

MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEETING

Assembly Chambers, Loussac Library
3600 Denali Street, Room 108

Minutes for Regular Meeting of December 2, 2003

1. CALL TO ORDER

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

2. ROLL CALL A Quorum was achieved with Assemblymembers present.

PRESENT: Janice Shamborg, Dan Kendall, Doug Van Etten, Dick Traini, Fay Von Gemmingen, Brian Whittle and Allan Tesche; Dick Tremaine, Anna Fairclough and Melinda Taylor arrived shortly after the meeting had been called to order.

ABSENT: Dan Sullivan, excused.

3. PLEDGE OF ALLEGIANCE Mr. Whittle 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

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

Mr. Tesche moved, to incorporate the Addendum items into the
Ms. Taylor seconded, Regular Agenda.
and this motion passed,

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

NAYES: None.

ABSENT: Sullivan, excused.

Chair Traini asked if there were any additional items to add to the Addendum.

Chair Traini called for any additional items to be added to the Agenda. He asked for objections to the incorporation of the Addendum items into the Agenda. There being none, he announced approval of the Agenda document with the inclusion of the Addendum. He then called for a motion on the Consent Agenda.

Ms. Fairclough moved, to approve the Consent Agenda, as amended.
Mr. Tesche seconded,
and this motion was passed,

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

NAYES: None.

ABSENT: Sullivan, excused.

Chair Traini called for Assemblymembers to request items be pulled from the Agenda for discussion. 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.

9. CONSENT AGENDA

9.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

9.A.1. Resolution No. AR 2003-376, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Detective Joseph Hoffbeck** for his 20 years of service with the Anchorage Police Department, Mayor Begich; Assemblymembers Fairclough, Kendall, Shamborg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen and Whittle.

9.A.2. Resolution No. AR 2003-380, a resolution of the Anchorage Municipal Assembly thanking **Senator Lisa Murkowski** and the Congressional Delegation for their efforts in making Anchorage a safer, better place to live, for working to represent the people of Alaska, and for

their responsiveness to the needs of women, children, and victims of domestic violence, sexual assaults, and rapes, Mayor Begich and Assemblymembers Fairclough and Von Gemmingen.

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

- 9.A.3. Resolution No. AR 2003-381, a resolution of the Anchorage Municipal Assembly recognizing and honoring the Anchorage School District students and staff, and the many parents for their efforts in making the **Peer Mediation Program** a success, Mayor Begich; Assemblymembers Van Etten, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Von Gemmingen and Whittle.

Mr. Whittle requested this item be pulled for review on the Regular Agenda. (See item 10.A.3)

9.B. RESOLUTIONS FOR ACTION – OTHER

- 9.B.1. Resolution No. AR 2003-372, a resolution of the Anchorage Municipal Assembly revising the 2003 General Government Operating Budget by appropriating \$12,200 from reimbursed revenue within the Areawide General Fund (101) to the Department of Assembly to cover **direct costs incurred** for the 2003 Election, Assembly Chair Traini.
a. Assembly Memorandum No. AM 936-2003.
- 9.B.2. Resolution No. AR 2003-374, a resolution adopting an alternative allocation method for the **FY04 Shared Fisheries Business Tax Program** and certifying that this allocation method fairly represents the distribution of significant effects of fisheries business activity in the Cook Inlet Fisheries Management Area, Office of Management & Budget.
a. Assembly Memorandum No. AM 948-2003.
- 9.B.3. Resolution No. AR 2003-379, a resolution of the Anchorage Municipal Assembly stating its temporary non-objection to a transfer of ownership/package store liquor license for **Yukon Spirits** located at 3801 Old Seward Highway, Assemblymember Van Etten.

9.C. BID AWARDS

- 9.C.1. Assembly Memorandum No. AM 945-2003, recommendation of award to Sterling & Western Star of Alaska & HME Alaska for furnishing **transfer tractors & trailers** to the Municipality of Anchorage, Solid Waste Services (ITB 23-B077) (\$587,596), Purchasing.
- 9.C.2. Assembly Memorandum No. AM 946-2003, recommendation of award to Alaska Sales & Service and Cal Worthington Ford for furnishing **miscellaneous light duty vehicles** to the Municipality of Anchorage, Anchorage Water & Wastewater Utility (ITB 23-B072) (\$244,077), Purchasing.

9.D. NEW BUSINESS

- 9.D.1. Assembly Memorandum No. AM 943-2003, **Police and Fire Retiree Medical Funding Program Board of Trustees** (Ward Hepper), Mayor's Office.
- 9.D.2. Assembly Memorandum No. AM 947-2003, approval of Contract Amendment No. 3 to Purchase Order No. 230776, **ambulance fee collections** contract with Fosselman & Weiland, CPAs (dba Medical Support Services) for the Municipality of Anchorage (\$254,000), Fire Department.

Mr. Tremaine requested this item be pulled for review on the Regular Agenda. (See item 10.D.2)

- 9.D.3. Assembly Memorandum No. AM 940-2003, 2004/2005 Liquor License Renewals: **Snow Goose Restaurant & Brewery** (#4058), **Snow Goose Restaurant & Brewery** (#4059), **Phyllis's Café** (#3266) (Restaurant/Eating Place); **Buckaroo Club** (#185), **Gaslight Lounge** (#437), **Avenue Bar** (#1184), **515 Club** (#398), **Moose's Tooth Pub & Pizzeria** (#3971), **Ralph's Sports Bar** (#1811) (Beverage Dispensary); **Shopper's Cache** (#2535), **Mom & Pop's Grocery & Liquor** (#3219) (Package Store); **Flight Deck Bar/Arctic Inn** (#402), **Anchorage Marriott Hotel** (#3945), (Beverage Dispensary – Tourism); **Viking Hall** (#1579) (Club) (Chugiak/Birchwood, Spenard, Downtown, Turnagain, Mt. View, South Addition, Fairview, Eagle River, Government Hill Community Councils), Clerk's Office.

Mr. Whittle requested this item be pulled for review on the Regular Agenda. (See item 10.D.3)

- 9.D.4. Assembly Memorandum No. AM 941-2003, **Shopper's Cache** #2535 – Transfer of Ownership for Package Store Liquor License (Chugiak and Eagle River Community Councils), Clerk's Office.
- 9.D.6. Assembly Memorandum No. AM 944-2003, **Yukon Spirits** (#996), Transfer of Ownership and Renewal of a Package Store Liquor License (Spenard, Tudor, Taku/Campbell & Campbell Park Community Councils), Clerk's Office.
- 9.D.7. Assembly Memorandum No. AM 953-2003, 2004/2005 Liquor License Renewals: **Jamico's Pizzeria** (#3889) (Restaurant/Eating Place); **The Setter** (#561), **Park Lane Lounge** (#133), **Romano's Trattoria** (#977) (Beverage Dispensary); **Chilkoot Charlie's/The Bird House** (#4024), **Chilkoot Charlie's Swing Bar** (#3817) (Beverage Dispensary-Duplicate); **VFW Post** (#1685), **Eagle River Lion's Club** (#1385), **Loyal Order of Moose Lodge** (#1534) (#750), **American Legion Post #29** (#2806) (Club); **Williams Express** (#5007)(#264), **Williams Express**(#660)(Package Store) (Spenard, Taku/Campbell, Downtown, Turnagain, Campbell Park, North Star, Old Seward, Eagle River, Chugiak, Tudor Area and Rogers Park Community Councils), Clerk's Office.

9.E. INFORMATION AND REPORTS None.

9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

- 9.F.1. 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. *Public Hearing set for 12-16-03.*
a. Assembly Memorandum No. AM 949-2003.
- 9.F.2. 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. *Public Hearing set for 12-16-03.*
a. Assembly Memorandum No. AM 950-2003.
- 9.F.3. Resolution No. AR 2003-375, a resolution of the Anchorage Municipal Assembly and Mayor Mark Begich naming 120 South Bragaw, Municipal Parks and Recreation Department offices in Mountain View, in honor of the late **Randolph “Randy” C. Smith Memorial Building**, Mayor’s Office. *Public Hearing set for 12-16-03.*
- 9.F.4. 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. *Public Hearing set for 12-16-03.*
a. Assembly Memorandum No. AM 954-2003.
- 9.F.5. Resolution No. AR 2003-383, a resolution of the Municipality of Anchorage appropriating \$625,000 from the Federal Highway Administration (FHWA) to the Federal Grants Fund (241) for the Traffic Department, Transportation Planning Division, **Anchorage Metropolitan Area Transportation Solutions** (AMATS), Traffic Department. *Public Hearing set for 12-16-03.*
a. Assembly Memorandum No. AM 955-2003.

END OF CONSENT AGENDA

10. REGULAR AGENDA

10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

- 10.A.2. Resolution No. AR 2003-380, a resolution of the Anchorage Municipal Assembly thanking **Senator Lisa Murkowski** and the Congressional Delegation for their efforts in making Anchorage a safer, better place to live, for working to represent the people of Alaska, and for their responsiveness to the needs of women, children, and victims of domestic violence, sexual assaults and rapes, Mayor Begich and Assemblymembers Fairclough and Von Gemmingen.

Chair Traini read the resolution and called for a motion.

Ms. Fairclough moved, to approve AR 2003-380.
Ms. Von Gemmingen seconded,

Ms. Fairclough explained she wanted to read this resolution out loud for the record and encouraged any additional Assemblymembers be added as co-sponsors. She then read the resolution.

Mr. Tremaine proposed a friendly amendment to change the resolution in two places, by substituting the words “has proposed” in place of “was successful.” Ms. Fairclough welcomed his amendment.

Mr. Tremaine moved, to amend AR 2003-380, *to change* on Page 1,
Ms. Fairclough seconded, Line 40 and on Page 1, Line 43, *by substituting* the
and this motion passed unanimously, words “has proposed” in place of “was successful,” to
read: “...Senator Lisa Murkowski has proposed in
securing \$2 million...” and “...Senator Lisa Murkowski
has proposed securing \$5 million...”

Mr. Tremaine asked to be a co-sponsor of this resolution. Chair Traini recommended that all Assemblymembers be listed as co-sponsors. Ms. Fairclough welcomed this as a friendly amendment.

Mr. Tremaine moved, to amend AR 2003-380 by adding all Assembly-
Ms. Fairclough seconded, members as co-sponsors of AO 2003-380.
and this motion passed unanimously,

Ms. Fairclough moved, to approve AR 2003-380, as amended.
Mr. Tremaine seconded,
and this motion passed,

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

- 10.A.3. Resolution No. AR 2003-381, a resolution of the Anchorage Municipal Assembly recognizing and honoring the Anchorage School District students and staff, and the many parents for their efforts in making the **Peer Mediation Program** a success, Mayor Begich; Assemblymembers

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

Mr. Whittle moved, to approve AR 2003-381.
Mr. Van Etten seconded,
and this motion passed,

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

Sandra Caldeim, Coordinator for the Safe-And-Drug-Free-Schools Program and Student Coach, thanked the Mayor for the invitation to the Assembly and for his expertise and assistance with the training. The students from Klatt Elementary School included Conner Nelson (grade 5), Mario Vargas (grade 5), Brianne Brady (grade 5) and Kayana Cameron (grade 6).

Ms. Caldeim introduced Klatt Principal, Ms. Deborah Washington, who stated the Peer Mediation Program had led to positive influences upon the students and the school. Additional coaches introduced themselves and included Wendy Constantine, Peaceable School Coordinator with the ASD; Michael Kerowsky, Supervisor for the Safe-and-Drug-Free School Program and Karen Lauer, Parent and member of RCCP Steering Committee. These individuals stated they all supported the Peer Mediation Program.

Mr. Van Etten read the proclamation. Chair Traini and Mayor Begich were invited to participate with a live, student peer mediation skit. The skit began with a discussion between the Mayor and Chair Traini, over the ownership and control of an orange. The students intervened, demonstrating their implementation of conflict resolution. Their methods involved asking each gentleman what he was feeling, asking what he wanted and asking what was needed to solve the problem. The students repeated each gentleman's answers out loud. In conclusion the students congratulated each participant for graduating from the Peer Mediation Program.

10.B. RESOLUTIONS FOR ACTION - OTHER None for discussion before the Assembly.

10.C. BID AWARDS None for discussion before the Assembly.

10.D. NEW BUSINESS

10.D.2. Assembly Memorandum No. AM 947-2003, approval of Contract Amendment No. 3 to Purchase Order No. 230776, **ambulance fee collections** contract with Fosselman & Weiland, CPAs (dba Medical Support Services) for the Municipality of Anchorage (\$254,000), Fire Department.

Chair Traini read AM 947-2003 and called for a motion.

Mr. Tremaine moved, to approve AM 947-2003.
Ms. Fairclough seconded,
and this motion passed,

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

Mr. Tremaine questioned the Administration on why there was such a rapid increase, with the new expenses rising from \$400,000 to \$600,000 per year. Mr. Denis LeBlanc responded that the Administration was asking to extend to March 31, 2003 for an additional \$254,000. Mr. LeBlanc said that he would have details ready for review the next day of the additional fees they were seeking.

10.D.3. Assembly Memorandum No. AM 940-2003, 2004/2005 Liquor License Renewals: **Snow Goose Restaurant & Brewery** (#4058), **Snow Goose Restaurant & Brewery** (#4059), **Phyllis's Café** (#3266) (Restaurant/Eating Place); **Buckaroo Club** (#185), **Gaslight Lounge** (#437), **Avenue Bar** (#1184), **515 Club** (#398), **Moose's Tooth Pub & Pizzeria** (#3971), **Ralph's Sports Bar** (#1811) (Beverage Dispensary); **Shopper's Cache** (#2535), **Mom & Pop's Grocery & Liquor** (#3219) (Package Store); **Flight Deck Bar/Arctic Inn** (#402), **Anchorage Marriott Hotel** (#3945), (Beverage Dispensary – Tourism; **Viking Hall** (#1579) (Club) (Chugiak/Birchwood, Spenard, Downtown, Turnagain, Mt. View, South Addition, Fairview, Eagle River, Government Hill Community Councils), Clerk's Office.

Mr. Whittle moved, to approve AM 940-2003, with scheduled
Ms. Shamberg seconded, appearances of establishment owners set
and this motion passed, for December 16, 2003.

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

Mr. Whittle pulled this item because he felt there were some issues of liquor license renewals in general that he felt needed to be addressed. He stated the Assembly had just received the information and there wasn't enough time to read or hear all of the details involved with each establishment, nor time to communicate with each other. Mr. Whittle noted on what appeared to be violations inside liquor establishments, like the Buckaroo Club and the Gaslight Lounge. He stated that many of these issues, concerns and the needed improvements needed to be discussed with the owners, including violations of serving drunks or serving minors. He stated he would like to see consistency with these issues, including having the owners come to testify at the Assembly. He stated that in the past the liquor establishment owners had been requested to come before the Assembly to communicate about the issues.

The Municipal Clerk stated that she would communicate with the Chief and the Alcohol Beverage Control Board to create a new, consistent process. Ms. Gruenstein stated that the current process was not working.

Mr. Whittle stated their goal was to reduce police incidents in Anchorage. He felt the communication among all parties needed to be improved. He mentioned the Gaslight Lounge's need for improvement of their parking lot security to reduce police involvement. He mentioned that communications from the Assembly to the establishments like the Buckaroo Club were important, making them understand they should not be serving drunk or underage customers. Mr. Whittle stated this was a safety issue that needed to be addressed in the MOA. Ms. Fairclough and Ms. Von Gemmingen agreed.

Ms. Von Gemmingen stated that much of the information from the Alcohol Beverage Control Board and APD were from 2001 and 2002. She stated there were only five reports having to do with 2003. She added that the report she had received from the ABC Board, concerning the Buckaroo Club, had December 1st as the last day to protest. She pointed out that Assemblymembers had not been informed of this item being on the Agenda and had not received the paperwork in a timely fashion to be able to review for the Assembly Meeting scheduled for December 3, 2003. She stated there was not time allowed to collect violation information from the Anchorage Police Department.

Mr. Whittle stated it appeared that the Assembly Memorandums were for two year renewals. He proposed writing letters to liquor establishments, like the Gaslight Lounge, mentioning their concerns of the police reports and that they were interested in working with the owners on improvements.

Chair Traini stated he would communicate with the Clerk's Office, to ensure issues concerning liquor license renewals got to the Assemblymembers at least two weeks prior to the Assembly Meeting at which they were to be discussed. He stated this would allow them to do the in-depth analysis necessary to review these cases, instead of being placed as an add-on to the Consent Agenda at the last minute.

Mr. Tesche stated that he felt that a polite letter to these establishments was not enough. He was concerned with what he was reviewing in the reports of some of these establishments, including violations and DUIs, and he recommended that the Municipal Clerk write a letter to the owners of the 515 Club and the Avenue Bar asking them to come before the Assembly to discuss some of these violations and to hear what resolves the owners would propose to reduce the numbers of these violations.

Ms. Gruenstein summarized, noting that letters had been requested for the Buckaroo, the Avenue and the Gaslight, and would request the 515 and the Avenue owners come before the Assembly. Mr. Whittle proposed requesting all four mentioned establishment owners come before the Assembly. Ms. Gruenstein stated that she would schedule all four owners to appear before the Assembly on December 16, 2003.

10.E. INFORMATION AND REPORTS None.

10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

Ms. Fairclough proposed to introduce 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.

Ms. Fairclough moved,	to introduce Ordinance No. AO 2003-164, an
Mr. Tesche seconded,	ordinance amending Anchorage Municipal
Ms. Taylor was the third concurring member,	Code , Section 12.25.040 to reduce the maximum
and this motion was approved,	attainable tax revenue by an amount attributable to
	exclusion of Chugiak, Birchwood, Eagle River Rural
	Road Service Area from the 2004 budget.

Chair Traini requested the Municipal Clerk set a date for Public Hearing for this item.

Ms. Fairclough explained that the sponsors of this bill included nine Assemblymembers: herself, Mr. Tremaine, Ms. Shamberg, Mr. Tesche, Mr. Van Etten, Mr. Traini, Ms. Taylor, Mr. Whittle and Ms. Von Gemmingen. She had been unable to reach Mr. Kendall or Mr. Sullivan by phone, and invited them and anyone else who wished to sign on as a co-sponsor. She explained that this ordinance was designed to remove the CBERRSA from the current budget by voter-approved taxation to tax to its limit, thereby reducing the Anchorage Property tax by the said removal of those funds.

Ms. Fairclough stated that she had a legal opinion which supported this ordinance as an exclusion to the tax cap, amending Section 12.25.040. She requested the Public Hearing to be set for December 16, 2003.

1 Ms. Shamberg moved to introduce AO 2003-161, an ordinance amending Anchorage Municipal Code, Section
2 12.25.040 to reduce the 2004 maximum attainable tax revenue by an amount attributable to exclusion of Limited
3 Road Service Areas from the 2004 budget.

4
5 Ms. Shamberg moved, to introduce Ordinance No. AO 2003-161, an
6 Ms. Fairclough seconded, ordinance **amending Anchorage Municipal**
7 Mr. Tremaine was the third concurring member, **Code**, Section 12.25.040 to reduce the 2004 maximum
8 and this motion was approved, attainable tax revenue by an amount attributable to
9 exclusion of **Limited Road Service Areas** from the
10 2004 budget.

11
12 Ms. Shamberg explained that this ordinance was designed to remove all of the LRSAs from the MOA general
13 tax cap. She stated she had a documented, legal opinion to substantiate the ordinance. Ms. Shamberg
14 requested Public Hearing be set for December 16, 2003.

15
16 The Municipal Clerk confirmed the date of December 16, 2003 for Public Hearings for AO 2003-161 and AO
17 2003-164.

18
19 Following discussion and action on AO 2003-139(S), Mr. Tesche proposed introducing two unnumbered
20 ordinances. He asked to read the titles into the record, and requested Public Hearing be set for December 16,
21 2003.

22
23 Mr. Tesche moved, to introduce an ordinance, amending AO 2003-139(S),
24 Ms. Fairclough seconded, relating to **maximum taxable budget for LRSAs**,
25 Mr. Tremaine was the third concurring member, with Public Hearing set for December 16, 2003.
26 and this motion was approved,

27
28 Mr. Tesche moved, to introduce an ordinance, amending AO 2003-139(S),
29 Ms. Shamberg seconded, relating to, **maximum taxable budget for**
30 Mr. Tremaine was the third concurring member, **CBERRRSA**, with Public Hearing set for December 16,
31 and this motion was approved, 2003.

32
33 Mr. Tremaine proposed to introduced a new, unnumbered ordinance by title, amending Anchorage Municipal
34 Code, Chapter 12.20, by revising the definition of operator to include "bed and breakfast and other
35 establishments with three or fewer rooms for rent and adding provisions relating to administration of the
36 Chapter." He proposed Public Hearing on this issue be set for December 16, 2003.

37
38 Mr. Tremaine moved, to introduce a new ordinance, amending Anchorage
39 Ms. Von Gemmingen seconded, Municipal Code, Chapter 12.20, **revising the**
40 Ms. Shamberg was the third concurring member, **definition of operator by including "bed and**
41 and this motion was approved, **breakfast and other establishments with three or fewer**
42 **rooms for rent and adding provisions relating to**
43 **administration of the Chapter,"** with Public Hearing set
44 for December 16, 2003.

45
46 Mr. Tremaine stated that this new ordinance would resolve the needed change of permit requirements to loosen
47 the restrictions on the smaller operators.

48
49 Chair Traini stated that the Board of Ethics had issued a report on a complaint, regarding an Assemblymember
50 and a vote of the Assembly was required to make this report public. He called for a motion.

51
52 Ms. Von Gemmingen moved, to approve the **publication** of the Board of Ethics
53 Mr. Tremaine seconded, report.
54 and this was passed without objection,

55
56 Ms. Taylor stated that she appreciated receiving the notification from the Board of Ethics, but she recalled a
57 complaint had been filed against Mayor Wuerch, concerning making political phone calls. She asked the
58 Municipal Clerk to research that issue and report on the findings and resolve of that issue.

59
60 Mr. Tesche requested substituting a single resolution title for the two ordinances, AO 2003-161 and AO 2003-
61 164, introduced by title by Ms. Fairclough and Ms. Shamberg that evening, concerning the CBERRRSA and
62 LRSAs. He moved for reconsideration of the two ordinances.

63
64 Mr. Tesche moved, to approve the reconsideration of AO 2003-161 and
65 Ms. Fairclough seconded, AO 2003-164, to be placed before the Assembly as
66 Ms. Shamberg was the third concurring member, one resolution.
67 and this motion was approved,

68
69 Chair Traini announced the reconsideration of placing both AO 2003-161 and AO 2003-164 into one resolution
70 to be heard before the Assembly. Mr. Tesche asked for unanimous approval on this motion. Chair Traini asked
71 for objections, and there were none. Mr. Tesche proposed introduce this unnumbered resolution, revising the
72 2004 general government operating budget, and setting the date for Public Hearing on December 16, 2003.

73
74 Mr. Tesche moved, to introduce this unnumbered resolution, revising
75 Ms. Fairclough seconded, the 2004 general government operating budget,

Ms. Shamberg was the third concurring member, and this motion was approved, to **increase funding for LRSAs and CBERRRSA to the maximum allowed** by the respected voter-approved mill rates. Public Hearing for this resolution will be set for December 16, 2003.

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

11.A. Assembly Memorandum No. AM 918-2003, Planning and Zoning Commission appointment (Nancy Pease), Mayor's Office. *(Postponed from 11-18-03)*

Chair Traini explained that this item had been pulled in the past to allow time necessary for public comment on new Planning and Zoning Commission members. He stated there was no motion pending on this item.

Mr. Tremaine moved, to approve AM 918-2003.
Ms. Shamberg seconded,
and this motion passed,

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

11.B. Assembly Memorandum No. AM 919-2003, Urban Design Commission appointments (Allen Kemplen, Scott Sandlin), Mayor's Office. *(Postponed from 11-18-03)*

Mr. Tremaine moved, to approve AM 919-2003.
Mr. Tesche seconded,
and this motion passed,

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

11.C. Ordinance No. AO 2003-139, an ordinance of the Municipality of Anchorage adopting and appropriating funds for the **2004 General Government Operating Budget** for the Municipality of Anchorage, Office of Management and Budget.

1. Assembly Memorandum No. AM 750-2003. *(Postponed from 11-18-03)*
11.C.2. Ordinance No. AO 2003-139(S), an ordinance of the Municipality of Anchorage adopting and appropriating funds for the **2004 General Government Operating Budget** for the Municipality of Anchorage, Mayor Begich; Assemblymembers Traini, Fairclough, Shamberg, Taylor, Tesche, Tremaine, Van Etten, Whittle and Von Gemmingen.
3. Assembly Memorandum No. AM 956-2003. *(Postponed from 11-18-03)*

Mr. Tesche proposed introduction of two items to 11.C: AO 2003-139(S), a substitute for the original AO 2003-139, the Administration's Budget, and AM 956-2003, with an explanatory memorandum accompanying that ordinance. Mr. Tesche announced that copies had been distributed to all Assemblymembers.

Mr. Tesche moved, to approve introduction of AO 2003-139(S) and AM 956-2003.
Mr. Tremaine seconded,
and this motion was passed unanimously,

Mr. Tesche moved, to approve AO 2003-139(S).
Mr. Tremaine seconded,

Mr. Tesche's requested that the Mayor summarize AO 2003-139(S), the new Substitute Version of the proposed MOA Budget.

Mayor Begich described the budget as a continual work-in-progress and had formally submitted AO 2003-139(S), the substitute version of AO 2003-139. The Mayor said the Assembly were involved with reviewing every possible way to balance the budget, including reduction of services, fee increases, better collection of fees and program elimination. The Mayor stated they planned to invest one-time money that would continue to be a reoccurring benefit.

Mayor Begich stated the Administration was also interested in securing MOA fund balances and MOA bond rating levels, currently at an eleven-year low. He stated that, with this "S" Version, they proposed additional cuts and revenue enhancements, as well as cost-causers would pay. He stated that so far they had made almost \$18 million dollars in cuts in services and anticipated efficiencies and they had been able to secure the 22 fire fighter positions that were previously scheduled to be laid off.

Mr. Tesche stated there had been almost \$18 million dollars of serious reductions including levels of service changes. This proposed reduction had been outlined by the Administration into a 5-page document. Mr. Tesche recommended that the Administration consider placing this on the web for the public to see the predicted future changes the MOA would experience. Mr. Tesche proposed to create a new Section 10, amending the ordinance.

Mr. Tesche moved, to amend AO 2003-139(S), *by creating a new*

1 Mr. Tremaine seconded,

Section 10, to read: “Funds appropriated to the Department of the Assembly may not be used for rental of office space or individual Assemblymembers outside the newly remodelled (sic) Assembly offices at City Hall. In addition, no funds may be spent for meals consumed in Anchorage by Assemblymembers which are not part of regular or special meetings of the Assembly, or for cell phones issued to individual Assemblymembers.”

11 Mr. Tesche said that the Assemblymembers were looking for ways to save money within their department. He
12 said there were five new spaces in City Hall that would be available to Assemblymembers to meet with their
13 constituents.

15 Mr. Kendall moved,

to amend Mr. Tesche’s amendment to change the
list of cutbacks to Assemblymembers by adding the
costs of computers and the cost of voice mail.

19 Mr. Tesche did not concur with Mr. Kendall’s proposal, which did not receive a second and died.

21 Mr. Tremaine proposed to amend Tesche’s amendment to redefine the Assembly cutbacks, by including the
22 rental of office space limited only to City Hall. Mr. Tesche made the following proposal to help redefine the
23 Assemblymembers’ office space issue.

25 Mr. Tesche moved,
26 Mr. Tremaine seconded,
27 and this passed without objection,

to amend Mr. Tesche’s amendment *by changing* the
wording to read: “Funds used by the Department
of Assembly for office space may be used only for
offices in City Hall. In addition, no funds may be spent
for meals consumed in Anchorage by
Assemblymembers which are not part of regular or
special meetings of the Assembly, or for cell phones
issued to individual Assemblymembers.”

34 To Mr. Tesche’s question, the Municipal Clerk, Ms. Gruenstein, responded that in the past they had leased
35 space for ballot box dissemination and other uses, which would be technically defined as non-office space. Mr.
36 Tremaine approve of Mr. Tesche’s friendly amendment.

38 Mr. Tesche moved,
39 Mr. Tremaine seconded,
40 and this motion passed unanimously,

to amend AO 2003-139(S), *by adding a new*
Section 10, as amended.

42 Chair Traini mentioned that things that had been restored in this budget, including the proposed 22 firefighter
43 (*lay-offs*) positions, the provision of funding 24-7s to the firefighters and paramedics at Tudor Station No. 4,
44 funding to fully staff Rabbit Creek Station No. 10, the restoration of the fire engine and water tanker to Station
45 No. 10, the funding of Truck No. 11 for Eagle River Station No. 11, the funding of the Squad-One Fire Truck for
46 Downtown Station No. 1, the funding of Truck No. 5 for Spenard Station No. 5, the funding of the specialized
47 training and equipment for HAZMAT, Inlet Dive, Backcountry and Water Rescue, the funding of EMS Battalion
48 Chiefs and funding for two additional municipal prosecutors. Chair Traini called for additional discussion of the
49 main motion, concerning AO 2003-139(S).

51 Ms. Fairclough proposed an amendment to AO 2003-139(S), to change, on Page 2 (of 5), Line 15, in Section 2,
52 under Maintenance and Operations, to strike \$29,982,780 and replace that number with \$31,337,040 and to
53 amend on Page 3 (of 5), Line 14, Section 3, funding number 119 of CBERRRSA, by changing that number to
54 read \$4,601,530, with the subtotals reflected in the amendment. She explained that this amendment would
55 allow a \$1.4 million increase for the CBERRRSA to spend, with what they had already taxed of themselves.

57 Ms. Fairclough moved,
58 Mr. Tesche seconded,
59 and this motion passed unanimously,

to amend AO 2003-139(S), *to change*, on
Page 2, Line 15, in Section 2, *by striking*
\$29,982,780 and *replacing* that number with
\$31,337,040; and on Page 3, Line 14, Section 3, *by*
changing that number to read \$4,601,530, with the
subtotals reflected in the amendment.

64 Ms. Fairclough stated she had been working with the Administration and had a legal opinion that stated Limited
65 Road Service Areas as well as the Chugiak Birchwood Eagle River Rural Road Service Area would qualify for
66 an exemption to the tax cap under Title 12 of the Municipal Code. She explained that this amendment would
67 allow them to tax the \$2.1 mill rates and collect the funds in that service area for their road maintenance. There
68 were no objections to Ms. Fairclough’s amendment and Chair Traini announced its approval.

70 Ms. Fairclough stated that she appreciated the Assembly’s support in allowing voters to tax themselves for a
71 particular service. She stated that she had asked the Administration to create a Park Service Area because
72 PSAs would also qualify under that same exemption. She said that she had legal opinions to support those
73 actions. Mayor Begich responded by saying the Administration would look into the Park Service Area request
74 during the first quarter of 2003. *Clerk’s note: This amendment was later withdrawn.)*

Ms. Shamberg proposed an amendment to the 2004 General Government Operating Budget, requiring the LRSAs a maximum taxable budget, to move in-mass, in Section 2, Page 2 (of 5), Lines 18, 23, 33 and in Section 3, Page 3 (of 5) Lines 6 to 19, Lines 23 through 30 and Line 37 and the totals at the bottom of Line 16.

Ms. Shamberg moved,	to amend AO 2003-139(S) <i>to move in-mass</i> , in
Mr. Tesche seconded,	Section 2, Page 2 (of 5), <u>Lines 18, 23, 33</u> and in
and this motion passed unanimously,	Section 3, Page 3 (of 5) Lines 6 to 19, <u>Lines 23</u>
	<u>through 30 and Line 37 and the totals</u> at the bottom of
	Line 16.

Ms. Shamberg urged a YES-vote for the Body to approve this motion, and free the 23 Limited Road Service Areas in the MOA, allowing them to tax themselves and to be able to spend the amount, and not be limited to the MOA's tax cap. This would allow the LRSAs to have any level and quality of service they wished. Chair Traini called for objections. Being none, he announced this amendment's approval. *(Clerk's note: This amendment was later withdrawn.)*

Mayor Begich explained further that removing LRSAs from the tax cap would lower the tax cap dollar-for-dollar, so the MOA general public did not have additional burden put on them. He stated this action would also resolve a long-standing problem because the tax payers in those LRSAs had already set their tax cap, but they had never been given the chance to exercise the right of spending because of legal requirements. The Mayor stated he and the Administration were making sure they were getting the right numbers, so it would be correct. Mr. Tremaine proposed that the last two amendments, concerning the removal of the LRSAs and CBERRRSA, be reconsidered.

Mr. Tesche moved,	to reconsider Ms. Fairclough's and Ms. Shamberg's
Mr. Tremaine seconded,	amendments to AO 2003-139(S) for discussion.
and this motion passed unanimously,	

Mr. Tremaine stated these amendments were the exact changes that would occur, following the passage of legislation at the next scheduled Regular Assembly Meeting on December 16, 2003. He recommended that these two amendments be resubmitted as one amendment, supplementing the budget, after the ordinances on the budget were passed on the 16th.

Mayor Begich stated the Administration agreed with this proposed action. He encouraged the Assembly to keep both of these amendments, as intended, for reintroduction on the 16th.

Chair Traini asked Ms. Shamberg and Ms. Fairclough to withdraw their amendments. Each Assemblymember and each of the seconds agreed to withdraw both amendments.

Mr. Tesche asked to introduce the two new measures, as amendments to the AO 2003-139(S), and take up these items after action was completed on the new legislation on the Assembly Agenda for December 16, 2003.

Mr. Tremaine stated he would cast a YES-vote on the main motion.

Ms. Tesche acknowledged and thanked the Assembly Budget Staff for all the work they had contributed to refining the budget. Mr. Tesche personally thanked MOA Budget Director, Ms. Elvi Gray-Jackson, and said her dedication and professionalism had made a vast difference with their work.

Mayor Begich stated that the Administration was pleased with the numbers and the proposed changes to the General Government Operating Budget. The Mayor stated he and his staff had appreciated working with the Assembly and for all of the professionalism and expertise they had contributed.

Ms. Fairclough stated she also enjoyed working with the Administration. She stated that they were presented a budget in October and were left with limited options to meet a very large shortfall. She stated that she appreciated Mr. Tesche chairing the budget meetings. She stated she appreciated the Administration for their response and support given to the items she proposed, including Anchorage safety issues.

Chair Traini thanked Mr. Tesche for his leadership as Budget Chairman.

Mr. Whittle stated that good programs had to be trimmed back including some of the recreation centers and skiing facilities that would be closed more days.

Ms. Von Gemmingen wanted to complement the Mayor and his staff for doing a fine job with the budget. She stated this would be her 9th and final year working with the budget. Ms Von Gemmingen stated that this year it was the roughest going in but the smoothest coming out. She applauded the Administration's work, and thanked them.

With no further discussion, Chair Traini called for action on the main motion.

Mr. Tesche moved,	to approve AO 2003-139(S), as amended.
Mr. Tremaine seconded,	
and this motion passed,	

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

1 NAYES: Kendall.
2 ABSENT: Sullivan, excused.

3
4 Mr. Tesche moved, to approve immediate reconsideration on
5 Mr. Tremaine seconded, AO 2003-139(S).
6 and this motion failed,
7

8 Mr. Tesche urged a NO-vote.
9

10 AYES: Kendall.
11 NAYES: Tremaine, Van Etten, Shamberg, Fairclough, Traini, Von Gemmingen, Taylor, Whittle and
12 Tesche.
13 ABSENT: Sullivan, excused.
14

15 Chair Traini announced that AO 2003-139(S) would not be reconsidered before the Assembly.
16

17 Chair Traini called for a motion on AM 956-2003, an explanation memorandum accompanying AO 2003-139(S).
18

19 Mr. Tesche moved, to approve AM 956-2003.
20 Mr. Tremaine seconded,
21 and this motion passed,
22

23 AYES: Tremaine, Shamberg, Kendall, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor, Whittle
24 and Tesche.
25 NAYES: None.
26 ABSENT: Sullivan, excused.
27

28 Chair Traini welcomed an unscheduled appearance of Boy Scout Troop #266. The Scouts introduced
29 themselves with their rank, and included Matt Ecamasion (Life Scout), Jacob Ewing (Eagle Scout) and Chris
30 (Eagle Scout). They said they were working on their Scout's Badge involving Citizenship in the Community and
31 Duty to God, and they were interested in watching the city's budget process.
32

33 11.D. Information Memorandum No. AIM 94-2003, transmittal of the Planning and Zoning Commission
34 recommendation of denial for a rezoning application request to rezone 2.01 acres from R-1A
35 (Single Family Residential) to B-3 (General Business District) for a relinquished right of way
36 parcel and **Lots 1, 2, 3, 4, 5 and 10, Block D, Deborah Subdivision**, generally located at
37 12907 Old Glenn Highway, Eagle River (Planning and Zoning Commission Case 2003-094),
38 Planning Department.
39 *(Clerk's note: Postponed from 10-21-03; Carried over from 11-18-03)*
40

41 Chair Traini read AIM 94-2003 and called for a motion.
42

43 Mr. Tesche moved, to approve AIM 94-2003.
44 Ms. Fairclough seconded,
45

46 Mr. Tesche stated this memorandum was previously discussed by the Assembly and he voiced his concern
47 about the process of introduction of this legislation. He recalled the applicant had applied for rezoning for a
48 piece of property, presented that application to the Planning and Zoning Commission, which had recommended
49 against the matter. He recalled this legislation had been previously presented to the Assembly as an attached
50 informational memorandum, as he described as "slipping it in." He stated that presenting it, clearly itemized in
51 the Agenda, was the proper method of introduction.
52

53 Mr. Tesche questioned the applicant's wish for rezoning, and why the applicant had not received a hearing in
54 front of the Assembly to present his/her case.
55

56 Mr. Weaver stated this new policy of procedure was implemented a year ago with the Planning and Zoning
57 Commission. Assembly Attorney, Mr. Michael Gatti, stated that the current Code provision was provided when
58 the Planning and Zoning Commission denied the rezoning application and it was not forwarded to the Assembly,
59 except upon the request of the applicant.
60

61 Mr. Tesche recommended postponing consideration of this matter until the next Regular Assembly Meeting, so
62 the wish of the applicant could be made clear.
63

64 Mr. Tesche moved, to *postpone* AIM 94-2003 until December 16, 2003.
65 Ms. Fairclough seconded,
66 and this motion passed,
67

68 AYES: Kendall, Van Etten, Shamberg, Traini, Von Gemmingen, Taylor, Whittle and Tesche.
69 NAYES: Tremaine.
70 ABSENT: Sullivan, excused, and Fairclough temporarily out of room.
71

72 Mr. Tremaine cited Code, and interpreted it to mean that the decision of the Planning and Zoning Commission,
73 when reviewing an application was final, unless the applicant filed a written statement within twenty days to the
74 Municipal Clerk, requesting changes. He pointed out the Administration would be liable if they had not provided
75 the document and the opportunity for an appeal, to the applicant.

Chair Traini concluded that this issue could be postponed until the next Assembly Meeting, to allow the Administration time to find that document.

Mayor Begich stated the Administration's stand would remain in opposition to the rezoning request.

12. APPEARANCE REQUESTS None.

13. CONTINUED PUBLIC HEARINGS

13.A Ordinance No. AO 2003-151, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 21.10.030, **Board of Adjustment**, to make a corrective amendment to delete the phrase "to serve in the absence of the three sitting members," Assemblymember Tesche.

1. Assembly Memorandum No. AM 854-2003. *(Clerk's note: Carried Over from 11-18-03)*

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

Mr. Tesche moved, to approve AO 2003-151.
Ms. Taylor seconded,
and this motion passed unanimously,

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

NAYES: None.

ABSENT: Sullivan, excused.

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

1. Assembly Memorandum No. AM 789-2003.

(Clerk's note: Carried Over from 11-18-03)

Chair Traini opened Public Hearing on this item.

TIM POTTER, with Dowl Engineering, stated this ordinance was the product of much work and was being resolved with the highest standards of design and development, within the guidelines and limitations set by the MOA. He stated this proposed ordinance implements the 2020 Plan and that the Planning and Zoning Commission supported AO 2003-142. Mr. Potter said that he and his staff had attended local area community council meetings to explain the project, gather input and identify some of the concerns of the residents in the area. Because this area was unique, not falling into the normally prescribed description of mix use, they had crafted a B-3 SL zoning.

Mr. Potter responded to Mr. Tremaine that he did not want to comment on the exact width of the tree-buffer on the map size of the buffer, but did cite the Planning and Zoning Commission's requirement of minimum building set-back of twenty feet from the property line on Providence Drive to maintain the standards of set-backs along the parkway. Mr. Potter, his staff and the P&Z wanted the structures fairly close to Lake Otis, and chose a ten-foot building set-back for that corridor. To Mr. Tremaine's question concerning that area being in a 100-year flood plain, Mr. Potter responded that as soon as they completed a design project they would pursue the sequence of procedures, including presentations to the Site Plan Review Process for Public Hearing, Building Permit Review Process and a Grading Plan to get the permitting for the 100-year flood plain. Mr. Tremaine stated that the property was currently valued at \$2 million and currently no property taxes were being paid. Mr. Potter said that with the new B-3 SL zoning the current owner would not have to pay taxes but if the land was leased, the lessees would pay property taxes.

Mr. Tesche, referred to Page 4, item G.2 of the ordinance, relating to a traffic impact study. Mr. Potter responded that when a site plan was developed and approved by the Planning and Zoning Commission, a TIA would be submitted. Their draft traffic impact analysis had been completed and reviewed by the State of Alaska DOT and the MOA Traffic Engineering Department and they were currently responding to comments from those agencies. Mr. Potter gave the reminder that the process of traffic impact studies was continual and it was important to understand that it would be continuing to change. Mr. Potter noted that the Assembly had accommodated the plan to continue Laurel Street from 40th to Providence Drive. To Mr. Tesche's question, Mr. Potter responded that he would not object to a floor amendment to G.2, clarifying that before grading and excavation permits were issued, that the Planning and Zoning Commission should first have received and approved a TIA for the project, if there were no time restrictions set.

Mr. Potter responded to Mr. Van Etten's question, that the extension of Laurel Road from 40th to Providence would have to be completed within two years of the time the petitioner accepted it's rezoning, and there were no time limitations set for its development. Mr. Potter stated that Laurel was not predicted to become a major traffic carrier, but more of a convenience route.

1 ANDRE McLEOD, resident of the Tudor Road Community Council Area, testified in opposition to the ten-foot
2 building easements currently proposed for Lake Otis. She wanted to state for the record that the Tudor Road
3 Community Council supported the restrictions that Tim Potter and Dowl Engineering placed on the restrictions of
4 the buildings sizes and heights. She was concerned that the Mental Health Lands Trust's primary priority
5 remained on developing their land for the highest possible use. To Mr. Van Etten's question, Ms. McLeod
6 responded that the traffic was already overwhelming on Laurel Drive. Mr. Van Etten reminded Ms. McLeod that
7 there were restrictions and limitations on development of this property.

8
9 DON SMITH, a building contractor, testified. He praised the professional way Mr. Potter had presented the
10 issues and had generated an attitude that a difficult development project could be accomplished with integrity.

11
12 With no further public testimony, Chair Traini closed Public Hearing. Question was called on the main motion.

13
14 Mr. Tesche moved, to approve AO 2003-142.
15 Mr. Van Etten seconded,

16
17 Mr. Van Etten stated he had studied this issue in depth, and initially he felt there were some overwhelming
18 concerns. But he had met with the various community councils and had received encouraging responses. Mr.
19 Tremaine proposed an amendment, changing the allowable, combined gross square footage of retail space
20 from 40% to 25%. To Mr. Tremaine's question, Mr. Potter responded that commercial businesses would be
21 allowed in this district. Mr. Tremaine stated that he would propose an amendment to limit the commercial
22 development in this district by restricting the gross square footage of the building. Mr. Tremaine read out loud,
23 some of the allowances of the ordinance, and he voiced his concern on the leniency of the restrictions and
24 limitations. Mr. Potter stated there were no large retailers who were currently negotiating for lease agreements
25 at this time. He stated that there were some smaller retailers who had expressed interest in the 40th Street area
26 but there were not large, national chain-type, box-shaped building proposed for development in this area.

27
28 Mr. Tremaine moved, to amend AO 2003-142 on Page 4, Line 20,
29 Ms. Shamberg seconded, *by changing* "...uses shall be limited to 25% of
30 and this motion failed, of the combined gross square footage of all buildings
31 on each tract."

32
33 AYES: Tremaine.
34 NAYES: Shamberg, Kendall, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor, Whittle and
35 Tesche.
36 ABSENT: Sullivan, excused.

37
38 Mr. Potter stated that some of the most critical errors made in zoning were not maintaining enough flexibility for
39 changing with the times. He warned the Administration and the Assembly not to over micro-manage.

40
41 Mr. Tremaine questioned the ordinance's wording on the signs, since this ordinance had been passed following
42 Assembly passage of a new sign ordinance. He cited on Page 2, Line 24, and E.3, which stated allowances of
43 two free-standing signs on each tract.

44
45 Chair Traini called for discussion on Mr. Tremaine's amendment to AO 2003-142.

46
47 Mayor Begich recommended staying at the originally stated 40%. He said they had encouraged the Planning
48 and Zoning Commission to remain flexible for future development.

49
50 Ms. Von Gemmingen stated she would vote "no" on this amendment, and would like to see what the developers
51 would accomplish.

52
53 Ms. Shamberg stated she would vote "no," and would rely on Mr. Potter's professional expertise.

54
55 Mr. Tesche proposed an amendment to AO 2003-142, to change on Page 4, Lines 15 and 16 to read: "Prior to
56 the issuance of a grading and excavation permit for any development other than the internal circulation road and
57 utilities on Tract E, a Traffic Impact Study (TIA) and mitigation measures shall be completed and submitted
58 before the first Public Hearing Site Plan Review, scheduled by the Planning and Zoning Commission, and
59 approved by the Commission."

60
61 Mr. Tesche moved, to amend AO 2003-142 *to change* on Page 4, Line 15,
62 Mr. Tremaine seconded, after the letters TIA, *by adding* the words "and
63 and this motion was withdrawn, mitigation measures," and on Line 15, *by replacing the*
64 word "with" with "before," and on Line 16, *by adding a*
65 (.)comma, after the word "Commission," *and by adding*
66 *the following words*, "and approved by the
67 Commission."

68
69 To Mr. Kendall's question, Mr. Tesche responded that it would not be a requirement that the mitigation
70 measures be actually completed because there would not be permits issued. Mr. Potter agreed. Mr. Kendall
71 stated that he thought the review process was enough, without Mr. Tesche's amendment, and he urged a NO-
72 vote on this measure.

73

Ms. Fairclough also spoke in opposition of the amendment. She thought the Planning and Zoning Department and the Administration had the capabilities and expertise of moving rapidly on the issues. She felt the mitigation process would further slow the process.

Mr. Van Etten thanked Mr. Tesche for addressing the problem, but felt the amendment would cause additional, unnecessary time, which may involve weeks or months for approval of permits. He stated he would not support the amendment.

Mr. Tesche stated that, based on the wishes of the Assemblymembers who voiced their opinions, he would withdraw his amendment.

Ms. Von Gemmingen proposed to amend AO 2003-142, to change in Section 6, to add, "the Municipal Assessor will be notified immediately of the rezone."

Ms. Von Gemmingen moved,	amend AO 2003-142, <i>to change</i> in Section 6, <i>by</i>
Mr. Tremaine seconded,	<i>adding, "the Municipal Assessor will be notified</i>
and this motion was passed,	<i>immediately of the rezone."</i>

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

Hearing no objections from Assemblymembers, Chair Traini announced the approval of Ms. Von Gemmingen's amendment and called for a vote on the main motion.

Mr. Tesche moved,	to approve AO 2003-142, as amended.
Mr. Van Etten seconded,	
and this motion passed,	

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

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

Ms. Fairclough moved,	for immediate reconsideration of AO 2003-142, as
Mr. Van Etten second,	amended.
and this motion failed unanimously,	

14. NEW PUBLIC HEARINGS

- 14.A. Ordinance No. AO 2003-160, an ordinance amending Anchorage Municipal Code Sections 26.10.025 and 12.25.040 regarding calculation and application of **Municipal Utility Service Assessments (MUSA)**; adding a new section and deleting references to Anchorage Telephone Utility, Finance.
1. Assembly Memorandum No. AM 939-2003.

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

Mr. Tesche moved,	to approve AO 2003-160.
Mr. Van Etten seconded,	
and this motion passed,	

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

Ms. Von Gemmingen asked the Administration for an explanation of this ordinance. The Administration responded that their intent was to change the formula used to calculate the payment in lieu of the property tax portion of Municipal Utility Service Assessments (MUSA), which would in effect return to the pre-1988 treatment of MUSA. It would help remove some obsolete references to ATU and it proposed changes in Title 12, removing MUSA from those revenues currently included inside the MOA tax cap.

Ms. Von Gemmingen questioned some of the figures in the attached memorandum, citing the MUSA rate for Anchorage Water Utility, currently at 5.5%, was expected to increase to 15.4% and Anchorage Waste Water Utility, currently at 4.8%, was expected to increase to 15.1%. She included additional MUSA rate increase examples in MLP and Municipal Solid Waste Disposal. Ms. Von Gemmingen questioned if the increase of fees would require the Utilities of AWWU to go to the Regulatory Commission of Alaska. The Mayor responded that the Administration had already proposed a potential rate increase for these utilities which would be reviewed by RCA.

- 14.B. Resolution No. AR 2003-288, a resolution of the Municipality of Anchorage adopting the **2004-2009 Six Year Fiscal Program**, Office of Management and Budget.

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1. Assembly Memorandum No. AM 748-2003.

Chair Traini read the resolution and opened Public Hearing. Being none, he closed Public Hearing and called for a motion.

Ms. Fairclough moved, to approve AR 2003-288.
Mr. Tremaine seconded,
and this motion was passed,

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

14.C. Resolution No. AR 2003-366, a resolution of the Municipality of Anchorage accepting and appropriating 2002 **State of Alaska legislative grant** (\$5,000,000) for renovations to Anchorage Museum of History and Art per Senate Bill 2006, Office of Management and Budget.
1. Assembly Memorandum No. AM 902-2003.

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

Mr. Tesche moved, to approve AR 2003-366.
Ms. Taylor seconded,
and this motion passed,

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

14.D. Resolution No. AR 2003-363, a resolution of the Municipality of Anchorage appropriating \$917,000 from the Alaska Department of Health and Social Services and a cash contribution of \$109,000 from the Municipal General Government Operating Budget Fund (101) to the State Categorical Grants Fund (231) for the **Child Care Licensing Program** in the Department of Health and Human Services.
1. Assembly Memorandum No. AM 899-2003.

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

Ms. Shamberg moved, to approve AR 2003-363.
Ms. Fairclough seconded,
and this motion passed,

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

14.E. Resolution No. AR 2003-364, a resolution of the Municipality of Anchorage appropriating \$760,300 from the State of Alaska Department of Health and Social Services, and appropriating \$270,000 from the General Government Operating Budget Areawide General Fund (101) to the State Categorical Grants Fund (231), Department of Health and Human Services to provide **Human Services Matching Grants**, Health and Human Services.
1. Assembly Memorandum No. AM 900-2003.

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

Ms. Von Gemmingen moved, to approve AR 2003-364.
Ms. Shamberg seconded,
and this motion passed,

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

Ms. Fairclough stated for the record, that STAR received no compensation for this award, creating no possible conflict of interest for herself.

14.F. Resolution No. AR 2003-365, a resolution of the Municipality of Anchorage appropriating \$666,000 from the State of Alaska Department of Transportation and Public Facilities to the State Categorical Grants Fund (231) for the Traffic Department, Traffic Engineering Division, Data Section, for the creation of a **Traffic Safety Database System** (TSDS) , Traffic Department.
1. Assembly Memorandum No. AM 901-2003.

Chair Traini read the ordinance and opened Public Hearing. With no public testimony, Chair Traini closed Public Hearing and Question was called on the motion.

Ms. Fairclough moved, to approve AR 2003-365.
Ms. Taylor seconded,
and this motion passed,

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

NAYES: None.

ABSENT: Sullivan, excused and Kendall, temporarily out of room.

- 14.G. Resolution No. AR 2003-367, a resolution authorizing the Municipality of Anchorage to enter into a Transfer of Responsibilities Agreement (TORA) in the amount not to exceed \$262,800 with the State of Alaska Department of Transportation and Public Facilities and to appropriate these funds to the State Categorical Grants Fund (231) for financing the Municipal GIS Integrated Transportation Network called **Roadnet**, Project Management & Engineering and Traffic Department.
1. Assembly Memorandum No. AM 903-2003.

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

Ms. Fairclough moved, to approve AR 2003-367.
Mr. Tremaine seconded,
and this motion was passed,

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

NAYES: None.

ABSENT: Sullivan, excused and Kendall, temporarily out of room.

- 14.H. Resolution No. AR 2003-369, a resolution of the Municipality of Anchorage, Alaska, accepting and appropriating a State of Alaska Drinking Water Fund Loan Offer in the amount of \$1,635,300 for financing a portion of the costs of the **Girdwood Water Project**, Anchorage Water & Wastewater Utility.
1. Assembly Memorandum No. AM 922-2003.

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

Ms. Fairclough moved, to approve AR 2003-369.
Mr. Tremaine seconded,
and this motion passed,

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

NAYES: None.

ABSENT: Sullivan, excused and Kendall, temporarily out of room.

- 14.I. Resolution No. AR 2003-371, a resolution of the Municipality of Anchorage authorizing the acceptance of a Federal Transit Administration Section 5307 grant and appropriating \$2,567,700 from the Federal Transit Administration and \$82,130 from insurance recoveries and disposal of vehicles to the Public Transportation Capital Improvement Fund (485) for the purchase of capital items and \$193,600 from the Federal Transit Administration along with \$48,400 for local matching funds from the Public Transportation Department's 2003 Operating Budget as a contribution to the Federal Categorical Grants Fund (241) for the **Americans with Disabilities Act (ADA) Operating Assistance**, Public Transportation Department.
1. Assembly Memorandum No. AM 935-2003.

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

Ms. Fairclough moved, to approve AR 2003-371.
Mr. Tremaine seconded,
and this motion passed,

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

NAYES: None.

ABSENT: Sullivan, excused and Kendall, temporarily out of room.

- 14.J. Ordinance No. AO 2003-143, an ordinance amending the zoning map and providing for the rezoning of **Block 6, Lots 15, 16 and 17, and Block 7, Lots 2 and 3, Bruin Park Subdivision**

from R-6 (Suburban Residential, Large Lot) to R-1 SL (Single Family Residential with Special Limitations), generally located at Mona Avenue and Lake Otis Parkway (O'Malley-Huffman Community Council) (Planning and Zoning Commission Case 2003-069), Planning Department.
1. Assembly Memorandum No. AM 758-2003.

Chair Traini read item No. AO 2003-143 and opened Public Hearing for this ordinance.

MELISSA SCHMIDT, resident and owner of a 15,000 square foot lot on Mona Avenue, spoke in opposition to the proposed rezoning. She described her lot and her neighborhood, and believed that the lots there were small enough already and that all these lots supported septic systems, with little access to sewer. To Mr. Tremaine's questions, she stated there were sidewalks on both sides of Lake Otis and the MOA had used their property for completion of the sidewalk, but they were still getting taxed for the full 15,000 square foot lot size. Mr. Tremaine asked the Mayor about taxing residents for sidewalks and rights-of ways. Mayor Begich responded that he would find an answer.

RYAN STENCEL, President of Huffman O'Malley Community Council, spoke in opposition to this ordinance. She felt the rezoning of this area was 'uncalled-for' spot rezoning which would be a detriment to the reasons many residents have chosen this area to live. To Mr. Whittle's question, Ms. Stencel responded that she had already testified in front of Planning and Zoning, concerning this issue.

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

Ms. Fairclough moved, to approve AO 2003-143.
Mr. Tremaine seconded,

Mr. Tremaine stated he thought it was clear that this was spot zoning and he referred to P&Z's map on Page 3, Exhibit A. He said it was confusing because rights across the street were 10,000 square foot lots. He didn't object to the zone change from R-1 SL to R-6, but felt there would be many residents inconvenienced with this change. He gave the reminder that the Assembly had voted against Lake Otis being developed as a Transit Corridor in the area's Comprehensive Plan.

To Mr. Tremaine's question, Mr. Weaver responded that MOA sewer and water utilities for all lots would be accessed from Lake Otis Parkway. He explained that this area included many non-conforming lots that were less than 40,000 square feet. The improvements that would be required with this rezoning would correlate with the R-1 zoning and would require paved streets.

Mr. Tremaine proposed an amendment to change, on Page 1, Line 23, the square footage of lots on the east side of Mona Avenue to 8600 square feet, instead of the current required 7000 square feet, bringing lots in that area closer to conformity.

Mr. Tremaine moved, to amend AO 2003-143, to change, on Page 1, Line
Ms. Shamberg seconded, 23, the minimum lot size to 8600 square feet.
and this motion passed unanimously,

Mr. Tremaine proposed an amendment, concerning the lots on the west side of Mona Avenue, to change on Page 1, Line 26, the rear setback requirement of 15 feet beginning at the easterly boundary of the utility easement.

Mr. Tremaine moved, to amend AO 2003-143, to change on Page 1, Line 26,
Ms. Shamberg seconded, the first sentence, to read: "Lots on the west side of
and this motion passed with one objection, Mona Avenue shall have a rear yard setback of 15
feet, beginning on the easterly boundary of the utility
easement."

To Mr. Tremaine's questions, Mr. Weaver responded that property owners did not pay taxes for the right-of-way areas of the sidewalk easements and that setbacks for east side lots allowed 20-foot front yards, ten-foot rear yards and five-foot side yards. Mr. Weaver responded the lots were required to contain natural vegetation. Mr. Tremaine proposed an amendment, reinforcing natural vegetation for the back yards of these lots.

Mr. Tremaine moved, to amend AO 2003-143, by adding, on Page 1, Line
Ms. Shamberg seconded, 28, the word "undisturbed," to read: The lots on the
and this motion passed unanimously, east side of Mona Avenue shall retain the undisturbed,
natural vegetation within the yard setback adjacent to
Lake Otis Parkway, except within utility easements.

Ms. Von Gemmingen moved, to amend AO 2003-143, by adding a new, Section 5 to
Mr. Tremaine seconded, read: "the Municipal Assessor shall be notified
and this motion passed unanimously, immediately of this rezone."

Ms. Von Gemmingen pointed out that the Planning and Zoning Minutes, on Page 35, stated that Ms. Shamberg had a conflict of interest with this issue. Ms. Shamberg responded she had no conflict of interest because the property had been sold and that the property had never been in her name.

Ms. Von Gemmingen voiced her concern that none of the petitioners had attended the Assembly to hear or participate in the discussion of this ordinance.

Mr. Van Etten wanted clarity on the responsibility of the paving requirements for this area. Mr. Weaver responded that the petitioner would be responsible for the initial improvements to meet the standards, and the improvements would be maintained by the Anchorage Roads and Drainage Service (ARDSA). Mr. Weaver reminded the Body that variances could be requested to change those requirements.

Mr. Tremaine stated that he viewed this as spot-rezoning and would be a NO-vote on this ordinance.

Mr. Tesche stated that he agreed with Mr. Tremaine and would also be a NO-vote on this ordinance.

Mr. Weaver responded to Mr. Whittle's question by stating that the stated lots were larger than the other lots in that area. He stated that the Planning and Zoning Commission viewed this area as one in transition, and were trying to bring some conformity to this area.

Question was called on the main motion, as amended.

Ms. Fairclough moved, to approve AO 2003-143, as amended.
Mr. Tremaine seconded,
and this motion failed,

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

14.K. Ordinance No. AO 2003-148, an ordinance amending the zoning map and providing for the rezoning from R-3 (Multiple Family Residential) to B-3 SL (General Business with Special Limitations), for **Lintner Subdivision, Lots 21, 22, 23, 24 and 25**, generally located on the south side of Carolina Drive and the west side of McRae Road (Spenard Community Council) (Planning and Zoning Commission Case 2003-093), Planning Department.
1. Assembly Memorandum No. AM 803-2003.

Chair Traini read the ordinance and opened Public Hearing.

LARRY NOREEN testified as part-owner of the property. He stated they had originally sought a conditional use permit for parking and had completed the process but then discovered the conditional use permit for parking would not allow the type of parking they had on their properties. He said they had been trying to resolve the parking issue for the last eighteen months. Mr. Noreen explained their property hosted a car-rental agency, which did not conform to the conditional use language because of the car storage. Their property was named in the Spenard Redevelopment Plan, to be rezoned to B-3, and they did not object. Mr. Noreen explained some of the history of the property including security concerns in the neighborhood. They purchased an adjoining piece of property so they could destroy the building on that property which had hosted prostitution and drug dealing activity. The alley had a long history of this type of activity. Ms. Von Gemmingen read some of the positive notes she had received from Mr. Noreen's neighbors. Mr. Noreen stated that the neighbors had been extremely pleased with the improvements they had made to the property and the neighborhood.

ROBERT AUTH, Vice Chair of the Spenard Community Council and a resident of Spenard, testified. He stated that Mr. Noreen had met with their community council and had also met with Turnagain Community Council with his presentation of rezoning to accommodate the parking needs. Mr. Auth questioned the B-3 zoning and did not think the rezoning was necessary.

NARGARET AUTH, Zoning Committee Chair for the Spenard Community Council, testified. She agreed that Mr. Noreen had done a very nice job of clearing away the old house and making property improvements, but she and their community council were concerned with the changes to their neighborhood. Ms. Auth stated they wanted to try to save the integrity of the R-1 neighborhood, with limitations on businesses.

Chair Traini called for additional testimony, and there being none, he closed Public Hearing, and Question was called on the motion.

Mr. Van Etten moved, to approve AO 2003-148.
Ms. Shamberg seconded,

Mr. Van Etten asked the Administration to comment with a possible solution of this issue. Mr. Weaver responded that they supported the B-3 zoning because it was not designed for parking, but was for specific businesses, and this issue could be resolved with assigning a special limitation. Mr. Noreen responded that the application of the B-3 SL would not guarantee a long-term future. For the near future he would rather design the limitations to accommodate a small structure on the car rental section of their property so they could get rid of the Connex trailer they were currently using for their office. He stated the neighborhood seemed to appreciate all the improvements they had made on their property and his plan was to continue to make improvements, including a 14 foot perimeter landscape around the property on Carolina.

Ms. Von Gemmingen agreed with Mr. Noreen that the traffic congestion on Carolina was due to congestion created in large by the adult bookstore. She said that issue concerning that establishment and traffic congestion had been addressed before the Spenard Community Council.

To Mr. Whittle's question, Mr. Noreen responded that the size of his requested storage unit could be very small. Mr. Whittle asked the Administration if they would object to allowing a small storage unit, and they stated it would be allowed.

To Mr. Tremaine's question, Mr. Weaver responded that parking was allowed for 24-hour periods in this residential district. Mr. Tremaine read the zoning document that stated, under the R-3 zoning, off-street parking spaces or structures were listed as conditional uses. He pointed out that the rental cars were allowed to be parked on the street if they were moved every 24 hours. He urged the Administration to consider a conditional use permit to allow Mr. Noreen to move ahead with his plans. Mr. Weaver responded that in the past Mr. Noreen had requested "other, longer-term" storage, other than the commercial storage of rental cars. He pointed out that commercial storage of the rental car company, if they were not used on a regular basis, could be considered storage, which was only allowed in the I-1 District. He said there was a question if Mr. Noreen's requested storage was strictly for the rental car business use.

It was suggested by Mayor Begich that he meet with the petitioner and Mr. Weaver to see if they could redefine the language of the permit.

Mr. Weaver suggested proceeding with the rezoning with special limitations for parking and allowance for one small accessory structure. He explained that the application for an additional, conditional use permit would involve three or four months additional time, with no guarantee of the results being different. Chair Traini asked him to again define the size of the structure, and Mr. Weaver said 3000 square feet was adequate. Chair Traini asked for specific wording of this amendment, and Mr. Weaver responded, "The special limitation would be limiting the development of the property to parking and one 3000 square foot accessory structure."

Ms. Von Gemmingen moved,	to amend AO 2003-148, <i>to change</i> , under
Mr. Tremaine seconded,	Section 1, on Page 1, Line 23, <i>by adding</i> a new
and this was passed without objection,	Number 2., to read: " <u>The uses shall be limited to</u>
	<u>parking and one 3000 square foot accessory</u>
	<u>structure.</u> "

Mr. Tremaine quoted Commissioner Coffey from Page 36 of the Meeting Minutes of a July 7, 2003 Planning and Zoning Commission Meeting, saying it had been decided that it (*referring to Mr. Noreen's property*) would be spot-zoning, to the benefit of one property owner for one use. Mr. Tremaine quoted Mr. Coffey saying that the board had suggested a design-review requirement may be best for Mr. Noreen, to help resolve this issue. Mr. Tremaine voiced his concern that Mr. Noreen was getting the run-around from various Municipal Departments. He stated he would be casting a YES-vote for the amendment, and a NO-vote for the main motion. He was disappointed with the confusion and runaround Mr. Noreen had received and stated bluntly that the main ordinance was the wrong way to go.

Ms. Von Gemmingen stated that she agreed with the allowance of the 3000 square foot structure and she supported the rezoning. She stated that Mr. Noreen had accomplished more than he had been required, and this issue still was not resolved. This rezone, with special limitations would provide fast resolve.

Mayor Begich agreed that the conditional use permit would work. The Administration's concern was that this issue was still unresolved. The Mayor stated that if the rezoning was turned down, Mr. Noreen would have to go back through the conditional use permitting process. The Mayor stated this was one way to resolve Mr. Noreen's issue but would take at least three to four months.

Mr. Tremaine stated that he had seen aerial photographs of this area taken during the summer which clearly showed parked cars. To his question, Mr. Noreen responded that currently he had between six and twelve cars parked on his lot, which belonged to both tenants in the building and a few from the car rental business, both of which were allowed. Mr. Noreen stated his concern had to do with the car rental fleet that would be ordered and used for the business for several months, then sold.

With no further discussion on Ms. Von Gemmingen's amendment, Chair Traini called for a vote on this amendment. The amendment passed unanimously. (*Clerk's note: see voting action recorded above.*) Chair Traini returned the discussion to the main motion.

To Mr. Tremaine's question, Mr. Weaver responded that in order to meet the requirements for a conditional use permit, Mr. Noreen would need an application, a site plan and a Public Hearing before the Planning and Zoning Commission. The Mayor added that the soonest the Public Hearing could be advertised and scheduled would be February or March. Mayor Begich stated that if this particular ordinance was turned down and a conditional use process was sought, the Administration would waive any fees that Mr. Noreen would be subjected to.

Mr. Tremaine stated that rezoning was in direct violation of a district use plan, it was poor public policy and it was poor legislative action. He stated that his intent was to insure that Mr. Noreen would be able to park on his property, and at the same time complete the conditional use process in a timely fashion, so that the Public Hearing would be completed before the effective date of the rezoning. He agreed with the fee-waiver offer made by the Mayor.

Ms. Shamborg stated that Mr. Tremaine's suggestion would insure Mr. Noreen's guarantee for the rental car business, including parking.

Mr. Van Etten agreed with Mr. Tremaine's recommendation and urged the Body to support it.

1 With no further discussion, Chair Traini called for a vote on the main motion.

2
3 Mr. Van Etten moved, to approve AO 2003-148, as amended.
4 Ms. Shamberg seconded,
5 and this motion passed,
6

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

10
11 Ms. Fairclough moved for immediate reconsideration and urged a NO-vote.

12
13 Ms. Fairclough moved, for immediate reconsideration on AO 2003-148,
14 Ms. Taylor seconded, as amended.
15 and this motion failed,
16

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

20
21 Chair Traini announced the failure of this motion for immediate reconsideration and explained this issue would
22 not be heard again before the Assembly.

23
24 14.L. Ordinance No. AO 2003-153, an ordinance of the Anchorage Assembly amending Anchorage
25 Municipal Code Section 10.40.50, Adult-Oriented Establishment License, to require **adult**
26 **cabarets** be licensed, Assemblymembers Sullivan, Traini and Kendall.
27 1. Assembly Memorandum No. AM 868-2003.
28

29 Chair Traini opened Public Hearing on AO 2003-153. With no public testimony, Chair Traini closed Public
30 Hearing and called for a motion.

31
32 Ms. Fairclough moved, to *postpone* continued Public Hearing on
33 Mr. Tremaine seconded, AO 2003-153 until December 16, 2003.
34 and this passed without objection,
35

- 36 **15. SPECIAL ORDERS** None.
37
38 **16. UNFINISHED AGENDA** None.
39
40 **17. AUDIENCE PARTICIPATION** None.
41
42 **18. ASSEMBLY COMMENTS**

43
44 Ms. Fairclough stated she was looking forward to working with the Federal Delegation and the State Legislature
45 in the coming months to address fiscal issues that deal with Alaska and Anchorage. She again wanted to
46 commend Senator Lisa Murkowski and Mayor Begich for their efforts towards meeting Public Safety needs in
47 Anchorage.

48
49 **19. EXECUTIVE SESSIONS** None.

50
51 **20. ADJOURNMENT** The Regular Assembly Meeting adjourned at 10:12 p.m.

52
53 Mr. Tremaine moved, to adjourn the Assembly Meeting.
54 Ms. Shamberg seconded,
55 and this motion passed unanimously,
56

57 Pub. THE ANCHORAGE CHRONICLE
58 P.O. 52464-482-03
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65 ATTEST:

DICK TRAINI, Assembly Chair

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BARBARA GRUENSTEIN, Municipal Clerk

73 Date Minutes Approved: January 20, 2004.
74 MC/BG