

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of April 22, 2003

1. CALL TO ORDER:

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

2. ROLL CALL:

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

3. PLEDGE OF ALLEGIANCE:

Greg Moyer led the pledge.

4. MINUTES OF PREVIOUS MEETING: None.

5. MAYOR'S REPORT: None.

6. ASSEMBLY CHAIR'S REPORT: None.

7. COMMITTEE REPORTS: None.

8. ADDENDUM TO AGENDA:

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

Chairman Traini read the addendum items.

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

9. CONSENT AGENDA:

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

A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

1. Resolution No. AR 2003-95, a resolution of the Anchorage Municipal Assembly applauds and supports the **National Association of Letter Carriers (NALC) 11th Annual National Food Drive** on May 10, 2003, Assemblymembers Traini, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, Van Etten, and Whittle.

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

B. RESOLUTIONS FOR ACTION - OTHER

1. Resolution No. AR 2003-80, a resolution of the Municipality of Anchorage appropriating \$11,082 in fire donations and \$3,732 in emergency medical services donations to the Miscellaneous Grants (261) Fund to support **fire, rescue, and emergency medical services operations**, Anchorage Fire Department.
 - a. Assembly Memorandum No. AM 320-2003.
2. Resolution No. AR 2003-96, a resolution of the Municipality of Anchorage appropriating \$61,212 in previously unappropriated Miller's Reach Fire Insurance Recovery Revenues to the Anchorage Fire Service Area Capital Improvement (431) Fund for the purchase of **fire and rescue equipment**, Anchorage Fire Department.
 - a. Assembly Memorandum No. AM 364-2003.
3. Resolution No. AR 2003-97, a resolution of the Municipality of Anchorage appropriating \$82,716 of proceeds received from the Anchorage Golf Course surcharge revenue to the Areawide Capital Improvement Fund (401) for the 2002 payment of the **Golf Course loan**, Cultural and Recreational Services.
 - a. Assembly Memorandum No. AM 365-2003.
4. Resolution No. AR 2003-98, a resolution of the Municipality of Anchorage appropriating \$10,000 from AT&T Alascom to the Miscellaneous Operational Grants Fund (261) for the **"Good News, Great Kids" Program**, Municipal Manager's Office.
 - a. Assembly Memorandum No. AM 366-2003.

5. Resolution No. AR 2003-99, a resolution establishing delinquent dates for the first and second half of yearly **real property tax payments** for Tax Year 2003, Finance.
 - a. Assembly Memorandum No. AM 367-2003.

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

6. Resolution No. AR 2003-105, a resolution of the Anchorage Municipal Assembly supporting an appropriation from the State of Alaska for the construction of a Northern Lights Boulevard **noise barrier** between the New Seward Highway and Lake Otis Parkway, Assemblymember Van Etten.
7. Resolution No. AR 2003-107, a resolution of the Municipality of Anchorage appropriating the sum of \$23,250 from the State of Alaska, Department of Transportation and Public Facilities, Division of Statewide Planning Highway Safety Office and \$470 as a contribution from the 2003 Anchorage Police Operating Budget, Anchorage Metropolitan Police Service Area Fund (151) to the State Categorical Grants Fund (231) for the **Seat Belt Enforcement Program**, Anchorage Police Department. **(addendum)**
 - a. Assembly Memorandum No. AM 297-2003.
8. Resolution No. AR 2003-108, a resolution approving the Letter of Agreement between the Municipality of Anchorage and the International Union of Operating Engineers-Local 302 for the **Apprenticeship Training Agreement**, Employee Relations Department. **(addendum)**
 - a. Assembly Memorandum No. AM 319-2003.

C. BID AWARDS

1. Assembly Memorandum No. AM 345-2003, recommendation of award to Wilder Construction Company for furnishing **AC hot mix and Type IV fill** to the Municipality of Anchorage, Maintenance & Operations Department (ITB 23-B023) (\$231,500), Purchasing.
2. Assembly Memorandum No. AM 371-2003, recommendation of award to Consolidated Contracting & Engineering for **Service and Dimond High School pool facilities mechanical rooms remodel** for the Municipality of Anchorage, Facility and Fleeting Management Department (ITB 23-C013) (\$386,333), Purchasing.
3. Assembly Memorandum No. AM 372-2003, recommendation of award to Cal Worthington Ford for furnishing **rear wheel drive and 4x4 sport utility police vehicles** to the Municipality of Anchorage, Maintenance & Operations (ITB 23-B025) (\$928,996), Purchasing.
4. Assembly Memorandum No. AM 373-2003, recommendation of award to Construction Machinery Industrial LLC for furnishing a **front end loader** to the Municipality of Anchorage, Solid Waste Services (ITB 23-B028) (\$321,082), Purchasing.
5. Assembly Memorandum No. AM 377-2003, recommendation of award to Alaska Construction & Paving, Inc. for **40th Avenue Improvements Project – Eureka Street to B Street** for the Municipality of Anchorage, Project Management & Engineering (ITB 23-C001) (\$1,423,164.56), Purchasing. **(addendum)**
6. Assembly Memorandum No. AM 378-2003, recommendation of award to Alaska Power Agency for furnishing three **phase padmount autotransformers** to the Municipality of Anchorage, Municipal Light & Power (ITB 23-B029) (\$107,088), Purchasing. **(addendum)**
7. Assembly Memorandum No. AM 387-2003, recommendation of award to Alaska Trailblazing for **Anchorage Memorial Park Cemetery landscape improvements** for the Municipality of Anchorage, Project Management & Engineering (ITB 23-C016) (\$264,105), Purchasing. **(addendum)**
8. Assembly Memorandum No. AM 388-2003, recommendation of award to Renegade Equipment, LLC for **Cedar Hollow Subdivision Area storm drain improvements** for the Municipality of Anchorage, Project Management & Engineering (ITB 23-C021) (\$1,241,787.45). **(addendum)**

D. NEW BUSINESS

1. Assembly Memorandum No. AM 374-2003, **Heritage Land Bank Advisory Commission** appointment (Philip Livingston), Mayor's Office.
2. Assembly Memorandum No. AM 356-2003, change order No. 1 to purchase order 22MLP043 with Coffman Engineers for providing **plant engineering services** on an "as required basis" for the Municipality of Anchorage, ML&P (\$75,000), Purchasing.
3. Assembly Memorandum No. AM 373-2003, ~~recommendation of award to Construction Machinery Industrial LLC for furnishing a front end loader to the Municipality of Anchorage, Solid Waste Services (ITB 23-B028) (\$321,082), Purchasing.~~

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

4. Assembly Memorandum No. AM 357-2003, utility relocation agreement with Chugach Electric Association, Inc. (CEA) for the **Elmore Road Improvement Project, Phase I** (Huffman Road to DeArmoun Road), Project No. 00-22 (\$124,397), Project Management & Engineering.
5. Assembly Memorandum No. AM 358-2003, utility relocation agreement with Alaska Communications Systems, Inc. (ACS) for the **Elmore Road Improvement Project, Phase I** (Huffman Road to DeArmoun Road), Project No. 00-22 (\$187,000), Project Management & Engineering.

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

6. Assembly Memorandum No. AM 359-2003, utility relocation agreement with GCI for the **Elmore Road Improvement Project, Phase I** (Huffman Road to DeArmoun Road), Project No. 00-22 (\$315,200), Project Management & Engineering.

7. Assembly Memorandum No. AM 360-2003, utility relocation agreement with ENSTAR Natural Gas Company for the **Elmore Road Improvement Project, Phase I** (Huffman Road to DeArmoun Road), Project No. 00-22 (\$464,027), Project Management & Engineering.
8. Assembly Memorandum No. AM 361-2003, private development **water main oversizing reimbursement** for Southeast Anchorage Middle School and Goldenview Park, AWWU File No. W94-024 (\$77,940.29), Water and Wastewater Utility.
9. Assembly Memorandum No. AM 362-2003, statutory Second Injury Fund and State Administrative Services Fees for **workers' compensation** (\$221,113), Finance.
10. Assembly Memorandum No. AM 379-2003, proprietary purchase to Resource Data, Inc. for **Permit Automation System enhancements** for the Municipality of Anchorage, Development Services Department (\$36,930), Purchasing. (**addendum**)
11. Assembly Memorandum No. AM 380-2003, proprietary purchase of **computer software maintenance** from Environmental Systems Research Institute, Inc. (ESRI) for the Municipality of Anchorage, Information Technology Department (\$52,308.07), Purchasing. (**addendum**)
12. Assembly Memorandum No. AM 381-2003, **Mt. View Recreational Community Center Advisory Commission** appointment (Thomas Blackbird), Mayor's Office. (**addendum**)
13. Assembly Memorandum No. AM 382-2003, **Uncle Joe's Pizzeria** (#3915) – Renewal for a Restaurant/Eating Place Liquor License (Old Seward Community Council), Clerk's Office. (**addendum**)
14. Assembly Memorandum No. AM 383-2003, **Cilantros** (#4275) – New Restaurant/Eating Place Liquor License (Downtown Community Council), Clerk's Office. (**addendum**)
15. Assembly Memorandum No. AM 384-2003, **Sullivan's Steakhouse** (#3412) – Transfer of Ownership for a Beverage Dispensary Liquor License (Downtown Community Council), Clerk's Office. (**addendum**)
16. Assembly Memorandum No. AM 385-2003, **West-Fort Fork Inc.** – Transfer of Ownership for a Beverage Dispensary Liquor License (Spenard Community Council), Clerk's Office. (**addendum**)
17. Assembly Memorandum No. AM 386-2003, **Inlet Tower, LLC** – New Beverage Dispensary/Tourism Liquor License (South Addition Community Council), Clerk's Office. (**addendum**)

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

18. Assembly Memorandum No. AM 389-2003, **Black Angus Steak House #2** – Transfer of Ownership of a Beverage Dispensary-Tourism Liquor License (Fairview Community Council), Clerk's Office. (**addendum**)
19. Assembly Memorandum No. AM 368-2003, Transmittal of Interest Arbitrator's Decision and Award for a new collective bargaining agreement between the Municipality of Anchorage (MOA) and **Plumbers and Pipefitters-Local 367** (Local 367), Employee Relations. (**addendum**)

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

20. Assembly Memorandum No. AM 392-2003, **North Slope Restaurant Inc.** (#3453) – Transfer of Ownership of a Brewpub Liquor License (Eagle River Community Council), Clerk's Office. (**addendum**)
21. Assembly Memorandum No. AM 393-2003, 2003/2004 Liquor License Renewal: **Specialty Imports Inc.** (#3549) – Wholesale (Taku/Campbell and Abbott Loop Community Councils), Clerk's Office. (**addendum**)
22. Assembly Memorandum No. AM 394-2003, **North Slope Restaurant Inc.** (#1949) – Transfer of Ownership of a Beverage Dispensary Liquor License (Eagle River Community Council), Clerk's Office. (**addendum**)

E. INFORMATION AND REPORTS

1. Information Memorandum No. AIM 44-2003, **contracts awarded between \$50,000 and \$100,000 through formal competitive processes** for the month of March 2003, Purchasing.
2. Information Memorandum No. AIM 45-2003, **Sole Source Procurement Report** for the month of March 2003, Purchasing.
3. Information Memorandum No. AIM 46-2003, waiver of formal procedures for a **vulnerability assessment** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (RFP 23-P007) (\$180,000), Purchasing. (**addendum**)

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

1. Ordinance No. AO 2003-74, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Chapter 21.05 adopting the **Eagle River Central Business District Revitalization Plan** as an element of the Comprehensive Plan, Planning Department. P.H. 5-20-03.
 - a. Assembly Memorandum No. AM 348-2003.
2. Ordinance No. AO 2003-76, an ordinance amending Anchorage Municipal Code 26.80.050A. to add a new subsection for **recycling non-residential electronic waste** at the Anchorage Regional Landfill and setting fees for electronic waste recycling, Solid Waste Services. P.H. 5-13-03.
 - a. Assembly Memorandum No. AM 376-2003.
3. Resolution No. AR 2003-90, a resolution of the Municipality of Anchorage appropriating \$224,520 in prior year operating budget contributions to the Anchorage Fire Department, Girdwood Fire Apparatus Capital Improvement (406) Fund for the purchase of **new fire apparatus**, Anchorage Fire Department. P.H. 5-13-03.
 - a. Assembly Memorandum No. AM 350-2003.
4. Ordinance No. AO 2003-77, an ordinance amending Anchorage Municipal Code Chapter 8.55 to redefine prohibited criminal acts, add new prohibited criminal acts, and to revise penalties and

finest for **cruelty to animals** within the municipality, including animal cruelty, animal fighting, accidents involving animals, animal trapping, and other matters, Health and Human Services. P.H. 5-20-03. **(addendum)**

- a. Assembly Memorandum No. AM 363-2003.
- 5. Ordinance No. AO 2003-78, an ordinance of the Anchorage Municipal Assembly amending the **Utility Corridor Plan** to add a new electrical transmission line corridor alignment, Planning Department. P.H. 5-20-03. **(addendum)**
 - a. Assembly Memorandum No. AM 375-2003.
- 6. Resolution No. AR 2003-110, a resolution of the Anchorage Municipal Assembly adopting recommendations to 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. P.H. 5-13-03. **(TO BE SUBMITTED) (addendum)**
- 7. Ordinance No. AO 2003-79, an ordinance of the Anchorage Municipal Assembly enacting a new Subsection (J) within AMC 3.30.172 **classification of executive positions** relating to continued employment of executives appointed to non-executive positions prior to a change in administration; enacting a new Section AMC 7.15.110 providing for termination of professional service contracts made with municipal executives before a mayoral transition; and providing for an effective date, Assemblymembers Traini, and Tesche, Von Gemmingen, and Taylor. P.H. 5-13-03. **(TO BE SUBMITTED) (addendum)**

Mr. Tesche, Ms. Von Gemmingen and Ms. Taylor joined in introducing AO 2003-79. The public hearing was scheduled for May 13, 2003.

- 8. Ordinance No. AO 2003-80, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Chapter 2.40 to approve and adopt **new community council boundaries**, increase the interval between boundary reviews, expand participation in public hearings, provide description and maps of the community council districts, create new community councils for Midtown and other locations, and to enact similar related and implementing amendments, Assemblymembers Fairclough, Tesche, and Tremaine. **(TO BE SUBMITTED) (LAID ON THE TABLE)**

Ms. Fairclough, Mr. Tesche and Mr. Tremaine joined in introducing AO 2003-80. The public hearing was scheduled for June 10, 2003.

- 9. Ordinance No. AO 2003-81, an ordinance of the Anchorage Municipal Assembly amending the zoning map and providing for the rezoning of approximately 0.262 acres from R-5 to B-3 SL for **Moorehand Subdivision, Lot 20**, generally located at the northwest corner of Elim Street and Abbott Road (Abbott Loop Community Council) (Planning and Zoning Commission Cased 2003-015). **(LAID ON THE TABLE)**
 - a. Information Memorandum No. AIM 47-2003.

Mr. ?, Mr. ? and Ms. ? joined in introducing AO 2003-81. The public hearing was scheduled for May 13, 2003.

- 10. Assembly Memorandum No. AM 396-2003, amendment No. 4 to the professional survey services contract with Kean and Associates for **Rabbit Creek View Subdivision and Rabbit Creek Heights Subdivision Survey Improvement Assessment District 1V96** (\$99,000), Project Management & Engineering. **(LAID ON THE TABLE)**

Ms. Fairclough, Ms. Von Gemmingen and Mr. Van Etten joined in introducing AM 396-2003. The public hearing was scheduled for May 13, 2003.

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

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

Mayor Wuerch welcomed Philip Livingston to the Heritage Land Bank Advisory Commission.

10. REGULAR AGENDA:

A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS:

- 10A1. Resolution No. AR 2003-95, a resolution of the Anchorage Municipal Assembly applauds and supports the **National Association of Letter Carriers (NALC) 11th Annual National Food Drive** on May 10, 2003, Assemblymembers Traini, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, Van Etten, and Whittle.

Ms. Fairclough moved, to approve AR 2003-95,
seconded by Ms. Von Gemmingen,
and it passed without objection.

Ms. Fairclough read the resolution.

John R. Graves thanked the Assembly for supporting the National Association of Letter Carriers 11th Annual National Food Drive on May 10, 2003.

B. RESOLUTIONS FOR ACTION - OTHER:

- 10B1. Resolution No. AR 2003-99, a resolution establishing delinquent dates for the first and second half of yearly **real property tax payments** for Tax Year 2003, Finance.
- a. Assembly Memorandum No. AM 367-2003.

(Clerk’s Note: This item addressed later in the meeting after Item 14O.)

C. BID AWARDS: None.

D. NEW BUSINESS:

- 10D1. Assembly Memorandum No. AM 373-2003, recommendation of award to Construction Machinery Industrial LLC for furnishing a **front end loader** to the Municipality of Anchorage, Solid Waste Services (ITB 23-B028) (\$321,082), Purchasing.

Ms. Fairclough moved, to postpone AM 373-2003 indefinitely,
seconded by Ms. Von Gemmingen,
and it passed without objection.

- 10D2. Assembly Memorandum No. AM 386-2003, Inlet Tower, LLC – New Beverage Dispensary/Tourism Liquor License (South Addition Community Council), Clerk’s Office. **(addendum)**

(Clerk’s Note: This item addressed later in the meeting. See after item 14M.)

- 10D3. Assembly Memorandum No. AM 368-2003, Transmittal of Interest Arbitrator’s Decision and Award for a new collective bargaining agreement between the Municipality of Anchorage (MOA) and **Plumbers and Pipefitters-Local 367** (Local 367),, Employee Relations. **(addendum)**

(Clerk’s Note: This item addressed later in the meeting. See after Item 11B, AR AIM 33-2003.)

E. INFORMATION AND REPORTS: None.

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION: None.

Ms. Taylor moved, to change the order of the day to take up Item 16A, Special
seconded by Mr. ?, Orders,
and it passed without objection.

16A. Assembly Reorganization.

Ms. Taylor moved, to nominate Mr. Traini as Chairman of the Assembly,
seconded by Mr. Tesche,
and it passed without objection.

Mr. Van Etten moved, to nominate Mr. Tesche as Vice-Chairman of the Assembly,
seconded by Mr. Whittle,
and it passed without objection.

Mayor Wuerch congratulated Mr. Traini and Mr. Tesche on their appointments. He thanked Ms. Fairclough for her service as Vice Chairman of the Assembly in the past year.

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

- 11A. Assembly Memorandum No. AM 355-2003, **Port Commission** reappointment (Brad Kroon), Mayor’s Office.
(POSTPONED FROM 4-15-03)

Chairman Traini gave the history of AM 355-2003 and noted no motions were pending.

Ms. Fairclough moved, to approve AM 355-2003,
seconded by Mr. Tremaine.

Governor Sheffield, Port Director, spoke on Mr. Kroon’s behalf.

Question was called on the motion to approve AM 355-2003 and it passed.

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

- 11B. Information Memorandum No. AIM 33-2003, Transmittal of Arbitrator’s decision and award for United Association of Journeyman and Apprentices of the **Plumbing and Pipefitting Industry-Local 367** (Local 367) and the Municipality of Anchorage, Employee Relations.
(CARRIED OVER FROM 3-18-03; POSTPONED FROM 4-8-03 AND 4-15-03)

Chairman Traini gave the history of AIM 33-2003 and noted a motion to accept was on the floor.

In response to Ms. Taylor, Chairman Traini ruled, on advice of Municipal Attorney Bill Greene, that Ms. Taylor did not have a conflict of interest because the attorney representing the Plumbing and Pipefitting Union was the spouse of her employer.

Mayor Wuerch urged the Assembly to consider the arbitrator's decision very carefully.

Question was called on the motion to accept AIM 33-2003 and it passed.

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

NAYES: None.

The Assembly then took up item 10D2, AM 368-2003.

10D2. Assembly Memorandum No. AM 368-2003, Transmittal of Interest Arbitrator's Decision and Award for a new collective bargaining agreement between the Municipality of Anchorage (MOA) and **Plumbers and Pipefitters-Local 367** (Local 367), Employee Relations. **(addendum)**

Mr. Tesche moved, to approve AM 368-2003,
seconded by Ms. Von Gemmingen.

Employee Relations Director David Otto introduced Personnel Director Debbie English, who negotiated the contract with the Plumbers and Pipefitters. The administration was asking the Assembly to accept the memorandum, which rejected the arbitrator's award.

In response to Mr. Tesche, Ms. English said the arbitrator's award was received on March 3, 2003. The municipality felt the arbitrator acted outside of his authority and appealed the decision to the Employee Relations Board, which they rejected.

In response to Mr. Tesche, Municipal Attorney Bill Greene said rejection of AIM 368-2003 said the Assembly could reject AIM 368-2003, which would approve the arbitrator's award, or amend AIM 368-2003 to take out the negative reversal and approve it as amended.

In response to Mr. Tesche, Mr. Otto said acceptance of AM 368-2003 would turn down the arbitrator's award, which would allow the city to either offer their last, best offer or continue negotiations. If the city imposed their last, best offer on the union, the union had the right to take vote to strike, but they could not strike while the arbitration process was ongoing. There was a contingency plan in place in case a strike occurred. There are approximately 142 employees in the bargaining unit with 127 being employed by the Anchorage Water and Wastewater Utility, 7 by the Maintenance and Operations Department and 8 by Development Services.

In response to Mr. Tesche, Ms. English said contract negotiations began in January of 2002. AM 368-2003 was completed this morning and faxed to union. She was not sure when the Assembly received the final copy. The municipality's final cost proposal for Anchorage Water and Wastewater Utility was \$2,500,000 and the cost awarded by the arbitrator was \$3,300,000.

Mayor Wuerch said the code required the administration to review the auditor's report and assess his numbers against the summary of economic effects. Mr. Raskum signed the auditor's report today. The administration would not object to postponing this to the next meeting to allow the Assembly time to review the issue.

In response to Mr. Tesche, Mr. Greene said the code required the Assembly to make a decision on the issue within seven days of the financial analysis by the internal auditor or the parties would be at an impasse. No action by the Assembly within the seven days would effectively be a denial of the arbitrator's award.

Mr. Tesche moved, to amend AM 368-2003, page 4, lines 39-43 to read:
seconded by Ms. Fairclough. "The Assembly approves the internal arbitrator's decision and award for the Plumbers and Pipefitters Local 367."

Mayor Wuerch pointed out that the memorandum was from the mayor and it was administration's recommendation that the Assembly not approve it. He questioned the propriety of changing a memorandum that was offered by the mayor.

Mr. Tesche and Municipal Attorney Bill Greene discussed the proper procedure for amending the memorandum.

Mr. Sullivan felt there was a better way to deal with the issue than changing the memorandum. The Assembly could vote no on AM 368-2003 and then put forth a non-documented motion that approved the arbitrator's award.

Mr. Greene said in reviewing the code, the Assembly had 21 days to deal with the issue after the date it was delivered to them.

Question was called on the motion to amend AM 368-2003 and it passed.

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

NAYES: Sullivan.

Mr. ? noted that the internal auditor was on leave last week. A document dated April 17, 2003 with identical information was recast for the April 22, 2003 meeting.

Ms. Taylor moved, to call the question on AM 368-2003 as amended,
seconded by Ms. Von Gemmingen,
and it passed with one objection.

Question was called on the motion to approve AM 368-2003 as amended and it passed.

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

Mr. Tesche moved, for immediate reconsideration of AM 368-2003,
seconded by Mr. Tremaine.

Mr. Tesche recommended a no vote.

Question was called on the motion for immediate reconsideration of AM 368-2003 and it failed.

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

Ms. Von Gemmingen left the meeting to travel to Juneau.

- 11C. Resolution No. AR 2003-64, a resolution approving a Memorandum of Understanding between **Vision Anchorage** and the Municipality of Anchorage, Municipal Manager’s Office.
1. Assembly Memorandum No. AM 258-2003.
(CARRIED OVER FROM 3-18-03. POSTPONED FROM 4-8-03)

Chairman Traini gave the history of AR 2003-64 and noted a motion to approve was on the floor.

Mr. Tesche moved, to incorporate two clauses into the memorandum of
seconded by Ms. Fairclough. understanding as outlined in the letter from Larry Crawford
to read as follows. Whereas in recognition of the Municipality
of Anchorage’s support of the call to action, Vision
Anchorage will, by July 15, 2003, adopt a list of suggested
local legislative initiatives that the Municipality of Anchorage
can consider to advance economic development in the
municipality. Whereas Vision Anchorage will strive to foster
a collaborative working relationship (indiscernible) of a call to
action and the Anchorage 2020 Comprehensive Plan.

Mayor Wuerch said the administration was committed to moving the Vision Anchorage plan forward.

In response to Mayor Wuerch, Mr. Tesche said it was his understanding that there were separate memorandums of understanding for each of the participants in Vision Anchorage. Mr. Crawford had recommended that the additional whereas clauses be placed in the memorandum of understanding.

Mayor Wuerch had no objection to adding the clauses, because they were action items for Vision Anchorage and not the Municipality of Anchorage.

Question was called on the motion to incorporate the two clauses into the memorandum of understanding and it passed without objection.

Mr. Sullivan pointed out that the numbering of the whereas clauses in the letter of memorandum had skipped number five.

12. **APPEARANCE REQUESTS (SHALL BEGIN NO EARLIER THAN 6:00 P.M. AND NO LATER THAN 6:30 P.M.)**
12A. **John R. Graves**, National Association of Letter Carriers - NALC Food Drive - May 10, 2003.

(Clerk’s Note: This item addressed earlier in the meeting. See item 10A1.)

- 12B. **Meagan Boltwood**, Anchorage Waterways Council - "Ship Creek Unplugged" Presentation.

MEAGAN BOLTWOOD said the Ship Creek Unplugged Program was working with agencies, organizations and businesses to improve fisher access and safety, increase fish and wildlife habitat and restore fish passage. They were working to remove the old Knik Arm power plan dam, which had not been used since 1988. She discussed the dam, which had never had a safety inspection and did not meet current permitting standards. The dam owners refused to give permission to remove the dam so the Anchorage Waterways Council would like the Assembly to encourage the municipality to declare the dam a public nuisance so it could be removed.

In response to Mr. Whittle, Ms. Boltwood said the dam removal would allow the fish to move upstream and enhance the fish runs, because the dam was sitting on prime spawning habitat. They would prefer to remove the dam at the end of October after the fish runs.

In response to Mr. Tremaine, Ms. Boltwood said the Anchorage Waterways Council would like to Assembly to pass a resolution declaring the dam a public nuisance. Once they obtained permission, they would begin working with the Corps of Engineers on the best way to remove the dam.

In response to Ms. Shamberg, Ms. Boltwood said the dam was originally built between 1951 and 1952 to provide steam power for the railroad and several downtown businesses. The dam had not been used since 1988. They had offered to purchase the dam, but the owners said it was not for sale and provided no explanation as to why they did not want it removed. It would be less expensive to remove the dam than to put it back into use.

In response to Mr. Van Etten, Ms. Boltwood said the only purpose the dam currently served was to hold the Coho Salmon back during the Silver Salmon Derby and they were working to mitigate that with Fish and Game, who was supportive of the removal of the dam.

Executive Director Michael Scott said the administration had been supportive of the Anchorage Waterways Council’s efforts, but they recognized that there was an economic interest by certain parties that must be dealt with. The dam was owned by multiple parties, which complicated the issue. If the problem could be solved with the owners, he believed the Municipality, as well as the other stakeholders in the area, were supportive of the dam removal.

The meeting recessed at ? p.m. and reconvened at 7:00 p.m.

13. CONTINUED PUBLIC HEARINGS (SHALL BEGIN NO EARLIER THAN 6:00 P.M.)

- 13A. Ordinance No. AO 2003-59, an ordinance of the Municipality of Anchorage, Alaska, providing for the issuance of **Subordinate Lien Water Revenue and Refunding Bonds** of the Municipality in the aggregate amount of not to exceed \$48,000,000 for the purpose of providing part of the funds to refund certain outstanding senior lien water revenue bonds of the Municipality and to provide for certain improvements to the water utility and to pay costs of issuance; fixing certain covenants and protective provisions safeguarding the payment of the principal of and interest on said bonds; providing for the date, form, terms, maturities and manner of sale of the bonds; delegating to the Chief Fiscal Officer the approval of final maturity amounts and interest rates on said bonds; authorizing an official statement; appointing an escrow agent approving the form of an escrow deposit agreement; and authorizing the sale of such bonds, Finance.
1. Assembly Memorandum No. AM 274-2003.
(CONTINUED FROM 4-8-03)

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

Ms. Fairclough moved, to approve AO 2003-59,
seconded by Mr. Whittle.

Question was called on the motion to approve AO 2003-59 and it passed.

AYES: Tesche, Whittle, Taylor, Traini, Fairclough, Van Etten, Shamberg, Sullivan.
NAYES: None.

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

- 13B. Ordinance No. AO 2003-60, an ordinance of the Municipality of Anchorage, Alaska, providing for the issuance of **Wastewater Revenue Bonds** of the Municipality in the aggregate amount of not to exceed \$45,000,000 for the purpose of providing certain improvements to the wastewater utility and to pay costs of issuance; fixing certain covenants and protective provisions safeguarding the payment of the principal of and interest on said bonds; providing for the date, form, terms, maturities and manner of sale of the bonds; delegating to the Chief Fiscal Officer the approval of final maturity amounts and interest rates on said bonds; authorizing an official statement; appointing an escrow agent approving the form of an escrow deposit agreement; and authorizing the sale of such bonds, Finance.
1. Assembly Memorandum No. AM 275-2003.
(CONTINUED FROM 4-8-03)

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

Ms. Fairclough moved, to approve AO 2003-60,
seconded by Mr. Sullivan.

Question was called on the motion to approve AO 2003-60 and it passed.

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

14. NEW PUBLIC HEARINGS (SHALL BEGIN NO EARLIER THAN 6:00 P.M. AND END NO LATER THAN 11:00 P.M.)

- 14A. Resolution No. AR 2003-83, a resolution of the Municipality of Anchorage appropriating supplemental award of \$150,000 to the State Categorical Grants Fund (231) from the Alaska Department of Labor and Workforce Development for the Program Year (PY) 2002/Federal Fiscal Year (FFY) 2003 **Workforce Investment Act Statewide Projects** – Incentive Grant within the Planning Department.
1. Assembly Memorandum No. AM 333-2003.

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

Ms. Fairclough moved, to approve AR 2003-83,
seconded by Mr. Sullivan.

Question was called on the motion to approve AR 2003-83 and it passed.

AYES: Whittle, Taylor, Traini, Fairclough, Van Etten, Shamberg, Tremaine, Sullivan.
NAYES: None.

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

- 14B. Resolution No. AR 2003-84, a resolution appropriating Community Development Block Grant program income and HOME Investment Partnership recaptured funds generated by U.S. Department of Housing and Urban Development programs in the amounts of \$271,406 of **Community Development Block Grant program income** and \$144,231 of **HOME recaptured funds** in the Planning Department to the Federal Categorical Grants Fund (241), Planning Department.
 - 1. Assembly Memorandum No. AM 334-2003.

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

Mr. Tesche moved, to approve AR 2003-84,
seconded by Ms. Shamberg.

In response to Ms. Fairclough, Chairman Traini ruled that she did not have a conflict of interest and would vote on the issue.

In response to Ms. Taylor, Planning Department Director Sue Fison anticipated mobile home displacement would be a continuing problem, because there were a number of very old mobile home parks with deteriorating infrastructures. She did not know specifically which mobile home parks would be discontinued.

Question was called on the motion to approve AR 2003-84 and it passed.

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

- 14C. Resolution No. AR 2003-85, a resolution of the Municipality of Anchorage appropriating the contribution of \$223,250 received from the Chugiak, Birchwood, Eagle River Rural Road Service Area (CBERRRSA) Fund 119 approved 2002 budget to the CBERRRSA Capital Improvement Program (CIP) Fund 419 for **road and drainage capital improvement projects** within the CBERRRSA, Maintenance and Operations.
 - 1. Assembly Memorandum No. AM 335-2003.

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

Ms. Fairclough moved, to approve AR 2003-85,
seconded by Ms. Taylor.

Question was called on the motion to approve AR 2003-85 and it passed.

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

- 14D. Resolution No. AR 2003-86, a resolution of the Municipality of Anchorage appropriating \$1,602,590 of 2003 tax revenues from the Chugiak, Birchwood, Eagle River Rural Road Service Area (CBERRRSA) Mill Levy Fund 119 as a contribution to the CBERRRSA Capital Improvement Program (CIP) Fund 419 for **road and drainage capital improvement projects** within the CBERRRSA, Maintenance and Operations.
 - 1. Assembly Memorandum No. AM 336-2003.

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

Ms. Fairclough moved, to approve AR 2003-86,
seconded by Ms. Taylor.

Question was called on the motion to approve AR 2003-86 and it passed.

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

- 14E. Resolution No. AR 2003-89, a resolution of the Municipality of Anchorage appropriating \$199,000 as a grant to the Federal Categorical Grants Fund (241), Department of Health and Human Services, from the Southcentral Foundation for the purpose of providing **Emergency Alcohol Services**, Health and Human Services.
 - 1. Assembly Memorandum No. AM 349-2003.

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

Ms. Fairclough moved, to approve AR 2003-89,
seconded by Ms. Taylor.

Question was called on the motion to approve AR 2003-89 and it passed.

AYES: Tesche, Whittle, Traini, Fairclough, Van Etten, Shamberg, Sullivan.
NAYES: None.

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

- 14F. Resolution No. AR 2003-75 a resolution of the Municipality of Anchorage providing for a **revision of the Anchorage School District Budget** for FY 2003-2004, Anchorage School District.
1. Assembly Memorandum No. AM 303-2003.
 2. Resolution No. AR 2003-75(S), a resolution of the Municipality of Anchorage providing for a revision of the Anchorage School District Budget for FY 2003-2004, Anchorage School District.
 3. Assembly Memorandum No. AM 303-2003(A).

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

Ms. Fairclough moved, to approve AR 2003-75(S),
seconded by Ms. Taylor.

Question was called on the motion to approve AR 2003-75(S) and it passed.

AYES: Tesche, Whittle, Taylor, Traini, Fairclough, Van Etten, Shamberg, Sullivan.
NAYES: None.

In response to Mr. Tesche, Ms. Fairclough said the administration and the School Board were traveling to Juneau this weekend for final lobbying efforts.

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

Ms. Fairclough moved, to combine 14G, AR 2003-92, and 14H, AO 2003-72.
seconded by Mr. Tesche,
and it passed without objection.

- 14G. Resolution No. AR 2003-92, a resolution of the Municipality of Anchorage providing for a **revision of the 2003 General Government Operating Budget**, Office of Management and Budget.
1. Assembly Memorandum No. AM 346-2003.
 2. Resolution No. AR 2003-92(S), a resolution of the Municipality of Anchorage providing for a revision of the 2003 General Government Operating Budget, Assemblymember Tesche.
(LAID ON THE TABLE)
- 14H. Ordinance No. AO 2003-72, an ordinance setting the rate of **tax levy and levying taxes** for the Municipality of Anchorage Areawide General Purposes including municipal schools and all service areas of the Municipality for the municipal tax for Fiscal Year 2003, Office of Management and Budget.
1. Assembly Memorandum No. AM 347-2003.
 3. Ordinance No. AO 2003-72(S), an ordinance setting the rate of tax levy and levying taxes for the Municipality of Anchorage Areawide General Purposes including municipal schools and all service areas of the Municipality for the municipal tax for Fiscal Year 2003, Assemblymember Tesche. **(LAID ON THE TABLE)**

Mr. Tesche reviewed the substitute resolution and ordinance, which contained several important changes including not utilizing the \$7,000,000 in the Municipality of Anchorage trust fund reserve and a reduction in spending of \$350,000 for People Soft and reductions spread throughout municipal departments, except for the police department, for overtime.

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

JEANNE ALEXANDER testified against the resolution and ordinance.

MICHELLE CJHCOWSKI testified against the resolution and ordinance.

DAN HARRAN testified against the resolution and ordinance.

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

Mr. Tesche moved, to approve AR 2003-92(S),
seconded by Ms. Fairclough.

Mr. Tesche moved, to amend AR 2003-92(S) to replace Exhibit B with
seconded by Ms. Fairclough, the revised Exhibit B, page 1,
and it passed without objection.

Mr. Tesche felt the budget would work for the city, because it utilized the \$2,500,000 in refuse and utility profits, as recommended by the mayor, and the citizens’ tax cap.

Executive Director Michael Scott said the original version of the resolution would lower the tax cap and Anchorage residents would receive a tax cut of almost four percent. The administration recommended depositing the balance of the trust fund into the corpus of the Municipal Endowment Fund.

Ms. Fairclough moved, to amend AR 2003-92(S) by adding Attachment A
seconded by Mr. Tesche, (LRSA Funds) and deposit the balance of the trust fund
and it passed without objection. into the corpus of the Municipal Endowment Fund,

In response to Mr. Sullivan, Ms. Jackson said with the change, they would be \$217,825 under the tax cap.

In response to Mr. Tesche, Mr. ? said the administration concurred with the proposal and was pleased with the fact that the administration and the Assembly had reached an agreement.

Mr. Whittle said putting the money into the corpus of the Municipal Endowment Fund would provide long-term tax relief.

Question was called on the motion to approve AR 2003-92 as amended and it passed.

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

Mr. Tesche moved, for immediate reconsideration of AR 2003-92(S),
seconded by Mr. Tremaine.

Mr. Tesche recommended a no vote.

Question was called on the motion for immediate reconsideration of AR 2003-92(S) and it failed.

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

Mr. Tesche moved, to approve AO 2003-72(S),
seconded by Ms. Fairclough.

Mr. Tesche said section 38 was intended to give the administration customary discretion to recalculate the mill levies to conform to the action that was taken earlier. He urged a yes vote.

Ms. ? moved, to amend AO 2003-72(S) to add “(and in accordance with
seconded by Mr. ?, Attachment A)” to the end of section 38.
and it passed without objection.

In response to Mr. Tesche, Mr. Scott said Attachment A was the same document that was appended to AO 2003-92(S), which included several Limited Road Service Areas.

Question was called on the motion to approve AO 2003-72(S) as amended and it passed.

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

Ms. Fairclough moved, for immediate reconsideration of AO 2003-72(S),
seconded by Mr. Tremaine.

Ms. Fairclough recommended a no vote.

Question was called on the motion to for immediate reconsideration of AO 2003-72(S) and it failed.

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

- 14I. Resolution No. AR 2003-54, a resolution revising the **2003 General Government Capital Improvement Budget** and the **2003-2008 Capital Improvement Program**, Office of Management and Budget.
1. Assembly Memorandum No. AM 237-2003.

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

Ms. Fairclough moved, to approve AR 2003-54,
seconded by Mr. Tremaine.

Question was called on the motion to approve AR 2003-54 and it passed.

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

- 14J. Ordinance No. AO 2003-65, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the issuance of not to exceed \$25,000,000 in aggregate principal amount of **tax anticipation notes** of the Municipality; fixing certain details of said notes; providing for the form and manner of sale of said notes; pledging the receipts from ad valorem property taxes to be levied during Year 2003 and the full faith and credit of the Municipality to the payment thereof; authorizing the Chief Fiscal Officer to negotiate and execute a contract for the purchase and sale of said notes; and related matters, Finance.
1. Assembly Memorandum No. AM 299-2003.

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

Ms. Fairclough moved, to approve AR 2003-65,
seconded by Mr. Tremaine.

Question was called on the motion to approve AR 2003-65 and it passed.

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

NAYES: None.

The members of Boy Scout Troop 286, working on their citizenship in the community merit badge, introduced themselves to the Assembly.

- 14K. Resolution No. AR 2003-101, a resolution of the Anchorage Municipal Assembly approving an alcoholic beverage dispensary conditional use in the I-1 (Light Industrial District) for Out in the Boonies, Inc. (dba T.G.I. Fridays), per Anchorage Municipal Code Subsection 21.40.200 B.1.k., located on Lot 2A, Tudor Business Park Subdivision; generally located at the southeast corner of Tudor Road and C Street (**T.G.I. Fridays**) (Case 2003-054), Planning Department.

1. Assembly Memorandum No. AM 341-2003.

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

DAN COFFEY testified in favor of the resolution and noted that the Spenard Community Council had voted to approve it.

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

Ms. Fairclough moved, to approve AR 2003-101,
seconded by Mr. Tremaine.

Question was called on the motion to approve AR 2003-101 and it passed.

AYES: Whittle, Taylor, Traini, Fairclough, Van Etten, Shamberg, Tremaine.

NAYES: None.

(Clerk's Note: Mr. Tesche and Mr. Sullivan were out of the room at the time of the vote.)

- 14L. Resolution No. AR 2003-102, a resolution of the Anchorage Municipal Assembly approving a minor amendment to an existing conditional use for an alcoholic beverages conditional use in the Transition (T) District for Host International Inc. (dba Frontier Lounge), a Beverage Dispensary-Tourism use to transfer its location within the Ted Stevens Anchorage International Airport, South Terminal, Concourse 'B', per AMC 21.40.240 D.5, located on the West One-Half, Section 34, Township 13 North, Range 4 West, S.M., AK; generally located at the west end of West International Airport Road (**Frontier Lounge**) (Case 2003-056), Planning Department.

1. Assembly Memorandum No. AM 342-2003.

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

SHERRY FESSIMAN, representing the applicant, offered to answer questions for the Assembly.

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

Ms. Fairclough moved, to approve AR 2003-102,
seconded by Ms. Taylor.

Question was called on the motion to approve AR 2003-102 and it passed.

AYES: Tesche, Taylor, Traini, Fairclough, Van Etten, Shamberg, Tremaine.

NAYES: None.

(Clerk's Note: Mr. Whittle and Mr. Sullivan were out of the room at the time of the vote.)

- 14M. Resolution No. AR 2003-104, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages conditional use for a Beverage Dispensary-Tourism alcohol license in the R-4 District for Inlet Tower LLC, per AMC 21.40.060 B.4, located on the West 1/2 of Block 24, South Addition; generally located at 1200 L Street, Anchorage (**Inlet Tower**) (Case 2003-057), Planning Department.

1. Assembly Memorandum No. AM 344-2003.

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

DAN COFFEY testified in support of the resolution. Due to the death of the owners, Title 4 mandated that they apply for a new tourism license. He discussed the conditions that had been imposed on the 1992 liquor license, which included no more than 130 seats in the bar and restaurant area and no alcohol served before 5:00 p.m., because Inlet View School close by. Four weeks ago, the Spenard Community Council voted 12 to 4 to support the license without the no alcohol service before 5:00 p.m. condition.

In response to Mr. Tesche, Mr. Coffey said he was not aware of any other conditions placed on the liquor license in 1992 other than the two he mentioned earlier. If a research of the issue revealed other conditions had been placed on the liquor license in 1992, he would like the opportunity to review those conditions with the Assembly.

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

- Ms. Tesche moved,
seconded by Ms. Fairclough.

to approve AR 2003-104,
- Mr. Tesche moved,
seconded by Ms. Fairclough,
and it passed without objection.

to amend AR 2003-104 to amend the hours from current
package store hours to the statutory hours,
- Mr. Tesche moved,
seconded by Ms. Fairclough,
and it passed without objection.

to amend AR 2003-104 to read “No more than 130 seats
in bar/restaurant area.”
- Mr. Tesche moved,
seconded by Mr. Tremaine.

to amend AR 2003-104 to read “Applicant to return for
imposition of additional conditions if further research
discloses prior conditions not revealed to the Assembly during
the meeting.”

In response to Mr. Tesche, Mr. Coffey said they would be willing to discuss prior conditions imposed on the 1992 liquor license that might be discovered after the research was completed.

Question was called on the motion to amend AR 2003-104 and it passed with Ms. Fairclough objecting.

- Mr. Tesche moved,
seconded by Ms. Shamberg,

to amend AR 2003-104 to maintain the existing condition of
no alcoholic beverages served before 5:00 p.m.

Mr. Tesche discussed the history of the liquor license. The concern expressed in 1992 by those who wanted the restriction prohibiting the sale of alcoholic beverages before 5:00 p.m. was the presence of Inlet View Elementary School within approximately 150 yards of the establishment. The neighbors felt it would not be appropriate to have people leaving the Inlet Towers after drinking when school children were in the immediate area. The percentage of blood alcohol for drinking and driving had been reduced from 1.0 to 0.8. Inlet View School remained in the area and the danger expressed in 1992 still existed. He felt the condition worked and should remain in place.

Chairman Traini said he would be voting to keep the condition of no alcoholic beverage service before 5:00 p.m.

In response to Ms. Fairclough, Mr. Tesche said he had received two e-mail messages asking him to maintain the liquor license condition of no alcoholic beverage service before 5:00 p.m. He had not been contacted by the PTA or Inlet View Elementary School. He felt the historic limitation should be maintained, because it was squarely in the middle of a residential neighborhood and the business had been able to operate successfully and safely with the condition in place.

Ms. Fairclough pointed out that a tourism license was different than a bar license.

In response to Mr. Van Etten, Mr. Coffey said Inlet Towers had served alcohol last summer, but this was a brand new conditional use application. The site had been inactive for more than 60 days. He suggested allowing liquor service during the lunch hour, but not between the hours of 2:00 and 4:00 p.m.

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

to substitute the motion to amend AR 2003-104 to prohibit the
sale of alcoholic beverages between of 2:00 to 4:00 p.m.

Question was called on the motion to approve AR 2003-104 as amended and it passed.

AYES: Tesche, Whittle, Taylor, Traini, Fairclough, Van Etten, Shamberg, Tremaine.
NAYES: None.

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

The Assembly then took up item 10D2, AM 286-2003.

- 10D2. Assembly Memorandum No. AM 386-2003, **Inlet Tower, LLC** – New Beverage Dispensary/Tourism Liquor License (South Addition Community Council), Clerk’s Office. (**addendum**)

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

to approve AM 386-2003,
- 14N. Ordinance No. AO 2003-73, an ordinance amending Anchorage Municipal Code Sections 1.45.010, 8.05.050, and 9.48.010 and Title 8 to increase the **maximum penalty for certain offenses**; amending Chapter 9.26 regarding signs for maximum speed limits; amending Chapter 9.28 to redefine previous convictions for purposes of impoundment and forfeiture of vehicles; and further amending Chapter 9.28 to require proof of vehicle insurance prior to release of vehicles, Assembly Chair Traini.

1. Assembly Memorandum No. AM 390-2003, AO 2003-73; an ordinance amending Anchorage Municipal Code Sections 1.45.010, 8.05.050, and 9.48.010 and Title 8 to increase the maximum penalty for certain offenses; amending Chapter 9.26 regarding signs for maximum speed limits;

amending Chapter 9.28 to redefine previous convictions for purposes of impoundment and forfeiture of vehicles; and further amending Chapter 9.28 to require proof of vehicle insurance prior to release of vehicles, Assembly Chair Traini. (**addendum**)

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

- Ms. Fairclough moved,
seconded by Mr. Tremaine.

to approve AO 2003-73,
- Ms. Fairclough moved,
seconded by Mr. Tremaine,
and it passed without objection.

to amend AO 2003-73, page 8, line 29, to read “not more than 90 days” instead of “not more than one year.”
- Ms. Fairclough moved,
seconded by Ms. Shamberg,
and it passed without objection.

to amend AO 2003-73, page 2, line 19, to replace “less than 25 miles per hour” to read “not more than 25 miles per hour.”

Chief of Police Walt Monegan suggested changing page 8, line 5 to replace “unless another penalty is expressly provided” with “unless another fine schedule is expressly provided.”

Mr. ? noted that there were fine schedules for bail and fine schedules that require court appearances. To match the state code, he felt the language should remain “unless another penalty is expressly provided.”

Chief of Police Walt Monegan discussed the advantages of changing the language of the ordinance.

Municipal Attorney Bill Greene said the state statute referred to penalties and he did not feel it should be changed. He made a commitment to the Assembly and Chief Monegan to educate the magistrates on this issue.

In response to Ms. Shamberg, Mr. Greene said when there was no penalty provided in the code for a particular violation, the general penalty provision would apply.

Question was called on the motion to approve AO 2003-73 as amended and it passed.

AYES: Tesche, Whittle, Taylor, Traini, Fairclough, Van Etten, Shamberg, Tremaine.
NAYES: None.

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

- 14O. Ordinance No. AO 2003-57, an ordinance of the Anchorage Municipal Assembly enacting a new Chapter 24.35 establishing public safety requirements for **soliciting business or contributions** and prohibiting the distribution of literature from within street or highway rights-of-way, Assemblymember Sullivan.
1. Assembly Memorandum No. AM 221-2003.

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

- Ms. Fairclough moved,
seconded by Mr. Tremaine,
and it passed without objection.

to postpone AO 2003-57 to May 13, 2003,

The Assembly then took up Item 10B1.

- 10B1. Resolution No. AR 2003-99, a resolution establishing delinquent dates for the first and second half of yearly **real property tax payments** for Tax Year 2003, Finance.
a. Assembly Memorandum No. AM 367-2003.

- Mr. Tremaine moved,
seconded by Ms. Fairclough,
and it passed without objection.

to approve AR 2003-99,

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

16. **SPECIAL ORDERS:**
16A. **Assembly Reorganization.**

(Clerk’s Note: This item addressed earlier in the meeting. See after Item 10F.)

- 16B. Release of Board of Ethics report of **infrared ITB**.

Municipal Attorney Bill Greene said the code provided that the Board of Ethics report could not be made public unless the Assembly authorized it.

- Mr. Tremaine moved,
seconded by Mr. Tesche,
and it passed without objection.

to publicly release the Ethics Board report (infrared ITB).

- 17. UNFINISHED AGENDA: None.
- 18. AUDIENCE PARTICIPATION: None.
- 19. ASSEMBLY COMMENTS:

Mr. Van Etten reminded everyone of Scoop the Poop Week. According to the Anchorage Waterways Council there were three lakes and seven streams contaminated by dog waste.

- 20. EXECUTIVE SESSIONS: None.
- 21. ADJOURNMENT:

Ms. Taylor moved, to adjourn the meeting,
seconded by Ms. Shamberg,
and it passed without objection.

The meeting adjourned at 8:25 p.m.

Chairman

ATTEST:

Acting Municipal Clerk
LINDA HEIM

Date Minutes Approved: July 15, 2003

LH:KRON