

1 MUNICIPALITY OF ANCHORAGE

2 ANCHORAGE ASSEMBLY

3 Minutes for Regular Meeting of January 28, 2003

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10 1. CALL TO ORDER:

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12 The meeting was convened at 5:05 p.m. by Assembly Chairman Dick Traini in the Assembly Chambers, 3600 Denali,  
13 Anchorage, Alaska.

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15 2. ROLL CALL:

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

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21 3. PLEDGE OF ALLEGIANCE:

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23 The pledge was led by Pete Raiskums, Internal Auditor.

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25 4. MINUTES OF PREVIOUS MEETING: None

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27 5. MAYOR'S REPORT:

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29 Mayor Wuerch said the Government Finance Officers' Association awarded the Municipality of Anchorage a certificate of  
30 achievement for excellence in financial reporting for the 2001 Comprehensive Annual Financial Report. He reported on the  
31 U.S. Conference of Mayors, which was held at the White House. President Bush met with 200 mayors to discuss the issues  
32 addressed in the State of the Union speech. The Muniversity was a series of Tuesday noontime sessions discussing city  
33 government and would be broadcast on channel 10 at 10:00 a.m., 2:00 p.m. and 10:00 p.m. The Assembly viewed the  
34 television ads that Municipal Light and Power would be running through March.

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36 6. ASSEMBLY CHAIR'S REPORT:

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38 Chairman Traini reported on the Joint Legislative Program, which was well received by the Legislature.

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40 7. COMMITTEE REPORTS: None

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42 8. ADDENDUM TO AGENDA:

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44 Mr. Tesche moved, to amend the agenda to include the addendum items.  
45 seconded by Ms. Von Gemmingen,

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47 Chairman Traini read the addendum items.

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

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51 9. CONSENT AGENDA:

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

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56 A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS:

- 57 1. Resolution No. AR 2003-4, a resolution of the Anchorage Municipal Assembly recognizing and  
58 honoring the **East Eagles** for the great season leading to the Pop Warner Super Bowl,  
59 Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine,  
60 Van Etten, Von Gemmingen and Whittle.

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

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64 2. Resolution No. AR 2003-31, a resolution of the Anchorage Municipal Assembly **recognizing and**  
65 **honoring Senior Patrol Officer Gareth B. Stillman for his 25 years of service** with the  
66 Anchorage Police Department, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan,  
67 Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen, and Whittle.

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69 B. RESOLUTIONS FOR ACTION - OTHER:

- 70 1. Resolution No. AR 2003-32, a resolution of the Anchorage Municipal Assembly appointing  
71 Greg Moyer as **Ombudsman**, Assembly Chair Traini.  
72 a. Assembly Memorandum No. AM 60-2003

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

2. Resolution No. AR 2003-33, a resolution of the Anchorage Municipal Assembly revising the 2003 General Government Operating Budget by appropriating \$55,000 from Areawide General Fund (101) Balance to the Department of Assembly to cover additional costs incurred for the **2001 Independent Audit**, Assemblymember Von Gemmingen.
- a. Assembly Memorandum No. AM 58-2003

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

3. Resolution No. AR 2003-34, a resolution of the Anchorage Municipal Assembly revising the 2003 General Government Operating Budget by appropriating \$7,500 from Areawide General Fund (101) Balance to the Mayor’s Office to provide a matching grant for the purpose of a preliminary investigation and organization of a **Juvenile Assessment Center**, Assemblymember Tesche.
- a. Assembly Memorandum No. AM 97-2003

**C. BID AWARDS: None**

**D. NEW BUSINESS:**

1. Assembly Memorandum No. AM 75-2003, **Zoning Board of Examiners and Appeals reappointment** (Richard Foster), Mayor’s Office.
2. Assembly Memorandum No. AM 76-2003, **Airport Aviation Advisory Commission appointments** (Scott Jones, Richard Armstrong), Mayor’s Office.
3. Assembly Memorandum No. AM 77-2003, **Americans with Disabilities Act Advisory Commission reappointments** (Louise Klune, Scott Bohne), Mayor’s Office.
4. Assembly Memorandum No. AM 78-2003, **Anchorage Parking Authority Board of Directors reappointments** (Diana Percy, Tim Rogers), Mayor’s Office.
5. Assembly Memorandum No. AM 79-2003, **Animal Control Advisory Board reappointments** (Donald Daniels, Katie Nolan), Mayor’s Office.
6. Assembly Memorandum No. AM 80-2003, **Animal Control Appeals Board reappointment** (Larry Merriman), Mayor’s Office.
7. Assembly Memorandum No. AM 81-2003, **Arts Advisory Commission reappointments** (Henry Hedberg, Ron Lange), Mayor’s Office.

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

8. Assembly Memorandum No. AM 82-2003, **Building Board reappointments** (David Gardner, Jonathan Steele), Mayor’s Office.
9. Assembly Memorandum No. AM 83-2003, **Election Commission reappointments** (Beverly Dalzell, Lucretia Olsen), Mayor’s Office.
10. Assembly Memorandum No. AM 84-2003, **Emergency Medical Service Board reappointments** (Janice Ihrig, Tanya Leinicke), Mayor’s Office.

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

11. Assembly Memorandum No. AM 85-2003, **Board of Ethics appointment** (Paul Davis), Mayor’s Office.
12. Assembly Memorandum No. AM 86-2003, **Geotechnical Advisory Commission reappointments** (John Aho, Rodney Kinney, Jr.), Mayor’s Office.
13. Assembly Memorandum No. AM 87-2003, **Investment Advisory Commission reappointments** (Karen Jordan, Tom Maloney), Mayor’s Office.
14. Assembly Memorandum No. AM 88-2003, **Library Advisory Board reappointment** (Laurel Tatsuda), Mayor’s Office.
15. Assembly Memorandum No. AM 89-2003, **Light and Power Commission reappointment** (Spence Hochstein), Mayor’s Office.
16. Assembly Memorandum No. AM 90-2003, **Memorial Park Cemetery Advisory Commission reappointment** (Nona Johnson), Mayor’s Office.
17. Assembly Memorandum No. AM 91-2003, **Public Facilities Advisory Commission reappointments** (Howard Levine, Bernard Washington), Mayor’s Office.
18. Assembly Memorandum No. AM 92-2003, **Transportation Commission reappointment** (Michael White), Mayor’s Office.
19. Assembly Memorandum No. AM 93-2003, **The Bar-B-Q Pit-1160 W. Dimond Blvd. – New Restaurant/Eating Place Liquor License and Restaurant Designation** (Taku/Campbell Community Council), Clerk’s Office.
20. Assembly Memorandum No. AM 94-2003, 2003/2004 Liquor License Renewals: **Young Bin Restaurant** (#2908), **Mexico in Alaska Restaurant** (#1907), **Marx Bros. Café** (#1422), **Kumagoro** (#2276), **Gesines at 4 Corners** (#2115), **Eric’s Restaurant** (#1012), **Tempura Kitchen** (#1125), **Yamatoya Restaurant** (#1617) (Restaurant/Eating); **JJ’s Sports Center** (#0569), **Millennium Hotel** (#2486), **Brown Bear Saloon & Motel** (#1987), **Carousel Lounge** (#200), **Cheechako Bar** (#216), **Stuart Anderson’s Cattle Company Restaurant** (#1010), **Wm. A. Egan Civic and Convention Center** (#3234), **The Woodshed** (#1244) (Beverage Dispensary); **Tesoro 2 Go #62** (#1568), **Tesoro 2 Go #9** (#2614), **Tesoro 2 Go #7** (#2553), **Tesoro 2 Go #73** (#3991), **Tesoro 2 Go #71** (#3732), **Tesoro 2 Go #56** (#1198), **Tesoro 2 Go #55** (#1596), **Tesoro 2 Go #54** (#664), **Tesoro 2 Go #3** (#2278), **Tesoro 2 Go #2** (#2803), **Tesoro 2 Go #15** (#4054), **Brown Jug Inc.** (#4059), **Brown Jug, Inc.** (#686) (Package Store) (Spenard, Taku/Campbell, Downtown, Sand Lake, Turnagain, Campbell Park, Northeast, Fairview, Government Hill, North Star, South Addition, Old Seward/Oceanview, Eagle River, Tudor Area, Girdwood, Abbott Loop, Huffman/O’Malley, & Rogers Park Community Councils), Clerk’s Office.

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

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21. Assembly Memorandum No. AM 95-2003, **Time Out Lounge** – Transfer of Ownership and Renewal of a Beverage Dispensary Liquor License (Spenard, Tudor, Taku/Campbell, & Campbell Park Community Councils), Clerk’s Office.
22. Assembly Memorandum No. AM 96-2003, 2003/2004 Liquor License Renewal: **Brown Jug** (#0612)-11221 Old Glenn Hwy. (Eagle River Community Council), Clerk’s Office.

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

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23. Assembly Memorandum No. AM 57-2003, contract amendment No. 7 to professional services contract with KPMG LLP for the **2001 Independent Financial Statement Audit** (\$55,000), Assemblymember Von Gemmingen.

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

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24. Assembly Memorandum No. AM 69-2003, request for approval of amendment No. 2 to the contract for professional services with **Anchorage Convention and Visitors Bureau** extending the contract for one year through December 31, 2003, and providing \$5,750,000 for 2003 funding, Cultural and Recreational Services.
25. Assembly Memorandum No. AM 70-2003, change order No. 2 to purchase order 220794 with Beaver Wood Chipping for providing **roadside brush pick-up and woodlot services** to Eagle River residents as part of the 2002 wildfire mitigation efforts (\$35,668), Anchorage Fire Department.

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

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26. Assembly Memorandum No. AM 71-2003, recommendation of award to DOWL Engineers and CRW Engineering Group, LLC for providing professional architectural/engineering services for the **Arctic Boulevard Surface Rehabilitation Project and the 84<sup>th</sup> Avenue/Spruce Street Upgrade Project**, for the Municipality of Anchorage, Project Management & Engineering Department (RFP 22-P014 Projects A and E) (\$1,447,240), Purchasing.

33 Mr. Van Etten requested this item be considered on the Regular Agenda. See item 10D.

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27. Assembly Memorandum No. AM 72-2003, contract amendment No. 2 to contract No. 224030 with EES Consulting, Inc. for providing **independent consulting engineer services** for the Municipality of Anchorage, Municipal Light and Power (\$205,000), Purchasing.
28. Assembly Memorandum No. AM 73-2003, proprietary lease award to the State of Alaska, Department of Transportation and Public Facilities (ADOTPF) providing **leased land at the Girdwood Airport** for Girdwood water facilities for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (\$899.74), Purchasing.
29. Assembly Memorandum No. AM 101-2003, **Marguerite Hills Subdivision Appeal S-10927**, Municipal Clerk. (**addendum**)
30. Assembly Memorandum No. AM 102-2003, Assembly approval of change order #2 to contract with Clapp, Peterson, & Stowers to provide **legal services** in the area of tort liability (\$632,918), Finance. (**addendum**)
31. Assembly Memorandum No. AM 103-2003, recommendation for a grant award to Southcentral Foundation-Dena A. Coy for **substance abuse treatment services** for women (\$465,000), Health and Human Services. (**addendum**)

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

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53 **E. INFORMATION AND REPORTS:**

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1. Information Memorandum No. AIM 8-2003, **Internal Audit Department – 2002 Annual Report**, Internal Audit.
2. Information Memorandum No. AIM 9-2003, Internal Audit Department, **2003 Audit Plan**, Internal Audit.
3. Information Memorandum No. AIM 10-2003, **contracts awarded between \$50,000 and \$100,000 through formal competitive processes** for the month of December 2002, Purchasing.
4. Information Memorandum No. AIM 11-2003, waiver of formal procedures for **Anchorage Police Department (APD) grant application** for Municipality of Anchorage (Up to \$143,600), Purchasing.
5. Information Memorandum No. AIM 12-2003, Government Finance Officers Association **Certificate of Achievement Award**, Finance.
6. Information Memorandum No. AIM 14-2003, **E-911 Task Force Report**, Mayor’s Office. (**addendum**)

68 **F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:**

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1. Ordinance No. AO 2003-19, an ordinance submitting to the qualified voters residing in the **Bear Valley Limited Road Service Area** at the Regular Municipal Election April 1, 2003 a ballot proposition approving the continuation of said limited road service area for an additional period of three years. Anchorage Municipal Code Sections 27.20.290 and 27.30.370. Assemblymembers Shamberg and Tremaine. P.H. 2-11-03.
- a. Assembly Memorandum No. AM 59-2003
2. Ordinance No. AO 2003-20, an ordinance submitting to the qualified voters residing in the **Section 6/Campbell Airstrip Road Limited Road Service Area** at the Regular Municipal Election April 1, 2003 a ballot proposition approving the continuation of said limited road service

- area for an additional period of three years. Anchorage Municipal Code Sections 27.20.210 and 27.30.300. Assemblymembers Taylor and Whittle. P.H. 2-11-03.
- a. Assembly Memorandum No. AM 59-2003
3. Ordinance No. AO 2003-21, an ordinance submitting to the qualified voters residing in the **Sequoia Estates Limited Road Service Area** at the Regular Municipal Election April 1, 2003 a ballot proposition approving the continuation of said limited road service area for an additional period of three years. Anchorage Municipal Code Sections 27.20.300 and 27.30.380. Assemblymembers Shamberg and Tremaine. P.H. 2-11-03.
- a. Assembly Memorandum No. AM 59-2003
4. Ordinance No. AO 2003-22, an ordinance submitting to the qualified voters residing in the **Talus West Limited Road Service Area** at the Regular Municipal Election April 1, 2003 a ballot proposition approving the continuation of said limited road service area for an additional period of three years. Anchorage Municipal Code Sections 27.20.120 and 27.30.200. Assemblymembers Shamberg and Tremaine. P.H. 2-11-03.
- a. Assembly Memorandum No. AM 59-2003
5. Ordinance No. AO 2003-23, an ordinance submitting to the qualified voters residing in the **Upper O'Malley Limited Road Service Area** at the Regular Municipal Election April 1, 2003 a ballot proposition approving the continuation of said limited road service area for an additional period of three years. Anchorage Municipal Code Sections 27.20.130 and 27.30.210. Assemblymembers Shamberg and Tremaine. P.H. 2-11-03.
- a. Assembly Memorandum No. AM 59-2003
6. Ordinance No. AO 2003-24, an ordinance submitting to the qualified voters residing in the **Villages Scenic Parkway Limited Road Service Area** at the Regular Municipal Election April 1, 2003 a ballot proposition approving the continuation of said limited road service area for an additional period of three years. Anchorage Municipal Code Sections 27.20.310 and 27.30.390. Assemblymembers Shamberg and Tremaine. P.H. 2-11-03.
- a. Assembly Memorandum No. AM 59-2003
7. Ordinance No. AO 2003-9, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$41,790,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of **educational capital improvements** in the Municipality of Anchorage at an election in and for the Municipality of Anchorage on April 1, 2003, Anchorage School District. P.H. 2-11-03.
- a. Assembly Memorandum No. AM 53-2003
8. Ordinance No. AO 2003-10, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$42,000,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of **educational capital improvements** in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 1, 2003, Anchorage School District. P.H. 2-11-03.
- a. Assembly Memorandum No. AM 53-2003
- b. Ordinance No. AO 2003-10(S), an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$42,000,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 1, 2003, Assemblymember Tesche. P.H. 2-11-03. **(addendum)**
9. Ordinance No. AO 2003-11, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$125,540,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of **educational capital improvements** in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 1, 2003, Anchorage School District. P.H. 2-11-03.
- a. Assembly Memorandum No. AM 53-2003
10. Ordinance No. AO 2003-12, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$1,000,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of **areawide Public Transportation and related capital improvements** in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 1, 2003, Office of Management and Budget. P.H. 2-11-03.
- a. Assembly Memorandum No. AM 62-2003

Ms. Von Gemmingen requested this item be considered on the Regular Agenda. See item 10F.

11. Ordinance No. AO 2003-13, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$2,930,000 of General Obligation Bonds of the Municipality of Anchorage to pay a portion of the costs of **Emergency/911 System replacement, ambulances, emergency/areawide communications, and related capital improvements** in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 1, 2003, Office of Management and Budget. P.H. 2-11-03.
- a. Assembly Memorandum No. AM 63-2003
12. Ordinance No. AO 2003-14, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$1,870,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of **parks and recreation and related capital improvements in the Eagle River-Chugiak Parks and Recreation Service Area** and the question of an increase in the municipal tax cap limitation to pay associated operations and

1 maintenance costs at an election in and for the Municipality of Anchorage on April 1, 2003, Office  
2 of Management and Budget. P.H. 2-11-03.  
3 a. Assembly Memorandum No. AM 64-2003  
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5 Ms. Fairclough requested this item be considered on the Regular Agenda. See item 10F.  
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- 7 13. Ordinance No. AO 2003-15, an ordinance providing for the submission to the qualified voters of  
8 Anchorage, Alaska, the question of the issuance of \$4,895,000 of General Obligation Bonds of the  
9 Municipality of Anchorage to pay the costs of **parks and recreation and related capital**  
10 **improvements in the Anchorage Parks and Recreation Service Area** and the question of an  
11 increase in the municipal tax cap limitation to pay associated operations and maintenance costs at  
12 an election in and for the Municipality of Anchorage on April 1, 2003, Office of Management and  
13 Budget. P.H. 2-11-03.  
14 a. Assembly Memorandum No. AM 65-2003  
15 14. Ordinance No. AO 2003-16, an ordinance providing for the submission to the qualified voters of  
16 Anchorage, Alaska, the question of the issuance of \$1,700,000 of General Obligation Bonds of the  
17 Municipality of Anchorage to pay the costs of **parks and recreation and related capital**  
18 **improvements in the Anchorage Parks and Recreation Service Area** and the question of an  
19 increase in the municipal tax cap limitation to pay associated operations and maintenance costs at  
20 an election in and for the Municipality of Anchorage on April 1, 2003, Office of Management and  
21 Budget. P.H. 2-11-03.  
22 a. Assembly Memorandum No. AM 66-2003  
23 15. Ordinance No. AO 2003-17, an ordinance providing for the submission to the qualified voters of  
24 Anchorage, Alaska, the question of the issuance of \$7,270,000 of General Obligation Bonds of the  
25 Municipality of Anchorage to pay the costs of **acquiring property for, constructing and**  
26 **remodeling various areawide libraries and related capital improvements** in the Municipality  
27 of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated  
28 operations and maintenance costs at an election in and for the Municipality of Anchorage on  
29 April 1, 2003, Office of Management and Budget. P.H. 2-11-03.  
30 a. Assembly Memorandum No. AM 67-2003  
31 16. Ordinance No. AO 2003-18, an ordinance providing for the submission to the qualified voters of  
32 Anchorage, Alaska, the question of the issuance of \$39,950,000 of General Obligation Bonds of  
33 the Municipality of Anchorage to pay the costs of **road, storm drainage, and related capital**  
34 **improvements** and the question of an increase in the municipal tax cap limitation to pay  
35 associated operations and maintenance costs in the Anchorage Roads and Drainage Service Area  
36 at an election in and for the Municipality of Anchorage on April 1, 2003, Office of Management  
37 and Budget. P.H. 2-11-03.  
38 a. Assembly Memorandum No. AM 68-2003  
39 17. Ordinance No. AO 2003-25, an ordinance of the Anchorage Municipal Assembly submitting to  
40 the qualified voters of the Municipality of Anchorage at the Regular Election on April 1, 2003, a  
41 ballot proposition amending Article II of the Home Rule Charter by adopting a new section of the  
42 Bill of Rights to establish the **right to a safe city**, Assemblymember Tesche. P.H. 2-11-03.  
43 **(TO BE SUBMITTED)**  
44 a. Assembly Memorandum No. AM 98-2003  
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46 Mr. Tesche requested this item be considered on the Regular Agenda. See item 10F.  
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- 48 18. Ordinance No. AO 2003-27, an ordinance of the Anchorage Municipal Assembly submitting to  
49 the qualified voters of the Municipality of Anchorage at the Regular Election on April 1, 2003, a  
50 ballot proposition amending Article II of the Home Rule Charter by adopting a new section of the  
51 Bill of Rights to establish “The right and responsibility to promote and enhance the **natural**  
52 **beauty and horticultural heritage** of our community”, Assemblymember Tesche. P.H. 2-11-03.  
53 **(TO BE SUBMITTED)**  
54 a. Assembly Memorandum No. AM 99-2003  
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56 Mr. Tesche requested this item be considered on the Regular Agenda. See item 10F.  
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- 58 19. Ordinance No. AO 2003-28, an ordinance providing for the submission to the qualified voters of  
59 Anchorage, Alaska, the question of the issuance of \$525,000 of General Obligation Bonds of the  
60 Municipality of Anchorage to pay the costs of **constructing and remodeling the Alaska**  
61 **Museum of Natural History and related capital improvements** in the Municipality of  
62 Anchorage at an election in and for the Municipality of Anchorage on April 1, 2003,  
63 Assemblymember Tesche. P.H. 2-11-03. **(TO BE SUBMITTED)**  
64 a. Assembly Memorandum No. AM 100-2003  
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66 Mr. Tesche requested this item be considered on the Regular Agenda. See item 10F.  
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- 68 20. Ordinance No. AO 2003-7, an ordinance amending the zoning map and approving the rezoning of  
69 approximately 75 acres from R-6 (Suburban Residential – Large Lot) Zoning District to R-1  
70 (Single-Family Residential) with Special Limitations and R-7 (Intermediate Rural Residential)  
71 with Special Limitations Zoning Districts for the **E 1/2, NW 1/4, SW 1/4, NW 1/4, the NE 1/4,**  
72 **SW 1/4, NW 1/4, the S 1/2, SW 1/4, NW 1/4, and the SE 1/4, NW 1/4, Section 21, T12 N,**  
73 **R3W, S.M., AK**, generally located on the southeast corner of Lake Otis Parkway and East 112<sup>th</sup>  
74 Avenue (Huffman/O’Malley Community Council) (Case 2002-176), Planning Department. P.H. 3-4-03.  
75 a. Assembly Memorandum No. AM 47-2003  
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- 1                   21.     Ordinance No. AO 2003-26, an ordinance amending Anchorage Municipal Code Section  
2                   21.15.123.A. to include **railroad right-of-way** and allowing railroad right-of-way acquisitions in  
3                   the right-of-way acquisition plat procedures, Planning Department. P.H. 2-25-03.  
4                   a.       Assembly Memorandum No. AM 55-2003
- 5                   22.     Ordinance No. AO 2003-29, an ordinance of the Anchorage Municipal Assembly amending  
6                   Anchorage Municipal Code Section 3.30.172, Classification, to change the title Director/  
7                   Municipal Clerk to **Municipal Clerk**, Assembly Chair Traini. P.H. 2-11-03.  
8                   a.       Assembly Memorandum No. AM 61-2003
- 9                   23.     Assembly Memorandum No. AM 74-2003, Employee Relations Board reappointment  
10                  (Charles Cash), Mayor’s Office. P.H. 2-11-03.
- 11                  24.     Ordinance No. AO 2003-30, an ordinance submitting to the qualified voters residing in the  
12                  proposed **Paradise Valley South Limited Road Service Area** (LRSA), namely a portion of  
13                  Paradise Valley Subdivision, including Block 1, Lots 1-21 and Block 2, Lots 1-4, 5A and 7-20, at  
14                  the Regular Municipal Election on April 1, 2003 a ballot proposition to create the Paradise Valley  
15                  South LRSA by including a p9ortion of the Paradise Valley Subdivision, namely Block 1, Lots 1-  
16                  21 and Block 2, Lots 1-4, 5A and 7-20, and, amending Anchorage Municipal Code Chapter 27.30  
17                  to codify the LRSA, Maintenance and Operations Department. P.H. 2-11-03. **(addendum)**  
18                  a.       Assembly Memorandum No. AM 104-2003
- 19                  25.     Ordinance No. AO 2003-31, an ordinance submitting to the qualified voters residing in the  
20                  proposed **East Huffman Road Management Limited Road Service Area** (LRSA) that includes  
21                  a portion of Chickadee Slopes Subdivision, namely Lots 1A, 1B, 2, 3, 4A, 4B and 5, a portion of  
22                  Straley Subdivision, namely Lots 1-3 and 8-10, a portion of Tenegberg Subdivision, namely Tract  
23                  B-1, a portion of Garretson Subdivision, namely Lots 1-3, a portion of Harold Miller Subdivision,  
24                  namely Block 4, Lots 10-14 and Block 5, Lot 2, Tax Parcel No. 017-432-37-000-02, Tax Parcel  
25                  No. 017-432-36-000-02, Tax Parcel No . 017-432-35-000-02 and Tax Parcel No. 015-231-19-000-  
26                  02, at the Regular Municipal Election on April 1, 2003, a ballot proposition to create the East  
27                  Huffman Road Management Limited Road Service Area (LRSA), namely a portion of Chickadee  
28                  Slopes Subdivision, namely Lots 1A, 1B, 2, 3, 4A, 4B and 5, a portion of Straley Subdivision,  
29                  namely Lots 1-3 and 8-10, a portion of Tenegberg Subdivision, namely Tract B-1, a portion of  
30                  Garretson Subdivision, namely Lots 1-3, a portion of Harold Miller Subdivision, namely Block 4,  
31                  Lots 10-14 and Block 5, Lot 2, Tax Parcel No. 017-432-37-000-02, Tax Parcel No. 017-432-36-  
32                  000-02, Tax Parcel No . 017-432-35-000-02 and Tax Parcel No. 015-231-19-000-02, and, upon  
33                  voter approval, amending Anchorage Municipal Code Chapter 27.30 to codify the LRSA,  
34                  Maintenance and Operations Department. P.H. 2-11-03. **(addendum)**  
35                  a.       Assembly Memorandum No. AM 105-2003
- 36                  26.     Ordinance No. AO 2003-32, an ordinance authorizing elements for site selection and site plan  
37                  approval of a **new facility for the Department of Health and Human Services** and establishing  
38                  the Anchorage Assembly as the approving authority for site selection, site plan approval, and the  
39                  competitively selected lease of a new facility, Legal Department. P.H. 2-11-03. **(addendum)**
- 40                  27     Ordinance No. AO 2003-33, an ordinance submitting to the qualified voters of the Municipality at  
41                  the April, 2003 Regular Municipal Election a ballot proposition to amend the Anchorage  
42                  Municipal Charter by adding to the Charter’s Bill of Rights a new section to establish the citizens’  
43                  right to objective performance measures by which citizens may be assured that the **natural urban**  
44                  **setting, wildlife, beauty and horticultural heritage** of the Municipality is promoted,  
45                  Assemblymembers Fairclough and Tesche. **(LAID ON THE TABLE)**  
46
- 47     Ms. Fairclough, Mr. Tesche, and Mr. Tremaine joined in introducing AO 2003-33. The public hearing was scheduled for  
48     February 11, 2003.  
49
- 50                  28.     Ordinance No. AO 2003-34, an ordinance submitting to the qualified voters of the Municipality at  
51                  the April, 2003 Regular Municipal Election a ballot proposition to amend the Anchorage  
52                  Municipal Charter by adding to the Charter’s Bill of Rights a new section establishing the citizens’  
53                  right to objective performance measures in the **delivery of municipal services**. **(LAID ON THE**  
54                  **TABLE)**  
55
- 56     Mr. Tesche, Ms. Fairclough, and Mr. Tremaine joined in introducing AO 2003-34. The public hearing was scheduled for  
57     February 11, 2003.  
58
- 59                  29.     Ordinance No. AO 2003-35, an ordinance submitting to the qualified voters of the Municipality at  
60                  the April, 2003 Regular Municipal Election a ballot proposition to amend the Anchorage  
61                  Municipal Charter by adding to the Charter’s Bill of Rights a new section establishing  
62                  performance measures to assure Anchorage as a **safe city**, Assemblymembers Tesche and  
63                  Fairclough. **(LAID ON THE TABLE)**  
64
- 65     Ms. Fairclough, Mr. Tesche, and Mr. Tremaine joined in introducing AO 2003-35. The public hearing was scheduled for  
66     February 11, 2003.  
67
- 68                  30.     Ordinance No. AO 2003-36, an ordinance of the Anchorage Municipal Assembly amending the  
69                  effective date of AO 2002-179(S), approved by the Anchorage Assembly on January 7, 2003,  
70                  concerning the form of **ballots** to be used with optical scanning equipment, Assembly Chair  
71                  Traini. **(LAID ON THE TABLE)**  
72                  a.       Assembly Memorandum No. AM 106-2003  
73
- 74     Ms. Fairclough, Mr. Tesche, and Mr. Tremaine joined in introducing AO 2003-36. The public hearing was scheduled for  
75     February 11, 2003.  
76
- 77                  31.     Ordinance No. AO 2003-37, an ordinance of the Anchorage Municipal Assembly providing for  
78                  the submission to the qualified voters of the Municipality of Anchorage at its next regular election

on April 1, 2003 a ballot proposition on the question of whether to amend Anchorage Municipal Charter Article 11, Elections adding a new clause regarding **voting rights of minors**, Assemblymember Tesche. **(LAID ON THE TABLE) (TO BE SUBMITTED)**

Mr. Tesche, Mr. Whittle, and Ms. Shamberg joined in introducing AO 2003-37. The public hearing was scheduled for February 11, 2003.

32. Ordinance No. AO 2003-38, an ordinance of the Anchorage Municipal Assembly providing for the submission to the qualified voters of the Municipality of Anchorage at its next regular election on April 1, 2003 an advisory proposition on the question of changing the **minimum voting age for state and local elections** from 18 to 16 years of age, Assemblymember Tesche. **(LAID ON THE TABLE)**

Ms. Fairclough, Mr. Tesche, and Mr. Tremaine joined in introducing AO 2003-33. The public hearing was scheduled for February 11, 2003.

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

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

**10. REGULAR AGENDA:**

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

1. Resolution No. AR 2003-4, a resolution of the Anchorage Municipal Assembly recognizing and honoring the **East Eagles** for the great season leading to the Pop Warner Super Bowl, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen and Whittle.

Mr. Tremaine moved, to approve AR 2003-4.  
seconded by Ms. Fairclough,  
and it passed without objection,

Mr. Tremaine read the resolution.

2. Resolution No. AR 2003-31, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Senior Patrol Officer Gareth B. Stillman for his 25 years of service** with the Anchorage Police Department, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen, and Whittle.

Chairman Traini noted that AR 2003-31 had been approved in the consent agenda.

Mr. Tesche read the resolution.

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

1. Resolution No. AR 2003-32, a resolution of the Anchorage Municipal Assembly appointing Greg Moyer as **Ombudsman**, Assembly Chair Traini.  
a. Assembly Memorandum No. AM 60-2003

Mr. Sullivan moved, to approve AR 2003-32.  
seconded by Mr. Tesche,  
and it passed without objection,

Chairman Traini congratulated Greg Moyer and thanked him for his past service as Municipal Clerk.

Greg Moyer overviewed the job duties of an Ombudsman and how he planned to carry out those duties.

Mr. Tesche requested a work session with Mr. Moyer to discuss the relationship between the Anchorage Assembly and the Ombudsman.

2. Resolution No. AR 2003-33, a resolution of the Anchorage Municipal Assembly revising the 2003 General Government Operating Budget by appropriating \$55,000 from Areawide General Fund (101) Balance to the Department of Assembly to cover additional costs incurred for the **2001 Independent Audit**, Assemblymember Von Gemmingen.  
a. Assembly Memorandum No. AM 58-2003

Ms. Fairclough moved, to approve AR 2003-33.  
seconded by Mr. Tremaine,

Ms. Fairclough felt AM 57-2003 should be approved before AR 2003-33 was discussed, because AR 2003-33 appropriated funds to AM 57-2003.

Ms. Fairclough moved, to change the order of the day to address item  
seconded by Mr. Van Etten, 9D23, AM 57-2003.  
and it passed without objection,

10B3. Assembly Memorandum No. AM 57-2003, contract amendment No. 7 to professional services contract with KPMG LLP for the **2001 Independent Financial Statement Audit** (\$55,000), Assemblymember Von Gemmingen.

Ms. Fairclough moved, to approve AM 57-2003.  
seconded by Mr. Tremaine,  
and it passed without objection,

The Assembly then returned to address item 10B2.

Ms. Fairclough asked for unanimous consent on the approval of AR 2003-33.

Question was called on the motion to approve AR 2003-33 and it passed without objection.

C. **BID AWARDS:** None

D. **NEW BUSINESS:**

1. Assembly Memorandum No. AM 81-2003, Arts Advisory Commission reappointments  
(Henry Hedberg, Ron Lange), Mayor’s Office.

Ms. Shamberg noted that in the text AM 81-2003 appointed Henry Hedberg and Ron Lange to the Animal Control Appeals Board.

Ms. Shamberg moved, to amend AM 81-2003 to read **Arts Advisory Commission**.  
seconded by Ms. Fairclough,  
and it passed without objection,

Ms. Shamberg moved, to approve AM 81-2003 as amended.  
seconded by Mr. Tremaine,  
and it passed without objection,

2. Assembly Memorandum No. AM 84-2003, Emergency Medical Service Board reappointments  
(Janice Ihrig, Tanya Leinicke), Mayor’s Office.

Ms. Shamberg noted that in the text AM 84-2003 appointed Janice Ihrig and Tanya Leinicke to the Building Board.

Ms. Shamberg moved, to amend AM 84-2003 to **Emergency Medical Service Board**.  
seconded by Ms. Fairclough,  
and it passed without objection,

Ms. Shamberg moved, to approve AM 84-2003 as amended.  
seconded by Ms. Fairclough,  
and it passed without objection,

3. Assembly Memorandum No. AM 94-2003, 2003/2004 Liquor License Renewals: **Young Bin Restaurant** (#2908), **Mexico in Alaska Restaurant** (#1907), **Marx Bros. Café** (#1422), **Kumagoro** (#2276), **Gesines at 4 Corners** (#2115), **Eric’s Restaurant** (#1012), **Tempura Kitchen** (#1125), **Yamatoya Restaurant** (#1617) (Restaurant/Eating); **JJ’s Sports Center** (#0569), **Millennium Hotel** (#2486), **Brown Bear Saloon & Motel** (#1987), **Carousel Lounge** (#200), **Cheechako Bar** (#216), **Stuart Anderson’s Cattle Company Restaurant** (#1010), **Wm. A. Egan Civic and Convention Center** (#3234), **The Woodshed** (#1244) (Beverage Dispensary); **Tesoro 2 Go #62** (#1568), **Tesoro 2 Go #9** (#2614), **Tesoro 2 Go #7** (#2553), **Tesoro 2 Go #73** (#3991), **Tesoro 2 Go #71** (#3732), **Tesoro 2 Go #56** (#1198), **Tesoro 2 Go #55** (#1596), **Tesoro 2 Go #54** (#664), **Tesoro 2 Go #3** (#2278), **Tesoro 2 Go #2** (#2803), **Tesoro 2 Go #15** (#4054), **Brown Jug Inc.** (#4059), **Brown Jug, Inc.** (#686) (Package Store) (Spenard, Taku/Campbell, Downtown, Sand Lake, Turnagain, Campbell Park, Northeast, Fairview, Government Hill, North Star, South Addition, Old Seward/Oceanview, Eagle River, Tudor Area, Girdwood, Abbott Loop, Huffman/O’Malley, & Rogers Park Community Councils), Clerk’s Office.

Mr. Sullivan moved, to approve AM 94-2003.  
seconded by Ms. Von Gemmingen,

Mr. Sullivan moved, to bifurcate AM 94-2003 to address Tesoro To Go  
seconded by Ms. Fairclough, on Spenard Road separately.

Ms. Fairclough requested that a letter be sent to Stuart Anderson’s Cattle Company requesting that the owners outline their policy regarding customers leaving the establishment after drinking.

Ms. Von Gemmingen pointed out that the package stores between lines 40 and 50 were all Tesoro To Go stores. Correspondence was received from upset constituents because Williams wanted to put package stores in their outlets. She felt the Assembly needed to establish a policy for approving liquor licenses to insure equal treatment.

Mr. Whittle requested that a letter be sent to The Woodshed regarding their policy on selling liquor to minors.

Question was called on the motion to bifurcate AM 94-2003 to address Tesoro To Go on Spenard Road separately and it passed without objection.



Mr. Sullivan moved, to approve AM 94-2003 with the exception of  
seconded by Ms. Fairclough, Tesoro To Go on Spenard Road.  
and it passed without objection,

Mr. Sullivan moved, to approve AM 94-2003, Tesoro To Go on Spenard  
seconded by Ms. Von Gemmingen, Road.

Mr. Sullivan noted that the Tesoro To Go on Spenard Road had a “liquor” sign, but was not identified as a Tesoro To Go store. He felt the Assembly should obtain a police report on the history of the store before approving the liquor license and requested that the owners attend the meeting of February 11, 2003 to address the Assembly’s concerns.

Mr. Sullivan moved, to postpone AM 94-2003, Tesoro To Go on Spenard  
seconded by Ms. Von Gemmingen, Road, until February 11, 2003.

In response to Ms. Von Gemmingen, Ms. Fairclough noted that every liquor license had been reviewed on an individual basis and approval was based on whether or not it was considered good for the community. She did not agree that the Assembly had been inconsistent in approving liquor licenses.

Ms. Von Gemmingen said she and Mr. Sullivan would meet with the owners of Tesoro To Go on Spenard Road to work out some of the issues before the next Assembly meeting.

In response to Mr. Tesche, Mr. Sullivan referenced the letter from the Northstar Community Council in which they unanimously approved a request to place the Tesoro To Go corporate name on the store’s façade identifying it as a convenience store.

Question was called to postpone AM 94-2003, Tesoro To Go on Spenard Road, until February 11, 2003 and it passed without objection.

4. Assembly Memorandum No. AM 96-2003, 2003/2004 Liquor License Renewal: **Brown Jug** (#0612)-11221 Old Glenn Hwy. (Eagle River Community Council), Clerk’s Office.

Ms. Shamberg moved, to approve AM 96-2003.  
seconded by Ms. Fairclough,

Ms. Shamberg noted that the liquor license renewal protest had been released and the taxes had been paid.

Question was called on the motion to approve AM 96-2003 and it passed without objection.

5. Assembly Memorandum No. AM 57-2003, contract amendment No. 7 to professional services contract with KPMG LLP for the **2001 Independent Financial Statement Audit** (\$55,000), Assemblymember Von Gemmingen.

This item addressed earlier in the meeting. See item 10B3.

6. Assembly Memorandum No. AM 70-2003, change order No. 2 to purchase order 220794 with Beaver Wood Chipping for providing **roadside brush pick-up and woodlot services** to Eagle River residents as part of the 2002 wildfire mitigation efforts (\$35,668), Anchorage Fire Department.

Mr. Tremaine moved, to approve AM 70-2003.  
seconded by Ms. Fairclough,

Mr. Tremaine requested a report from the Municipal City Manager on the remaining funds in the program. He noted that the Firewise Program was well managed and good for the municipality.

Question was called on the motion to approve AM 70-2003 and it passed without objection.

7. Assembly Memorandum No. AM 71-2003, recommendation of award to DOWL Engineers and CRW Engineering Group, LLC for providing professional architectural/engineering services for the **Arctic Boulevard Surface Rehabilitation Project and the 84<sup>th</sup> Avenue/Spruce Street Upgrade Project**, for the Municipality of Anchorage, Project Management & Engineering Department (RFP 22-P014 Projects A and E) (\$1,447,240), Purchasing.

Mr. Van Etten moved, to approve AM 71-2003.  
seconded by Ms. Fairclough,

In response to Mr. Van Etten, Mr. Holton said the project would include reviewing roadway connections and traffic calming.

Question was called on the motion to approve AM 71-2003 and it passed without objection.

8. Assembly Memorandum No. AM 103-2003, recommendation for a grant award to Southcentral Foundation-Dena A. Coy for **substance abuse treatment services** for women (\$465,000), Health and Human Services. (**addendum**)

Mr. Whittle moved, to approve AM 103-2003.  
seconded by Ms. Taylor,  
and it passed without objection,

Mr. Whittle thanked the Southcentral Foundation for stepping forward and performing this valuable service, which would help the women and children of the community.

**E. INFORMATION AND REPORTS: None**

**F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:**

1. Ordinance No. AO 2003-12, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$1,000,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of **areawide Public Transportation and related capital improvements** in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 1, 2003, Office of Management and Budget. P.H. 2-11-03.
- a. Assembly Memorandum No. AM 62-2003

Ms. Von Gemmingen, Ms. Fairclough and Ms. Taylor joined in introducing AO 2003-12.

Ms. Von Gemmingen said she was not convinced that there were no O&M costs associated with AO 2003-12.

Ms. Von Gemmingen moved,	to amend the title of AO 2003-12, line 10,
seconded by Ms. Shamberg,	after “capital improvement,” insert “in the Municipality of Anchorage and the question of an increase in the Municipal tax cap limitation to pay associated operations and maintenance costs.”

In response to Chairman Traini, Municipal Attorney Bill Greene said they always advised against changing the title of an ordinance, but the body could be changed. The title would not affect the legal effect of the ordinance unless bond council had a problem.

The Office of Management and Budget Director, Dennis LeBlanc, said the bond would provide lighted stops and shelters at the bus stops. The total additional annual cost would be between \$1,500 and \$2,000.

Ms. Von Gemmingen withdrew her motion. Ms. Shamberg withdrew her second.

Municipal Attorney Bill Greene apologized for his misinformation and noted that this would be an appropriate time to change the title of the ordinance.

Ms. Von Gemmingen moved,	to amend the title of AO 2003-12, line 10,
seconded by Mr. Tesche,	after “capital improvement,” insert “in the Municipality of Anchorage and the question of an increase in the Municipal tax cap limitation to pay associated operations and maintenance costs.”
and it passed without objection,	

2. Ordinance No. AO 2003-14, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$1,870,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of **parks and recreation and related capital improvements in the Eagle River-Chugiak Parks and Recreation Service Area** and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 1, 2003, Office of Management and Budget. P.H. 2-11-03.
- a. Assembly Memorandum No. AM 64-2003

Ms. Fairclough, Mr. Tesche and Mr. Tremaine joined in introducing AO 2003-14.

Ms. Fairclough requested an Assembly Memorandum listing the actual projects that would be included in AO 2003-14.

Question was called on the motion to introduce AO 2003-14 and it passed without objection.

3. Ordinance No. AO 2003-25, an ordinance of the Anchorage Municipal Assembly submitting to the qualified voters of the Municipality of Anchorage at the Regular Election on April 1, 2003, a ballot proposition amending Article II of the Home Rule Charter by adopting a new section of the Bill of Rights to establish the **right to a safe city**, Assemblymember Tesche. P.H. 2-11-03. **(TO BE SUBMITTED)**
- a. Assembly Memorandum No. AM 98-2003

Mr. Tesche withdrew AO 2003-25 and supported the introduction of a substitute ordinance later in the agenda.

Ms. Fairclough moved,	to postpone AO 2003-25 indefinitely.
seconded by Mr. Tremaine,	
and it passed without objection,	

4. Ordinance No. AO 2003-27, an ordinance of the Anchorage Municipal Assembly submitting to the qualified voters of the Municipality of Anchorage at the Regular Election on April 1, 2003, a ballot proposition amending Article II of the Home Rule Charter by adopting a new section of the Bill of Rights to establish “The right and responsibility to promote and enhance the **natural**

**beauty and horticultural heritage** of our community”, Assemblymember Tesche. P.H. 2-11-03.  
**(TO BE SUBMITTED)**

a. Assembly Memorandum No. AM 99-2003

Mr. Tesche withdrew AO 2003-27 and supported the introduction of a substitute ordinance later in the agenda.

Mr. Tesche moved, to postpone AO 2003-27 indefinitely.  
seconded by Ms. Fairclough,  
and it passed without objection,

5. **Ordinance No. AO 2003-28**, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$525,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of **constructing and remodeling the Alaska Museum of Natural History and related capital improvements** in the Municipality of Anchorage at an election in and for the Municipality of Anchorage on April 1, 2003, Assemblymember Tesche. P.H. 2-11-03. **(TO BE SUBMITTED)**  
a. Assembly Memorandum No. AM 100-2003

Mr. Tesche moved, to postpone AO 2003-28 indefinitely.  
seconded by Mr. Tremaine,  
and it passed without objection,

Mr. Tesche noted that this Mountain View property was being developed as an arts district. The initial information was that the Municipality would own the land to be improved, but it was later discovered that the Municipality did not own the land or have a long-term leasehold interest in it. Bond council said we could not spend bonds or incur public debt for the purpose of capital improvements on land that we did not own or have a long-term lease on.

In response to Mr. Tremaine, Municipal Attorney Bill Greene a long-term lease gave the leaseholder control of the property for 20 to 50 years or more.

Bond Council Cindy Cartiledge explained how leases and bonds worked. The term of the lease had to correspond with the term of the bonds.

Chairman Traini asked Bond Counsel, in conjunction to Mr. Greene, to send the Assembly a letter explaining the exact parameters of issuing bonds on leased land.

In response to Mr. Tesche, Ms. Cartiledge said she had not read the specifics or examined the underlying real estate.

Mr. Tesche moved, to reconsider action on AO 2003-28.  
seconded by Mr. Tremaine,  
and it passed without objection,

Mr. Tesche, Ms. Fairclough and Ms. Taylor joined in introducing AO 2003-28. The public hearing was scheduled for February 11, 2003.

Chairman Traini ruled that the Assembly would take up item 12, Appearance Requests and item 14, New Public Hearings.

12. **APPEARANCE REQUESTS:**  
A. **Jim Broyles, regarding opposition to bike path to be installed on west side of Turpin Road.**

Jim Broyles said his business had been in the same location for 40 years and now they were proposing a bike trail in front of their business. He discussed the proposed bike trail and potential problems his business would encounter.

In response to Ms. Taylor, Mr. Scott said Mr. Hanson would meet with Mr. Broyles this week to discuss the issue.

Chairman Traini asked Mr. Broyles to attend the meeting of February 11, 2003 to provide an update on the issue.

- B. **Raymond Anthony Crown**, regarding ~~more rehabilitation in the Department of Corrections, specifically in segregation~~ the coastal trail.

Raymond Anthony Crown discussed the coastal trail, which he felt would be beneficial. He felt the state and the municipality should work together to plow state roads, bike trails and sidewalks. He would be willing to pay a sales tax to providing funding for the improvements.

- C. **Theresa Nangle Obermeyer, Ph.D.**, regarding denial of the opportunity to be heard at Anchorage School Board meeting January 13, 2003.

Theresa Nangle Obermeyer did not feel what went on at the Anchorage School Board meetings was American education. Her family had been endlessly harassed over the last 13 years. She questioned why she was considered a trespasser at her children’s school.

- D. **Mark Begich**, regarding Kay Linton. **(addendum)**

Mark Begich discussed the passing of Kay Linton and the celebration of life held last week. She helped build Anchorage into the city it is today as well as working on many other projects. Kay Linton worked diligently on the revitalization of the fountain and he felt the fountain should be named after her as a dedication to her life.

Ms. Taylor encouraged the Assembly to support both funding and naming the fountain for Kay Linton in appreciation of her dedication to the City of Anchorage.

Mayor Wuerch said a committee would be convened to name the fountain. He felt naming the fountain after Kay Linton would be a great way to remember a great lady.

In response to Mayor Wuerch, Mark Begich said he would be willing to chair the committee to name the fountain.

Chairman Traini asked Mayor Wuerch to consider funding from Anchorage Water and Wastewater Utility to keep the water flowing in the fountain as a water demonstration project.

14. NEW PUBLIC HEARINGS:

- A. Resolution No. AR 2002-388, a resolution of the Anchorage Municipal Assembly to rename the South Fork Fire Station to “**Station 13, Pete Miller Firehouse**” in honor of the late Pete Miller’s outstanding contributions to the Chugiak-Eagle River community, Mayor’s Office.

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

RON AXSMITH testified in support of the resolution.

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

Ms. Fairclough moved, to approve AR 2003-388.  
seconded by Ms. Taylor,

Question was called on the motion to approve AR 2003-388 and it passed.

Ms. Fairclough urged a yes vote.

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

- B. Resolution No. AR 2002-400, a resolution of the Anchorage Municipal Assembly to name the area adjacent to the Historic City Hall, “**Elizabeth and Roy Peratrovich Park**” in honor of their outstanding contributions to civil rights for all Alaskans, Mayor’s Office; Assemblymembers Fairclough, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen, Whittle.

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

STEVE BEARDSLEY testified in support of the resolution.

HARRIET O’NEILL testified in support of the resolution.

SHIRLEY KENDALL testified in support of the resolution.

AGNES JOHNSON testified in support of the resolution.

BERNARD JOHNSON testified in support of the resolution.

DAVID SAM testified in support of the resolution.

CELESTE GRAHAM-HODGE testified in support of the resolution.

CECILIA TABERERRO testified in support of the resolution.

CAL WILLIAMS testified in support of the resolution.

DENNIS MACMILLAN testified in support of the resolution.

ARNOLD DEIDRICKSEN testified in support of the resolution.

SONYA FAIRBANKS testified in support of the resolution.

DOROTHY COOK testified against the resolution.

LEE STEFFAN testified against the resolution.

LYNETTE HAINES testified in support of the resolution.

MACON ROBERTS testified in support of the resolution.

SARAH SCANLON testified in support of the resolution.

BETSY PERATROVICH testified in support of the resolution.

WILLIAM JACKSON testified in support of the resolution.

VINCENT CASEY testified in support of the resolution.

DARRYL BURNSON testified in support of the resolution.

MARA DEMOTE (ph) testified in support of the resolution.

LILLY HANK testified in support of the resolution.

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

Mr. Tremaine moved, to approve AR 2002-400.  
seconded by Mr. Tesche,

Mr. Tesche spoke in favor of the resolution. He commended Mayor Wuerch for his leadership in bringing the issue before the Assembly.

All the Assembly members asked to be added as co-sponsors of AR 2002-400.

Mayor Wuerch said AR 2002-400 had been a labor of love that was met with support every step of the way. He thanked the Assembly for their unanimous support of the resolution.

Question was called on the motion to approve AR 2002-400 and it passed.

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

Mr. Tesche moved, to change the order of the day to take up item 11A  
seconded by Ms. Fairclough, AO 2002-117.  
and it passed without objection,

- 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  
(POSTPONED FROM 10-29-02; CARRIED OVER FROM 11-19-02; POSTPONED FROM 11-26-02; AO 2002-117 WAS AMENDED & CARRIED OVER FROM 12-17-02 AND 1-7-03; AMENDED & POSTPONED FROM 1-14-03)

Mr. Tremaine moved, to call the question on AO 2002-117.  
seconded by Ms. Shamberg,

Question was called on the motion to call the question on AO 2002-117 and it passed.

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

Chairman Traini gave the history of the AO 2002-117 and noted a motion to approve was on the floor.

Ms. Fairclough said the motion to amend AO 2002-117 by deleting sections E and F had been approved at the last meeting. The Assembly had been prepared to vote on the amended AO 2002-117, but administration felt the amendment did not follow EPA. The Assembly delayed voting on AO 2002-117 to consider the consequences of the action.

Chairman Traini ruled that the Assembly would take action on AO 2002-117, but the clerk would review the tape of the previous meeting and the item could be reconsidered if necessary.

Question was called on the motion to approve AO 2002-117 and it passed.

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

Mr. Tesche moved, to change the order of the day to take up item 14J,  
seconded by Ms. Fairclough, AO 2003-6.  
and it passed without objection,

- J. 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.
1. Assembly Memorandum No. AM 40-2003

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

JIM MALEY testified in support of the ordinance.

1 In response to Mr. Whittle, Mr. Maley said the board had no control over the complainant, but the board would keep the  
2 proceedings confidential until they had gone through all the steps.

3  
4 Ms. Taylor thanked Mr. Maley for acknowledging that some of the complaints were politically motivated.

5  
6 Chairman Traini asked if anyone else wished to speak. There was no one, and he closed the public hearing.

7  
8 Mr. Tesche moved, to approve AO 2003-6.  
9 seconded by Ms. Von Gemmingen,

10  
11 Mr. Tesche moved, the floor amendments to AO 2003-6.  
12 seconded by Mr. Tremaine,  
13 and it passed without objection,  
14

15 In response to Mr. Tremaine, Mr. Tesche felt the word “may” in the amendment was appropriate. This would be an  
16 administrative remedy available to the board that would give them the discretion to look at the circumstances and individual  
17 facts of a case and exercise discretion rather than being rigidly directed to refer a person to the municipal attorney for  
18 prosecution.

19  
20 Question was called on the motion to approve AO 2003-6 as amended and it passed.

21  
22 AYES: Tesche, Whittle, Taylor, Von Gemmingen, Traini, Fairclough, Van Etten, Shamberg, Tremaine, Sullivan  
23 NAYES: None  
24

25 (CLERK’S NOTE: Mr. Tremaine left the meeting.)  
26

27 Ms. Fairclough introduced ordinance AO 2003-39.

28  
29 A. Ordinance No. AO 2003-39, an ordinance submitting to the qualified voters residing in the Glenn  
30 View West Subdivision, namely Block 1, Lots 1-11 and Block 2, Lots 1-26, a ballot proposition to  
31 create a new Street Light Service Area designated as the **Glenn View West Subdivision Street**  
32 **Light Service Area**, and, upon voter approval, amending Municipal Code Section 27.30.700 to  
33 consolidate the Glenn View West Subdivision Street Light Service Area with the existing Eagle  
34 River Street Light Service Area. **(LAID ON THE TABLE - TO BE SUBMITTED)**  
35

36 Ms. Fairclough, Mr. Tesche and Mr. Van Etten joined in introducing AO 2003-39. The public hearing was scheduled for  
37 February 11, 2003.

38  
39 The Assembly then returned to item 14C.

40  
41 C. Resolution No. AR 2003-22, a resolution authorizing the Municipality of Anchorage, Public  
42 Transportation Department to enter into a Transfer of Responsibilities Agreement in the amount of  
43 \$387,100 with the Department of Transportation and Public Facilities, State of Alaska, for the  
44 **Municipal Share-A-Ride Program** and appropriating these funds to the State Categorical Grants  
45 Fund (231), Public Transportation Department.  
46 1. Assembly Memorandum No. AM 39-2003  
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. Van Etten moved, to approve AR 2003-22.  
52 seconded by Ms. Fairclough,  
53

54 Question was called on the motion to approve AR 2003-22 and it passed.

55  
56 AYES: Tesche, Whittle, Von Gemmingen, Traini, Fairclough, Van Etten, Kendall, Shamberg, Sullivan  
57 NAYES: None  
58

59 (CLERK’S NOTE: Ms. Taylor was out of the room at the time of the vote.)  
60

61 D. Resolution No. AR 2003-14, a resolution of the Municipality of Anchorage appropriating  
62 \$1,346,000 to the Public Transportation CIP Fund (485) from the Federal Highway  
63 Administration through the Alaska Department of Transportation and Public Facilities to provide  
64 funding for purchase of **new buses**. This purchase will aid in congestion management and air  
65 quality mitigation through additional fixed route bus service within the Municipality of  
66 Anchorage, Public Transportation Department.  
67 1. Assembly Memorandum No. AM 32-2003  
68

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

71  
72 Mr. Tesche moved, to approve AR 2003-18.  
73 seconded by Mr. Tesche,  
74

75 Question was called on the motion to approve AR 2003-18 and it passed.

76  
77 AYES: Tesche, Taylor, Von Gemmingen, Traini, Fairclough, Van Etten, Shamberg, Sullivan  
78 NAYES: None

(CLERK'S NOTE: Mr. Whittle was out of the room at the time of the vote.)

E. 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

Ms. Taylor moved, to approve AR 2003-18.  
seconded by Mr. Tesche,

Ms. Taylor moved, to approve discussion.  
seconded by Ms. Fairclough.  
and it passed without objection.

Ms. Taylor moved, seconded by Ms. Fairclough, and it passed without objection, to postpone AR 2003-18 indefinitely.

F. Resolution No. AR 2003-15, a resolution of the Municipality of Anchorage appropriating supplemental award of \$385,146 to the State Categorical Grants Fund (231) from the Alaska Department of Labor and Workforce Development for the PY 2002 Workforce Investment Act Title 1B **Dislocated Worker Program** within the Planning Department.

1. Assembly Memorandum No. AM 33-2003

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

Ms. Von Gemmingen moved, to approve AR 2003-15.  
seconded by Mr. Van Etten,

Question was called on the motion to approve AR 2003-15 and it passed.

AYES: Tesche, Whittle, Von Gemmingen, Traini, Fairclough

NAYES: Van Etten, Shamberg, Sullivan

(CLERK'S NOTE: Ms. Taylor was out of the room at the time of the vote.)

G. Resolution No. AR 2003-16, a resolution of the Municipality of Anchorage **reducing the 2002 Dividend from the MOA Trust Fund Balance** (Fund 730) from \$9,400,000 to \$7,025,863; and subsequently appropriating \$2,374,137 from MOA Trust Reserve Fund Balance (Fund 731) as a contribution to the Areawide General Fund (Fund 101), Finance Department.

1. Assembly Memorandum No. AM 34-2003

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

ROBERT SMITH testified against the resolution.

In response to Mr. Smith, Ms. Fairclough said this issue had gone before the voters last April. AR 2003-16 would bring last year's budget in line with what the voters had asked the Assembly to do last April.

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

Mr. Van Etten moved, to approve AR 2003-16.  
seconded by Mr. Whittle,

In response to Ms. Von Gemmingen, Chief Fiscal Officer Kate Giard said after AR 2003-16 passed there would be approximately \$7,000,000 in the reserve and \$104,000,000 in the trust.

Question was called on the motion to approve AR 2003-16 and it passed.

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

NAYES: None

H. 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.

1. Assembly Memorandum No. AM 9-2003

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

Mr. Tesche moved, to approve AO 2003-1.  
seconded by Ms. Fairclough,

Question was called on the motion to approve AO 2003-1 and it passed.

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

- I. Ordinance No. AO 2003-2, an ordinance of the Anchorage Assembly enacting a new Chapter 8.80 of the Anchorage Municipal Code relating to **Victims’ Rights**, Assemblymembers Tesche, Traini.  
1. Assembly Memorandum No. AM 17-2003

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

Mr. Tesche moved, to approve AO 2003-2.  
seconded by Ms. Shamberg,

Mr. Tesche referenced a letter from Patricia Godfrey in support of AO 2003-2 and recommended approval.

Mayor Wuerch spoke in support of AO 2003-2. The legislature would introduce a house bill amendment to clarify that Office of Victims’ Rights legislation applied to municipalities as defined by state law.

Ms. Fairclough said she was contacted by the State House and advised that this would be addressed as a statewide issue. She explained what the Assembly was doing to the State House and received their full support.

In response to Mr. Tesche, Mayor Wuerch said the administration would draft a resolution to submit to the Assembly supporting the state legislation.

Chairman Traini asked to be added as a sponsor of AO 2003-2.

Question was called on the motion to approve AO 2003-2 and it passed.

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

Joe Murdy discussed the E-911 program. A grant of \$500,000 was approved, although it had not yet been received.

- J. 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.  
1. Assembly Memorandum No. AM 40-2003

(CLERK’S NOTE: This item addressed earlier in the meeting. See after item 14B.)

- K. Ordinance No. AO 2003-8, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Chapter 10.50, **Alcoholic Beverages**, to require registration of kegs or other containers capable of holding four or more gallons of an alcoholic beverage and offered for sale or lease to consumers who are not licensed under AS 04.16, Assembly Chair Traini.  
1. Assembly Memorandum No. AM 49-2003

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

Mr. Whittle moved, to approve AO 2003-8.  
seconded by Ms. Fairclough,

Question was called on the motion to approve AO 2003-8 and it passed.

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

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  
(POSTPONED FROM 10-29-02; CARRIED OVER FROM 11-19-02; POSTPONED FROM 11-26-02; AO 2002-117 WAS AMENDED & CARRIED OVER FROM 12-17-02 AND 1-7-03; AMENDED & POSTPONED FROM 1-14-03)

(CLERK’S NOTE: This item addressed earlier in the meeting. See after item 14B.)

- B. Ordinance No. AO 2002-186, an omnibus ordinance amending Anchorage Municipal Code Title 19, *Special Assessments*, pertaining to Chapter 30, *Calculation of Improvement Costs*, and Chapter 40, *Allocation of Street Improvement Costs*, to provide **new methods of cost allocation to private property owners for road improvement districts**, Project Management & Engineering.  
1. Assembly Memorandum No. AM 1067-2002  
(POSTPONED FROM 1-14-03)



Chairman Traini gave the history of AO 2002-186 and noted a motion to approve was on the floor.

Ms. Shamberg moved, to amend AO 2002-186, page 3, line 27, to replace  
seconded by Mr. Tesche, the word “legal” with the words “direct legal  
driveway.”

Administration supported all three of the proposed amendments, which reflected the wishes expressed at the community council meetings.

Question was called on the motion to amend AO 2002-186 and it passed without objection.

Ms. Shamberg moved, to amend AO 2002-186, page 5, line 41, to add  
seconded by Mr. Tesche, the following sentence. “Assembly action to defer a  
and it passed without objection, portion of an assessment must include details related to  
funding, repayment, interest, and specify if any separate  
property owner agreement related to the deferral will be  
executed and recorded.”

Ms. Shamberg moved, to amend AO 2002-186, page 7, to replace lines 2-4  
seconded by Mr. Tesche, with the following: “If utility extensions are required to  
and it passed without objection, allow permitted use of property within the RID, installation  
may be required prior to or in conjunction with the RID,  
unless later extension of the utilities would not adversely  
impact the improvements.”

In response to Mr. Tesche, Mr. Wheeler said he spoke with the staff of the Public Works Department and Municipal Attorney Bill Greene on AO 2002-186. From a legal standpoint, he felt the ordinance was legally sufficient from a policy standpoint.

The Assembly discussed the definition of a “legal driveway.”

Municipal Attorney Dennis Wheeler read the definition of a driveway contained in Title 24.

Question was called on the motion to approve AO 2002-186 as amended and it passed.

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

Ms. Taylor introduced AO 2003-40.

B. Ordinance No. AO 2003-40, an ordinance of the Anchorage Municipal Assembly providing for the submission to the qualified voters of Anchorage, Alaska the question of the issuance of \$5,225,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of **parks and recreation and related capital improvements** in the Anchorage Parks and Recreation Service Area and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 1, 2003, Assemblymember Taylor.  
**(LAID ON THE TABLE) TO BE SUBMITTED)**

Ms. Taylor, Mr. Tesche and Ms. Fairclough joined in introducing AO 2003-40. The public hearing was scheduled for February 11, 2003.

C. Resolution No. AR 2002-401, a resolution of the Municipality of Anchorage appropriating the sum of \$375,000 from the Anchorage Fire Service Area (131) Fund Balance to the Anchorage Fire Department  
**2002 Anchorage Fire Service Area Operating Budget**, Anchorage Fire Department.  
1. Assembly Memorandum No. AM 1064-2002  
**(CARRIED OVER FROM 1-7-03; POSTPONED FROM 1-7-03)**

Ms. Fairclough moved, to postpone AR 2002-401 to February 25, 2003.  
seconded by Ms. Shamberg,  
and it passed without objection,

D. Resolution No. AR 2002-406, a resolution of the Municipality of Anchorage appropriating \$148,000 from the Anchorage Metropolitan Police Service Area Fund Balance (151) to the **Anchorage Police Department’s 2002 Operating Budget**, Anchorage Police Department.  
1. Assembly Memorandum No. AM 1069-2002  
**(CARRIED OVER FROM 1-7-03)**

Ms. Fairclough moved, to postpone AR 2002-406 to February 25, 2003.  
seconded by Ms. Shamberg,  
and it passed without objection,

E. **NOTICE OF RECONSIDERATION:** Ordinance No. AO 2002-172, an ordinance amending Anchorage Municipal Code Section 11.50.030.A. to increase the number of members on the **Port Commission** from seven to nine, and authorizing up to two members to be Alaskan citizens who are not residents of the Municipality, Port of Anchorage.  
1. Assembly Memorandum No. AM 1032-2002  
**(AMENDED AND APPROVED 1-14-03; NOTICE OF RECONSIDERATION WAS GIVEN BY MR. TESCHE 1-14-03)**

Chairman Traini gave the history of the notice of reconsideration and noted a motion to reconsider was on the floor.

Mr. Tesche agreed to file the notice of reconsideration as a courtesy to Governor Sheffield and the members of the Port Commission to hear the rationale for the original ordinance and extending non-resident members of the Port Commission full voting rights.

Question was called on the motion to reconsider and it passed.

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

Chairman Traini noted that AO 2002-172 would be reconsidered, but there was still a motion to approve as amended on the floor.

Roger Graves referenced the capital project to develop the port, which was dictated by the master plan. The project would be between \$170,000,000 to a \$200,000,000. Fifty-one of the funds would be federal and state grants with the remainder of the funds being port retained earnings and bond sales. He reviewed the reason for expanding the Port Commission. The Port of Anchorage served Fairbanks, Kenai and many other regional areas. They requested increasing the Port Commission by two members with full voting rights.

In response to Mr. Tesche, Mr. Graves felt the Port Commission members would not be as willing to participate if they did not have full voting rights, because they would be considered second class port commissioners.

In response to Mr. Tesche, Mr. Finch said the City of Anchorage would pay the traveling expenses for the out of town Port Commission members to attend the meetings. The cost would be about \$7,200 per year. He did not believe the Port Commission would have an objection to an informal review of the ordinance within one year after passage.

In response to Mr. Van Etten, Mr. Graves said they had one Port Commission member from Fairbanks and were considering adding a member from the Kenai Peninsula Borough.

In response to Mr. Van Etten, Mr. Finch said the City of Anchorage and the Matanuska-Susitna Borough worked together, but had two separate commissions with fiduciary responsibilities to their individual boards. He felt it would be better to work with Fairbanks and Kenai, because they did not have competing interests.

Mr. Tesche moved, to amend AO 2002-172 to delete lines 21 and 22,  
seconded by Ms. Fairclough, “Non-resident members may not vote and may only  
and it passed without objection, served as ex-officio.”

Mr. Tesche moved, to amend AO 2002-172 to add a new section 3  
seconded by Ms. Shamberg, “This ordinance shall be reviewed by the Assembly  
and it passed with one objection, one year after passage.”

Mr. Tesche pointed out that the Anchorage Assembly and the Matanuska-Susitna Borough had gone to extraordinary lengths to open levels of communication with joint meetings and the formation of an intergovernmental force working on long-range transportation issues. He noted that the Regional Transportation Planning Organization would welcome continued support and cooperation from the administration and urged their participation.

Question was called on the motion to approve AO 2002-172 as amended and it passed.

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

F. **NOTICE OF RECONSIDERATION:** Ordinance No. AO 2002-176, an ordinance repealing and reenacting **Title 23** of the Anchorage Municipal Code to adopt the 2000 Editions of the following codes and enacting local amendments thereto: Administrative, Building, Mechanical, Plumbing, Electrical, Fire, Existing Buildings, Residential, Building Construction Contractor Requirements, Fire Protection Service Outside Service Areas, Energy Conservation, School Relocatables, Safety Code for Elevators and Escalators, Electrical Code, Mobile Aircraft Shelters, Grading, Fuel and Gas Code, Development Services.  
1. Assembly Memorandum No. AM 1012-2002  
2. Assembly Memorandum No. AM 50-2003, Handouts and Diagrams for 2000 International Mechanical Codes, Development Services.  
(POSTPONED INDEFINITELY 1-14-03; NOTICE OF RECONSIDERATION WAS GIVEN BY MR. WHITTLE 1-15-03)

Chairman Traini gave the history of AO 2002-176 and noted a motion to reconsider was on the floor.

Mr. Whittle did not feel postponing AO 2002-176 indefinitely would be a good decision for the building industry.

The administration urged the reconsideration of AO 2002-176 to avoid the consequences outlined in the letter from the State Attorney General.

Question was called on the motion to reconsider and it passed.

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

Chairman Traini noted that AO 2002-176 would be reconsidered and a motion to approve was on the floor.

Ms. Fairclough said she reviewed the letter from the State Attorney General and did not feel it referred to what the Assembly had voted on. She requested a document outlining the state code. The people who testified felt the current codes were more stringent and there were concerns that the state's codes were inadequate and unsafe, specifically in regard to gas in basements.

Ms. Fairclough moved, to postpone AO 2002-176 until February 11, 2002.  
seconded by Ms. Taylor,

Ms. Taylor spoke in favor of the motion. The testimony she felt was the most compelling was on safety aspects brought forward by the plumbing industry.

In response to Mr. Sullivan, Mr. Thompson said they had been using the alternative means and methods section, but with all the codes together. It was difficult to review individual items using different codes.

In response to Ms. Fairclough, Mr. Thompson discussed the Enstar supervisor who testified that the state's codes were not safe for plumbers to use in buildings. The local amendments, based upon our cold climates, crawl spaces and scenarios, addressed those issues. He did not feel there were any unsafe scenarios per the state's codes.

In response to Mr. Whittle, Mr. Thompson said they could choose to be more stringent. Anyone on the Code Review Committee could bring forward additional amendments.

Question was called on the motion to postpone AO 2002-176 until February 11, 2002 and it failed.

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

Question was called on the motion to approve AO 2002-176 and it passed.

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

Mr. Tesche moved, immediate reconsideration of AO 2002-176.  
seconded by Ms. Shamberg,

Mr. Tesche urged a no vote.

Question was called on the motion for immediate reconsideration of AO 2002-176 and it failed.

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

- G. Resolution No. AR 2002-390, a resolution of the Anchorage Municipal Assembly requiring Anchorage Water and Wastewater Utility to engage the services of a professional consultant to review the appropriateness of the **water usage tariff fees and hydrant maintenance costs** charged to the Anchorage Fire Department and to report to the Assembly, Assemblymember Tesche.
- a. Information Memorandum No. AIM 13-2003, review of fire protection charges from Anchorage Water & Wastewater Utility to the Anchorage Fire Department, Water and Wastewater Utility.  
(**addendum**)  
(POSTPONED FROM 12-17-02 AND 1-7-03)

Chairman Traini gave the history of AR 2002-390 and noted no motion was on the floor.

Mr. Tesche moved, to postpone AR 2002-390 to February 25, 2003.  
seconded by Ms. Fairclough,  
and it passed without objection,

- H. Ordinance No. AO 2002-178, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code by adding a new Section 6.10.032, **Budget Performance Measures**, Assemblymembers Tesche, Fairclough, and Tremaine.  
(CARRIED OVER FROM 12-17-02 AND 1-7-03)

Chairman Traini ruled that action on AO 2002-178 would be postponed until Mr. Tremaine returned.

**12. APPEARANCE REQUESTS:**

(CLERK'S NOTE: This item addressed earlier in the meeting. See after item 10F.)

**13. CONTINUED PUBLIC HEARINGS: None**

**14. NEW PUBLIC HEARINGS:**

(CLERK'S NOTE: This item addressed earlier in the meeting. See after item 10F.)

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

**16. SPECIAL ORDERS:**

The Assembly called a Special Meeting for February 21, 2003 from 12 NOON to 5:00 p.m. at the Assembly Chambers to consider Board of Adjustment Appeal S-10873, Kincaid Estates Subdivision.

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

Chairman Traini ruled the Assembly would hear the gravel pit appeal on February 21, 2003 from 12:00 to 3:00 p.m. The Assembly would have a work session on February 11, 2003 with laptop training from 3:00 p.m. to 4:00 p.m.

Mr. Whittle spoke about the building codes. He felt the Assembly needed to understand the process so everything was fair and above board.

Ms. Taylor concurred with Mr. Whittle regarding the building codes.

Ms. Von Gemmingen reminded the Assembly that Mr. Campbell would be sworn in as Brigadier General tomorrow and encouraged everyone to attend the celebration.

Ms. Shamberg noted that she had a plan written by the School Board that showed where four baseball fields could be built by Service High School.

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

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

The meeting adjourned at 10:00 p.m.

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Acting Municipal Clerk  
Linda Hemi  
Date Minutes Approved: July 15, 2003.  
LH/KRON

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