of vehicles**, to authorize impoundment and forfeiture of a vehicle that is operated, driven, or in the physical control of an individual during the commission of the offense of soliciting for prostitution, Assembly Chair Traini and Sullivan.

Chair Traini read this ordinance and opened Public Hearing.

ALISHA KNIGHT, an eight-year patrol officer on the west side of Anchorage, testified that she saw much repeat 'john traffic,' relating to prostitution. She stated that the threat of disease or arrest had not stopped this type of activity, and she thought that the threat of losing a vehicle may deter a first-time customer.

SAM O'CONNOR, with the West Community Patrol, testified that prostitution caused housing values to drop, a rise in violence and increased drug trafficking and drug use. Mr. O'Connor thought that this ordinance would bring a strong message by taking away their vehicles. To Mr. Whittle's questions, Mr. O'Connor stated that for one year, there were 12 calls reporting prostitution in East Anchorage, 18 calls in South Anchorage, 61 calls in Central Anchorage and 238 calls for prostitution in West Anchorage. He added these numbers were only the calls of people complaining of

1 prostitution and not a fraction of the actual numbers of incidents. He stated that enforcement was not working, and
2 that of the 238 calls there were only 47 arrests.

3
4 Mr. Whittle thanked Mr. O'Connor for the work he and the Community Patrol had done in the MOA. Mr. O'Conner
5 responded by thanking the Assembly for the action they had taken over the years to try and curb disturbances in the
6 community.

7
8 Mr. Tesche stated that Spenard had always been a problem area, dating back to before unification, and asked Mr.
9 O'Connor what steps could be taken to address this issue. Mr. O'Connor responded that the prostitutes typically got
10 picked up by vehicles, where they conducted their business. He didn't think there was any permanent solution that
11 would stop prostitution all together, but the bill was a good measure.

12
13 Mr. O'Connor responded to Mr. Sullivan, stating that as things tighten down in Spenard, there would be prostitution
14 increased elsewhere. He stated that their patrol already had issues with many hotels and motels concerning
15 prostitution.

16
17 SUE DOWNEY, downtown resident, testified that she witnessed solicitation all the time. She stated that she was tired
18 of seeing it and supported this ordinance.

19
20 KATHERYN YOUNG, resident of Spenard, testified in support of this ordinance.

21
22 DAN YOUNG, 21-year resident of Spenard, testified in favor of this ordinance. He saw prostitutes every day in
23 Spenard, and encouraged Assemblymembers to do more to increase enforcement.

24
25 WOODY SANDERS, owner of Anna's Steak and Seafood Restaurant in Spenard, testified that he had witnessed
26 prostitution activity all day and all night and he supported the ordinance. He stated that women in the Spenard area
27 were unsafe, due to harassment and rude gestures from vehicles. He stated he had lost employees because of that,
28 and felt it was an unsafe area of town.

29
30 ANN FLISTER, operator of a youth-oriented business in Spenard, testified that she had seen all types of activity
31 around her business and supported the ordinance. She stated her business had a large membership, often 300
32 children a day, who would often walk to the facility, directly by this activity. She stated she was seriously injured a year
33 ago in a hit-and-run accident, less than 500 yards from her business.

34
35 BRENDA SMART, Chair of the Spenard Community Council, testified that she and residents of Spenard were in full
36 support of this ordinance. She stated that Spenard was in a cycle of prostitution, drugs, burglaries and murders. She
37 felt this ordinance of confiscation of vehicles had a good chance of being effective. She thanked Chair Traini for his
38 efforts in trying to clean up their community.

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

41
42 Mr. Tremaine moved, to approve AO 2003-155.
43 Ms. Taylor seconded,

44
45 Mr. Sullivan stated he would be honored to be listed as a cosponsor on this ordinance.

46
47 Ms. Shamberg gave examples of other consequences of prostitution, including large fines and jail sentences, which
48 had had not an impact on reducing crimes. She could see that confiscation of a vehicle would get their attention, and
49 also thought that better enforcement would help solve the problem.

50
51 Mr. Tremaine stated that this ordinance would not be restricted to Spenard. He thought the ordinance would be
52 difficult to enforce because the language described "alleged" activity. Individuals would have to be found guilty of
53 solicitation, inducing, inviting or procuring. The word "participating" was not included, and therefore an arrest or
54 confiscation of the vehicle would be difficult to do. He stated he would cast a NO-vote on this ordinance.

55
56 Chair Traini relinquished the Chair to Mr. Tesche, to be able to speak on this issue. Mr. Traini explained that this
57 simple law would hit violators hard, with a repercussion that they would understand.

58
59 Mr. Kendall asked for legal interpretation of the ordinance from the Municipal Attorney Boness, of wording on the top of
60 Page 2, "...the commission of an alleged violation," that perhaps the word "alleged" should be removed. Mr. Boness
61 agreed, and suggested that, following "alleged violation:" should be "...and the consequence could follow from the
62 allegation." Mr. Kendall pointed out the ordinance was vague. Assembly Attorney, Mr. Gatti supplemented comments
63 from Mr. Boness by adding there was a civil forfeiture that was triggered upon a conviction of a violation.

64
65 Ms. Von Gemmingen gave examples of fines, of up to a \$10,000 fine per incident. She said she would like to know
66 how many times that fine had been imposed, and she would like to see the statistics, showing how the repercussions
67 affected the violator's return to prostitution. She stated that by imposing a minimum, the fine might be imposed more
68 often. Mr. Gatti responded that laws had been interpreted, suggesting that municipalities could not have mandatory
69 minimums.

70
71 Mr. Traini moved, to amend AO 2003-155, *by changing* on Page 7, Line 33,
72 Mr. Shamberg seconded, from [~~\$360.00~~] to "\$390.00."
73 and this motion passed without opposition,

74
75 Mr. Boness responded to Ms. Taylor that the car could be impounded if an attempted murder was committed.
76

To Ms. Shamberg, Mr. Gatti responded that a proposed DUI violator could argue they did not commit the crime, and the vehicle would have to be returned until the trial. Mr. Boness quoted from Page 16, that cars would be returned after two days, following an impoundment in association with a DUI.

Mr. Tremaine stated that this ordinance was merely an attempt to put government well beyond their boundaries. He stated that a \$10,000 fine wouldn't worry some people, because they would know they would get their car back. He stated he would be a NO-vote.

Mr. Van Etten proposed postponement of action on this item, while Mr. Gatti and Mr. Boness researched how the city of Fairbanks dealt with this issue. He also questioned if the Public Safety Commission had looked at this issue. Mr. Gatti said he would get the answers.

Mr. Van Etten moved, *to postpone* AO 2003-155 until a later date.

Municipal Attorney Boness stated that there had been no cost analysis, but this issue had been discussed with APD and the MOA Legal Staff and it appeared that the administrative fee of \$390.00 collected from owners of impounded vehicles would not cover total costs of APD and impoundment fees, court filing fees, prosecutors and civil attorney fees and the clerk's processing fees. He agreed with Mr. Tesche that MOA tax payers would have to subsidize the remaining costs. Mr. Tesche stated that the issue of prostitution was a concern in Anchorage and citizens wanted the Assembly to address this ordinance.

Mr. Whittle stated that the MOA did not want to be in the car impoundment business. Mr. Boness responded that the sale of the impounded vehicle could first, pay the associated fees and the remainder would go into the MOA coffers.

Mr. Van Etten questioned if taking away the car from the offender would reduce prostitution in Anchorage and he withdrew his motion to postpone.

Mr. Tremaine suggested publishing violator names in the newspaper.

Mr. Tremaine called for a vote on the main motion.

Mr. Tremaine moved, *to approve* AO 2003-155, as amended.
Ms. Taylor seconded,
and this motion was passed,

AYES: Sullivan, ~~Shamberg,~~ Kendall, Traini, Von Gemmingen, Taylor, Whittle and Tesche.

NAYES: Tremaine and Van Etten.

ABSENT: Fairclough and Shamberg, excused.

Mr. Kendall proposed immediate reconsideration on AO 2003-155 and urged a NO-vote.

Mr. Kendall moved, *for immediate reconsideration* of AO 2003-155, as amended.
Mr. Sullivan seconded,
and this motion failed,

AYES: Tesche, Shamberg and Tremaine.

NAYES: Sullivan, Kendall, Van Etten, Traini, Von Gemmingen, Taylor and Whittle.

ABSENT: Fairclough, excused.

- 14.K. Ordinance No. AO 2003-157, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 9.28.030, **Insurance and Other Security Required**, and Section 9.48.130, Vehicular Offenses Amenable to Disposition without Court Appearance, to allow for payment of the fifty dollar (\$50) fine and production of proof of security to the Anchorage Police Department, Assemblymember Shamberg. **(Addendum)**
1. Assembly Memorandum No. AM 921-2003.
 2. Assembly Memorandum No. AM 1008-2003, Summary of Economic Effects for AO 2003-157: An ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 9.28.030, **Insurance and Other Security Required**, and Section 9.48.130, Vehicular Offenses Amenable to Disposition without Court Appearance, to allow for payment of the fifty dollar (\$50) fine and production of proof of security to the Anchorage Police Department, Assemblymember Shamberg.

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

Ms. Shamberg moved, *to approve* AO 2003-157.
Mr. Tesche seconded,

Ms. Shamberg explained that she had been asked to write this ordinance because there was such a back-up of court cases and she urged a YES-vote.

Mr. Tesche had talked with members of the Court and they did agree that this ordinance would help and he also recommended a YES-vote.

and this motion passed unanimously,

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

NAYES: None.

ABSENT: Fairclough, excused and Van Etten and Kendall temporarily out of room.

- 14.L. Ordinance No. AO 2003-162, an ordinance of the Municipality of Anchorage authorizing and providing for the borrowing of not to exceed \$525,000 from the State of Alaska Clean Water Fund for the purpose of the **design of landfill cells** at the Anchorage Regional Landfill and providing for related matters, Solid Waste Services.
1. Assembly Memorandum No. AM 949-2003.

Chair Traini opened Public Hearing. With no public testimony, he closed Public Hearing and called for a motion.

Mr. Tesche moved, to approve AO 2003-162.
Mr. Tremaine seconded,
and this motion passed unanimously,

AYES: Sullivan, Tremaine, Shamberg, Traini, Von Gemmingen, Taylor, Whittle and Tesche.
NAYES: None.
ABSENT: Fairclough, excused and Van Etten and Kendall temporarily out of room.

- 14.M. Ordinance No. AO 2003-163, an ordinance of the Municipality of Anchorage authorizing and providing for the borrowing of not to exceed \$5,704,515 from the State of Alaska Clean Water Fund for the purpose of the **construction of Cell 7** at the Anchorage Regional Landfill and providing for related matters, Solid Waste Services.
1. Assembly Memorandum No. AM 950-2003.

Chair Traini opened Public Hearing. With no public testimony, he closed Public Hearing and called for a motion.

Mr. Tesche moved, to approve AO 2003-163.
Mr. Tremaine seconded,
and this motion was passed,

AYES: Sullivan, Shamberg, Kendall, Van Etten, Traini, Von Gemmingen, Taylor, Whittle and Tesche.
NAYES: None.
ABSENT: Fairclough, excused and Tremaine temporarily out of room.

- 14.N. Resolution No. AR 2003-382, a resolution approving the application for and acceptance and appropriation of State of Alaska grant funds in the amount of \$1,250,000 from the **Department of Environmental Conservation Matching Grant Program** (Senate Bill 100), Anchorage Water & Wastewater Utility.
1. Assembly Memorandum No. AM 954-2003.

Chair Traini and opened Public Hearing. With no public testimony, he closed Public Hearing and called for a motion.

Mr. Tesche moved, to approve AO 2003-382.
Mr. Tremaine seconded,

Chair Traini stated there were blank spaces in the ordinance which needed to be filled in. He proposed adding to Page 1, "whereas on December 17, 2003...." and, on Page 2, Line 9 and 10, by adding "approved by the Anchorage Assembly on the 17th day of December, 2003."

Mr. Tesche moved, to amend AO 2003-382, *by adding* on Page 1, Line 24,
Mr. Sullivan seconded, "Whereas on December 17, 2003...., "and on Page 9 and 10,
and this motion was passed unanimously, "approved by the Anchorage Assembly on the 17th day of December, 2003."

Mr. Tesche moved, to approve AO 2003-382, as amended.
Mr. Tremaine seconded,
and this motion was passed,

AYES: Sullivan, Shamberg, Kendall, Van Etten, Traini, Von Gemmingen, Taylor, Whittle and Tesche.
NAYES: None.
ABSENT: Fairclough, excused and Tremaine temporarily out of room.

- 14.O. Ordinance No. AO 2003-147, an ordinance creating **Highland Water Special Assessment District 1077**, and determining to proceed with the proposed improvements therein, Anchorage Water & Wastewater Utility.
1. Assembly Memorandum No. AM 810-2003.

Chair Traini read the title of this ordinance and opened Public Hearing. There being no public testimony, he closed Public Hearing and called for a motion.

Mr. Tesche moved, to approve AO 2003-147.
Mr. Sullivan seconded,

Mr. Kendall proposed a change on Page 2, to add "17th day of December, 2003."

Mr. Kendall moved, to amend AO 2003-147, *by adding* on Page 2, "17th day of December, 2004."
Mr. Sullivan seconded,

and this motion passed unanimously,

Mr. Tesche moved, to approve AO 2003-147, as amended.
Mr. Sullivan seconded,
and this motion was passed,

AYES: Sullivan, Shamberg, Kendall, Van Etten, Traini, Von Gemmingen, Taylor, Whittle and Tesche.
NAYES: None.
ABSENT: Fairclough, excused and Tremaine, temporarily out of the room.

Chair Traini called for a motion to combine Public Hearing on the next 12 Agenda items.

Mr. Tesche moved, to combine Public Hearing for 14.P. AR 2003-326, 14.S. AR
Mr. Sullivan seconded, 2003-352, 14.T. AR 2003-353, 14.U. AR 2003-354, 14.V. AR
and this motion passed unanimously, 2003-355, 14.W. AR 2003-356, 14.X. AR 2003-357, 14.Y.
AR 2003-358, 14.Z. AR 2003-359, 14.aa. AR 2003-360,
14.bb. AR 2003-361 and 14.cc. AR 2003-362.

Chair Traini opened Public Hearing on these 12 items.

GUNNAR FLYGENRING testified on item 14.Y, AR 2003-358. He and his wife owned the property, described in the resolution as Lot 8, Block 3, of the Campbell Heights Subdivision Number 10. He and his wife were 40-year members of the community and had been in Alaska since it was a territory. He read a recent letter from the Municipal Project Management and Engineering Department, assessing their property at a lower rate than the assessment of October 23, 2003, because their property did not have a curb cut. Mr. Flygenring asked the Assembly to forward this letter to the Municipal Assessment Department. Municipal Attorney Boness summarized this issue by saying many assessments were changed this year, some rising as much as 50%. He stated the MOA supported Mr. Flygenring's proposal.

With no further public testimony, Chair Traini closed Public Hearing and called for a motion on 14.P, AR 2003-326.

14.P. Resolution No. AR 2003-326, a resolution confirming and levying special assessments for **Special Assessment District No. 1P97**, which provided paving and street lights on 32nd Avenue between Denali Street and Gambell Street, and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Project Management & Engineering.
1. Assembly Memorandum No. AM 799-2003.

(Clerk's Note: Public Hearing for this item was combined with all Special Assessment resolutions, see item 14.O.)

Mr. Kendall moved, to approve AR 2003-326.
Mr. Sullivan seconded,

Mr. Kendall moved, to amend AR 2003-326, 32nd Ave Upgrade RID, *by adding*
Mr. Sullivan seconded, on Line 23, "December 17," 2003; *by adding* on Line 33
and this motion passed unanimously, "28th" and "February" and *by adding* on Line 34, "February
28th."

Mr. Kendall moved, to approve AR 2003-326, as amended.
Mr. Sullivan seconded,
and this motion was passed,

AYES: Sullivan, Shamberg, Kendall, Van Etten, Traini, Von Gemmingen, Whittle and Tesche.
NAYES: None.
ABSENT: Fairclough, excused and Taylor and Tremaine temporarily out of room.

14.Q. Resolution No. AR 2003-343, a resolution of the Municipality of Anchorage, Alaska, confirming and levying special assessments for sanitary sewer improvements for **32nd and Denali Lateral Improvement District (LID) A211**, setting date of payment and providing for penalties and interest in the event of delinquency, Anchorage Water & Wastewater Utility.
1. Assembly Memorandum No. AM 852-2003.

Chair Traini opened Public Hearing. There being none, he closed Public Hearing and called for a motion.

Mr. Kendall moved, to approve AR 2003-343.
Ms. Shamberg seconded,
and this motion was passed,

AYES: Shamberg, Tremaine, Van Etten, Kendall, Traini, Von Gemmingen, Taylor, Whittle and Tesche.
NAYES: None.
ABSENT: Fairclough, excused and Sullivan temporarily out of room.

14.R. Resolution No. AR 2003-344, a resolution confirming and levying assessments for the water special improvements within **32nd and Denali Water Improvement District (WID) A438**, setting date of payment and providing for penalties and interest in the event of delinquency, Anchorage Water & Wastewater Utility.
1. Assembly Memorandum No. AM 853-2003.

Chair Traini opened Public Hearing on AR 2003-344. There being no one to testify, he closed Public Hearing and called for a motion.

Mr. Kendall moved, to approve AR 2003-344.
Ms. Shamberg seconded,
and this motion was passed,

AYES: Shamberg, Tremaine, Van Etten, Kendall, Traini, Von Gemmingen, Taylor, Whittle and Tesche.
NAYES: None.
ABSENT: Fairclough, excused and Sullivan temporarily out of room.

- 14.S. Resolution No. AR 2003-352, a resolution confirming and levying special assessments for **Special Assessment District 2P97**, which provided alley paving improvements on the 7th/8th Avenue Alley from H Street to I Street, and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Project Management & Engineering.
1. Assembly Memorandum No. AM 869-2003.

(Clerk's Note: Public Hearing for this item was combined with all Special Assessment resolutions, see item 14.O.)

Mr. Kendall moved, to approve AR 2003-352.
Mr. Sullivan seconded,

Mr. Kendall moved, to amend AR 2003-352, 7th and 8th Alley Paving RID by
Mr. Sullivan seconded, adding on Line 23, "December 17," 2003; by adding on Line
and this motion passed unanimously, 33, "28th" and "February" and by adding on Line 34, "February
28th."

Mr. Kendall moved, to approve AR 2003-352, as amended.
Mr. Sullivan seconded,
and this motion passed unanimously,

AYES: Sullivan, Shamberg, Kendall, Van Etten, Traini, Von Gemmingen, Whittle and Tesche.
NAYES: None.
ABSENT: Fairclough, excused and Taylor and Tremaine temporarily out of room.

- 14.T. Resolution No. AR 2003-353, a resolution confirming and levying special assessments for **Special Assessment District 5P97**, which provided alley paving improvements on the K Street/L Street Alley between 7th Avenue and 8th Avenue, and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Project Management & Engineering.
1. Assembly Memorandum No. AM 870-2003.

(Clerk's Note: Public Hearing for this item was combined with all Special Assessment resolutions, see item 14.O.)

Mr. Kendall moved, to approve AR 2003-353.
Mr. Sullivan seconded,

Mr. Kendall moved, to amend AR 2003-353, K St. & L St. Alley Paving RID by
Mr. Sullivan seconded, adding on Line 23, "December 17," 2003; by adding on Line
and this motion passed unanimously, 33, "28th" and "February" and by adding on Line 34, "February
28th."

Mr. Kendall moved, to approve AR 2003-353, as amended.
Mr. Sullivan seconded,
and this motion was passed,

AYES: Sullivan, Shamberg, Kendall, Van Etten, Traini, Von Gemmingen, Whittle and Tesche.
NAYES: None.
ABSENT: Fairclough, excused and Taylor and Tremaine temporarily out of room.

- 14.U. Resolution No. AR 2003-354, a resolution confirming and levying special assessments for **Special Assessment District 2P98**, which provided alley paving improvements on the 15th Avenue/15th Terrace Alley to its western end, and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Project Management & Engineering.
1. Assembly Memorandum No. AM 871-2003.

(Clerk's Note: Public Hearing for this item was combined with all Special Assessment resolutions, see item 14.O.)

Mr. Kendall moved, to approve AR 2003-354.
Mr. Van Etten seconded,

Mr. Tesche moved, to amend AR 2003-354, 15th Avenue Alley Paving RID by
Mr. Van Etten seconded, adding on Line 23, "December 17," 2003; by adding on Line
and this motion passed unanimously, 33, "28th" and "February" and by adding on Line 34, "February

28th" and on Line 14, reduce the total assessment to
"\$5555.46."

Mr. Kendall moved, to approve AR 2003-354, as amended.
Mr. Van Etten seconded,
and this motion was passed,

AYES: Shamberg, Kendall, Van Etten, Traini, Von Gemmingen, Whittle and Tesche.
NAYES: None.
ABSENT: Fairclough, excused and Sullivan, Taylor and Tremaine temporarily out of room.

- 14.V. Resolution No. AR 2003-355, a resolution confirming and levying special assessments for **Special Assessment District 2P99**, which provided alley paving improvements on the Spenard Road Alley between 25th Avenue and Fireweed Lane, and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Project Management & Engineering.
1. Assembly Memorandum No. AM 872-2003.

(Clerk's Note: Public Hearing for this item was combined with all Special Assessment resolutions, see item 14.O.)

Mr. Kendall moved, to approve AR 2003-355.
Mr. Van Etten seconded,

Mr. Kendall moved, to amend AR 2003-355, Spenard Road Alley Paving RID by
Mr. Van Etten seconded, adding on Line 23, "December 17," 2003; by adding on Line
and this motion passed unanimously, 33, "28th" and "February" and by adding on Line 34, "February
28th."

Mr. Kendall moved, to approve AR 2003-355, as amended.
Mr. Van Etten seconded,
and this motion was passed,

AYES: Shamberg, Kendall, Van Etten, Traini, Von Gemmingen, Whittle and Tesche.
NAYES: None.
ABSENT: Fairclough, excused and Sullivan, Taylor and Tremaine temporarily out of room.

- 14.W. Resolution No. AR 2003-356, a resolution confirming and levying special assessments for **Special Assessment District 3P99**, which provided alley paving improvements on the I Street/ K Street Alley between 15th Avenue and 16th Avenue, and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Project Management & Engineering.
1. Assembly Memorandum No. AM 873-2003.

(Clerk's Note: Public Hearing for this item was combined with all Special Assessment resolutions, see item 14.O.)

Mr. Kendall moved, to approve AR 2004-356.
Mr. Van Etten seconded,

Mr. Kendall moved, amend AR 2003-356, I St. & K St. Alley Paving RID by
Mr. Van Etten seconded, adding on Line 23, "December 17," 2003; by adding on Line
and this motion passed unanimously, 33, "28th" and "February" and by adding on Line 34, "February
28th."

Mr. Kendall moved, to approve AR 2004-356, as amended.
Mr. Van Etten seconded,
and this motion was passed,

AYES: Shamberg, Kendall, Van Etten, Traini, Von Gemmingen, Whittle and Tesche.
NAYES: None.
ABSENT: Fairclough, excused and Sullivan, Taylor and Tremaine temporarily out of room.

- 14.X. Resolution No. AR 2003-357, a resolution confirming and levying special assessments for **Special Assessment District 4P99**, which provided alley paving improvements on the G Street/H Street Alley between 11th Avenue and 13th Avenue, and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Project Management & Engineering.
1. Assembly Memorandum No. AM 874-2003.

(Clerk's Note: Public Hearing for this item was combined with all Special Assessment resolutions, see item 14.O.)

Mr. Kendall moved, to approve AR 2003-357.
Mr. Whittle seconded,

Mr. Kendall moved, amend AR 2003-357, G St. & H. St. Alley Paving RID by
Mr. Tesche seconded, adding on Line 23, "December 17," 2003; by adding on Line
and this motion passed unanimously, 33 "28th" and "February" and by adding on Line 34, "February
28th."

Mr. Kendall moved, to approve AR 2003-357, as amended.
Mr. Whittle seconded,
and this motion was passed,

AYES: Shamberg, Van Etten, Kendall, Traini, Von Gemmingen, Whittle and Tesche.
NAYES: None.
ABSENT: Fairclough, excused and Sullivan, Taylor and Tremaine temporarily out of room.

- 14.Y. Resolution No. AR 2003-358, a resolution confirming and levying special assessments for **Special Assessment District 6SR98**, which provided street reconstruction improvements on Albatross Drive and Curlew Circle, and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Project Management & Engineering.
1. Assembly Memorandum No. AM 875-2003.

(Clerk's Note: Public Hearing for this item was combined with all Special Assessment resolutions, see item 14.O.)

Mr. Kendall moved, to approve AR 2003-358.
Ms. Von Gemmingen seconded,

Ms. Von Gemmingen stated that this assessment had been reduced by 50%.

Mr. Kendall moved, to amend AR 2003-358, Albatross Drive, Curlew Circle Alley Reconstruction *by adding* on Line 23, "December 17," 2003; *by adding* on Line 33, "28th" and "February" and *by adding* on Line 34, "February 28th" and *by changing* on Line 20, Page 2, the final assessment to "\$1,23.61."

Mr. Kendall moved, to approve AR 2003-358, as amended.
Ms. Von Gemmingen seconded,
and this motion was passed,

AYES: Shamberg, Tremaine, Van Etten, Kendall, Traini, Von Gemmingen, Whittle and Tesche.
NAYES: None.
ABSENT: Fairclough, excused and Sullivan and Taylor temporarily out of room.

- 14.Z. Resolution No. AR 2003-359, a resolution confirming and levying special assessments for **Special Assessment District 1SR99**, which provided street reconstruction improvements on David Place between West 10th Avenue and Stolt Lane, and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Project Management & Engineering.
1. Assembly Memorandum No. AM 876-2003.

(Clerk's Note: Public Hearing for this item was combined with all Special Assessment resolutions, see item 14.O.)

Mr. Kendall moved, to approve AR 2003-359.
Ms. Von Gemmingen seconded,

Mr. Kendall moved, to amend AR 2003-359, David Place Reconstruction RID *by adding* on Line 23, "December 17," 2003; *by adding* on Line 33, "28th" and "February" and *by adding* on Line 34, "February 28th."

Mr. Kendall moved, to approve AR 2003-359, as amended.
Ms. Von Gemmingen seconded,
and this motion was passed,

AYES: Shamberg, Tremaine, Van Etten, Kendall, Traini, Von Gemmingen, Whittle and Tesche.
NAYES: None.
ABSENT: Fairclough, excused and Sullivan and Taylor temporarily out of room.

- 14.aa. Resolution No. AR 2003-360, a resolution confirming and levying special assessments for **Special Assessment District 1SR00**, which provided street reconstruction and storm drain improvements on Bonnie Jean Court and a portion of Pettis Road, and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Project Management & Engineering.
1. Assembly Memorandum No. AM 877-2003.

(Clerk's Note: Public Hearing for this item was combined with all Special Assessment resolutions, see item 14.O.)

Mr. Kendall moved, to approve AR 2003-360.
Mr. Tremaine seconded,

Mr. Kendall moved, amend AR 2003-360, Bonnie Jean Court Reconstruction RID *by adding* on Line 23, "December 17," 2003; *by adding* on Line 33, "28th" and "February" and *by adding* on Line 34,

"February 28th."

Mr. Kendall moved, to approve AR 2003-360, as amended.
Mr. Tremaine seconded,
and this motion was passed,

AYES: Shamberg, Tremaine, Van Etten, Kendall, Traini, Von Gemmingen, Taylor, Whittle and Tesche.
NAYES: None.
ABSENT: Fairclough, excused and Sullivan temporarily out of room.

- 14.bb. Resolution No. AR 2003-361, a resolution confirming and levying special assessments for **Special Assessment District 2SR00**, which provided street reconstruction and storm drain improvements on Campbell Terrace Drive and Campbell Terrace Circle, and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Project Management & Engineering.
1. Assembly Memorandum No. AM 878-2003.

(Clerk's Note: Public Hearing for this item was combined with all Special Assessment resolutions, see item 14.O.)

Mr. Kendall moved, to approve AR 2003-361.
Ms. Von Gemmingen seconded,

Mr. Kendall moved, to amend AR 2003-361, Campbell Terrace Reconstruction
Ms. Von Gemmingen seconded, RID *by adding* on Line 23, "December 17," 2003; *by adding*
and this motion passed unanimously, on Line 33, "28th" and "February" and *by adding* on Line 34,
"February 28th."

Mr. Kendall moved, to approve AR 2003-361, as amended.
Ms. Von Gemmingen seconded,
and this motion was passed,

AYES: Shamberg, Tremaine, Van Etten, Kendall, Traini, Von Gemmingen, Taylor, Whittle and Tesche.
NAYES: None.
ABSENT: Fairclough, excused and Sullivan temporarily out of room.

- 14.cc. Resolution No. AR 2003-362, a resolution confirming and levying special assessments for **Special Assessment District 3SR00**, which provided street reconstruction and storm drain improvements on Ledora Circle, and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Project Management & Engineering.
1. Assembly Memorandum No. AM 879-2003.

(Clerk's Note: Public Hearing for this item was combined with all Special Assessment resolutions, see item 14.O.)

Mr. Kendall moved, to approve AR 2003-362.
Mr. Whittle seconded,

Mr. Kendall moved, to amend AR 2003-362, Ledora Circle Reconstruction RID
Mr. Whittle seconded, *by adding* on Line 23, "December 17," 2003; *by adding* on
and this motion passed unanimously, Line 33, "28th" and "February" and *by adding* on Line 34,
"February 28th."

Mr. Kendall moved, to approve AR 2003-362, as amended.
Mr. Whittle seconded,
and this motion was passed,

AYES: Shamberg, Tremaine, Van Etten, Kendall, Traini, Von Gemmingen, Taylor Whittle and Tesche.
NAYES: None.
ABSENT: Fairclough, excused and Sullivan temporarily out of room.

- 14.dd. Resolution No. AR 2003-377, a resolution of the Anchorage Municipal Assembly approving an alcoholic beverages conditional use in the B-3 District for a new restaurant or eating place use per AMC 21.40.180 D.8; located on Lot 1, Block 4, Al Cross Subdivision; site address being 16535 Artillery Road, Suite #103; generally located on the north side of Artillery Road between the New and Old Glenn Highways (**Pachamama Restaurant**) (Case 2003-169), Planning Department.
1. Assembly Memorandum No. AM 951-2003.

Chair Traini read this resolution title and opened Public Hearing. There being no one to testify, he closed Public Hearing and called for a motion.

Mr. Kendall moved, to approve AR 2003-377.
Mr. Tremaine seconded,
and this motion was passed,

AYES: Shamberg, Tremaine, Van Etten, Kendall, Traini, Von Gemmingen, Taylor, Whittle and Tesche.
NAYES: None.
ABSENT: Fairclough, excused and Sullivan temporarily out of room.

14. ee. Resolution No. AR 2003-378, a resolution of the Anchorage Municipal Assembly approving a minor amendment to an existing conditional use for an alcoholic beverages conditional use in the B-3 (General Business District) for O'Malley Ice Arena LLC, dba "**Blue Line Pub**", to revise its hours of operation and expanded service area to a portion of the designated bleacher seating area, located at South Center Subdivision, Block 2, Lot 5A, generally located on the east side of O'Malley Center Drive and north of East 112th Avenue (Bayshore-Klatt, Huffman-O'Malley, Old Seward-Oceanview, Abbott Loop) (Case 2003-172), Planning Department.
1. Assembly Memorandum No. AM 952-2003.

Chair Traini read this ordinance and opened Public Hearing.

STEVE AGNI, manager of the O'Malley Ice Arena and the Blue Line Pub, testified they were revising their hours to keep the arena opened later in the evening. They wanted to expand their beverage services and were requesting their license to include serving to audiences in the bleacher sections.

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

Mr. Kendall moved, to approve AR 2003-378.
Ms. Von Gemmingen seconded,

Chair Traini and Mr. Tesche traded chairs. Mr. Traini stated that he did not support this resolution. He stated the proposal included expanded hours and would be opened 365 days per year. He did not think another establishment promoting drinking was needed in our community, and he would cast a NO-vote on this issue.

Mr. Sullivan stated that this business was no different than any other business in Anchorage requesting allowances. He pointed out that this establishment had a wonderful record, with no fines or violations.

Ms. Shamberg stated she had not heard of any opposition to this proposal.

Chair Traini called for a vote on the main motion.

Mr. Kendall moved, to approve AR 2003-378.
Ms. Von Gemmingen seconded,
and this motion was passed,

AYES: Tremaine, Sullivan, Kendall, Shamberg, Van Etten, Von Gemmingen, Taylor, Whittle and Tesche.
NAYES: Traini.
ABSENT: Fairclough, excused.

14. ff. Resolution No. AR 2003-342, a resolution amending the Anchorage Municipal Code of Regulations creating **Rules of Procedure for the Urban Design Commission**, Planning Department.
1. Assembly Memorandum No. AM 851-2003.

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

Mr. Tesche moved, to approve AR 2003-342.
Mr. Tremaine seconded,

Mr. Tesche proposed an amendment to AR 2003-342, to change on Page 6, Line 13, by deleting the words "and cross examination" in the title, leaving the word "testimony."

Mr. Tesche moved, to amend AR 2003-342, *by deleting* on Page 6, Line 13,
Mr. Tremaine seconded, the words, [~~and cross examination~~], and in the title *leaving*
and this motion passed unanimously, "testimony."

Mr. Tremaine proposed to amend on Page 3, Line 3, to change the sentence, The director of planning shall be the secretary and in the director's absence, another member shall act as secretary," to allow the director to designate another person. He stated that perhaps the Administration would like time to think about this, and that he was concerned about the internal review of this resolution.

Mayor Begich stated he appreciated corrections of the technicalities.

Mr. Tremaine moved, to amend AR 2003-342, *by changing* on Page 3, Line 3, the
Mr. Taylor seconded, sentence to read: "The director of planning shall be secretary.
and this motion passed unanimously, In the director's absence, another member of the planning staff shall act as secretary."

Mr. Tremaine proposed another amendment to change on Page 3, Section B, Line 17, "Special Meetings may be called by the Chair (or) Secretary, provided that 24 hours notice is given to each member," to allow more time for member notification. Mr. Boness responded that the language was identical to the wording is in the Code now, for the Planning Commission and the Zoning Board of Examiners appeals. He said there could be improvement; he hesitated to change the language already in use. Mr. Tremaine stated he would encourage the Administration to make the necessary changes during the Title 21 rewrite.

Mr. Tremaine proposed a grammatical correction, on Page 6, Line 29.

Mr. Tremaine moved, to amend AR 2003-342, *to correct* on Page 6, Line 29,
Mr. Tesche seconded, the spelling of "*staff*."
and this was unanimously approved,

He proposed another change, on Page 6, the sentence beginning on Line 28, "... any interested party may direct questions to the staff," should be "...to staff these..." Mr. Tremaine offered another grammatical change, on Page 7, Line 3, "All parties shall have the right to subpoena witnesses;" to redefine who or what was meant by "parties." Mr. Abbott responded that, again, this was the identical language already used in the MOA Code.

Chair Traini asked Municipal Attorney Boness if "ex parte contacts prohibited," on Page 8, was what he had intended. Mr. Boness responded that he had not written that section, and he would research it. Chair Traini also asked him if conflict of interest statements were necessary.

On Page 7, Mr. Kendall questioned the powers granted to boards and commissions in the MOA dealing with subpoenas. Assembly Attorney Gatti recalled other MOA boards and commissions having subpoena powers, under municipal ordinance. Mr. Weaver stated that subpoena power provisions exist in the MOA Code, for the Planning Commission and the Zoning Board and did not exist for the Urban Design Commission. Mr. Weaver responded that in the Administration's plan for the Title 21 rewrite, the Urban Design Commission would take more regulatory responsibilities of the Planning Commission implementing design for the community, and they would need similar power.

Mr. Tesche stated that he agreed with the postponement, that this issue should be reviewed with Mr. Boness and the Legal Staff. He also questioned the power of subpoenas of the Urban Design Commission, and the other issues could be included with the Title 21 rewrite.

Mr. Kendall proposed to postpone this issue until January 6, 2004, so a worksession could be held.

Mayor Begich stated that the Title 21 rewrite would be significant in making corrections and changes, and encouraged Chair Traini to appoint Assemblymembers to participate and work with the Administration on the rewrite.

Mr. Kendall moved, to *postpone* AR 2003-342, as amended,
Mr. Tesche seconded, until January 6, 2004.
and this motion passed unanimously,

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

Prior to her excused, early departure from the Assembly Meeting, Ms. Fairclough requested that a YES-vote be cast on her behalf, for this resolution.

14.gg. Ordinance No. AO 2003-150, an ordinance amending Anchorage Municipal Code Title 21 by amending Subsection 21.15.010.B pertaining to submittal requirements for obtaining a **variance** from the Zoning Board of Examiners and Appeals, Planning Department
1. Assembly Memorandum No. AM 848-2003.

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

Mr. Kendall moved, to approve AO 2003-150.
Mr. Tremaine seconded,

Municipal Engineer Howard Holtan proposed needed changes to AR 2003-342. He asked for the removal of the words "engineer" and "architect" on Page 1 and to remove the word "model" on Page 2.

Mr. Tremaine moved, to amend AO 2003-150, on Page 1, Line 29, *by removing*
Mr. Van Etten seconded, ~~[engineer]~~ and ~~[architect]~~.
and this motion passed unanimously,

Mr. Van Etten moved, to amend AO 2003-150, on Page 2, Line 14, *by removing*
Mr. Tremaine seconded, ~~[model]~~.
and this motion passed unanimously,

Mr. Tesche moved, to approve AO 2003-150, as amended.
Mr. Tremaine seconded,
and this motion was passed,

AYES: Tremaine, Shamberg, Kendall, Van Etten, Traini, Von Gemmingen, Taylor, Whittle and Tesche.
NAYES: None.
ABSENT: Fairclough, excused and Sullivan, temporarily out of room.

14.hh. Ordinance No. AO 2003-156, an ordinance of the Anchorage Municipal Assembly amending the zoning map and providing for the rezoning of approximately 5.5 acres from B-1A (Local and Neighborhood Business) District to PLI SL (Public Lands and Institutions) with Special Limitations for **BLM Lots 230, 230A, 242, 242A, 243 and 243A, Section 33, T12N, R3W, Seward Meridian,**

Alaska; generally located on the west side of the Old Seward Highway, south of Rabbit Creek Road (Rabbit Creek Community Council) (Planning and Zoning Commission Case 2003-101), Planning Department.

1. Assembly Memorandum No. AM 905-2003.

Chair Traini read this ordinance title and opened Public Hearing.

RON MITCHELL, with Larson Consulting Group, testified that they approved of the special limitations, and asked for no additional changes be made. To Mr. Tremaine, The Administration responded that the rezoning would allow a liquor license for that property. Mr. Mitchell stated they were not planning to put in a bar, but stated they would like to consider adding a small snack bar in the future.

There being no further public testimony, Chair Traini closed Public Hearing and called for a motion.

Mr. Tremaine moved, to approve AO 2003-156.
Mr. Van Etten seconded,
and this motion passed,

AYES: Tremaine, Shamberg, Kendall, Van Etten, Traini, Von Gemmingen, Taylor, Whittle and Tesche.
NAYES: None.
ABSENT: Fairclough, excused and Sullivan, temporarily out of room.

Mr. Tremaine clarified that this concerned a property, formerly the Rabbit Hutch. He wanted to know if the property would be allowed to have a café. The Administration stated that they would have to sign off on the approval of adding a café.

- 15. SPECIAL ORDERS None.
- 16. UNFINISHED AGENDA None.
- 17. AUDIENCE PARTICIPATION None.
- 18. ASSEMBLY COMMENTS None.
- 19. EXECUTIVE SESSIONS

The Assembly and the Administration held a prescheduled Executive Session on Wednesday, December 17, 2003. All Assemblymembers were present, with the exception of Ms. Taylor, who was excused, due to a conflict of interest. Municipal Administration members present included Mayor Begich, Municipal Attorney Boness, Deputy Municipal Manager Abbott and Mr. Dave Otto.

Mr. Tesche moved, to move into Executive Session to discuss Labor Relations
Ms. Taylor seconded, Policy and financial matters.
and this motion was passed unanimously,
with Ms. Taylor abstaining,

Upon the return of the Assembly to Chambers from their Executive Session, Chair Traini requested a legal interpretation of their Executive Session. Mr. Tesche proposed a motion to summarize the Executive Session.

Mr. Tesche moved, to approve that the Executive Session of December 17, 2003,
Mr. Tremaine seconded, be kept confidential, as allowed by law, for a period of
and this motion was passed unanimously, ten years from today's date.
with Ms. Taylor abstaining,

20. ADJOURNMENT

Chair Traini recessed the meeting at 12:00 p.m. Tuesday evening, and he adjourned the meeting Wednesday evening at 11:30 p.m.

Refer to Document Archives for Signatures

DICK TRAINI, Assembly Chair

ATTEST:

Refer to Document Archives for Signatures

MUNICIPAL CLERK, Barbara Gruenstein
Date Minutes Approved: August 3, 2004.
MC:BG