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MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of January 7, 2003

1. CALL TO ORDER:

The meeting was convened at 3:05 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, Dan Kendall, Janice Shamberg, Dick Tremaine, Dan Sullivan
Absent: None

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Linda Heim, Acting Municipal Clerk.

Chairman Traini ruled the Assembly would address item 15.A, Board of Adjustment/Assembly Appeals.

15. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS

A. Appeal S-10873, Kincaid Estates Subdivision, Municipal Clerk.

Anchorage Assembly Attorney Sally Kucko asked the Assembly members to disclose any ex parte contact and state whether or not they could render a decision based solely on the record, the notice of appeal, the appellant's arguments and the reply.

Mr. Tremaine received emails, written communications and read articles in the newspaper. He received bottles of "dirty" water with pictures of the mayor on it. He did not believe this would compromise his judgment.

Ms. Shamberg responded to an email dated August 23, 2002, before realizing that the Kincaid Subdivision and the Sand Lake gravel pit were the same issue. After a subsequent email revealed they were the same, she ceased receiving or replying to emails. She did not feel this prohibited her from participating in the issue.

Ms. Taylor received emails as an employee of the Governor's office, which she referred to DEC or other staff members. She did not feel she had been compromised or influenced.

Ms. Von Gemmingen received emails before the appeal was filed. After the appeal was filed, she did not respond to the emails. Prior to the appeal, she asked Municipal Engineer Howard Holton to hire an engineering company to do a hydrology study. Her decision would be based upon the record.

Mr. Tesche received numerous emails, which he did not read and immediately deleted. He felt he could make a decision based solely on the basis of the record of the case.

Mr. Sullivan attended numerous Sand Lake Community Council meetings prior to the appeal being filed. He sat in on a subcommittee meeting that analyzed the plat and outlined the Council's concerns. He contacted Municipal Engineer Howard Holton and requested Shannon and Wilson perform an initial hydrology study. Since the appeal was filed, he avoided any contact and recused himself at the Sand Lake Community Council meetings when the agenda turned to this item. He did not feel any of the actions before the appeal was filed would affect his judgment.

Ms. Fairclough received and read emails before notification of the appeal, but avoided them afterwards. Her new assistant may have responded to emails in the last 30 days, but did not forward any of the responses. She felt she could make a decision based solely on the record of the case.

Mr. Kendall received emails, but did not read them.

Mr. Van Etten received emails, which he forwarded to the clerk's office and then deleted the emails from his computer.

Chairman Traini set his computer up to delete emails that referenced Sand Lake or Kincaid.

Mr. Whittle worked for a large retail company and some of the principals in this case were customers.

In response to Ms. Fairclough, Mr. Whittle did not feel he would be pressured at work regarding his decision.

Chairman Traini ruled that Mr. Whittle did not have a conflict of interest and would participate.

Chairman Traini referenced Attorney Sally Kucko's memo dated December 23, 2002, regarding notice of new evidence and request for a remand pursuant to AMC 21.30.040.

In response to Mr. Tesche, Attorney Sally Kucko said the appeal was not based on new evidence when it was filed and accepted by the clerk. The appellant's argument was the November 22 letter constituted new evidence and the matter should be remanded back to the Platting Board. The appellant believes the Platting Board failed to make the finding that the proposed development promoted public health, safety and welfare. They felt the decision to accept the preliminary plat failed to mitigate the incompatibilities between the proposed development and the surrounding community with respect to drinking

1 water. The Board must decide if the letter constituted new evidence and whether the entire appeal or a portion of the appeal
2 should be remanded.
3

4 In response to Mr. Tesche, Attorney Sally Kucko said filling the pond was not contemplated by the preliminary plat.
5

6 Mr. Tesche did not feel the November 22 letter was relevant, because it addressed an issue that was not contemplated by the
7 plat. It appeared to address an alternative plat that may or may not come before the Assembly at a later date.
8

9 Mr. Tesche moved, to deny appellant's request for remand pursuant
10 seconded by Ms. Fairclough, to 21.30.040 based on the letter of November 22, 2002.
11

12 Mr. Kendall did not feel the Assembly should accept the letter of November 22, 2002.
13

14 In response to Ms. Shamberg, Attorney Sally Kucko said the developer could choose which approved plat they wanted to
15 proceed with, but combining the two plats would constitute a third plat.
16

17 Mr. Sullivan felt the Assembly should remember that both Shannon and Wilson and Mr. Munter discussed filling the pond as
18 an alternative mitigation. He felt the letter of November 22 was new evidence.
19

20 Question was called on the motion to deny appellant's request for remand and it passed.
21

22 AYES: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Van Etten, Tremaine
23 NAYES: Kendall, Shamberg, Sullivan
24

25 Attorney Sally Kucko asked the Assembly to refer to the yellow record as R-2 and the green record as R-1.
26

27 Attorney Sally Kucko reviewed the letter dated November 19, 2002, opposition to new arguments and exhibit and request to
28 strike Kincaid Subdivision, cases S-10873 and S-10873-2. The appellees felt a new issue was being raised in the reply brief
29 and should be stricken or they should be given time to respond. The appellants felt the issue had been raised in the appellees'
30 opposition brief and was a due process argument. The Board needed to decide if it was a new argument and how the
31 argument should be handled.
32

33 Mr. Sullivan moved, to deny appellee's motion to strike the due process argument.
34 seconded by Mr. Tremaine,
35

36 Mr. Sullivan said the issue of delegation by the Platting Board was mentioned not only in the reply brief, but in the original
37 brief as well. He referenced page A-20 of the briefs and read several passages. He felt the issue was relevant and the
38 appellee's motion should be stricken.
39

40 Ms. Von Gemmingen noted the code said these things "shall" come before the Platting Board for their determination before
41 the final plat was filed.
42

43 Mr. Kendall said it was standard practice for the Platting Board to hold public hearings, look at the information and provide
44 conditions for approval to be resolved by the various professionals within the agencies.
45

46 Mr. Sullivan noted that the appellee was asking the Assembly to consider whether or not the Platting Board could delegate
47 and not the specifics of what they delegated or why they did it. He felt the appellant, in his reply brief, made that an issue for
48 the Assembly to decide.
49

50 Attorney Sally Kucko said there were two parts to the request to strike. One was the request to strike the due process
51 argument and the second was the request to strike the exhibits, which contained portions of the Public Works design criteria
52 manual. She questioned whether the motion covered both of the requests or only the due process argument. She felt it would
53 be better to separate the requests.
54

55 Mr. Sullivan said he would make a motion to address denying appellee's request to strike the design criteria manual as
56 evidence after the completion of the existing motion.
57

58 Mr. Tesche supported the motion after Mr. Sullivan's clarification.
59

60 Question was called on the motion to deny appellee's motion to strike the due process argument and it passed.
61

62 AYES: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Van Etten, Kendall, Shamberg, Tremaine, Sullivan
63 NAYES: None
64

65 Mr. Sullivan moved, to deny appellee's request to strike the design criteria manual
66 seconded by Ms. Von Gemmingen, as evidence.
67

68 In response to Mr. Kendall, Mr. Sullivan referenced the appellee's brief, section E, ample drainage analysis, which
69 questioned if the inclusion of the design criteria manual was appropriate. When deciding a Title 21 question, he felt it was
70 appropriate to consider any Title 21 issues.
71

72 In response to Mr. Tesche, Mr. Sullivan said, as with many aspects of Title 21, the operating manuals clarified the regulations
73 by providing charts, grafts and data. The Public Works Design Criteria Manual primarily dealt with run-off calculations.
74

75 In response to Mr. Tesche, Attorney Sally Kucko said 21.15.110, subparagraph B-I, said standards for the drainage analysis
76 was identified in the Public Works Design Criteria Manual of 1988.
77
78

1 Mr. Tesche supported the motion.
2
3 Question was called on the motion to deny appellee's request to strike design criteria manual as evidence and it passed.
4
5 AYES: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Van Etten, Shamberg, Tremaine, Sullivan
6 NAYES: Kendall
7
8 Chairman Traini referenced the letter dated November 19, 2002, which would be used as the guidepost for the remainder of
9 the discussion. The first question was whether the primary plat approval violated AMC 21.25.020.
10
11 Mr. Sullivan moved, to bypass question #1.
12
13 Mr. Sullivan recommended bypassing question #1, because questions #2 and #3 would provide a record of whether the code
14 violated the section of code that was referred to.
15
16 In response to Chairman Traini, Attorney Sally Kucko said the Assembly could address the issues in any order as long as
17 every issue was addressed.
18
19 Mr. Tesche said issue #1 was a unique claim of error and a unique violation of 21.25.020. The argument was there was a
20 violation of previous land use entitlements, including a conditional use permit. The question was whether the proposed plat
21 violated other provisions of law. He felt the issues should be addressed in the order indicated by legal counsel.
22
23 In response to Chairman Traini, Attorney Sally Kucko said even if the Assembly found that the preliminary plat approval
24 violated 21.25.020, they still needed to consider the other issues.
25
26 Mr. Sullivan withdrew his motion to bypass question #1.
27
28 Mr. Tesche moved, to reverse the preliminary plat approval based upon a violation of
29 seconded by Ms. Fairclough, AMC 21.25.020.
30
31 Mr. Tesche recommended a no vote. He did not feel there were any arguments to support reversing the Platting Board.
32
33 Ms. Von Gemmingen referenced the letter from Mr. Ellis, who was the code enforcement officer at the time, which said they
34 had not lived up to the land use entitlements from prior conditional uses.
35
36 Mr. Sullivan supported the motion. He felt the redevelopment of the subdivision would cure all of the conditions.
37
38 Mr. Kendall referenced page 96 of R-1, condition 19, "forwarding the approved preliminary plat as the proposed restoration
39 of the Sand Lake gravel pit area to the Planning and Zoning Commission," which meant they addressed the previous
40 conditional use.
41
42 Question was called on the motion to reverse the preliminary plat approval and it failed.
43
44 AYES: Fairclough, Shamberg
45 NAYES: Tesche, Whittle, Taylor, Traini, Von Gemmingen, Van Etten, Kendall, Tremaine, Sullivan
46
47 Chairman Traini said the next question was whether the preliminary plat approval violate the provisions of the Anchorage
48 Municipal Code, specifically 2-A, failure to make finding the proposed development promotes public health, safety and
49 welfare.
50
51 Mr. Tesche moved, to reverse the decision based on the Board's failing to make a finding
52 seconded by Mr. Sullivan, that the proposed development promotes public health, safety and
53 welfare under AMC 21.75.010.
54
55 Mr. Tesche referenced AMC 21.75.010.A.2. The Platting Authority may approve a preliminary or final plat only if it finds
56 the plat promotes public health, safety and welfare. The question becomes whether the error warrants reversal of the Board's
57 decision. He felt the technical failure to make an explicit finding under 21.75.010.A.2 was harmless error. He recommended
58 a no vote with the understanding that the Assembly was substituting their judgment and would require eight votes to prevail.
59
60 In response to Mr. Tesche, Attorney Sally Kucko said the Assembly should decide if the code provision required an explicit
61 finding by the Platting Board or if the finding could be implicit. An implicit finding should be supported by substantial
62 evidence.
63
64 Mr. Tesche withdrew his motion.
65
66 Mr. Tesche moved, to find as a matter of law that 21.75.010.A.2 required an explicit
67 seconded by Ms. Fairclough, finding.
68
69 Attorney Sally Kucko explained the difference between an explicit finding and an implicit finding.
70
71 Ms. Von Gemmingen noted that public health, safety and welfare were not explicitly addressed, but the things considered
72 were implicit and had substantial evidence.
73
74 Mr. Tremaine spoke against the motion. He did not feel 21.75.010 required each item in subsection A to be considered
75 explicitly.
76
77 Mr. Sullivan pointed out that almost every major issue remained unanswered. The drinking water, air quality and traffic
78 issues were still subject to controversy and debate.

1
2 Mr. Kendall noted that all approved plats were required to promote public health, safety and welfare. He did not feel this was
3 valid grounds to reverse the plat approval.
4
5 Mr. Van Etten felt the implicit findings of fact covered the requirement to promote public health, safety and welfare. He did
6 not feel the Platting Board's decision should be reversed.
7
8 Mr. Tesche said the Assembly had discretion to determine whether the findings under this section of the code must be
9 explicit or implicit. He felt the Board implicitly met the requirement of public health, safety and welfare and would vote
10 against the motion.
11
12 Mr. Tesche substituted his motion.
13
14 Mr. Tesche moved, that the Platting Board can find that the plat promotes public health,
15 seconded by Ms. Fairclough, safety and welfare implicitly.
16
17 Mr. Tesche recommended a yes vote.
18
19 Question was called on the motion that the Platting Board can find that the plat promotes public health, safety and welfare
20 implicitly and it passed.
21
22 AYES: Tesche, Whittle, Taylor, Traini, Von Gemmingen, Van Etten, Kendall, Tremaine
23 NAYES: Fairclough, Shamberg, Sullivan
24
25 Mr. Tesche moved, that the Board of Adjustment finds that the Platting Board's implicit
26 seconded by Ms. Fairclough, finding that the plat promotes public health, safety and welfare is
27 supported by substantial evidence in the record.
28
29 In response to Mr. Sullivan, Mr. Tesche explained the difference between the current motion and the previous motion.
30
31 Mr. Sullivan spoke against the motion. The record was comprehensive and large, but certain areas under the heading of
32 promoting public health, safety and welfare were not addressed at all.
33
34 Mr. Tremaine suggested postponing the motion to discuss Mr. Sullivan's issue.
35
36 Mr. Tesche withdrew his motion on the floor.
37
38 Mr. Sullivan moved, to postpone item 2A, address the remaining items in 2 and 3
39 seconded by Mr. Tremaine, then return to 2A.
40 and it passed without objection,
41
42 Chairman Traini ruled the Board of Adjustment would address item 2B.
43
44 Mr. Tesche moved, to reverse the Board's decision because the subdivider did not provide
45 seconded by Mr. Tremaine, all information as required by ANC 21.15.110.B.4.
46
47 Mr. Tesche recommended a no vote. The subdivider did not refuse to provide any specific information either requested of
48 him or required by the code.
49
50 Question was called on the motion to reverse the Board's decision and it failed.
51
52 AYES: Sullivan
53 NAYES: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Van Etten, Kendall, Shamberg, Tremaine
54
55 Chairman Traini said the next issue was 2.C, plat application not signed by holders of the record title.
56
57 Mr. Tesche moved, to reverse the Platting Board's decision because the plat application
58 seconded by Mr. Van Etten, was not signed by the holders of record title as required by
59 AMC 21.15.110.B.1.
60
61 Mr. Tesche recommended a no vote. A representative of Holquist signed the application, which was a common practice and
62 appeared to be allowed by the forms used by the Department of Community Development.
63
64 In response to Mr. Tremaine, Attorney Sally Kucko referenced page 302, which listed the owners. The fact that a
65 construction company was on the deed of trust did not mean it owned the property. Mr. and Mrs. Holquist were the listed
66 owners of parcels one through seven. Mr. Holquist was the sole owner of parcel eight.
67
68 Mr. Sullivan recommended a no vote. He felt this was a harmless error. The code did not state that the application had to be
69 signed by the owners of record.
70
71 Question was called on the motion to reverse the Board's decision because the application was not signed by the owners of
72 record and it failed.
73
74 AYES: None
75 NAYES: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Van Etten, Kendall, Shamberg, Tremaine, Sullivan
76
77 Chairman Traini said the next issue was 2.D, no reason or justification for 10 to 12 year phasing plan.
78

1 Mr. Tesche moved, to reverse the Platting Board's decision because the subdivider offered
2 seconded by Ms. Taylor, no reasons or justification for the 10- to 12-year phasing plan as required
3 by AMC 21.15.110.B.4.
4

5 Mr. Tesche felt the code clearly required a phasing plan.
6

7 In response to Mr. Whittle, Attorney Sally Kucko said the Board of Adjustment could decide to reverse the approval based on
8 lack of findings or remand it back to the Platting Board for evidence to support the finding.
9

10 In response to Mr. Sullivan, Attorney Sally Kucko said remanding a specific item back to the Platting Board would put the
11 entire plat on hold until the answer was supplied.
12

13 In response to Mr. Tesche, Attorney Sally Kucko said the Board of Adjustment could also find that the failure to submit the
14 statement was harmless error. The determination of harmless error would be based on whether it would have an effect on the
15 overall decision to approve the plat or if it created prejudice.
16

17 Mr. Tesche said he would reluctantly vote in favor of the motion, but he would follow it with a motion to determine that the
18 failure to comply with that section was harmless error.
19

20 Mr. Kendall said the phasing plan was briefly discussed on page 15. Phasing plans were common with large developments
21 and the Platting Board might not have given it a second thought after staff member O'Brien reported that a phasing plan
22 existed.
23

24 Attorney Sally Kucko suggested joining Mr. Tesche's two motions into a single motion.
25

26 Mr. Tesche moved, to substitute the motion to read: while there may have been a technical
27 seconded by Ms. Shamberg, violation of AMC 21.15.110.B.4 as a result of the developer's failure to
28 submit a statement indicating the reasons for the phasing and a
29 description of each phase that the Board finds the failure to provide
30 that information harmless error.
31

32 Mr. Tesche recommended a yes vote on the consolidated motion.
33

34 Ms. Von Gemmingen noted the size of the Kincaid Estate. There would be 626 single-family residences and 82 family units.
35 She felt the size of the development explained the phasing period.
36

37 Ms. Fairclough referenced page 20 of Ms. O'Brien's comments, which specifically explained the phasing would be for the
38 benefit of future builders.
39

40 Mr. Kendall referenced page 132 in which Board member Capps moved approval of the phasing plan finding the developers
41 had phased the project to minimize impacts on surrounding properties.
42

43 Attorney Sally Kucko said there seemed to be a difference of opinion as to whether the requirement was met. She suggested
44 changing the motion to indicate whether AMC 21.15.110.B.4 was satisfied and then a subsequent motion to indicate whether
45 it was harmless error.
46

47 Mr. Tesche moved, to substitute the motion to read: the requirements of
48 seconded by Ms. Shamberg, AMC 21.15.110.B.4.E had not been met in that a statement was not
49 submitted indicating the reasons for phasing and a description of
50 each phase.
51

52 Mr. Tesche recommended a yes vote.
53

54 Question was called on the motion and it passed.
55

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

59 Mr. Tesche moved, the Board's approval of the plat, notwithstanding the apparent failure
60 seconded by Ms. Taylor, of the subdivider to offer a statement indicating the reasons for the
61 phasing and description of each phase is harmless error.
62

63 Mr. Tesche recommended a yes vote.
64

65 Ms. Von Gemmingen referenced pages 220 to 224 of R-1, which contained plats showing the phasing sequence.
66

67 Mr. Sullivan felt this was more than harmless error. Phased subdivisions run the risk of having different developers in the
68 later stages of the project. Phasing was an important part of the project, but it was barely discussed.
69

70 Question was called on the motion to find the error to be harmless and it passed.
71

72 AYES: Tesche, Whittle, Taylor, Traini, Von Gemmingen, Van Etten, Kendall, Shamberg
73 NAYES: Fairclough, Tremaine, Sullivan
74

75 Chairman Traini said the next issue was 2E, no protective covenants, deed restrictions or homeowner's association bylaws
76 submitted with the preliminary plat application.
77

1 Mr. Tesche moved, the Board of Adjustment finds appellee's failure to submit copies of
 2 seconded by Ms. Fairclough, protective covenants as required by AMC 21.15.110.B.4, be
 3 determined harmless error.
 4

5 Mr. Tesche said the covenants were not technically submitted as required, but because the Board handled the issue by
 6 requiring the covenants that the subdivider wanted, it was harmless error.
 7

8 Mr. Tremaine said the covenants were not submitted, although the developer wanted covenants, and was a violation of the
 9 code. Staff should not have accepted the application without the covenants. He did not feel it was harmless error, because
 10 the covenants mandated how the subdivision would interact with its immediate neighbors. The point of the code was to
 11 allow for public comments.
 12

13 Mr. Tesche withdrew his motion. Ms. Fairclough withdrew her second.
 14

15 Mr. Tremaine moved, that AMC 21.15.110.B.4.D was violated because covenants were not
 16 seconded by Ms. Shamberg, submitted.
 17

18 Mr. Sullivan felt the Board of Adjustment had no choice but to support the notion of the appellant that this application of law
 19 was in error. He read the pertinent code and urged a yes vote.
 20

21 Ms. Fairclough spoke in favor of the motion.
 22

23 Question was called on the motion that AMC 21.15.110.B.4.D was violated because covenants were not submitted and it
 24 passed.
 25

26 AYES: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Van Etten, Shamberg, Tremaine, Sullivan
 27 NAYES: Kendall
 28

29 Mr. Tesche moved, the Board of Adjustment find the subdivider's failure to submit the
 30 seconded by Mr. Van Etten, protective covenants in advance, as required by 21.15.110.B.4, to be
 31 determined harmless error.
 32

33 Mr. Tesche said it had been mentioned that the failure of the subdivider to submit the covenants in advance denied the public
 34 the opportunity to comment and may not have been harmless error.
 35

36 Mr. Sullivan spoke against the motion. The Board of Adjustment needed to consider the size and scope of the project in
 37 determining the question of harmless error. The covenants were a key element in determining whether or not this was a good
 38 project for the surrounding neighbors. He referenced R-1, page 158, number 29, which he read and discussed.
 39

40 Mr. Tremaine did not believe this was a harmless error. The practice of allowing covenants to be approved without public
 41 hearings was inexcusable and should not be allowed.
 42

43 Mr. Whittle pointed out that the Platting Board approved other plats without having the covenants. It might not entirely be
 44 the subdivider's fault, because it was accepted practice to approve plats without covenants.
 45

46 Ms. Fairclough noted that the code required covenants before approving plats. She felt the error was harmful and would vote
 47 no on the motion.
 48

49 Mr. Tesche felt the error was not harmless and would vote against the motion.
 50

51 Mr. Van Etten said the covenants should be submitted in final plat approval. He felt the vagueness of the preliminary plat
 52 requirement left room for latitude. He felt it was harmless error.
 53

54 Question was called on the motion that failure to submit protective covenants is determined harmless error and it failed.
 55

56 AYES: Van Etten, Kendall

57 NAYES: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Shamberg, Tremaine, Sullivan
 58

59 The Assembly then returned to item 4, Minutes of Previous Meeting.
 60

61 **4. MINUTES OF PREVIOUS MEETING:**

62 A. Regular Meeting – November 26, 2002
 63

64 Mr. Tesche moved to approve the meeting minutes of November 26, 2002.
 65 seconded by Ms. Von Gemmingen,
 66 and it passed without objection,
 67

68 B. Regular Meeting – December 10, 2002
 69

70 Mr. Tesche moved to approve the meeting minutes of December 10, 2002.
 71 seconded by Ms. Von Gemmingen,
 72 and it passed without objection,
 73

1 C. Special Meeting – December 17, 2002

2
3 Mr. Tesche moved to approve the meeting minutes of December 17, 2002.
4 seconded by Ms. Von Gemmingen,
5 and it passed without objection,
6

7 **5. MAYOR'S REPORT:**

8
9 The Mayor reported that the Assessor's Office would begin visiting local community councils. He also spoke about
10 Muniversity and gave a HUD update.

11
12 **6. ASSEMBLY CHAIR'S REPORT:** The Chair introduced Boy Scout Troop #26 and had them introduce
13 themselves to the Assembly members.

14
15 **7. COMMITTEE REPORTS:**

16
17 Ms. Fairclough reported that the E-911 Task Force had met three times. They were proceeding through documents provided
18 by the Municipality and hoped to report to the Assembly in February. They read the transcripts and listened to the tapes.
19 There had been several suggestions that could positively impact the delivery of the 911 services to constituents in Anchorage.

20
21 **8. ADDENDUM TO AGENDA:**

22
23 Mr. Tesche moved, to amend the agenda to include the addendum items.
24 seconded by Ms. Taylor,
25

26 Chairman Traini read the addendum items.

27
28 Question was called on the motion to amend the agenda and it passed without objection.
29

30 **9. CONSENT AGENDA:**

31
32 Mr. Tesche moved, to approve all items on the consent agenda as amended.
33 seconded by Ms. Von Gemmingen,
34

35 **A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS:**

- 36 1. Resolution No. AR 2003-9, a resolution of the Anchorage Municipal Assembly **recognizing and**
37 **honoring Sergeant Steven M. Elkins for his 16 years of service** with the Anchorage Police
38 Department, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini,
39 Tremaine, Van Etten, Von Gemmingen, and Whittle.
40

41 **B. RESOLUTIONS FOR ACTION - OTHER:**

- 42 1. Resolution No. AR 2002-390, a resolution of the Anchorage Municipal Assembly requiring
43 Anchorage Water and Wastewater Utility to engage the services of a professional consultant to
44 review the appropriateness of the **water usage tariff fees and hydrant maintenance costs**
45 charged to the Anchorage Fire Department and to report to the Assembly, Assemblymember
46 Tesche.
47

48 Mr. Tesche requested this item be considered on the Regular Agenda. See item 10B.
49

- 50 2. Resolution No. AR 2003-2, a resolution authorizing the Municipality of Anchorage, Public
51 Transportation Department, to enter into a Transfer of Responsibilities Agreement (TORA) in the
52 amount of \$98,000 with the State of Alaska, Department of Transportation and Public Facilities,
53 and appropriating these funds to the State Categorical Grants Fund (231) for **summer**
54 **landscaping and winter ice and snow removal at selected bus stops** within the Anchorage Area
55 through an Enhancement Youth Work Program, Public Transportation Department.
56 a. Assembly Memorandum No. AM 6-2003
57
58 3. Resolution No. AR 2003-5, a resolution of the Anchorage Municipal Assembly revising the 2003
59 General Government Operating Budget by appropriating \$13,775 from Areawide General Fund
60 (101) Balance to the Public Transportation Department to provide **Anchor Rides for seniors**
61 participating in training in senior volunteer programs, Assemblymember Tesche.
62 a. Assembly Memorandum No. AM 12-2003
63
64 4. Resolution No. AR 2003-1, a resolution adopting the **2003 Legislative Program** for the
65 Municipality of Anchorage, Office of Management and Budget.
66 a. Assembly Memorandum No. AM 5-2003
67

68 Mr. Tesche requested this item be considered on the Regular Agenda. See item 10B.
69

- 70 5. Resolution No. AR 2003-10, a resolution of the Anchorage Assembly approving the **site plan for**
71 **the development of Little League ball fields and a community park** in the southwest corner of
72 Far North Bicentennial Park, Project Management & Engineering.
73 a. Assembly Memorandum No. AM 18-2003
74

75 Mr. Tesche requested this item be considered on the Regular Agenda. See item 10B.
76

77 C. BID AWARDS: None
78

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 16-2003, **Police and Fire Retiree Medical Funding Program Board of Trustees appointments** (Andrew Provencio, John Zylstra, Daniel Moore), Mayor's Office.
2. Assembly Memorandum No. AM 10-2003, 2003/2004 Liquor License Renewal: Package Store – **K-Mart Corporation #7569** - Old Seward Hwy. (#3349) (Taku-Campbell and Abbott Loop Community Councils), Clerk's Office.
 - a. Assembly Memorandum No. AM 10-2003(A) 2003/2004 Liquor License Renewal: Package Store – K-Mart Corporation #7569 - Old Seward Hwy. (#3349) (Taku-Campbell and Abbott Loop Community Councils), Clerk's Office.

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

3. Assembly Memorandum No. AM 11-2003, 2003/2004 Liquor License Renewals: Beverage Dispensary – **Klondike Kate's Baretrap** (#2024), **Cabin Tavern** (#970), **Sheraton Anchorage Hotel** (#1443), **Gallo's Mexican Restaurant** (#3572); Restaurant/Eating Place – **Peggy's Restaurant** (#95-1821); Club – **AMVETS Post 2 Inc.** (#2943) (Tudor, Spenard, Rogers Park, Campbell Park, Taku-Campbell, Abbott Loop, Northeast, Downtown, Government Hill, Fairview, Airport Heights, Bayshore-Klatt Community Councils), Clerk's Office.

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

4. Assembly Memorandum No. AM 1-2003, proprietary purchase for **Egan Convention Center outdoor marquees improvements** from Daktronics, Inc. for the Municipality of Anchorage, Maintenance and Operations Department (\$59,874), Purchasing.
5. Assembly Memorandum No. AM 2-2003, The Downtown Business Improvement District ("Assessment District 1SD97") **2003 services grant with Anchorage Downtown Partnership, Ltd.** (\$490,000), Office of Management and Budget.
6. Assembly Memorandum No. AM 3-2003, amendment No. 4 to professional legal services contract with the Law Firm of Hughes, Thorsness, Powell, Huddleston & Bauman, LLC, regarding **construction claims defense services** (\$50,000), Legal Department.
7. Assembly Memorandum No. AM 22-2003, 2003 grant for **operation costs at Chugiak Senior Center** (\$250,000), Health and Human Services.

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

8. Assembly Memorandum No. AM 23-2003, **Executive Appointments** (Denis LeBlanc – Director, Management and Budget; Robert Hall – Director, Solid Waste Services; Thomas Wilson – Director of Public Transportation; Jim Posey – General Manager, Municipal Light and Power; John Rodda – Director of Cultural and Recreational Services; Mike Scott – Executive Director Planning, Developmental Services and Public Works), Employee Relations.

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

9. Assembly Memorandum No. AM 28-2003, recommendation of award to various carriers for providing various **insurance coverage** to the Municipality of Anchorage, Finance Department (\$1,011,667).

E. INFORMATION AND REPORTS

1. Information Memorandum No. AIM 1-2003, **Glen-Don/Campbell Airstrip Water Upgrade** – Tam Construction Inc. (PO 0000216098); Report of construction contract change orders (\$727,571.78), Water and Wastewater Utility.
2. Information Memorandum No. AIM 2-2003, **B-4AB Sewer Trunk Upgrade** – Construction Unlimited, Inc. (PO 0000216179); Report of construction contract change orders (\$1,556,815.32), Water and Wastewater Utility.
3. Information Memorandum No. AIM 3-2003, **Monthly Financial Report** – November 2002, Finance.

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

1. Ordinance No. AO 2003-1, an ordinance amending Anchorage Municipal Code Subsection 10.75.010.D. to include revised wording regarding **fire inspection fees** where violations have been corrected, Anchorage Fire Department.
 - a. Assembly Memorandum No. AM 9-2003
2. Resolution No. AR 2003-3, a resolution authorizing the Municipality of Anchorage, Public Transportation Department, to enter into a Transfer of Responsibilities Agreement (TORA) in the amount of \$179,340 with the State of Alaska, Department of Transportation and Public Facilities, for financing the implementation of a **Public Transportation Marketing Program** and appropriating these funds to the State Categorical Grants Fund (231), Public Transportation Department.

1 a. Assembly Memorandum No. AM 7-2003

2
3 3. Resolution No. AR 2003-6, a resolution of the Anchorage Municipal Assembly revising the 2003
4 General Government Operating Budget by appropriating \$125,000 from Areawide General Fund
5 (101) Balance to the Public Transportation Department to provide funding to **reinstate the ADA**
6 **service on the Hillside and Sand Lake**, Assemblymembers Taylor and Van Etten.

7 a. Assembly Memorandum No. AM 13-2003

8
9 Ms. Fairclough requested this item be considered on the Regular Agenda. See item 10F.

10
11 4. Ordinance No. AO 2003-2, an ordinance of the Anchorage Assembly enacting a new Chapter 8.80
12 of the Anchorage Municipal Code relating to **Victims' Rights**, Assemblymember Tesche.

13 a. Assembly Memorandum No. AM 17-2003

14
15 5. Resolution No. AR 2003-11, a resolution of the Anchorage Municipal Assembly revising the 2003
16 General Government Operating Budget by **increasing the Fire Department appropriation by**
17 **\$675,000** and reducing appropriations within various administrative departments by \$675,000,
18 Assemblymember Tesche.

19 a. Assembly Memorandum No. AM 19-2003

20
21 Mr. Tesche requested this item be considered on the Regular Agenda. See item 10F.

22
23 6. Ordinance No. AO 2003-6, an ordinance of the Anchorage Municipal Assembly amending
24 Chapter 1.15 of the Anchorage Municipal Code (**Conflict of Interest**) relating to confidentiality of
25 complaints and amending AMC 1.15.150 relating to sanctions for violations of AMC 1.15,
26 Assemblymember Tesche.

27 a. Assembly Memorandum No. AM 40-2003

28
29 Mr. Sullivan requested this item be considered on the Regular Agenda. See item 10F.

30
31 Question was called on the motion to approve the remaining items on the consent agenda as amended and it passed.

32
33 AYES: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Van Etten, Kendall, Shamberg, Tremaine, Sullivan

34 NAYES: None

35
36 **10. REGULAR AGENDA:**

37 A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS:

38
39 B. RESOLUTIONS FOR ACTION - OTHER:

40
41 1. Resolution No. AR 2002-390, a resolution of the Anchorage Municipal Assembly requiring
42 Anchorage Water and Wastewater Utility to engage the services of a professional consultant to
43 review the appropriateness of the **water usage tariff fees and hydrant maintenance costs**
44 charged to the Anchorage Fire Department and to report to the Assembly, Assemblymember
45 Tesche.

46
47 Mr. Tesche moved, to postpone action on AR 2002-390 until January 28, 2003.
48 seconded by Ms. Taylor,
49 and it passed without objection,

50
51 2. Resolution No. AR 2003-1, a resolution adopting the **2003 Legislative Program** for the
52 Municipality of Anchorage, Office of Management and Budget.

53 a. Assembly Memorandum No. AM 5-2003

54
55 Mr. Tesche moved, to approve AR 2003-1.
56 seconded by Ms. Fairclough,

57
58 Mr. Tesche suggested increasing local oversight of alcoholic beverage licensing. The State Alcoholic Beverage Control
59 Board often second guessed judgments of local legislative bodies with respect to the issue, revocation, denial or conditioning
60 of local beverage permits. The law required the Board to respect the local decision unless it found it arbitrary, capricious and
61 unreasonable.

62
63 Mr. Tesche moved, to add a new legislative lobbying issue to increase local oversight over
64 seconded by Ms. Fairclough, alcoholic beverage licensing.
65 and it passed without objection,

66
67 Mr. Tesche noted there were thousands of residents who had no viable health care plan. Some states have considered or
68 enacted plans that brought together the public and private sectors to provide a private sector type of insurance that was
69 financed through public sector sources, private sector contributions and the like to guarantee coverage to all state residents.

1 Mr. Tesche moved, to amend AR 2003-1 to add the following: “To support actions
2 seconded by Ms. Fairclough, currently contemplated in the Legislature to adopt measures that
3 would enable public health providers and private health insurers to
4 offer an Alaska health insurance plan to all qualified Alaskans
5 regardless of employment status or other restrictions which leave many
6 local residents without adequate medical coverage, financed by public
7 sources and private participation. The plan would provide basic
8 medical benefits, including preventive care, emergency services and
9 prescription drugs. The cost to participate in the plan would be based
10 on a sliding scale.”

11
12 Mr. Tesche felt this was an important issue and the Legislature should be encouraged to move on it quickly.

13
14 Mr. Sullivan felt Mr. Tesche’s intentions were good, but it was hard for the Assembly to support putting a publicly financed
15 health care system in the Legislative Program without more details and a cost analysis. He suggested looking for proposed
16 legislation that the Assembly could support through a resolution.

17
18 Ms. Shamberg noted that adding this item to the Legislative Program would encourage the Legislature to look into the issue
19 to determine whether it was feasible.

20
21 Mr. Tesche said the Legislature was actively considering legislation of this sort. He felt it was important for the Assembly to
22 support and encourage those efforts in the Legislature without crafting the actual language.

23
24 Mr. Sullivan pointed out that the motion would make this a legislative lobbying issue, which would mean the Assembly
25 would actively lobby for a publicly financed health care plan. He felt they needed more information.

26
27 Mr. Tesche felt the Assembly could do more for the 100,000 Anchorage residents who did not have adequate health
28 insurance than passing a resolution on future legislation. He urged a yes vote.

29
30 Ms. Fairclough supported the motion. Putting the issue on the Legislative Program indicated this was an important issue to
31 Anchorage. If a sponsor could be found, the legislation could go its course through the state.

32
33 Mr. Sullivan noted that the motion specifically said the health care plan would be financed by public sources. The
34 Legislature might come up with a plan to pool Alaska into a privately held fund with no public dollars needed, because the
35 pool would be large enough to insure low rates. If something like that came forward, the Assembly would be opposing it,
36 because they would be supporting publicly financed health care for all Alaskans.

37
38 Ms. Taylor said the Legislative Program was a living document that could be amended at any time. Health care was on
39 national and local agendas. Many people’s access to health care was limited to the emergency room.

40
41 Mr. Sullivan moved, to amend AR 2003-1 to read: “To support actions currently
42 seconded by Ms. Fairclough, contemplated in the Legislature to adopt measures that would
43 enable public health providers and private health insurers to offer
44 an Alaska health insurance plan to all qualified Alaskans regardless
45 of employment status or other restrictions which leave many local
46 residents without adequate medical coverage. The plan would provide
47 basic medical benefits, including preventive care, emergency services
48 and prescription drugs. The cost to participate would be based on a
49 sliding scale.”

50
51 Mr. Tesche said the language “financed by public sources and private participation” was intended to be inclusive and
52 nonrestrictive. Private health insurers provide a particular type of health coverage through the emergency room. Public
53 health entities provide certain types of preventive health care. Removing the opportunity to have public and private
54 participation was unwarranted and a cynical way of killing the measure.

55
56 Question was called on Mr. Sullivan’s motion to amend AR 2003-1 and it failed.

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

60
61 Chairman Traini spoke in favor of the motion. He felt it was appalling that citizens had to decide between eating and taking
62 their children to the doctor. He felt the country should take care of the basic health needs of their citizens.

63
64 Question was called on Mr. Tesche’s motion to amend AR 2003-1 and it passed.

65
66 AYES: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Van Etten, Shamberg, Tremaine
67 NAYES: Kendall, Sullivan

68
69 Mr. Tremaine moved, to amend AR 2003-1 add the following Legislative lobbying issue:
70 seconded by Mr. Tesche, “The Municipality supports the Alaska Municipal League in requesting
71 that statutory authority be granted to municipalities to charge franchise
72 fees to utilities regulated by the Regulatory Commission of Alaska.”

73
74 Mr. Tremaine said franchise fees were not currently contemplated, but they were charged across the country for impacts. A
75 utility regulated by the Regulatory Commission of Alaska could not charge utility fees under state law.

76
77 Mr. Kendall said he worked for a utility that would potentially be affected by a franchise fee.

78

1 Mr. Tesche moved, that the following question be put to the Assembly:
 2 seconded by Mr. Van Etten, Does Assembly member Kendall have a substantial financial interest
 3 in the motion presently before the Assembly?
 4

5 Question was called on the motion and it failed.
 6

7 AYES: Tesche, Traini, Van Etten

8 NAYES: Whittle, Taylor, Fairclough, Von Gemmingen, Shamberg, Tremaine, Sullivan

9 ABSTAIN: Kendall
 10

11 Ms. Taylor noted that she was an employee of IBEW.
 12

13 Mayor Wuerch said this would allow municipalities, boroughs and cities to charge a fee to those who used public utility
 14 right-of-ways such as Chugiak Electric, Enstar Natural Gas and any other private enterprise like Cable TV. It would be a
 15 fundamental change to the way the city has done business in the past and would cause vigorous debate.
 16

17 Question was called on the motion to amend AR 2003-1 and it passed.
 18

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

20 NAYES: Kendall
 21

22 In response to Ms. Von Gemmingen, Mayor Wuerch said the Legislative Program list was not prioritized. The liability for
 23 destruction of property by minors and assault on school employees were added in the last work session. A work session
 24 should be scheduled if the Assembly wanted to prioritize the list.
 25

26 In response to Ms. Fairclough, Capital/Utility Budget Officer Tim Rogers felt it was appropriate to add the 60/40 formula to
 27 the school construction debt reimbursement.
 28

29 Ms. Fairclough moved, to amend AR 2003-1 to add the 60/40 to the school construction
 30 seconded by Mr. Van Etten, debt reimbursement for the next five years.
 31 and it passed without objection,
 32

33 In response to Ms. Fairclough, Capital/Utility Budget Officer Tim Rogers did not know if licensed chauffeurs and taxicab
 34 drivers were the same under the Good Samaritan Program.
 35

36 Ms. Fairclough moved, to amend AR 2003-1 to insert the word “and” after “chauffeurs”
 37 seconded by Mr. Van Etten, and remove the parenthesis around “taxicab drivers” on page E-3,
 38 and it passed without objection, Good Samaritan Program.
 39

40 Ms. Fairclough discussed several other proposed changes including placing criteria in the foundation formula that increases
 41 student funding with an inflation factor based on the national average, senior property tax exemptions bill CRA337 and
 42 various other issues. The final wording was to be worked out by Capital/Utility Budget Officer Tim Rogers.
 43

44 Mr. Sullivan moved, to amend AR 2003-1, page E-3, Capital Budget entitled Kincaid Park
 45 seconded by Ms. Fairclough, Trail to read: “The Municipality requests state funding for the
 46 and it passed without objection, extension of an existing trail from the entrance of Kincaid Park to
 47 the park chalet.”
 48

49 Mr. Sullivan noted that last year’s failed bond had this trail as a key element. Rather than reappearing on the 2003 bond
 50 proposal, it dropped off completely. It was his understanding that the administration would support this as a capital project
 51 request through the State of Alaska.
 52

53 Ms. Von Gemmingen moved, to amend AR 2003-1, page E-1, Mandates Legislation, to add a
 54 seconded by Ms. Fairclough, sentence to read: “Currently this tax exemption costs Anchorage
 55 and it passed without objection, residents \$16,000,000 and with the aging population this will
 56 continue to increase.”
 57

58 Ms. Fairclough noted that the legislation passed by the Senate might have covered this issue. If it had, this would be
 59 removed from the list.
 60

61 Chairman Traini disclosed that his wife was a school employee, but that would not affect his vote.
 62

63 Question was called on the motion to approve AR 2003-1 as amended and it passed.
 64

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

66 NAYES: None
 67

68 Mr. Tesche moved, for immediate reconsideration of AR 2003-1.
 69 seconded by Ms. Fairclough,
 70

71 Mr. Tesche recommended a no vote.
 72

73 Question was called on the motion for immediate reconsideration of AR 2003-1 and it failed.
 74

75 AYES: None

76 NAYS: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Van Etten, Kendall, Shamberg, Tremaine, Sullivan
 77

1
2 Ms. Fairclough said it was her understanding that a liquor license that sat on the shelf for six months was dead.

3
4 Mr. Tremaine thought they could apply for a two-year extension, but he did not know if that had happened.

5
6 Ms. Fairclough moved, to protest the liquor license of Klondike Kate's.
7 seconded by Mr. Tremaine,
8

9 Municipal Attorney Dennis Wheeler referenced a letter from the State Alcoholic Beverage Control Board to the owners of
10 the license dated November 22, 2002. Pursuant to the state statutes and regulations governing liquor licenses, the owners
11 applied for and were granted waivers under the state law. The letter indicates this would be the last waiver granted for this
12 license.
13

14 In response to Chairman Traini, Ms. Fairclough said the waiver was effective for 30 days.

15
16 Ms. Fairclough felt the Assembly's legal staff should be directed to issue a letter citing the previous problems with the
17 license, why it was not currently functioning and continued objection to more extensions.
18

19 In response to Ms. Von Gemmingen, Municipal Attorney Bill Greene said there were no conditional uses for any property for
20 this license. The license was being held in abeyance pending a legitimate operating location for the required 30 days per
21 year. If they do not operate for 30 days in the coming year, for which they must have a Municipal conditional use, they
22 would lose the license.
23

24 Ms. Von Gemmingen moved, to amend AM 11-2003 to delete the address and substitute
25 seconded by Mr. Tremaine, "no premises".
26 and it passed without objection,
27

28 Mr. Sullivan reviewed the history of the liquor license. He felt it would be a mistake for the Assembly to protest the license.
29 The applicant had a prospective buyer for the license and he did not feel they should interfere with the commerce with regard
30 to the sale of the liquor license.
31

32 Question was called on the motion to amend AM 11-2003 and it passed.
33

34 AYES: Taylor, Fairclough, Traini, Von Gemmingen, Van Etten, Shamberg, Tremaine

35 NAYES: Tesche, Whittle, Kendall, Sullivan
36

37 Ms. Fairclough moved, to approve Gallos Restaurant.
38 seconded by Mr. Tremaine,
39

40 Ms. Fairclough noted that police officers had made four driving while intoxicated arrests where the defendants admitted to
41 drinking at this establishment prior to being arrested. She felt the petitioner should appear before the Assembly to explain
42 what they were doing about the situation.
43

44 Mr. Whittle felt the Assembly needed to be consistent with these types of actions. He pointed out that the Assembly had
45 approved other alcoholic licenses when there were problems.
46

47 Ms. Fairclough moved, to postpone AM 11-2003 until January 14, 2003, and request the
48 seconded by Mr. Tremaine, applicant to address the Assembly.
49 and it passed without objection,
50

51 Chairman Traini asked Municipal Attorney Bill Greene to notify the applicant that the Assembly would like him to appear at
52 the January 14, 2003 meeting.
53

- 54 4. Assembly Memorandum No. AM 22-2003, 2003 grant for **operation costs at Chugiak Senior**
55 **Center** (\$250,000), Health and Human Services.
56

57 Mr. Whittle moved, to approve AM 22-2003.
58 seconded by Mr. Whittle,
59 and it passed without objection,
60

61 Mr. Whittle felt the care of seniors and assisted living should be the best that it could be. He asked the Assembly to make
62 every effort to fund these facilities in the future.
63

- 64 5. Assembly Memorandum No. AM 23-2003, **Executive Appointments** (Denis LeBlanc – Director,
65 Management and Budget; Robert Hall – Director, Solid Waste Services; Thomas Wilson – Director of Public
66 Transportation; Jim Posey – General Manager, Municipal Light and Power; John Rodda – Director of
67 Cultural and Recreational Services; Mike Scott – Executive Director Planning, Developmental Services and
68 Public Works), Employee Relations.
69

70 Mr. Tesche moved, to postpone AM 23-2003 until January 14, 2003.
71 seconded by Ms. Shamberg,
72 and it passed without objection,
73

74 After discussion, it was decided that the confirmation hearings would be held on January 10, 2003 from 9:00 a.m. to 11:00
75 a.m.
76

77 E. INFORMATION AND REPORTS: None
78

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

- 1. Resolution No. AR 2003-6, a resolution of the Anchorage Municipal Assembly revising the 2003 General Government Operating Budget by appropriating \$125,000 from Areawide General Fund (101) Balance to the Public Transportation Department to provide funding to **reinstate the ADA service on the Hillside and Sand Lake**, Assemblymembers Taylor and Van Etten.
 - a. Assembly Memorandum No. AM 13-2003

Ms. Fairclough, Ms. Taylor and Ms. Von Gemmingen joined in introducing this AR 2003-6.

Ms. Fairclough moved, to insert the dollar amount in words “one-hundred twenty-five thousand”.
seconded by Ms. Taylor,
and it passed without objection,

- 2. Resolution No. AR 2003-11, a resolution of the Anchorage Municipal Assembly revising the 2003 General Government Operating Budget by **increasing the Fire Department appropriation by \$675,000** and reducing appropriations within various administrative departments by \$675,000.
 - a. Assembly Memorandum No. AM 19-2003

Mr. Tesche noted that AR 2003-11 had not been introduced. He withdrew the resolution after a productive meeting with the City Manager, the Mayor and the Fire Department Chief regarding alternate ways of addressing these issues without having any layoffs and an assurance that Squad One would continue to operate.

- 3. Resolution No. AR 2003-18, a resolution of the Anchorage Municipal Assembly revising the 2003 General Government Operating Budget by appropriating Fifty-Two Thousand Dollars (\$52,000) from Areawide General Fund (101) balance to the Public Transportation Department to provide funding for continued bus service on Martin Luther King Day, President’s Day, Veteran’s Day, and the Day After Thanksgiving. The public hearing was scheduled for January 28, 2003. (LAID ON THE TABLE.)

Mr. Sullivan moved, to introduce Resolution No. AR 2003-18.
Ms. Fairclough seconded,
Ms. Taylor was third,

- 4. Ordinance No. AO 2003-6, an ordinance of the Anchorage Municipal Assembly amending Chapter 1.15 of the Anchorage Municipal Code (**Conflict of Interest**) relating to confidentiality of complaints and amending AMC 1.15.150 relating to sanctions for violations of AMC 1.15, Assemblymember Tesche.
 - a. Assembly Memorandum No. AM 40-2003

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

- A. Ordinance No. AO 2002-117, an ordinance repealing or amending and renumbering sections of Anchorage Municipal Code Chapters 21.67, 15.40, and 15.50 and Anchorage Municipal Code of Regulations Chapter 21.67, regarding **Stormwater and Watershed Management**; and amending Anchorage Municipal Code Sections 4.40.150, 14.60.030, 21.10.015, 21.35.020 and 21.40.230; to provide for the implementation and enforcement of stormwater and watershed management, Development Services.
 - 1. Assembly Memorandum No. AM 717-2002
- B. Ordinance No. AO 2002-160, an ordinance amending the zoning map and providing for the rezoning of approximately 632 acres from PLI-p (Public Lands and Institutions District-Park) and R-10 (Residential Alpine/Slope District) to PLI-p (Public Lands and Institutions District-Park) for all of **Section 36, Township 12 North, Range 3 West, Seward Meridian, A.K.**, minus that portion zoned “AF” per AO 92-122 (consisting of approximately 8+/- acres); generally located in the Upper Hillside Area on either side of Clarks Road and east of Rabbit Creek Road (Bear Valley & Rabbit Creek Community Councils) (Planning and Zoning Commission Case 2002-127), Planning Department.
 - 1. Assembly Memorandum No. AM 896-2002

12. APPEARANCE REQUESTS:

- A. **Jed Whittaker**, regarding gun rights, privacy, the U.S. Constitution and the U.S. Patriot Act.
- B. **Raymond Anthony Crown**, regarding affordable housing.

(Clerk’s Note: The scheduled speakers were not present at the meeting.)

13. CONTINUED PUBLIC HEARINGS

- A. Resolution No. AR 2002-387, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages conditional use in the B-3 District for a beverage dispensary license per AMC 21.40.180.D.8, for the **Pho Mailee Restaurant**, located in Suite #20, Minnesota Commons Subdivision, Block 1A; generally located on the southwest corner of Minnesota Drive and West Benson Boulevard (Spenard Community Council) (Case 2002-239), Planning Department.
 - 1. Assembly Memorandum No. AM 1033-2002

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

1 Ms. Von Gemmingen moved, to approve AR 2003-387.
2 Mr. Sullivan seconded,

3
4 Mr. Sullivan urged the Assembly members to approve AR 2002-387.

5
6 Question was called on the motion to approve AR 2003-387 and it passed.

7
8 AYES: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Van Etten, Kendall, Shamberg, Tremaine, Sullivan
9 NAYS: None

- 10
11 B. Ordinance No. AO 2002-163, an ordinance amending Anchorage Municipal Code Title 5, and Anchorage
12 Municipal Code of Regulations, Title 5, governing the **Anchorage Equal Rights Commission** to correct
13 errors in citations and grammar; to move certain definitions from the Regulations to the Code; to reorganize
14 the duties of the Standing Committee on the Promotion of Tolerance and Diversity; and to make other
15 substantive and technical changes, Anchorage Equal Rights Commission.
16 1. Assembly Memorandum No. AM 955-2002

17
18 Chairman Traini opened the public hearing and asked if anyone wished to speak.

19
20 CHRIS LYOU, Chairman of the Anchorage Equal Rights Commission, recommended passage of AO 2002-163 and AO
21 2002-164 with a few amendments.

22
23 REVERAND GREEN testified in favor of the ordinance, but questioned if there were sufficient enforcement resources
24 available.

25
26 JESSICA CAREY-GRAHAM testified in favor of the ordinance, but disagreed with a portion of it. She had investigative
27 issues and questioned if adequate resources were available.

28
29 Chairman Traini asked if anyone else wished to speak. There was no one, and he closed the public hearing.

30
31 Ms. Taylor moved, to approve AO 2002-163.
32 Mr. Tesche seconded,

33
34 In response to Ms. Taylor, Ms. Barbara Jones explained dispositive motions, resources and the 240-day issue.

35
36 Mayor Wuerch felt AO 2003-163 was good public policy and a strong statement of leadership from the Assembly and the
37 Administration on tolerance and diversity in the community.

38
39 Mr. Tesche moved, to amend AO 2002-163 to add amendments 1-6.
40 seconded by Ms. Taylor,
41 and it passed without objection,

42
43 Question was called on the motion to approve AO 2003-163 as amended and it passed.

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

- 46
47 C. Ordinance No. AO 2002-164, an ordinance amending Anchorage Municipal Code Title 5 to add a new
48 Chapter providing for **fair housing practices and enforcement**, Anchorage Equal Rights Commission.
49 1. Assembly Memorandum No. AM 956-2002

50
51 Chairman Traini opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public
52 hearing.

53
54 Mr. Tesche moved, to approve AO 2002-164.
55 seconded by Ms. Taylor,

56
57 Ms. Von Gemmingen requested a work session regarding assisted-living homes zoning matters.

58
59 In response to Ms. Von Gemmingen, Ms. Jones noted that discriminatory zoning practices could be illegal under this
60 provision.

61
62 Municipal Attorney Bill Greene felt the zoning issues were related to this ordinance, but did not need to be included. There
63 was no direct relationship between the Title 21 zoning ordinances and the Anchorage Equal Rights Commission Fair Housing
64 ordinances.

65
66 Ms. Fairclough discussed the wording of the proposed amendments.

67
68 In response to Mr. Kendall, Ms. Jones explained when a landlord could or could not discriminate on the basis of religion.

69
70 Ms. Jones noted that the Assembly did not have the current document.

71
72 Ms. Von Gemmingen moved, to postpone AO 2002-164 to January 14, 2003.
73 seconded by Mr. Tesche,
74 and it passed without objection,

75
76 Ms. Taylor moved, for immediate reconsideration of AO 2003-163.
77 seconded by Mr. Tesche,

78

1 Ms. Taylor urged a no vote.

2
3 Question was called on the motion for immediate reconsideration of AO 2003-163 and it passed.

4
5 AYES: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Van Etten, Kendall, Shamberg, Tremaine, Sullivan
6 NAYES: None

7
8 D. Ordinance No. AO 2002-174, an ordinance of the Anchorage Assembly amending Title 2.10 of the
9 Anchorage Municipal Code by enactment of a new Section 2.10.075 relating to the adoption of the
10 Anchorage Assembly's **annual State Legislative Program** and establishing the implementation of the
11 annual State Legislative Program as a prescribed duty of the Mayor.
12 1. Assembly Memorandum No. AM 988-2002
13 2. Assembly Memorandum No. AM 1068-2002

14
15 Chairman Traini opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public
16 hearing.

17
18 Mr. Tesche moved, to approve AO 2002-174.
19 seconded by Ms. Shamberg,

20
21 In response to Mr. Tesche, Ms. Fairclough discussed the timeline of the receipt of the State Legislative Program.

22
23 Ms. Fairclough moved, to amend AO 2002-174, line 23, to change the deadline to
24 seconded by Mr. Tesche, December 15th of the preceding year.
25 and it passed without objection,

26
27 Question was called on the motion to approve AO 2002-174 as amended and it passed.

28
29 AYES: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Van Etten, Kendall, Shamberg, Tremaine, Sullivan
30 NAYES: None

31
32 Chairman Traini ruled that the Assembly would return to item 10B3.

33
34 10B3 Resolution No. AR 2003-10, a resolution of the Anchorage Assembly approving the **site plan for**
35 **the development of Little League ball fields and a community park** in the southwest corner of
36 Far North Bicentennial Park, Project Management & Engineering.
37 a. Assembly Memorandum No. AM 18-2003

38
39 Mr. Tesche moved, to introduce AR 2003-10 and postpone until January 14, 2003.
40 seconded by Mr. Kendall,
41 and it passed without objection,

42
43 The Assembly then returned to item 13E.

44
45 E. Ordinance No. AO 2002-178, an ordinance of the Anchorage Municipal Assembly amending Anchorage
46 Municipal Code by adding a new Section 6.10.032, **Budget Performance Measures**, Assemblymembers
47 Tesche, Fairclough, and Tremaine.

48
49 Chairman Traini opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public
50 hearing.

51
52 Mr. Tremaine moved, to postpone AO 2002-178 to January 28, 2003.
53 seconded by Mr. Whittle,
54 and it passed without objection,

55
56 Mr. Van Etten requested a work session for AO 2002-178.

57
58 F. Ordinance No. AO 2002-158, an ordinance of the Municipality of Anchorage authorizing the levy of a
59 special tax per year in the Anchorage Fire Service Area, the Girdwood Valley Service Area, and the
60 Chugiak Fire Service Area, to pay the **cost of operation and maintenance of public and private fire**
61 **hydrants** and authorizing the Municipality to submit the question of the levy of the tax to the qualified
62 voters residing in each service area at the April 1, 2003 Regular Municipal Election, Assembly Chair Traini
63 and Assemblymember Tesche.
64 1. Assembly Memorandum No. AM 898-2002

65
66 Chairman Traini opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public
67 hearing.

68
69 Mr. Tesche moved, to postpone AO 2002-158 indefinitely.
70 seconded by Ms. Fairclough,
71 and it passed without objection,

72
73 G. Ordinance No. AO 2002-176, an ordinance repealing and reenacting **Title 23** of the Anchorage Municipal
74 Code to adopt the 2000 Editions of the following codes and enacting local amendments thereto:
75 Administrative, Building, Mechanical, Plumbing, Electrical, Fire, Existing Buildings, Residential, Building
76 Construction Contractor Requirements, Fire Protection Service Outside Service Areas, Energy Conservation, School
77 Relocatables, Safety Code for Elevators and Escalators, Electrical Code, Mobile Aircraft Shelters, Grading, Fuel and
78 Gas Code, Development Services.

1. Assembly Memorandum No. AM 1012-2002

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

RAJA BHARGAVA testified in favor of the ordinance.

KIT DAHLSTROM testified against the ordinance.

GEORGE TUCKNESS testified in favor of the ordinance.

NEWTON CHASE testified in favor of the ordinance.

FRANK CAPPALAR testified against the ordinance.

TOM GERVAY testified against the ordinance.

LARRY GILFILLAN testified against the ordinance.

MARK NEEDLER testified in favor of the ordinance.

DAVE SHUNAWAY favored adopting one set of codes, but he had no preference either way.

JOHN McCRUEL testified in favor of the ordinance.

RON AXSMITH testified in favor of the ordinance.

ROBERT SMITH testified against the ordinance.

JAMES DUDOBSKI testified in favor of the ordinance with the exception of the plumbing and uniform building codes.

JOE AVEG testified in favor of the ordinance.

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

Mr. Sullivan moved, to approve AO 2002-176.
seconded by Mr. Tremaine,

Mr. Sullivan moved, to amend AO 2002-176 to adopt the uniform mechanical code rather
seconded by Ms. Shamberg, than the international code.

In response to Mr. Kendall, Gary Heil explained the difference between the uniform and international mechanical codes.

In response to Mr. Sullivan, Mr. Thompson said the uniform and international mechanical codes were reviewed and a comparison document was provided. The vote was to go forward with the international mechanical code.

In response to Mr. Kendall, Mr. Thompson explained how the committee functioned.

Question was called on the motion to amend AO 2002-176 and it failed.

AYES: Whittle, Taylor, Kendall, Tremaine, Sullivan

NAYES: Tesche, Fairclough, Traini, Von Gemmingen, Van Etten, Shamberg

Mr. Kendall moved, to change the order of the day to take up item 11.A., AO 2002-117.,
seconded by Ms. Taylor,

AYES: Tesche, Von Gemmingen, Van Etten, Shamberg, Tremaine, Sullivan

NAYES: Whittle, Taylor, Fairclough, Traini, Kendall

The Assembly returned to item 16.G, AO 2002-176.

Mr. Kendall moved, to amend AO 2002-176 to reinstate chapter 12 of the Uniform
seconded by Ms. Taylor, Plumbing Code.

In response to Mr. Tesche, Mr. Murdy said the Administration had not had the opportunity to review Mr. Kendall's amendments.

Mr. Tesche said he was not prepared to vote on Mr. Kendall's amendments until after the Administration had an opportunity to review and comment on them.

Chairman Traini asked all the Assemblymembers to submit their proposed changes to the Administration by Thursday so Mr. Murdy could review them and be prepared to discuss them at the next meeting.

Mr. Tesche moved, to postpone AO 2002-176 to January 14, 2003.
seconded by Mr. Van Etten,
and it passed without objection,

14. NEW PUBLIC HEARINGS

- 1 A. Ordinance No. AO 2002-179, an ordinance of the Anchorage Municipal Assembly amending Anchorage
 2 Municipal Code 28.10.040 to add a definition of **Ballot**, and enacting Anchorage Municipal Code
 3 28.40.010.G. concerning the form of ballots to be used with optical scanning equipment, Assembly Chair
 4 Traini.
 5 1. Assembly Memorandum No. AM 1016-2002
 6 2. Ordinance No. AO 2002-179(S), an ordinance of the Anchorage Municipal Assembly amending
 7 Anchorage Municipal Code 28.10.040 to add a definition of *Ballot*, and enacting Anchorage
 8 Municipal Code 28.40.010.G. concerning the form of ballots to be used with optical scanning
 9 equipment, Assembly Chair Traini.
 10 3. Assembly Memorandum No. AM 42-2003

11
 12 Chairman Traini opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public
 13 hearing.

14
 15 Mr. Tesche moved, to approve AO 2002-179(s).
 16 seconded by Mr. Tremaine,

17
 18 Mr. Tesche moved, to amend AO 2002-179(s), page 2, lines 25 and 26, to delete “list the
 19 seconded by Ms. Shamberg, projects and estimated costs.”
 20 and it passed without objection,

21
 22 Mr. Tesche moved, to amend AO 2002-179(s), line 21, to read: “Only the tabulating ballots
 23 seconded by Ms. Fairclough, shall bear the serial numbering on the stub”.
 24 and it passed without objection,

25
 26 Mr. Tesche moved, to amend AO 2002-179(s), line 34, to delete “#3.” and move “each”
 27 seconded by Ms. Fairclough, over to be a separate paragraph.
 28 and it passed without objection,

29
 30 Mr. Tesche moved, to amend AO 2002-179(s) so the term effective date reads as follows:
 31 seconded by Ms. Taylor, “This ordinance shall take effect on the date the United States
 32 and it passed without objection, Department of Justice issues its non-objection or the date by which
 33 the United States Department of Justice must object if no objection
 34 is issued within the objection period.”
 35

36 Question was called on the motion to approve AO 2002-179(s) as amended and it passed.

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

40
 41 (Clerk’s Note: Mr. Kendall was out of the room at the time of the vote.)
 42

- 43 B. Ordinance No. AO 2002-180, an ordinance of the Anchorage Municipal Assembly amending Anchorage
 44 Municipal Code Subsections 28.70.030.A.9., 28.70.040.B.4., 28.70.050.A.1., 28.70.050.A.9., and
 45 28.70.050.A.12., regarding **counting of votes**, Chair Traini.
 46 1. Assembly Memorandum No. AM 1017-2002

47
 48 Chairman Traini opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public
 49 hearing.

50
 51 Mr. Tesche moved, to approve AO 2002-180.
 52 seconded by Mr. Tremaine,

53
 54 Mr. Tesche moved, to amend AO 2002-180 to change “or election official” to “designee.”
 55 seconded by Mr. Tremaine,
 56 and it passed without objection,

57
 58 Mr. Tremaine moved, to amend AO 2002-180, line 22 and line 41, to correct the spelling of
 59 seconded by Mr. Tesche, “filled in.”
 60 and it passed without objection,

61
 62 Mr. Tesche moved, to amend AO 2002-180 so the term effective date reads as follows:
 63 seconded by Mr. Tremaine, “This ordinance shall take effect on the date the United States
 64 and it passed without objection, Department of Justice issues its non-objection or the date by which
 65 the United States Department of Justice must object if no objection
 66 is issued within the objection period.”
 67

68 Question was called on the motion to approve AO 2002-180 as amended and it passed.

69
 70 AYES: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Van Etten, Shamberg, Tremaine, Sullivan
 71 NAYES: None

72
 73 (Clerk’s Note: Mr. Kendall was out of the room at the time of the vote.)
 74

- 75 C. Ordinance No. AO 2002-181, an ordinance of the Anchorage Municipal Assembly amending Anchorage
 76 Municipal Code Subsections 28.80.030.D. and 28.80.030.E., regarding **ballot review; certification of**
 77 **election**, Chair Traini.
 78 1. Assembly Memorandum No. AM 1018-2002

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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 AO 2002-181.
seconded by Ms. Von Gemmingen,

Mr. Tesche moved, to amend AO 2002-181, line 18, to read: "If a question or absentee ballot is **not** rejected".
seconded by Mr. Tremaine,
and it passed without objection,

Mr. Tesche moved, to amend AO 2002-181 so the term effective date reads as follows:
seconded by Mr. Tremaine, "This ordinance shall take effect on the date the United States
and it passed without objection, Department of Justice issues its non-objection or the date by
which the United States Department of Justice must object if no
objection is issued within the objection period".

Question was called on the motion to approve AO 2002-181 as amended and it passed.

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

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

D. Ordinance No. AO 2002-182, an ordinance of the Anchorage Municipal Assembly amending Anchorage
Municipal Code Subsection 28.90.040.C., regarding **election recount**, Chair Traini.
1. Assembly Memorandum No. AM 1019-2002

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

Mr. Tesche moved, to approve AO 2002-182.
seconded by Ms. Von Gemmingen,

Mr. Tesche moved, to amend AO 2002-182 so the term effective date reads as follows:
seconded by Mr. Tremaine, "This ordinance shall take effect on the date the United States
and it passed without objection, Department of Justice issues its non-objection or the date by
which the United States Department of Justice must object if no
objection is issued within the objection period."

Question was called on the motion to approve AO 2002-182 as amended and it passed.

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

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

E. Ordinance No. AO 2002-183, an ordinance of the Anchorage Municipal Assembly amending Anchorage
Municipal Code Section 28.110.050 and 28.110.060, regarding **mail-in ballots for certain special
elections**, Chair Traini.
1. Assembly Memorandum No. AM 1020-2002

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

Mr. Tesche moved, to approve AO 2002-183.
seconded by Ms. Von Gemmingen,

Mr. Tesche moved, to amend AO 2002-183, lines 22 and 23, to delete the text that is bold
seconded by Ms. Von Gemmingen, and underlined and put a period after "officer."
and it passed without objection,

Mr. Tesche moved, to amend AO 2002-183, line 30, to underline the word "chapter" before
seconded by Ms. Taylor, the all caps bracketed section.
and it passed without objection,

Mr. Tesche moved, to amend AO 2002-183, line 45, to replace the word "reject" to
seconded by Mr. Tremaine, "rejected."
and it passed without objection,

Mr. Tesche moved, to amend AO 2002-183 to add a new section 3 to read: "This
seconded by Ms. Shamberg, ordinance shall take effect on the date the United States Department
and it passed without objection, of Justice issues its non-objection or the date by which the United
States Department of Justice must object if no objection is issued
within the objection period."

1 Question was called on the motion to approve AO 2002-183 as amended and it passed.

2
3 AYES: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Van Etten, Shamberg, Tremaine, Sullivan
4 NAYES: None

5
6 (Clerk’s Note: Mr. Kendall was out of the room at the time of the vote.)

7
8 F. Ordinance No. AO 2002-184, an ordinance of the Anchorage Municipal Assembly amending Anchorage
9 Municipal Code Section 28.120.070, regarding **compensation of election commission members**, Chair
10 Traini.
11 1. Assembly Memorandum No. AM 1021-2002

12
13 Chairman Traini opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public
14 hearing.

15
16 Mr. Tesche moved, to approve AO 2002-184.
17 seconded by Ms. Shamberg,

18
19 Mr. Tesche moved, to amend AO 2002-184, section 2, to read: “This ordinance shall take
20 seconded by Mr. Tremaine, effect on the date the United States Department of Justice issues its
21 and it passed without objection, non-objection or the date by which the United States Department of
22 Justice must object if no objection is issued within the objection
23 period.”
24

25 Question was called on the motion to approve AO 2002-184 as amended and it passed.

26
27 AYES: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Van Etten, Kendall, Shamberg, Tremaine, Sullivan
28 NAYES: None

29
30 Chairman Traini ruled the Assembly would address AR 2003-23.

31
32 Resolution 2003-23, a resolution of the Anchorage Municipal Assembly stating its temporary non-objection
33 to the transfer of ownership of a restaurant/eating place liquor license to Kincaid Grill at 6700 Jewel Lake
34 Road.

35
36 Mr. Tesche moved, to approve AR 2003-23.
37 seconded by Ms. Von Gemmingen,

38
39 Mr. Sullivan asked the Clerk to contact Sherry Jackson at the Sand Lake Community Council on this issue.

40
41 Question was called on the motion to approve AR 2003-23 and it passed.

42
43 AYES: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Van Etten, Kendall, Shamberg, Tremaine, Sullivan
44 NAYES: None

45
46 G. Ordinance No. AO 2002-172, an ordinance amending Anchorage Municipal Code Section 11.50.030.A. to
47 increase the number of members on the **Port Commission** from seven to nine, and authorizing up to two
48 members to be Alaskan citizens who are not residents of the Municipality, Port of Anchorage.
49 1. Assembly Memorandum No. AM 1032-2002

50
51 Carried over to January 14, 2003.

52
53 H. Ordinance No. AO 2002-175, an ordinance amending Anchorage Municipal Code Subsection 9.28.030.D.,
54 regarding **minimum sentencing for failure to have vehicle insurance**, to correct the sentencing structure,
55 Legal Department.
56 1. Assembly Memorandum No. AM 1008-2002

57
58 Carried over to January 14, 2003.

59
60 I. Resolution No. AR 2002-393, a resolution appropriating \$180,000 of **HOME Investment Partnership**
61 **(HOME) grant** program income from the recovery of United States Housing and Urban Development
62 grant HOME Investment Partnership Program (HOME) loans, and appropriating said funds to the Federal
63 Categorical Grants Fund (241), Planning Department.
64 1. Assembly Memorandum No. AM 1047-2002

65
66 Chairman Traini opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public
67 hearing.

68
69 Mr. Van Etten moved, to approve AO 2002-393.
70 seconded by Ms. Von Gemmingen,

71
72 Question was called on the motion to approve AO 2002-393 and it passed.

73
74 AYES: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Van Etten, Kendall, Shamberg, Tremaine, Sullivan
75 NAYES: None

76
77 J. Resolution No. AR 2002-394, a resolution appropriating **annual entitlement grants** from the U.S.
78 Department of Housing and Urban Development and anticipated program income in the amounts of

1 \$2,283,000 of entitlement and \$180,000 of anticipated program income for the Community Block Grant
 2 (CDBG), \$1,071,000 of entitlement for the HOME Investment Partnership Program (HOME), and \$80,000
 3 of entitlement for Emergency Shelter Grants (ESG), and appropriating said funds to the Federal Categorical
 4 Grants Fund (241), Planning Department.

5 1. Assembly Memorandum No. AM 1057-2002
 6

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

9
 10 Ms. Fairclough declared she had a conflict of interest. She was the director of STAR and they would be receiving funds from
 11 this.

12 Chairman Traini ruled that Ms. Fairclough had a conflict of interest and would abstain from voting.

13
 14 Mr. Van Etten moved, to approve AO 2002-394.
 15 seconded by Ms. Von Gemmingen,
 16

17
 18 Question was called on the motion to approve AO 2002-394 and it passed.
 19

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

21 NAYES: None

22 ABSTAIN: Fairclough
 23

24 K. Resolution No. AR 2002-401, a resolution of the Municipality of Anchorage appropriating the sum of
 25 \$375,000 from the Anchorage Fire Service Area (131) Fund Balance to the Anchorage Fire Department
 26 **2002 Anchorage Fire Service Area Operating Budget**, Anchorage Fire Department.

27 1. Assembly Memorandum No. AM 1064-2002
 28

29 Carried over to January 14, 2003.
 30

31 L. Resolution No. AR 2002-402, a resolution of the Municipality of Anchorage appropriating \$268,000 from
 32 the Anchorage Roads and Drainage Service Area 2002 Operating Budget (Fund 141) as a contribution to
 33 the Anchorage Roads and Drainage Service Area Capital Improvement Program (Fund 441) for
 34 **Governmental Accounting Standards Board**, Statement Number 34 (GASB-34), compliance
 35 implementation, Maintenance and Operations.

36 1. Assembly Memorandum No. AM 1065-2002
 37

38 Carried over to January 14, 2003.
 39

40 M. Resolution No. AR 2002-403, a resolution appropriating \$237,325 of Year 2002 Special Assessment and
 41 Interest Collections and \$101,553 of Fund Balance within the Special Assessment Bond Redemption Fund
 42 (899) for **Special Assessment Bond Debt Service**, Finance.

43 1. Assembly Memorandum No. AM 1066-2002
 44

45 Carried over to January 14, 2003.
 46

47 N. Resolution No. AR 2002-405, a resolution of the Anchorage Municipal Assembly appropriating \$393,686
 48 from the U.S. Department of Justice, Office of Justice Programs, Local Law Enforcement Block Grant and
 49 \$43,743 as a contribution from the Anchorage Police Service Area Fund (151), Anchorage Police
 50 Department 2002 Operating Budget, to the Federal Categorical Grants Fund (241), Anchorage Police
 51 Department, for the purpose of **underwriting projects to reduce crime and improve public safety**,
 52 Anchorage Police Department.

53 1. Assembly Memorandum No. AM 1058-2002
 54

55 Carried over to January 14, 2003.
 56

57 O. Resolution No. AR 2002-406, a resolution of the Municipality of Anchorage appropriating \$148,000 from
 58 the Anchorage Metropolitan Police Service Area Fund Balance (151) to the **Anchorage Police**
 59 **Department's 2002 Operating Budget**, Anchorage Police Department.

60 1. Assembly Memorandum No. AM 1069-2002
 61

62 Carried over to January 14, 2003.
 63

64 P. Ordinance No. AO 2002-177, an ordinance amending Anchorage Municipal Code Chapter 15.65, to
 65 develop comprehensive and specific regulations for **advanced on-site wastewater treatment systems and**
 66 **standards**, Development Services.

67 1. Assembly Memorandum No. AM 1009-2002
 68

69 Carried over to January 14, 2003.
 70

71 Q. Ordinance No. AO 2002-167, an ordinance amending the zoning map and providing for the rezoning of
 72 approximately 2.19 acres from PLI (Public Lands and Institutions District) to R-1 (One-Family District) for
 73 **BLM Lot 46, Section 11, Township 14 North, Range 2 West, S.M.**, Alaska; generally located at
 74 10500 Old Eagle River Road (Eagle River Community Council) (Planning and Zoning Commission Case 2002-
 75 141), Planning Department.

76 1. Assembly Memorandum No. AM 943-2002
 77

78 Carried over to January 14, 2003.

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- R. Ordinance No. AO 2002-173, an ordinance of the Anchorage Municipal Assembly amending the zoning map and providing for the rezoning of approximately 8.98 acres from R-10 (Residential Alpine/Slope District) to R-6 SL (Suburban Residential District-Large Lot with Special Limitations) for **Tract A-3, Charlice Subdivision**, generally located on the south side of White Spruce Drive, north of Eagle River Road, Eagle River (Eagle River Valley Community Council) (Planning and Zoning Commission Case 2002-142), Planning Department.
 - 1. Assembly Memorandum No. AM 986-2002

Carried over to January 14, 2003.

15. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:

- A. Appeal S-10873, Kincaid Estates Subdivision, Municipal Clerk.

This item was addressed earlier in the meeting. See after the pledge of allegiance.

16. SPECIAL ORDERS:

- A. Resolution No. AR 2003-18, a resolution of the Anchorage Municipal Assembly revising the 2003 General Government Operating Budget by appropriating \$52,000 from Areawide General Fund (101) Balance to the Public Transportation Department to provide funding for **continued bus service** on Martin Luther King Day, President’s Day, Veterans’ Day, and the day after Thanksgiving, Assemblymember Taylor.
 - 1. Assembly Memorandum No. AM 41-2003
- B. Confirmation hearings on **executive appointments** contained in AM 23-2003 were scheduled for 10 a.m. on Friday, January 10, 2003.
- C. Chairman Traini noted that Ms. Von Gemmingen resigned as Assembly Vice Chair and he thanked her for her service to the Anchorage Assembly.

Mr. Tesche moved, to appoint Anna Fairclough to the remainder of Fay Von Gemmingen’s term as vice-chair.
seconded by Ms. Taylor,
and it passed without objection,
- D. Resolution No. AR 2003-23, a resolution of the Anchorage Municipal Assembly stating its temporary non-objection to the transfer of ownership of a restaurant/eating place liquor license to **Kincaid Grill** at 6700 Jewel Lake Road, Assembly Chair Traini.

- 17. UNFINISHED AGENDA:** None
- 18. AUDIENCE PARTICIPATION:** None
- 19. ASSEMBLY COMMENTS:** None
- 20. EXECUTIVE SESSIONS:** None
- 21. ADJOURNMENT:**

The meeting adjourned at 11:00 p.m.

Chairman

ATTEST:

Municipal Clerk
Date Minutes Approved: July 15, 2003

LH:KRON

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