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MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY
Assembly Chambers, Z. J. Loussac Library
3600 Denali Street, Anchorage, Alaska

Minutes for Regular Meeting of August 12, 2003, amended

1. CALL TO ORDER

The Assembly Meeting was called to order by Chair Traini at 5:00 p.m.

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

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

ABSENT: Fay Von Gemmingen, excused.

3. PLEDGE OF ALLEGANCE Municipal Attorney Fred Boness led the pledge.

4. MINUTES OF PREVIOUS MEETING None.

5. MAYOR'S REPORT

Mayor Begich announced the appointments of Mr. Fred Boness as the new Municipal Attorney, Mr. Jeff Sinz as the Municipal Fiscal Officer and Ms. Mary Jane Michael as MOA Director of Community and Economic Development.

The Mayor announced that the Eleventh Air Force Division had a dedication ceremony for the memorial at Merrill Field Airport.

6. ASSEMBLY CHAIR'S REPORT None.

7. COMMITTEE REPORTS None.

8. ADDENDUM TO AGENDA

Chair Traini called for a motion to incorporate the Addendum items into the Agenda. He read the Addendum items. He then called for additional Addendum items, and AR 2003-216(S), AO 2003-109 and AO 2003-62(S) were assigned to the Agenda as items 13.A.2, 13.B, and 14.K.2, respectively.

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

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

NAYES: None.

ABSENT: Von Gemmingen, excused.

Chair Traini called for a motion on the Consent Agenda.

Mr. Tesche moved, to approve the Consent Agenda.
Ms. Taylor seconded,

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

9. CONSENT AGENDA

A. RESOLUTIONS FOR ACTION – PROCLAMATIONS AND RECOGNITIONS

A.1. Resolution No. AR 2003-240, a resolution of the Anchorage Municipal Assembly recognizing and honoring the successful efforts of **Green Star** for organizing the first business and residential electronics recycling event in Anchorage, diverting 280,328 pounds of electronics from the Anchorage Regional Landfill, Assemblymember Van Etten.

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

A.2. Resolution No. AR 2003-253, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Captain David Fridley** for his 35 years of service with the Municipality of Anchorage, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen and Whittle.

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

B. RESOLUTIONS FOR ACTION - OTHER

- 1 B.1. Resolution No. AR 2003-238, a resolution of the Anchorage Municipal Assembly supporting passage
2 of Senate Bill No. 133, "An Act relating to a **State Veterans' Home**; directing the Department of
3 Administration to apply for federal grants available for construction of a State veterans' home; and
4 providing for an effective date," Assemblymembers Tesche, Shamberg, Taylor, and Traini and Van
5 Etten.

6
7 (Clerk's Note: Mr. Van Etten requested to be added as a co-sponsor to this resolution)

- 8
9 B.2. Resolution No. AR 2003-239, a resolution of the Anchorage Municipal Assembly supporting passage
10 of Senate Bill No. 205, "An Act relating to assignments of **Permanent Fund Dividends**; and providing
11 for an effective date," Assemblymembers Tesche, Shamberg, Taylor and Traini.
12 B.3. Resolution No. AR 2003-247, a resolution authorizing the Municipality to grant an **easement** to the
13 State of Alaska Department of Transportation and Public Facilities across a portion of the **Northeast**
14 **corner of Tract 3, Z.J. Loussac Library subdivision**, Tax Code #009-081-13, to accommodate a
15 portion of the midtown segment of the north-south trail project, Project Management and Engineering.
16 a. Assembly Memorandum No. AM 645-2003.
17 B.4. Resolution No. AR 2003-248, a resolution of the Municipality of Anchorage appropriating fifty thousand
18 dollars (\$50,000) from the areawide general fund balance (101) to the areawide general fund (101),
19 Department of Health and Human Services to fund administrative costs for the **Sexual Assault**
20 **Response team** (SART), Department of Health and Human Services
21 a. Assembly Memorandum No. AM 647-2003
22 B.5. Resolution No. AR 2003-249, a resolution of the Municipality of Anchorage providing for the
23 appropriation of twenty four thousand five hundred dollars (\$24,500) from **Friends of the Library**
24 **Donations** to the miscellaneous operational grant fund (261), Cultural and Recreational Services
25 Department, for the purchase of summer reading materials and library books and materials, Cultural
26 and Recreational Services/Library.
27 a. Assembly Memorandum No. 648-2003.

28
29 Mr. Whittle requested this item be pulled for review on the Regular Agenda. (See item 10.B.5)

- 30
31 B.6. Resolution No. 2003-251, a resolution of the Municipality of Anchorage providing for the appropriation
32 of six thousand five hundred dollars (\$6,500) from donations to the miscellaneous operational grant
33 fund (261), Cultural and Recreational Services Department, for the purchase of **library books and**
34 **materials for the BP wish list program**, Cultural and Recreational Services/Library.
35 a. Assembly Memorandum No. 651-2003.
36 B.7. Resolution No. AR 2003-257, a resolution of the Anchorage Municipal Assembly revising the 2003
37 General Government Operating Budget by appropriating \$14,000 from Areawide General Fund
38 Balance (101) to the Department of the Assembly to be used to fund a **review of the assessment,**
39 **valuation, and taxation procedures of the Municipality of Anchorage**, Department of the
40 Assembly. (**Addendum**)
41 a. Assembly Memorandum No. AM 677-2003.

42
43 Mr. Tremaine requested this item be pulled for review on the Regular Agenda. (See item 10.B.7)

44
45 **C. BID AWARDS**

- 46 C.1. Assembly Memorandum No. 646-2003, recommendation of award to **Daytech Manufacturing, Inc.**
47 for furnishing Transit Shelters, Interior Benches and Free Standing Signage for the Municipality of
48 Anchorage, (ITB 23B050) (\$135,160), Purchasing.

49
50 Mr. Sullivan requested this item be pulled for review on the Regular Agenda. (See item 10.C.1)

- 51
52 C.2. Assembly Memorandum No. 656-2003, recommendation of award to **Central Environmental, Inc.** for
53 furnishing equipment, labor and supervision necessary to crush, mix and stockpile recycled asphalt
54 pavement (RAP) for the Municipality of Anchorage. (ITB 23B052) (\$196,000), Purchasing.
55 (**Addendum**)

56
57 **D. NEW BUSINESS**

- 58 D.1. Assembly Memorandum No. AM 600-2003, **Laos Restaurant** – New Restaurant/Eating Place &
59 Restaurant Designation Liquor License (Spenard, Tudor Area Community Councils), Clerk's Office.

60
61 Chair Traini requested this item be pulled for review on the Regular Agenda. (See item 10.D.1)

- 62
63 D.2. Assembly Memorandum No. AM 637-2003, Proprietary purchase to **Itron, Inc. for MV-90 Software**
64 **System Upgrade** for the Municipality of Anchorage, Municipal Light & Power, (ML&P) (\$55,026).
65 D.3. Assembly Memorandum No. AM 650-2003, Amendment No. 1 to USKH, Inc. Professional
66 **Architectural/Engineering Services Contract** No. 230433 for Capital Improvement Projects for the
67 Municipality of Anchorage, Merrill Field Airport, (\$194,372).
68 D.4. Assembly Memorandum No. AM 653-2003, Extension of the Cooperative Agreement between the
69 Division of Forestry (DOF) and the Municipality of Anchorage (MOA) allowing for reimbursement not to
70 exceed \$59,183 for the extension of the **prepositioned wildfire helicopter** for an additional 21 days
71 beyond the 45 day contract, Fire Department.
72 D.5. Assembly Memorandum No. AM 654-2003, Change order No. 1 to Contract 22ASC141 with Speedy
73 Auto & Window Glass for furnishing **Automotive Glass Replacement** to the Municipality of
74 Anchorage, (\$105,000), Purchasing Department.
75 D.6. Assembly Memorandum No. AM 638-2003, appointments to **Randy Smith Memorial Committee**
76 (Guess, Byers, Palanski, Burrows, Honeman), Mayor's Office.
77 D.7. Assembly Memorandum No. AM 639-2003, appointment to **Library Advisory Board** (Stabenow),
78 Mayor's Office.

- 1 D.8. Assembly Memorandum No. AM 640-2003, appointments to **Board of Adjustment** (Jensen, Reeves,
2 Waring), Mayor's Office. (*Postponed until September 9, 2003*)
3 (*Clerk's Note: This Document will be Postponed until 9/9/03 to allow for the 10-day Public Comment*
4 *Period, as pursuant to AMC 21.10.030.C*)
5

6 Mr. Tremaine requested this item be pulled for review on the Regular Agenda. (*See item 10.D.8*)
7

- 8 D.9. Assembly Memorandum No. AM 641-2003, appointments to **Planning and Zoning Commission**.
9 (Simonian, Gibbons), Mayor's Office. (*Postponed until September 9, 2003*)
10 (*Clerk's Note: This Document will be Postponed until 9/9/03 to allow for the 10-day Public Comment*
11 *Period, as pursuant to AMC 21.10.010.B*)
12

13 Mr. Tremaine requested this item be pulled for review on the Regular Agenda. (*See item 10.D.9*)
14

- 15 D.10. Assembly Memorandum No. AM 642-2003, appointments to Chugiak, Birchwood, Eagle River Rural
16 Road Service Area Board of Supervisors (**CBERRSA**) (Kinney, Hudson), Mayor's Office.
17

18 **E. INFORMATION AND REPORTS**

- 19 E.1. Information Memorandum No. AIM 75-2003, Internal Audit Report 2003-7 – **Management Audit of**
20 **Municipal Swimming Pools-Aquatics Section, Cultural and Recreational Services**, Internal Audit.
21 E.2. Information Memorandum No. AIM 76-2003, **Septage Receiving Station Upgrades**, Tam
22 Construction, Inc. Report of Construction Contract Change Orders. Anchorage Water and Wastewater
23 Utility.
24 E.3. Information Memorandum No. AIM 77-2003, Internal Audit Report 2003-8 – **Municipal Procurement**
25 **Card Program, Purchasing Department**, Internal Audit. (**Addendum**)
26 E.4. Information Memorandum No. AIM 80-2003, **Abbott Loop Community Park Advisory Committee**
27 **Appointments**, Mayor's Office. (**Addendum**)
28

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

- 30 F.1. Assembly Resolution No. AR 2003-245, a resolution confirming and levying assessments for the
31 Water Special Improvements within **Willene Water Improvement District WID 443**, setting date of
32 payment and providing for penalties and interest in the event of delinquency, Anchorage Water and
33 Wastewater Utility. (*Public Hearing set for 9-9-03*)
34 a. Assembly Memorandum No. AM 643-2003
35 F.2. Assembly Resolution No. AR 2003-246, a resolution of the Municipality of Anchorage, Alaska
36 confirming and levying special assessments for Sanitary Sewer Improvements for **Willene Lateral**
37 **Improvement District (LID) A218**, setting date of payment and providing for penalties and interest in
38 the event of delinquency, Anchorage Water and Wastewater Utility. (*Public Hearing set for 9-09-03*)
39 a. Assembly Memorandum No. AM 644-2003.
40 F.3. Assembly Resolution No. AR 2003-250, a resolution of the Municipality of Anchorage accepting when
41 tendered seven hundred fifty thousand dollars (\$750,000) from the Federal Aviation Administration
42 Airport Improvement program grant, and twenty five thousand dollars (\$25,000) from the Alaska State
43 Department of Transportation and Public facilities grant; and appropriating said grants and twenty five
44 thousand dollars (\$25,000) from airport unrestricted net assets to Merrill Field's capital improvement
45 fund for the **Merrill Field Security Improvements Phase A-1**, Merrill Field Airport. (*Public Hearing*
46 *set for 9-09-03*)
47 a. Assembly Memorandum No. AM 649-2003
48 F.4. Assembly Resolution No. AR 2003-252, a resolution of the Municipality of Anchorage appropriating a
49 contract award of one hundred fifty thousand dollars (\$150,000) to the State Categorical Grants Fund
50 (231) from the **Alaska Department of Labor and Workforce Development** for the program year (PY)
51 2003/fiscal year (FY) 2004 Close-out contract within the Planning Department, Community Planning
52 and Development. (*Public Hearing set for August 19, 2003*)
53 a. Assembly Memorandum No. AM 652-2003
54 F.5. Assembly Ordinance No. AO 2003-117, an ordinance of the Anchorage Municipal Assembly repealing
55 a portion of AO 2003-58, Section 3, and providing for the transfer of jurisdiction of pending appeals
56 before the former **Board of Adjustment** to the newly established Board of Adjustment,
57 Assemblymember Tesche. (*Public Hearing set for 9-09-03*)
58 a. Assembly Memorandum No. AM 659-2003
59

60 Chair Traini called for a vote to approve the amended Consent Agenda.
61

62 Mr. Tesche moved, to approve the Consent Agenda, as amended.
63 Ms. Taylor seconded,
64 and this motion was passed,
65

66 AYES: Tesche, Whittle, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall, Tremaine and Sullivan.
67 NAYES: None.
68 ABSENT: Von Gemmingen, excused.
69

70 Chair Traini announced the unanimous approval of the amended Consent Agenda, with the exception of the pulled
71 items and proceeded into discussion of those items.
72

73 **END OF CONSENT AGENDA**

74
75 **10. REGULAR AGENDA**

76 **10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS**

- 77 10.A.1. Resolution No. AR 2003-240, a resolution of the Anchorage Municipal Assembly recognizing and
78 honoring the successful efforts of **Green Star** for organizing the first business and residential

1 electronics recycling event in Anchorage, diverting 280,328 pounds of electronics from the Anchorage
2 Regional Landfill, Assemblymember Van Etten, Tesche and Sullivan.

3
4 Chair Traini read this resolution title and called for a motion. Mr. Tesche and Mr. Sullivan requested to be added as
5 cosponsors, and there were no objections.

6
7 Mr. Van Etten moved, to approve AR 2003-240, as amended.
8 Mr. Tremaine seconded,
9 and this motion passed unanimously,

10
11 AYES: Tesche, Whittle, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall, Tremaine and Sullivan.
12 NAYES: None.
13 ABSENT: Von Gemmingen, excused.

14
15 Mr. Van Etten presented the award and Mr. Kendall read the resolution, recognizing and honoring the successful
16 efforts of Green Star for organizing the first business and residential electronic recycling event, making Anchorage a
17 better, cleaner and more consciousness city. The recent Green Star program diverted 280,000 pounds of electronics
18 from the Anchorage Regional Landfill. For this effort, Green Star received a grant of \$35,000 from the Municipality of
19 Anchorage Solid Waste Services, along with donations from British Petroleum and 45 local businesses. Mr. Scaling
20 accepted the award on behalf of Green Star and stated they had met their goals with this large-scale event and had
21 surpassed similar efforts across the nation for cities the size of Anchorage. He congratulated Anchorage for
22 recognizing the importance of recycling and for acting responsibly. To Mr. Van Etten's question, Mr. Scaling
23 responded that Green Star had just begun a program for recycling computers, for a fee of \$35.00 per monitor and fifty
24 cents per pound. He stated this would be an on-going effort. Mr. Sullivan congratulated Mr. Scaling for the efforts of
25 Green Star. To Mr. Sullivan's question, Mr. Scaling responded that Green Star now had a web site, at
26 www.greenstar.org, which made it easier for residents to find dates, times and specifics. Mr. Kendall stated he knew
27 there would be another electronic recycling event happening in May, 2004, and urged their consideration of more
28 advertisement to allow residents and business owners time to schedule collection of electronic equipment.

29
30 10.A.2. Resolution No. AR 2003-253, a resolution of the Anchorage Municipal Assembly recognizing and
31 honoring **Captain David Fridley** for his 35 years of service with the Municipality of Anchorage,
32 Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van
33 Etten, Von Gemmingen and Whittle.

34
35 Chair Traini read this resolution title and called for a motion.

36
37 Ms. Shamberg moved, to approve AR 2003-253.
38 Mr. Tesche seconded,
39 and this motion was passed,

40
41 AYES: Tesche, Whittle, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall, Tremaine and Sullivan.
42 NAYES: None.
43 ABSENT: Von Gemmingen, excused.

44
45 Ms. Taylor presented the award as Ms. Shamberg read this resolution, honoring Captain David Fridley for his 35 years
46 of service with the Municipality of Anchorage, serving both the Borough and Anchorage Fire Department. Captain
47 Fridley was also honored for his volunteer assistance to the International Association of Fire Fighters, the Muscular
48 Dystrophy Association and the American Heart Association. Captain Fridley accepted his award and said it had been
49 a great honor to serve Anchorage and he thanked the Assembly for the recognition.

50
51 **10.B. RESOLUTIONS FOR ACTION - OTHER**

52 10.B.5. Resolution No. AR 2003-249, a resolution of the Municipality of Anchorage providing for the
53 appropriation of twenty four thousand five hundred dollars (\$24,500) from **Friends of the Library**
54 **Donations** to the miscellaneous operational grant fund (261), Cultural and Recreational Services
55 Department, for the purchase of summer reading materials and library books and materials, Cultural
56 and Recreational Services/Library.
57 a. Assembly Memorandum No. 648-2003.

58
59 Chair Traini read this resolution title and called for a motion.

60
61 Mr. Whittle moved, to approve AR 2003-249.
62 Mr. Tesche seconded,

63
64 Mr. Whittle stated he supported the Friends of the Library for all their efforts to bring new literature to the libraries.

65
66 and this motion was passed,

67
68 AYES: Tesche, Whittle, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall, Tremaine and Sullivan.
69 NAYES: None.
70 ABSENT: Von Gemmingen, excused.

71
72 10.B.7. Resolution No. AR 2003-257, a resolution of the Anchorage Municipal Assembly revising the 2003
73 General Government Operating Budget by appropriating \$14,000 from Areawide General Fund
74 Balance (101) to the Department of the Assembly to be used to fund a **review of the assessment,**
75 **valuation, and taxation procedures of the Municipality of Anchorage**, Department of the
76 Assembly. (**Addendum**)
77 a. Assembly Memorandum No. AM 677-2003.

1 Chair Traini read this resolution title and called for a motion.

2
3 Mr. Tremaine moved, to approve AR 2003-257.
4 Mr. Tesche seconded,

5
6 Mr. Tremaine felt this was an extremely important consulting contract. To Mr. Tremaine's question, Chair Traini
7 responded this was the first portion of the \$50,000 appropriation that had previously been approved.

8
9 and this motion was passed,

10
11 AYES: Tesche, Whittle, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall, Tremaine and Sullivan.

12 NAYES: None.

13 ABSENT: Von Gemmingen, excused.

14
15 **10.C. BID AWARDS**

16 10.C.1. Assembly Memorandum No. 646-2003, recommendation of award to **Daytech Manufacturing, Inc.**
17 for furnishing Transit Shelters, Interior Benches and Free Standing Signage for the Municipality of
18 Anchorage, (ITB 23B050) (\$135,160), Purchasing.

19
20 Chair Traini read this resolution title and called for a motion.

21
22 Mr. Sullivan moved, to approve AM 646-2003.
23 Mr. Tremaine seconded,

24
25 To Mr. Sullivan's question, Tom Wilson of Daytech Manufacturing, Inc., responded that the contract was for upgrades
26 for bus shelters, which were considerably down-sized and less expensive than the previously constructed shelters in
27 the Municipality. He explained the new shelters were semi-closed, provided better shelter and were less expensive
28 than the shelters in the past. Mr. Sullivan requested a photograph of the completed project.

29
30 and this motion was passed,

31
32 AYES: Tesche, Whittle, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall, Tremaine and Sullivan.

33 NAYES: None.

34 ABSENT: Von Gemmingen, excused.

35
36 **10.D. NEW BUSINESS**

37 10.D.1. Assembly Memorandum No. AM 600-2003, **Laos Restaurant** – New Restaurant/Eating Place &
38 Restaurant Designation Liquor License (Spennard, Tudor Area Community Councils), Clerk's Office.

39
40 Chair Traini had requested this item be pulled for discussion and he called for a motion.

41
42 Ms. Fairclough moved, to approve AM 600-2003, with protest until a conditional use
43 Mr. Tremaine seconded, permit for the current location was secured.

44
45 Chair Traini stated his only concern was that there was no conditional use permit for the listed location and the
46 Assembly was protesting it. To Chair Traini's question the Municipal Economic and Community Development Director
47 Sue Fison responded that they had not yet communicated with the applicant and were planning to do so.

48
49 and this motion was passed,

50
51 AYES: Tesche, Whittle, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall, Tremaine and Sullivan.

52 NAYES: None.

53 ABSENT: Von Gemmingen, excused.

54
55 10.D.8. Assembly Memorandum No. AM 640-2003, appointments to **Board of Adjustment** (Jensen, Reeves,
56 Waring), Mayor's Office. *(Clerk's Note: This Document will be postponed until 9/9/03 to allow for the*
57 *10-day public comment period, pursuant to AMC 21.10.030.C)*

58
59 Chair Traini read this resolution title called for a motion from Mr. Tremaine, who mentioned the Assembly still needed
60 to receive a resume from Mr. Jensen.

61
62 Mr. Tremaine moved, to postpone AM 640-2003 until September 9, 2003.
63 Ms. Fairclough seconded,
64 and this motion was passed,

65
66 AYES: Tesche, Whittle, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall, Tremaine and Sullivan.

67 NAYES: None.

68 ABSENT: Von Gemmingen, excused.

69
70 10.D.9. Assembly Memorandum No. AM 641-2003, appointments to **Planning and Zoning Commission**.
71 (Simonian, Gibbons), Mayor's Office. *(Clerk's Note: This Document will be Postponed until 9/9/03 to*
72 *allow for the 10-day Public Comment Period, pursuant to AMC 21.10.010.B)*

73
74 Chair Traini read this resolution title called for a motion. Mr. Tremaine explained this item needed to be postponed to
75 allow the ten-day public comment period required by law.

76
77 Mr. Tremaine moved, to postpone AM 641-2003 until September 9, 2003.
78 Ms. Fairclough seconded,

1 and this motion was passed,
2

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

4 NAYES: None.

5 ABSENT: Von Gemmingen, excused.
6

7 **10.E. INFORMATION AND REPORTS** None pulled for review.

8 **10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION** None pulled for review.
9

10 **11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS** None.
11

12 **12. APPEARANCE REQUESTS**

13 12.A. **Sally Karabelnikoff**, regarding Old Harbor Subdivision issues.
14
15

16 Ms. Sally Karabelnikoff, representing residents of the Old Harbor Subdivision, addressed a zoning issue which the
17 residents felt had negatively impacted their quality of life. She explained this fifty-year-old subdivision was comprised
18 of forty, one-acre lots, sharing a common access to Muldoon Road. She and the other residents of the subdivision had
19 chosen this neighborhood for privacy, space and low traffic. She and residents objected to the lack of enforcement of
20 the R-1A zoning in their subdivision and to the growing number of businesses, including an auto repair business, a
21 snow removal business and one 24-hour sewer and drain service. One resident had cleared and brought fill onto his
22 lot, and residents questioned if permits had been issued for those improvements. One business had added a 640
23 square foot garage, in addition to an already existing 2400 square foot garage, with accommodating 10' bays. They
24 had just completed paving the entire back of the property, and one-quarter of the front yard. Other residents in the
25 subdivision began complaining in October of 2002 of this property and the issue remained unresolved. Their other
26 complaints included signage, the vehicles and heavy equipment which had damaged the asphalt of Old Harbor Road,
27 the traffic increase, the offensive smell of the sewer haulers, the burying of a sewer system tank, commercial vehicle
28 storage. Residents questioned if these businesses had licenses. They wanted their neighborhood to remain
29 residential, wanted protection from the Municipality of Anchorage and appreciated any assistance the Assembly could
30 give them with this very frustrating issue.
31

32 Ms. Taylor stated that she and Mr. Whittle had met with some of the homeowners in the neighborhood, and they had
33 some serious concerns with some of the new activities. She appreciated the information and documentation that Ms.
34 Karabelnikoff presented, which would be added to the compiled information being collected at the Ombudsman's
35 Office. Ms. Taylor stated they needed assistance from the Administration. Mayor Begich stated they had made some
36 progress with this issue and they still were trying to verify some of the information. He urged Ms. Karabelnikoff to give
37 her documentation to the Administration.
38

39 To Mr. Tesche, Ms. Karabelnikoff responded that they had fifty-year-old covenants, which was included with the
40 property deeds, but the covenants were very outdated and did not cover some of the incidents that were happening.
41 The covenant included allowances for a three-car garage and subdividing was not allowed. Mr. Tesche encouraged
42 her to examine the covenants carefully, to determine if enforcing the covenants would help resolve the issue. He also
43 encouraged her to examine the associated deeds of trust, to determine if the property needed to be kept and
44 maintained in a lawful condition. Mr. Tesche recommended that the Assembly coordinate with the Ombudsman on this
45 subject.
46

47 Mr. Whittle stated there was a historical nature to the subdivision and it was important to preserve the fifty-year-old
48 original homes in this neighborhood. He stated that he and the Assembly would do what they could to help correct the
49 situation.
50

51 12.B. **Barbara Anderson**, regarding the activities and benefits of the summer playground program.
52

53 Art, Janet, Michelle, Whitney and Ethan, associated with the Summer Playgrounds in Anchorage, testified. They
54 represented Turnagain, Abbott Loop, Bear Valley and Klatt Elementary Schools. They presented a slide-show
55 covering the history, activities and benefits of their programs. It was explained that the directors of this program
56 worked with local businesses for fieldtrips involving bowling, swimming, skating, miniature golf and many other
57 activities. Families and children had come to depend on the Summer Programs. With the support of many municipal
58 divisions, including Parks Maintenance, Aquatics, People Mover and the Anchorage Fire Department, they had created
59 a strong, safe and happy environment for the children. The Summer Programs had been run by dedicated individuals
60 who set children's wellbeing as a priority.
61

62 To Mr. Sullivan's question, a representative responded that he did not think the Summer Program was self-supporting,
63 although he thought other similar programs might have been.
64

65 To Mr. Tesche's question, a representative responded that they currently had about 550 children enrolled in their
66 programs, aged three to eleven years of age. Their programs were offered five days a week, with toddlers attending
67 four days a week. He added that due to the recent budget cuts, there was currently eight participating schools, down
68 from sixteen in previous years.
69

70 Mr. Van Etten thanked the group for their efforts and shared his understanding of the importance of this program.
71

72 Chair Traini thanked to this group of young adults for their dedication and service to the city. The group presented the
73 photo album to the Mayor and Assemblymembers.
74

75 12.C. **Cliff Wilson**, regarding Oxford House.
76

77 Mr. Cliff Wilson, representing Oxford House of Alaska, testified. Like many Oxford House residents, Mr. Wilson was in
78 recovery. He stated that he felt fortunate to have found Oxford House, which created an environment for sobriety and

1 had a very high recovery success rate for thousands of individuals across the country, allowing them to become
2 functional members of society again. He explained Oxford House residents paid rent and did not depend on the
3 Municipality for financial assistance and their success rate was attributed to peer pressure and team work.

4
5 To Mr. Van Etten's question, Mr. Wilson responded that one of the reasons he was before the Assembly was to make
6 clear their effort to be good neighbors. He stated they had scheduled an open house for their new facility and wanted
7 to attend local community council meetings for each of their five locations in Anchorage.

8
9 To Ms. Shamberg, Mr. Wilson explained the new Oxford House was in Roger's Park Subdivision and he thought it was
10 important for residents to understand people they were good neighbors and they were not dangerous. He stated that
11 misunderstandings about their homes and residents were common. To reduce those misunderstandings, he and other
12 Oxford House residents were trying to communicate and be neighborly in the community.

13
14 To Mr. Sullivan, Mr. Wilson responded that all of their homes were in residential zones and they considered
15 themselves families and were in compliance with all codes.

16
17 To Mr. Whittle's question, he understood there were individuals with concerns about their code compliance and he was
18 trying to answer questions and educate the community about their existence and purpose.

19
20 Mr. Donald Karabelnikoff, formerly ten years with the Planning and Zoning Commission and a former Commissioner,
21 testified. He stated he was a recovering alcoholic, and had recently moved into an Oxford House. He stated he was
22 familiar with Title-21 and he felt that Oxford Houses were in compliance with Municipal Code and he was in full support
23 of these homes. He was involved in an effort to establish more of them in Anchorage, Kenai, Kodiak, Cordova, Bethel,
24 and many other communities in Alaska.

25
26 To Mr. Tesche, Mr. Karabelnikoff responded that all nine residents of the new Oxford House on Cottonwood Street
27 were adults and employed in the community. There were two individuals who had drivers licenses and owned
28 vehicles. He explained that many of the residents used bicycles. Mr. Karabelnikoff stated that recovering individuals
29 were often temporary residents, until they began rebuilding their lives.

30
31 To Deputy Municipal Manager Michael Abbott, Mr. Dean, Director of Oxford House, responded that they had not
32 reached a final conclusion whether the definition of a rooming house applied to their homes.

33
34 12.D. **Andrée [McCleod] McLeod**, regarding Zoning/HLB/ follow-up.

35
36 Ms. Andrée McLeod testified on the zoning issues of properties in the area of Lake Otis Parkway and 40th Avenue.
37 She explained that she had testified before the Assembly two weeks ago, concerning this issue. She showed photos
38 of the action taken, which was adding the single word "pending" to the already-posted 4x8 foot zoning approval signs.
39 She argued the "pending" addition was only 2 inches high, and was not visible at a distance. She had investigated
40 with the Anchorage Board of Realtors to find if this was illegal. ~~[She had also investigated if the property owners were
41 in compliance with the standards followed by the Board of Realtors, the Code of Ethics and Standards of Practices.
42 She found, in Article II, that it was illegal to avoid exaggeration, misrepresentation or concealment of facts concerning
43 real estate properties.]~~ Citing the National Association of Realtors' Code of Ethics and Standards of Practices, Ms.
44 McLeod noted that Article II stated that realtors shall avoid exaggeration, misrepresentation or concealment of
45 pertinent facts relating to the property of the transaction.

46
47 To Mr. Tremaine, Ms. McLeod responded that the "pending" verbiage addition to the 4x8 foot sign did not follow the
48 Code of Ethics definitions. She viewed it as deceptive advertising.

49
50 Mr. Sullivan stated that this issue may be discussed that evening when they addressed the sign ordinance. Mr.
51 Tesche commented that it was a violation of the First Amendment, concerning freedom of speech and constitutional
52 rights, to regulate the content of signs. Mr. Sullivan stated he stated that there were many laws dealing with false
53 advertising, and this issue should be addressed in those terms.

54
55 Ms. McLeod stated that her biggest concern was the pending rezone of this area and the influences the developers
56 had with the Administration. She felt they were already being deceptive and she was concerned with their future
57 intentions.

58
59 **13. CONTINUED PUBLIC HEARINGS**

60 13.A. Resolution No. AR 2003-216(S), a resolution confirming the assessment roll and levying special
61 assessments for services on property specially benefited in the **Downtown Business Improvement**
62 **District**, Special Assessment District 1SD97, setting the dates of assessment, and providing for
63 assessment billing, payment due dates, application of payments, delinquency, penalties, interest and
64 costs for delinquency and enforcement and appropriating the sum of \$21,263 in assessment revenues
65 when tendered to Special Assessment Fund 271 for services benefiting the property owners in Special
66 Assessment District 1SD97, Office of Management and Budget. **(Addendum)**

- 67 1. Assembly Memorandum No. AM 578-2003. *(Carried Over from 7-22-03)*
- 68 2. Resolution No. AR 2003-216, a resolution confirming the assessment roll and levying special
69 assessments for services on property specially benefited in the **Downtown Business**
70 **Improvement District**, Special Assessment District 1SD97, setting the dates of assessment,
71 and providing for assessment billing, payment due dates, application of payments,
72 delinquency, penalties, interest and costs for delinquency and enforcement and appropriating
73 the sum of \$4,117 in assessment revenues when tendered to Special Assessment Fund 271
74 for services benefiting the property owners in Special Assessment District 1SD9, Office of
75 Management and Budget.
 - 76 1. Assembly Memorandum No. AM 670-2003.

1 Chair Traini read the resolution title and explained the "S" Version of this resolution contained revisions and
2 corrections. He opened Public Hearing.

3
4 BRAD CHERRIER, representing owners of the downtown apartment building, testified. He explained the Anchorage
5 Downtown Partnership was not a "partnership." This organization required downtown residents to pay for special
6 assessments for services, but entities such as BLM, Municipal Parking Garages, City Hall, the Anchorage Performing
7 Arts Center, Town Square, Egan Center, Fire Department or State Court House were not assessed. He added that he
8 had witnessed regular summer street and side walk maintenance in front of these businesses and he had never
9 received maintenance in front of his homeowners' properties. He requested that the Municipal Attorney supply them
10 with forms and instructions on how these homeowners may opt out of this association. To Mr. Tremaine, Mr. Cherrier
11 responded that his research indicated that various businesses had been exempt from the beginning of this agreement.
12 He was not familiar with all of the legal options available to these homeowners.

13
14 DOUG MEYERS, a downtown merchant of 329 East 5th Avenue, testified that the current tax assessment arrangement
15 was not working. He stated that the MOA collected the same taxes from businesses and residents all the way to
16 Gambell Street, and the majority of police activity was concentrated in the core area of downtown. He argued that it
17 was not a fair assessment of taxes and disagreed with the special treatment to some of the businesses downtown,
18 who did not pay taxes for street maintenance or the APD. He argued that he had high tax assessments and he did his
19 own snow removal and street sweeping in front of his business. To Mr. Sullivan, Mr. Meyers responded that he would
20 divide the downtown partnership boundaries at Cordova Street to the southeast. Mr. Meyers responded that he would
21 like to find out what the long-term plan was to bring clientele to small businesses like his, at the East end of downtown.

22
23 ROBIN LESLEY, owner of Kodiak Café and Alaska Deli Café, both located on East 5th Avenue, testified that she
24 believed small businesses were taxed too much. Ms. Lesley stated that while she was among the businesses taxed
25 for maintenance and clean up in the downtown district, she inevitably cleaned up her property and the right of way,
26 maintained her own flowers and took care of the local vagrant problems. She argued against the exemption status of
27 many businesses, and complained that the MOA supplied beautification items, like flowers to some of those businesses.
28 To Ms. Shamberg, Ms. Lesley stated her tax assessment for the Downtown Improvement District was \$410.00 per
29 year.

30
31 LORETTA SMITH testified that she was requesting to withdraw from this program. She owned a business on the
32 corner of 9th and A Street and said she received no help or services from the Municipality in return for the taxes she
33 was paying and she felt she was being forced to belong to the Downtown Improvement District against her will.

34
35 Chair Traini called for additional public testimony, and there being none, he closed Public Hearing and called for a
36 motion.

37
38 Mr. Tesche moved, to approve AR 2003-216(S).
39 Mr. Tremaine seconded,

40
41 Mr. Tesche stated that the downtown area continued to be vital and there would continue to be controversy with the
42 establishment of the Business Improvement District. He felt it was important for the Assembly to continue to support
43 the Downtown Business Improvement District, and he urged the body to support the approval of the Substitute Version
44 of this resolution.

45
46 BECKY BECK, Executive Director of the Downtown Business Partnership, responded to Mr. Sullivan by saying that
47 she had been involved with the Partnership for seven months, and she had noticed a difference with beautification
48 projects within the district. Ms. Beck stated their current district covered one hundred and three square blocks, and
49 included twenty five miles of sidewalk. She stated it was difficult to give equal treatment because of the areas of high
50 police incidents that demanded more attention. She encouraged the Assembly not to reduce the size of the
51 Partnership District area, and explained it was similar in size to other similar districts across the nation. She stated she
52 would like the Hickel Properties to be involved with their district, and thought they were considered members but did
53 not pay and their history was confusing. She said the State and Federal properties were exempt and it was their goal
54 to have them involved, so the small businesses were not carrying the load. Mr. Sullivan encouraged Ms. Beck to work
55 towards an overall fairness of the system and to consider changing some of the exemptions to make more equal
56 assessments. Chair Traini agreed, and stated this was the proper time to address the issue.

57
58 To Mr. Tremaine, Ms. Beck responded that owner-occupied properties could receive the exempt status. Assembly
59 Attorney Gatti responded it would not be possible to change the status of the Captain Cook Hotel's exemption with the
60 resolution currently before the Assembly.

61
62 Mr. Sullivan quoted Section 3, Lines 34-36, and stated that he interpreted the Assembly to have the power to correct
63 any qualities to which valid objections were raised and he asked for a response from the Municipal Legal Staff.
64 Assembly Attorney Gatti responded that he believed the intention of the resolution did not question assessment roles
65 and more research was needed to address the proper objections for this resolution.

66
67 Mr. Tesche moved, to approve AR 2003-216(S).
68 Mr. Tremaine seconded,

69
70 AYES: Tesche, Whittle, Taylor, Traini, Fairclough, Van Etten, Kendall and Tremaine.

71 NAYES: Sullivan.

72 ABSENT: Von Gemmingen, excused and Shamberg, temporarily out of room.

73
74 13.B. Ordinance No. AO 2003-109, an ordinance of the Anchorage Assembly amending AMC 3.20 relating
75 to the **Organization of the Executive Branch** and setting forth the duties and responsibilities of
76 Executive Branch agencies, Assemblymember Tesche. **(To be Submitted)**

1 (Continued from 7-22-03) (Clerk's Note: At the Request of the Administration, this Public Hearing will
2 be Held Over until the Assembly Meeting of September 9, 2003. Text will be available in the Clerk's
3 Office on September 2, 2003.) (Postponed until September 9, 2003)
4

5 Chair Traini read this ordinance title and stated that this would be held over until the Assembly Meeting on September
6 9, 2003, by the request of the Administration. He opened Public Hearing and with no one to testify, he closed Public
7 Hearing and called for a motion.

8
9 Ms. Fairclough moved, to Continue AO 2003-109 to September 9, 2003.
10 Mr. Tesche seconded,
11 and this motion was passed,
12

13 AYES: Tesche, Whittle, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall, Tremaine and Sullivan.
14 NAYES: None.
15 ABSENT: Von Gemmingen, excused.
16

17 13.C. Ordinance No. AO 2003-90, an ordinance of the Anchorage Municipal Assembly providing for the
18 regulation of **site condominiums**, Assemblymember Fairclough. **(To be Submitted)**
19 (Carried Over from 7-22-03) (Clerk's Note: This AO is being replaced by AO 2003-68, which is
20 scheduled for Public Hearing September 23, 2003. Text will be available in the Clerk's Office on
21 September 16, 2003.)
22

23 Chair Traini read this ordinance title.

24
25 Ms. Fairclough moved, to postpone indefinitely AO 2003-90.
26 Mr. Tremaine seconded,
27

28 Ms. Fairclough explained they were postponing this ordinance, and the action would be address in AO 2003-68, which
29 would be scheduled for Public Hearing on September 23, 2003.

30
31 and this motion was passed,
32

33 AYES: Tesche, Whittle, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall, Tremaine and Sullivan.
34 NAYES: None.
35 ABSENT: Von Gemmingen, excused.
36

37 14. NEW PUBLIC HEARINGS

38 14.A. Ordinance No. AO 2003-113, an ordinance of the Anchorage Municipal Assembly amending
39 Anchorage Municipal Code Section 2.40, Community Councils, recognizing the **Girdwood Board of**
40 **Supervisors** as the Community Council for the Girdwood Community Association boundary area
41 depicted on Map 10 Turnagain Arm Community Council Districts, Assemblymembers Tremaine and
42 Shamberg.
43

44 Chair Traini read this ordinance title and opened Public Hearing.

45
46 STUART HALL, with the Federation of Community Councils, agreed with the proposed recognition of the Girdwood
47 Community Council and urged the Assembly to support this ordinance. He explained the Girdwood Community
48 Council had inadvertently been omitted and they were making corrections now, to include it. He stated the Council
49 had been recognized since 1976, and they had been active for 27 years. To Mr. Tremaine, Mr. Hall responded that
50 the residents of Girdwood wanted to be represented by this group. To Mr. Sullivan, Mr. Hall responded that he did not
51 have knowledge of the composition of the group, whether it was the Board of Supervisors of the Land Use Council, just
52 as long as residents received the representation. He thought that the Municipal Attorney had ruled by that members of
53 the Board of Supervisors could not serve as on the Community Council.
54

55 DAVE SEARS, members of the Girdwood Board of Supervisors, agreed this ordinance would allow representation to
56 residents of Girdwood, codifying the relationship between Girdwood Board of Supervisors, the Girdwood Community
57 Association and the Land Use Committee. He recommended an amendment allowing those special interest groups to
58 be members of the Community Council.
59

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

61
62 Mr. Tremaine moved, to approve AO 2003-113.
63 Ms. Shamberg seconded,
64

65 Mr. Tremaine proposed a floor amendment and still questioned whether it was legal for the Board of Supervisors to act
66 as members of the Community Council.

67
68 Mr. Tremaine moved, to amend AO 2003-113, by adding on Page 1, Line
69 Mr. Tesche seconded, 13, to read: "Districts Recognized Special Provision: The
70 and this motion was approved, Municipality recognizes the Girdwood Board of Supervisors
71 as the Community Council, ex-officio, which serves the
72 Girdwood Community Association-Land Use Area boundary
73 area, depicted on Map 10, located in Section 2.40.090."
74

75 To Ms. Fairclough, Assembly Attorney Gatti, responded that he had not reviewed Mr. Bill Greene's opinion, but thought
76 that this arrangement may lead to conflicts of interest and incompatibilities. Mayor Begich stated that he would like to
77 allow time for the Municipal Attorney to research and comment on this issue, and would support temporary
78 postponement.

1
2 Ms. Fairclough moved, *to postpone* AO 2003-113 until August 19, 2003.
3 Mr. Sullivan seconded,

4
5 Mr. Tesche, Mr. Tremaine, Ms. Shamberg and Ms. Taylor agreed that the Assembly could take action on this item
6 during the current meeting and resolve the issue.

7
8 Mr. Sullivan did not feel this was a time sensitive issue, and he supported postponement until they could get a legal
9 opinion to make a thorough analysis.

10
11 and this motion failed,

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

16
17 Mr. Tremaine moved, to approve AO 2003-113, as amended.
18 Ms. Shamberg seconded,
19 and this motion was passed,

20
21 AYES: Tesche, Whittle, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall and Tremaine.
22 NAYES: Sullivan.
23 ABSENT: Von Gemmingen, excused.

24
25 Mr. Tesche proposed immediate reconsideration and urged a NO-vote.

26
27 Mr. Tesche moved, *for immediate reconsideration* of AO 2003-113, as amended.
28 Mr. Tremaine seconded,
29 and this motion failed,

30
31 AYES: Sullivan.
32 NAYES: Tesche, Whittle, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall and Tremaine
33 ABSENT: Von Gemmingen, excused.

34
35 Mr. Sullivan and Chair Traini requested the Administration supply legal council and additional opinions on this issue.
36 Mayor Begich stated the Administration would respond in the form of a memorandum.

37
38 14.B. Resolution No. AR 2003-221, a resolution confirming and levying assessments for the sewer special
39 improvements within **Levy-Upon-Connection (LUC) Roll 03-S-3**, setting date of payment and
40 providing for penalties and interest in the event of delinquency, Water and Wastewater Utility.
41 1. Assembly Memorandum No. AM 592-2003.

42
43 Chair Traini read this resolution title and opened Public Hearing. There being no one to testify, he closed Public
44 Hearing and called for a motion.

45
46 Mr. Tesche moved, to approve AR 2003-221.
47 Mr. Whittle seconded,
48 and this motion was passed,

49
50 AYES: Tesche, Whittle, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall and Sullivan.
51 NAYES: None.
52 ABSENT: Von Gemmingen, excused and Tremaine, temporarily out of room.

53
54 14.C. Resolution No. AR 2003-226, a resolution authorizing the Municipality of Anchorage, Public
55 Transportation Department to file a Federal Transit Administration Section 5303 Metropolitan Planning
56 Program grant, enter into a Transfer of Responsibilities Agreement in the amount of \$201,774 with the
57 Department of Transportation and Public Facilities, State of Alaska, and to appropriate these funds
58 along with \$50,444 for required local matching funds from the Public Transportation Department's
59 2003 Operating Budget to the State Categorical Grants Fund (231) for financing of the **Transit**
60 **Planning Program**, Public Transportation Department.
61 1. Assembly Memorandum No. AM 618-2003.

62
63 Chair Traini read this resolution title and opened Public Hearing. There being no one to testify, he closed Public
64 Hearing and called for a motion.

65
66 Ms. Fairclough moved, to approve AR 2003-226.
67 Mr. Tesche seconded,
68 and this motion was passed,

69
70 AYES: Tesche, Whittle, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall and Sullivan.
71 NAYES: None.
72 ABSENT: Von Gemmingen, excused.

73 *(Clerk's Note: Tremaine was temporarily out of room at the time of the vote.)*

74
75 14.D. Resolution No. AR 2003-234, a resolution of the Municipality of Anchorage appropriating \$2,409,120
76 to the Public Transportation CIP Fund (485) from the Federal Highway Administration through the
77 Alaska Department of Transportation and Public Facilities to provide funding for purchase of
78 **automated operating systems**. This purchase will aid in congestion management and air quality

1 mitigation through increased efficiencies in the delivery of public transportation service within the
2 Municipality of Anchorage, Public Transportation Department.

3 1. Assembly Memorandum No. AM 619-2003.
4

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

7
8 Ms. Fairclough moved, to approve AR 2003-234.
9 Ms. Shamberg seconded,
10 and this motion was passed,
11

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

13 NAYES: None.

14 ABSENT: Von Gemmingen, excused.
15

16 14.E. Resolution No. AR 2003-225, a resolution of the Municipality of Anchorage appropriating \$296,714
17 from the U.S. Department of Housing and Urban Development to the Federal Categorical Grants Fund
18 (241), \$150,000 from Alaska Housing and Finance Corporation to State Categorical Grants Fund
19 (231), for the purpose of providing a one year renewal of the **LINK Homeless Assistance Project**
20 and a contract with **Abused Women's Aid in Crisis, Inc.**, Health and Human Services.

21 1. Assembly Memorandum No. AM 617-2003.
22

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

25
26 Mr. Tesche moved, to approve AR 2003-225.
27 Ms. Fairclough seconded,
28 and this motion was passed,
29

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

31 NAYES: None.

32 ABSENT: Von Gemmingen, excused.
33

34 14.F. Resolution No. AR 2003-242, a resolution of the Municipality of Anchorage appropriating the sum of
35 \$270,195 from the U.S. Environmental Protection Agency and \$323,000 as a cash match from the
36 2003 Department of Health and Human Services Operating Budget to the Federal Categorical Grants
37 Fund (241), Department of Health and Human Services for **air quality monitoring, enforcement and**
38 **planning activities**, Health and Human Services.

39 1. Assembly Memorandum No. AM 612-2003.
40

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

43
44 Ms. Fairclough moved, to approve AR 2003-242.
45 Ms. Shamberg seconded,
46 and this motion was passed,
47

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

49 NAYES: None.

50 ABSENT: Von Gemmingen, excused.
51

52 14.G. Resolution No. AR 2003-243, a resolution appropriating \$269,080 from the State of Alaska
53 Department of Transportation and Public Facilities to the Miscellaneous Capital Project/Pass-Thru
54 Capital Improvement Program Fund to the Project Management & Engineering Department for the
55 construction of the **Tudor Road-Muldoon Road Curve Sound Barrier Wall**, Project Management &
56 Engineering.

57 1. Assembly Memorandum No. AM 630-2003.
58

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

61
62 Ms. Fairclough moved, to approve AR 2003-243.
63 Ms. Taylor seconded,
64 and this motion was passed,
65

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

67 NAYES: None.

68 ABSENT: Von Gemmingen, excused.
69

70 14.H. Resolution No. AR 2003-244, a resolution of the Municipality of Anchorage appropriating 2003 State of
71 Alaska grant from Alaska Housing Finance Corporation, Grant #MGP-03-HLB-1, for \$250,000 for the
72 **Creekside Town Center Project**, Heritage Land Bank.

73 1. Assembly Memorandum No. AM 631-2003.
74

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

77
78 Mr. Tesche moved, to approve AR 2003-244.

1 Ms. Fairclough seconded,
2 and this motion was passed,
3

4 AYES: Tesche, Whittle, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall, Tremaine and Sullivan.
5 NAYES: None.
6 ABSENT: Von Gemmingen, excused.
7

8 14.I. Ordinance No. AO 2003-116, an ordinance of the Anchorage Municipal Assembly authorizing the long
9 term lease between the Municipality of Anchorage as lessor and Pacific Alaskan Airways, LLC as
10 lessee of **Lot 6, Block 3, Merrill Field Replat**, located between Runway 6-24 and Merrill Field Drive,
11 Merrill Field Airport.

12 1. Assembly Memorandum No. AM 616-2003.
13

14 Chair Traini read this ordinance title and opened Public Hearing. There being no one to testify, he closed Public
15 Hearing and called for a motion.
16

17 Mr. Tesche moved, to approve AO 2003-116.
18 Ms. Fairclough seconded,
19 and this motion was passed,
20

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

25 14.J. Ordinance No. AO 2003-112, an ordinance of the Anchorage Municipal Assembly amending
26 Anchorage Municipal Code Chapter 3.85, relating to the **Police & Fire Retirement System**; providing
27 additional definitions; clarifying the procedures for payment of retirement benefits when Plan members
28 who retire are reemployed by the Municipality of Anchorage; providing for codification; providing an
29 effective date, Assemblymember Tesche.

30 1. Assembly Memorandum No. AM 591-2003. (*Postponed until 9-09-03*)
31

32 Chair Traini read this resolution title and opened Public Hearing. There being no one to testify, he closed Public
33 Hearing and called for a motion.
34

35 Mr. Tesche moved, to approve AR 2003-112.
36 Ms. Taylor seconded,
37

38 Mr. Tesche stated he had been approached by a number of plan members involved with this issue, requesting that
39 deliberations continue until the next meeting in September.
40

41 Mr. Tesche moved, to *postpone* AR 2003-112, until September 9, 2003.
42 Ms. Tremaine seconded,
43 and this was unanimously approved,
44

45 14.K. Ordinance No. AO 2003-62, an ordinance of the Anchorage Municipal Assembly amending Title 21 by
46 repealing Anchorage Municipal Code 21.45.160, Signs, and enacting a new Chapter 21.47, pertaining
47 to **sign standards** for the Municipality of Anchorage, Assemblymembers Tremaine and Tesche.

48 1. Assembly Memorandum No. AM 260-2003.

49 2. Ordinance No. AO 2003-62(S), an ordinance of the Anchorage Municipal Assembly amending
50 Title 21 by repealing Anchorage Municipal Code 21.45.160, Signs, and enacting a new
51 Chapter 21.47, pertaining to **sign standards** for the Municipality of Anchorage,
52 Assemblymember Tremaine (*To be Submitted*) (*Action Carried Over to 8-19-03*)
53

54 Chair Traini read the AO 2003-62(S) title. Mr. Kendall commented that he would have liked the Assembly to first
55 review the original AO 2003-62, and thought that the "S" Version may have been introduced prematurely. Chair Traini
56 explained that the "S" Version was the result of a review of AO 2003-62, with Public Hearings held by the Planning and
57 Zoning Commission. He opened Public Hearing with Mr. Nelson of the Planning and Zoning Commission.
58

59 TOM NELSON from the Municipal Planning Department described the consultants' process. A synopsis of his report
60 summarized the positive use and the conflicts of sign usage in Anchorage. He stated the Planning Department had
61 worked for nearly four years to develop an effective and comprehensive sign code. The 2020 Plan included a strategy
62 that addressed new Codes and addressed a Sign Committee comprised of residents, business owners, people from
63 sign companies, community council representatives, members of the P&Z and the Design Commission. He stated it
64 was difficult to get consensus, and a mediator was often used and they still had failed to complete a comprehensive
65 ordinance. He stated the previous Administration had sought consultant services of D.B. Hartt, Inc. and Professor
66 Weinstein of Cleveland State University to help interpret the sign codes. Dr. Weinstein was a nationally-recognized
67 expert on legal issues and constitutional issues associated with signage. The Assembly introduced the consultants'
68 January 10th draft for Public Hearing. Planning and Zoning held Public Hearings on that draft on June 2, 2003 and
69 received testimony from 18 people, representing a good cross-section of the community. This was followed by the
70 Planning Department and the Commissions' consideration of amendments. The Commission postponed action to form
71 a subcommittee to work with staff to review the various amendments and try to achieve a consensus for
72 recommendation. On their July 14th meeting they approved a revised draft of the sign code. Mr. Nelson stated their
73 draft regulated on-premise, permanent building and free-standing signs. They included regulations for residential,
74 commercial, industrial and institution districts, regulating size, height and location and the number of signs permitted.
75 They included standards for proportionality, for lighting and wrapping of exposed steel support structures, the use of
76 electronic changeable copy signs and contained lists of prohibited signs. The draft included a recommendation for a
77 schedule of non-conforming signs, with proposed compliance time standards to conform. He stated the draft included
78 the definition of non-conforming which included height or size or number. He emphasized the proposed sign

1 standards did not regulate temporary signs, window signs, governmental, non-profit flags, signs in public right of ways
2 and did not regulate the content of any signs. Also included was a review of economic effects which he stated were
3 often difficult to summarize. The report viewed the public sector impacts would primarily be the notification process of
4 new sign standards and the deadlines for conformance, and would also involve enforcement for noncompliance.

5
6 To Mr. Kendall, Mr. Nelson described how religious organizations dealt with signs. He stated that residentially located
7 churches' signs were limited to 20 feet under the current code. The proposed code would allow up to forty square feet,
8 with limits of thirty square feet, if they were within 30 feet of the property line. There was no limitation of what went on
9 the signs. The P&Z would allow electrical signs but recommended that electronic, changeable copy signs not be
10 allowed in residential districts. Mr. Nelson stated that would allow two signs for churches with more than 500 feet of
11 frontage. Mr. Nelson stated that roughly 35% of Anchorage signs did not comply with the proposed 25-foot height
12 limit. To Mr. Kendall's question, Mr. Nelson responded the Fourth Avenue Theatre Sign qualified as a historical sign,
13 but would not comply with the proposed ordinances, but it might be reviewed as part architectural for possible
14 conformity. Mr. Nelson stated that he did not know if the Center Bowl sign located on the roof of the bowling alley
15 qualified as a historic sign and it would be difficult to speak of its compliance.

16
17 ATTORNEY DAN COFFEY summarized the process that the P&Z had completed, and added there was still much
18 work to be done. Following the June 2nd Public Hearing, both the Planning Department and the Planning and Zoning
19 Commission (P&Z) had many amendments to the summary. On July 14th they met and voted on all the proposed
20 amendments, made further amendments, and ultimately adopted the P&Z Commissions' ordinance, before the
21 Assembly that evening. He stated that one of the concerns of the P&Z was allowing "lit" signs in residential areas. He
22 stated that their findings varied from the summary of the consultant in that they did not allow electric signs in residential
23 neighborhoods. There were also differences dealing with window signs and temporary signs and Mr. Coffey stated
24 they were concerned with the level of enforcement with those issues. They addressed the size and height of signs and
25 the height of pole signs which had not been addressed with the consultant's review. Mr. Coffey stated that every issue
26 that was brought before them had been addressed. He added that the P&Z divided the issue of amortization periods
27 into four parts. To Chair Traini, Mr. Coffey responded that their conclusions involved fair and open process and
28 viewed this as business friendly, but there would be many businesses that would have to make accommodations.

29
30 BILL STARR, representing the P&Z Commission stated they proposed 45 amendments that eventually led to the
31 creation of the new version of the ordinance.

32
33 DAVID McCABE stated that the definition of "parcel" in the ordinance needed to be addressed. He also stated that the
34 issue of taller signs for some of the business owners off the main road needed to be considered. Mr. McCabe stated
35 that the issues of flag-lots and minimum set backs of flag poles needed to be addressed. To Ms. Fairclough, Mr.
36 McCabe stated that he had not appeared before the P&Z Commission.

37
38 JACK SHOCKLEY, with Broadway Sign Company, stated he was in agreement with the recommendations of the
39 Chamber of Commerce on some of the issues that needed to be addressed in the ordinance. He mentioned both
40 versions of Article 21.47.080, 3.A and 4.A, relating to dark backgrounds of signs, and urged the Assembly to omit any
41 controlling of design. He stated that density of signs affects illumination and urged the Assembly to delete this section.
42 He agreed with businesses getting grandfather rights with the older signs. To Mr. Kendall's question, he had installed
43 seven Chevron Gas signs over the past two months and they will be out of compliance, along with all Chevron and
44 Shell stations in town. He estimated there were 70% of signs in Anchorage were out of compliance. to Chair Traini,
45 he responded he had participated in the P&Z Commission Public Hearing.

46
47 CHRIS CLAPPER, owner of Center Bowl, stated the Center Bowl sign was built in 1957 and should be considered
48 historic. He stated that under the proposed sign ordinance this sign would have to be torn down because it was in
49 non-compliance. He urged the Assembly to define a historic sign, and to keep the landmarks in the town that were in
50 danger of disappearing with this ordinance.

51
52 GEORGE VAKALIS, representing the Anchorage Chamber of Commerce and its 1200 members, supported a change
53 to the current sign ordinance. He stated that the Chamber had members in the sign community, business members
54 and many concerned citizens and been active with this process for the past three years. He commended the P&Z
55 Commission for implementing the changes that they had recommended. He urged the Assembly to consider requests
56 for grandfather rights and pointed out many housekeeping items in the ordinance that would make it more consistent.
57 He urged the Assembly to make sure there were resources available for enforcement. To Mr. Tesche, Mr. Vakalis
58 responded that there were an estimated \$100,000 worth of changes to signage that would be necessary to Chamber
59 business owners in the Municipality. To Mr. Kendall, Mr. Vakalis stated that their Board of Directors supported keeping
60 the historic signs and wanted grandfather rights. To Mayor Begich, Mr. Vakalis stated the Chamber would support a
61 fine fee structure built into the ordinance and only requested consistency with other similar enforcement fees. He
62 thought the Mayor's suggestion of tax exemptions for signage should be discussed.

63
64 RAY AMSDEN from the Anchorage School District supported an ordinance that would clean up the community. He
65 stated the impact of this ordinance would be \$100,000 to the School District. He urged the Assembly to consider the
66 allowances of non-compliance signs until they need to be replaced, when the new sign could be brought into
67 conformance. Polaris Elementary sign was out of compliance because of the pole structures. He argued that the
68 current language of the ordinance might make the West High School and Romig Middle School signs in non-
69 compliance. He stated that in both of those cases, the issue in question should be considered artwork and should be
70 allowed.

71
72 INA FEIST, of Cal Worthington, stated that one of their signs cost their business \$125,000 and would cost that much to
73 tear it down. She stated they had five other building signs and five other free standing signs, and the costs to replace
74 these signs would be an estimated \$750,000. The company would be forced to make these changes within 180 days
75 of the approval of the ordinance. She did not view this ordinance as business-friendly. She thought that Tony
76 Chevrolet, Chrysler, Stepp Brothers and GM were also in non-compliance. To Ms. Fairclough, Mr. Fiest responded
77 that they had just set up an advertisement balloon, at a cost of \$25,000, which met permitting requirements but would
78 not be in compliance with this ordinance.

1
2 MARY FAIRBANKS, involved with marketing and promotions for the Dimond Center, was concerned with this
3 ordinance in relation to attracting and keeping their national tenants. She thought there was \$500,000 worth of
4 signage on their property that belonged to national tenants.

5
6 ED LAMB, CEO of the Alaska Regional Hospital, saw incongruity with the zoning and the ordinance. He stated that
7 the majority of their signs, including the monument signs and the facility signs would not be in compliance. He thought
8 that Providence Hospital would be exempt because of its zoning in a private lands area. He supported a grandfather
9 clause, allowing existing signage. Mr. Lamb stated that Alaska Regional Hospital had signage worth approximately
10 \$150,000 to \$250,000 that would have to be replaced if the ordinance was approved.

11
12 LEE WILSON fully supported the sign ordinance and thought these changes had been necessary for a long time. He
13 spoke against grandfathering rights, and stated he would only support the historic signs like Gary King, Center Bowl,
14 4th Avenue Theater and Stewarts Photo.

15
16 ANDRE CAMARA spoke on behalf of Alaska Center for the Environment, with a membership of 8000, spoke in support
17 of the sign ordinance and thought Anchorage needed to clean up the city. He spoke in support of eliminating pole
18 signs and agreed with limitations size and height. He urged the Assembly to move one step further, by placing
19 restrictions on window signs and temporary signs, which could be easily enforced. He thought a grace period allowed
20 for businesses to make adjustments was necessary to lessen the financial burden, but thought that the seven years
21 and ten years, proposed by the consultants' draft and by P&Z was too long. He thought that allowing three years for
22 businesses to make changes was appropriate.

23
24 GLEN CLAREY, Associate Pastor of the Anchorage Baptist Temple, stated that their church had been working with the
25 ordinance for years, and stated the current ordinance solved some problems for them and created others. He referred
26 to item B.1 in the ordinance, giving churches allowances for 30% changeable copy. He stated that would only allow
27 them 2 lines of ten-inch letters, six feet long, and would not accommodate some of their messages. He urged the
28 Assembly to consider remove that restriction. Pastor Clarey stated they would prefer changeable, electronic copy. He
29 also felt there were too many other restrictions with the ordinance that would not allow their church to place identifying
30 signs for each of their eight structures on their property, and temporary signs for church activities such as church
31 picnics. To Mr. Kendall, Pastor Clarey stated that he was pleased that signs in Anchorage were being addressed.

32
33 MARK McNABB, a concerned citizen, was happy to see all the signs, and had no complaints with the current status of
34 any of the signs in the city.

35
36 LEAH FILIPI spoke in favor of the ordinance and supported an amortization schedule. She thought that complaints
37 against the ordinance could be addressed as appeals to the Board of Examiners. She felt the issues that needed to
38 be addressed included historic definition, criteria for a variance from the Urban Design Board, application of the
39 amortization schedule and consistency of all regulations and enforcement.

40
41 JOHN TODD, with Glacier Sign and Lighting, supported most of the ordinance.

42
43 MARK KOLSTAD, President of Wedgewood Mortgage, owners and managers of over 150 square feet of office retail
44 and office warehouse space in the city, was concerned with the effects of this ordinance on their many tenants. He
45 urged the Assembly to allow grandfathering of his tenants' signs, or at least to increase amortization to 15 or 20 years.
46 To Mr. Whittle, Mr. Kolstad responded that many of his tenants would be in non-compliance, including Super Signs,
47 Dimond Parking, Subway Sandwiches, Minolta and Sony.

48
49 SHANE LANGLAND, President of Eagle Enterprises, spoke against the new ordinance. His business sign, which had
50 cost his business \$7500 seven years ago, would be out of compliance, and he would consider it a hardship to have to
51 replace it, in a time of economic hard times in the city. He urged the Assembly to consider grandfathering his sign and
52 others like them.

53
54 DAVE MABEUS, President of Signco, Inc., and the Alaska Sign Association, voiced his personal views. He stated he
55 had worked on the sign issue for the past five years. He was glad to see the ordinance finally before the Assembly
56 and felt it was a fair compromise. Mr. Mabeus felt amortization and enforcement would have to be addressed. To Mr.
57 Sullivan, Mr. Mabeus responded that addressing lumens would be a difficult issue and recommended putting that issue
58 aside and dealing with it later. He felt that background colors of signs were a matter of opinion, and should not be
59 decided through the ordinance.

60
61 JERRY GREEN, with David Green and Sons, did not want Anchorage to look like cities outside and he like uniqueness
62 and character. He stated they were ready to put up a new, completed sign on their business, and did not think it would
63 be in compliance.

64
65 WALT PARKER spoke in support of the ordinance and thought this was a big step for Anchorage. He thought the
66 amortization clause was very important and thought seven years was an appropriate time for signs to be improved.

67
68 SHIELA SELKREGG had been involved with this issue from the beginning, starting with the Baptist Temple wanting a
69 larger sign. She supported the ordinance and thought the Assembly could make some changes. She thought good
70 signs increased property value and attracted clientele. She viewed this ordinance as a good first step to dealing with
71 signs in Anchorage. To Mr. Sullivan, Mr. Selkregg did not think it was necessary to wait for the completion of Title 21.

72
73 CURT MARSH, former co-Chair of the Sign Committee, and business owner, thought that the Assembly should not
74 rush this ordinance, that there were many complex issues that still needed much work. He complemented the
75 members of the P&Z for putting things together. He supported an amortization clause to assist the small businesses
76 with the affordability. He thought the proposed \$100,000 that the Anchorage School District wanted to spend on
77 signage was wrong, and thought they should use the money to hire teachers. He thought that putting restrictions
78 might discourage the businesses that were moving to Anchorage. To Chair Traini, Mr. Marsh stated the Assembly was

1 heading in the right direction and recommended they extend the Public Hearing on this issue to allow additional people
2 to testify, who could not attend that evening.

3
4 Chair Traini called for a motion to extend the meeting, to accommodate the people who were waiting to testify.

5
6 Ms. Fairclough moved, *to extend* the Regular Meeting until midnight.
7 Mr. Tremaine seconded,
8 and this motion was passed unanimously,
9

10 TIM POTTER, small business owner, applauded all the hard work that had gone into this ordinance and viewed this as
11 progress and thought it was fair. He felt that additional changes were necessary and this was a good beginning. He
12 made recommendations for possible improvements and stated he approved of the seven to ten years for amortization.
13 He approved of a grandfathering clause.

14
15 KENNETH MAYNARD, who helped write the original sign ordinance in the 1980's, spoke of his concerns with the
16 ordinance. Referring to Page 6, he was concerned if a business lot faced vacant lot, an alley or a parking lot. He was
17 concerned with including window and temporary signs.

18
19 With no one else to testify, Chair Traini closed Public Hearing and called for a motion to adjourn the Assembly
20 Meeting.

21
22 Mr. Tremaine moved, *to adjourn* the Assembly Meeting.
23 Mr. Tesche seconded,
24 and this motion was passed,
25

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

29
30 The Regular Assembly Meeting was adjourned at 10:05 p.m.

31
32
33
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35
36
37 _____
38 DICK TRAINI, Assembly Chair

39 ATTEST:
40
41
42
43
44
45
46

47 _____
48 BARBARA GRUENSTEIN, Municipal Clerk
49 Date Minutes Approved: November 9, 2004
MC/BG