

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

Assembly Chambers, Z. J. Loussac Library
3600 Denali Street, Anchorage, Alaska

Minutes for Regular Meeting of May 11, 2004

1. CALL TO ORDER

The Assembly Meeting was called to order by Chair Traini at 5:00 p.m. in the Assembly Chambers of the Loussac Library, Room 108, 3600 Denali Street in Anchorage, Alaska.

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

PRESENT: Anna Fairclough, Brian Whittle, Dick Tremaine, Dan Sullivan, Dick Traini, Allan Tesche, Ken Stout, Pamela Jennings, Debbie Ossiander, Janice Shamberg and Dan Coffey.

ABSENT: None.

3. PLEDGE OF ALLEGANCE Ms. Shamberg led the pledge.

4. MINUTES OF PREVIOUS MEETING None.

5. MAYOR'S REPORT

Mayor Begich introduced Mr. Tom Nelson, the new Planning Director. He also announced that Ms. Heather Handyside was the new Director of Community Preparedness. Ms. Fairclough asked if the Administration could schedule an introductory get-together, to allow new members of the Administration to meet Assemblymembers. Mayor Begich responded that an open house was scheduled in Eagle River on May 24, for all Department Heads and it would be an opportunity for Assemblymembers to meet with them. Ms. Fairclough requested that the Mayor distribute a list of telephone numbers of all Department Directors, so Assemblymembers could contact them on various department issues.

6. ASSEMBLY CHAIR'S REPORT None.

7. COMMITTEE REPORTS

Chair Traini announced there would be a committee meeting this Friday to discuss the Site Condo issue. He stated Ms. Ossiander would chair that committee, which would be held from 8:00 a.m. until 11:00 a.m., in the First Floor Conference Room of City Hall.

8. ADDENDUM TO AGENDA

Chair Traini read the Addendum items and added one item, AM 368-200(A), and assigned it 9.D.7 in the Regular Agenda. He then called for additional items, and there being none, he called for a motion to approve the Addendum.

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

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

Chair Traini called for a motion on the Consent Agenda

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

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

9. CONSENT AGENDA

9.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

9.A.1. Resolution No. AR 2004-111, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Lorraine Charvet** for her 36 years of service with the Municipality of Anchorage, Mayor Begich; Assemblymembers Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche, Traini, Tremaine and Whittle.

Ms. Jennings requested this item be pulled for review on the Regular Agenda. (See Item 10.A.1)

9.A.2. Resolution No. AR 2004-128, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Beverly Shroyer** for her 21 years of service with the Municipality of Anchorage, Mayor Begich; Assemblymembers Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche, Traini, Tremaine and Whittle.

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

- 9.A.3. Resolution No. AR 2004-129, a resolution of the Anchorage Municipal Assembly recognizing Anchorage Water and Wastewater Utility for its **Excellence in Management Program Award** from the Association of Metropolitan Sewerage Agencies, Mayor Begich; Assemblymembers Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche, Traini, Tremaine and Whittle.

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

- 9.A.4. Resolution No. AR 2004-130, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Bill Putnam** for his 24 years of service with the Municipality of Anchorage, Mayor Begich; Assemblymembers Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche, Traini, Tremaine and Whittle. (**Addendum**)

Ms. Fairclough requested this item be pulled for review on the Regular Agenda. (See Item 10.A.4)

- 9.A.5. Resolution No. AR 2004-131, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Michael Rutherford** for his 27 years of service with the Municipality of Anchorage, Mayor Begich; Assemblymembers Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche, Traini, Tremaine and Whittle. (**Addendum**)

Mr. Whittle requested this item be pulled for review on the Regular Agenda. (See Item 10.A.5)

9.B. RESOLUTIONS FOR ACTION - OTHER

- 9.B.1. Resolution No. AR 2004-86, a resolution of the Anchorage Municipal Assembly approving the revised (schematic) design for the **Chester Valley Elementary School Addition and Renovation project**, Anchorage School District.
a. Assembly Memorandum No. AM 317-2004.
- 9.B.2. Resolution No. AR 2004-112, a resolution of the Municipality of Anchorage providing for the appropriation of \$21,500 from Friends of the Library donations to the Miscellaneous Operational Grants Fund (261), Office of Economic and Community Development, for the purchase of **library books and materials**, Economic & Community Development/Library.
a. Assembly Memorandum No. AM 373-2004.

Mr. Whittle requested this item be pulled for review on the Regular Agenda. (See Item 10.B.2)

- 9.B.3. Resolution No. AR 2004-113, a resolution of the Municipality of Anchorage providing for the appropriation of \$10,000 from donations to the Miscellaneous Operational Grants Fund (261), Office of Economic and Community Development, for the purchase of library books and materials for the **BP Wish List Program**, Economic & Community Development/Library.
a. Assembly Memorandum No. AM 374-2004.
- 9.B.4. Resolution No. AR 2004-117, a resolution of the Municipality of Anchorage appropriating the sum of \$28,800 from the State of Alaska, Department of Public Safety, Division of Alaska State Troopers and appropriating \$590 as a contribution from the 2004 Anchorage Police Operating Budget, Anchorage Metropolitan Police Service Area Fund (151) to the State Categorical Grants Fund (231) for a **Juvenile Offender Supervision Program grant**, Anchorage Police Department.
a. Assembly Memorandum No. AM 392-2004.
- 9.B.5. Resolution No. AR 2004-118, a resolution of the Municipality of Anchorage appropriating \$30,000 from Anchorage Mutual Housing to the Parks and Recreation Service Fund (161) for the support of an **after-school program** at Stephens Park, Hamstead Heath and Spruce View Apartments, Parks & Recreation Department.
a. Assembly Memorandum No. AM 393-2004.
- 9.B.6. Resolution No. AR 2004-119, a resolution of the Municipality of Anchorage appropriating the \$18,500 from the Alaska Department of Environmental Conservation as a pass through grant from the U.S. Environmental Protection Agency to the State Categorical Grants Fund (231) Department of Health and Human Services for **fine particulate (PM-2.5) monitoring**, Health and Human Services.
a. Assembly Memorandum No. AM 394-2004.

Mr. Whittle requested this item be pulled for review on the Regular Agenda. (See item 10.B.6)

- 9.B.7. Resolution No. AR 2004-120, a resolution of the Municipality of Anchorage appropriating \$82,500 from the Areawide Capital Improvement Program (CIP) Fund 401, Performing Arts Center (DEPTID 1717), Unappropriated HVAC Settlement Proceeds to the Areawide Capital Improvement Program Fund 401, Performing Arts Center (DEPTID 1717) for major repairs and renovations to the **Performing Arts Center roof**, Maintenance & Operations Department.
a. Assembly Memorandum No. AM 395-2004.

Ms. Fairclough requested this item be pulled for review on the Regular Agenda. (See Item 10.B.7)

- 9.B.8. Resolution No. AR 2004-121, a resolution of the Municipality of Anchorage appropriating \$26,454 from the Alaska Division of Homeland Security to the State Categorical Grants Fund (231) for the development of the **Citizen Corps programs** through the Office of the Municipal Manager on behalf of the MOA Office of Emergency Management, Municipal Manager's Office.
a. Assembly Memorandum No. AM 396-2004.

9.C. BID AWARDS

- 9.C.1. Assembly Memorandum No. AM 371-2004, recommendation of award to KME Fire Apparatus c/o Oregon Fire Equipment Company, Ltd. for furnishing a **mini pumper fire apparatus** to the Municipality of Anchorage, Anchorage Fire Department (ITB 24-B005) (\$212,639), Purchasing.

- 1 9.C.2. Assembly Memorandum No AM 412-2004, recommendation of award to Central Paving Products and
2 Denali Materials for furnishing **miscellaneous aggregates and AC Hot Mix** to the Municipality of
3 Anchorage, Maintenance & Operations (ITB-24-B018) (\$562,665), Purchasing. **(Addendum)**
4 9.C.3. Assembly Memorandum No. AM 413-2004, recommendation of award to Pre Cast Concrete
5 Company, Inc. for furnishing **concrete products** to the Municipality of Anchorage, Municipal Light &
6 Power (ITB 24-B010) (\$150,000), Purchasing. **(Addendum)**
7 9.C.4. Assembly Memorandum No. AM 414-2004, recommendation of award to Kane, Inc. for **Reservoir 3**
8 **painting** for the Municipality of Anchorage, Anchorage Water & Wastewater Utility (ITB 24-C008)
9 (\$562,665), Purchasing. **(Addendum)**

10
11 **9.D. NEW BUSINESS**

- 12 9.D.1. Assembly Memorandum No. AM 372-2004, **Public Safety Advisory Commission** appointments
13 (Mark Mew, Robyn Birkedal), Mayor's Office.
14

15 Mr. Whittle requested this item be pulled for review on the Regular Agenda. (See Item 10.D.1)

- 16
17 9.D.2. Assembly Memorandum No. AM 388-2004, **Chugiak, Birchwood, Eagle River Rural Road Service**
18 **Area Board of Supervisors** reappointments (Lee Cline, David Sellie), Mayor's Office.
19 9.D.3. Assembly Memorandum No. AM 389-2004, **Chugiak-Eagle River Parks and Recreation Board of**
20 **Supervisors** appointment (Ray Burger), Mayor's Office.
21 9.D.4. Assembly Memorandum No. AM 390-2004, **Mt. Park Estates Limited Road Service Area Board of**
22 **Supervisors** appointment (Lynn Evans), Mayor's Office.
23 9.D.5. Assembly Memorandum No. AM 391-2004, **South Goldenview Limited Road Service Area Board**
24 **of Supervisors** appointment (Lori Davey), Mayor's Office.
25 9.D.6. Assembly Memorandum No. AM 367-2004, **New Party Time Liquors, Inc. #4377** – Transfer of
26 Ownership for a Package Store Liquor License (Campbell Park, University Area & Tudor Area
27 Community Councils), Clerk's Office.
28 9.D.7. Assembly Memorandum No. AM 368-2004, **Downtown Deli #327** – Transfer of Ownership for a
29 Restaurant/Eating Place Liquor License (Downtown & Government Hill Community Councils), Clerk's
30 Office.
31 9.D.8. Assembly Memorandum No. AM 369-2004, **Party Time Plaza Liquor #1701** – Renewal for a Package
32 Store Liquor License (NO PREMISES), Clerk's Office.
33 9.D.9. Assembly Memorandum No. AM 370-2004, **Thai Town Restaurant #4378** – Transfer of Location for a
34 Restaurant/Eating Place Liquor License (Spenard Community Council), Clerk's Office.
35 9.D.10 Assembly Memorandum No. AM 378-2004, purchase of **wildland fire equipment** from the State of
36 Alaska, Department of Natural Resources, Division of Forestry for the Municipality of Anchorage,
37 Anchorage Fire Department (\$135,000), Purchasing.
38 9.D.11 Assembly Memorandum No. AM 379-2004, proprietary purchase of **computer migration and**
39 **maintenance support** from eXeSys, Inc. for the Municipality of Anchorage, Municipal Light &
40 Power (\$102,418.23), Purchasing.
41 9.D.12 Assembly Memorandum No. AM 380-2004, recommendation of award to Shannon and Wilson, Inc. for
42 providing professional **subsurface soil exploration services** for the Municipality of Anchorage,
43 Project Management & Engineering (RFP 24-P013) (\$550,000), Purchasing.
44 9.D.13. Assembly Memorandum No. AM 381-2004, recommendation of award to Alaska Testlab, a Division of
45 Dowl LLC for providing **quality control testing** for the Municipality of Anchorage, Project
46 Management & Engineering (RFP 24-P014) (\$175,000), Purchasing.
47 9.D.14. Assembly Memorandum No. AM 382-2004, Amendment No. 1 to Utility Relocation Agreement with
48 Enstar Natural Gas Company for the **Elmore Road Improvement Project, Phase I**, Huffman Road to
49 DeArmoun Road, Project No. 00-22 (\$435,973), Project Management & Engineering.
50 9.D.15. Assembly Memorandum No. AM 383-2004, Amendment No. 3 to Contract No. C-231634 with F&F
51 Construction for **Emergency Operations Center Upgrades**, Project No. 02-33 (NTE \$70,000),
52 Project Management & Engineering.
53 9.D.16. Assembly Memorandum No. AM 384-2004, recommendation of award to CH2M Hill, Inc. for providing
54 professional services for **environmental permit renewal and administration** to the Municipality of
55 Anchorage, Anchorage Water & Wastewater Utility (RFP 24-P005) (\$200,000), Purchasing.
56 9.D.17. Assembly Memorandum No. AM 385-2004, proprietary purchase to Neptune Technology Group for
57 furnishing Neptune R900 **radio remotes and accessories** to the Municipality of Anchorage,
58 Anchorage Water & Wastewater Utility (AWWU) (\$44,144), Purchasing.
59 9.D.18. Assembly Memorandum No. AM 386-2004, **Workers' Compensation 1/1/2003-1/1/2004 Premium**
60 **Audit**, Operations (\$91,187), Finance.
61 9.D.19. Assembly Memorandum No. AM 387-2004, Change Order No. 1 to Purchase Order No. 231168 with
62 the National Development Council for providing **professional services** to the Municipality of
63 Anchorage, Heritage Land Bank and Community Development Department (\$198,220), Purchasing.
64 9.D.20. Assembly Memorandum No. AM 408-2004, **Sunsets of Boards and Commissions** (Heritage Land
65 Bank Advisory Commission; Solid Waste Commission, Anchorage Women's Commission; Mt. View
66 Community Recreation Center Advisory Commission), Clerk's Office. **(Addendum)**
67

68 Mr. Tesche requested this item be pulled for review on the Regular Agenda. (See Item 10.D.20)

- 69
70 9.D.21. Assembly Memorandum No. AM 409-2004, **Assembly Meeting Schedule** (July – December 2004),
71 Assembly Chair Traini. **(Addendum)**

72 Mr. Tesche requested this item be pulled for review on the Regular Agenda. (See item 10.D.21)

- 73
74 9.D.22. Assembly Memorandum No. AM 410-2004, recommendation of award to Callan Associates for
75 **investment consulting services** for the Municipality of Anchorage, Department of Finance (RFP 24-
76 P017) (\$59,000), Purchasing. **(Addendum)**
77

78 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (See Item 10.D.22)

- 1 9.D.23. Assembly Memorandum No. AM 411-2004, proprietary purchase of the Tazlina Hotshots to provide
2 **wildfire mitigation work** for the Municipality of Anchorage, Anchorage Fire Department (\$80,000),
3 Purchasing. **(Addendum)**
4 9.D.24. Assembly Memorandum No. AM 415-2004, Amendment No. 5 to contract with Kean & Associates for
5 the **Rabbit Creek View Subdivision and Rabbit Creek Heights Subdivision Survey Improvement**
6 **Assessment District 1V96** (\$30,000), Project Management & Engineering. **(Addendum)**
7

8 **9.E. INFORMATION AND REPORTS**

- 9 9.E.1. Information Memorandum No. AIM 39-2004, AO 2004-67; an ordinance of the Anchorage Municipal
10 Assembly continuing or reestablishing the **Investment Advisory Commission**, Mayor's Office.
11 9.E.2. Information Memorandum No. AIM 45-2004, Internal Audit Report 2004-7 – **Annual Municipal**
12 **Procurement Card Review, Purchasing Department**, Internal Audit.
13 9.E.3. Information Memorandum No. AIM 46-2004, Internal Audit Report 2004-8 – **Engineering Overhead**
14 **Rate Calculation, Municipal Light and Power**, Internal Audit.
15 9.E.4. Information Memorandum No. AIM 47-2004, **Monthly Financial Reports** – March 2004, Finance.
16

17 **9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**

- 18 9.F.1. Ordinance No. AO 2004-87, an ordinance amending Anchorage Municipal Code Section 3.30.172 to
19 classify the executive position of Executive Director of Police and Fire Retirement System a 23E
20 Classification to **Director of Police and Fire Retirement** a 24E Classification, and in accordance with
21 Municipal Code 3.85.025, and as requested by the Police and Fire Retirement Board, Employee
22 Relations Department. *(Public Hearing set for 6-8-04)*
23 a. Assembly Memorandum No. AM 402-2004.
24 9.F.2. Ordinance No. AO 2004-88, an ordinance authorizing the sale and disposal, via warranty deed, of
25 portions of Lot 2, Section 18, Township 12 North, Range 3 West, Seward Meridian, and Lot 3, Section
26 18, Township 12 North, Range 3 West, Seward Meridian, to the State of Alaska Department of
27 Transportation & Public Facilities for the **C Street Improvement Project**, Dimond Boulevard to O'Malley
28 Road, Tax # 016-301-02 and 016-042-41, in exchange for compensation in the amount of \$297,366,
29 Project Management & Engineering. *(Public Hearing set for 6-8-04)*
30 a. Assembly Memorandum No. AM 403-2004.
31 9.F.3. Ordinance No. AO 2004-90, an ordinance approving the rezoning of 8.976 acres from R-3 (Multi-
32 Family Residential) Zoning District to B-3 SL (General Business with Special Limitations) with
33 conditions for **Cook Subdivision, Tract B**, generally located in the southwest corner of East 40th
34 Avenue and Denali Street (Spenard Community Council) (Planning & Zoning Commission Case 2004-
35 004), Planning Department. *(Public Hearing set for 6-22-04)*
36 a. Assembly Memorandum No. AM 405-2004.
37 9.F.4. Ordinance No. AO 2004-91, an ordinance of the Anchorage Municipal Assembly amending Anchorage
38 Municipal Code Section 10.50.010, **Closing Hours for Licensed Premises**, to allow patrons to safely
39 exit the premises, Assemblymember Fairclough. *(Public Hearing set for 6-8-04 6-22-04)*
40 a. Assembly Memorandum No. AM 407-2004.
41

42 Mr. Tesche and Ms. Fairclough requested this item be pulled for review on the Regular Agenda. *(See Item 10.F.4)*
43

- 44 9.F.5. Resolution No. AR 2004-114, a resolution of the Municipality of Anchorage appropriating the sum of
45 \$102,000 from the State of Alaska, Department of Transportation and Public Facilities, Division of
46 Statewide Planning Highway Safety Office and reappropriating \$1,543 of contributions from the 2002
47 Seat Belt Enforcement Grant, State Categorical Grants Fund (231) and reappropriating \$647 of
48 contributions from the 2003 Seat Belt Enforcement Grant, State Categorical Grants Fund (231) to the
49 State Categorical Grants Fund (231) for the **Seat Belt Enforcement Blitz Program**, Anchorage Police
50 Department. *(Public Hearing set for 5-18-04)*
51 a. Assembly Memorandum No. AM 375-2004.
52 9.F.6. Resolution No. AR 2004-115, a resolution of the Municipality of Anchorage appropriating \$164,448
53 from the State of Alaska, Department of Health and Social Services to the State Categorical Grants
54 Fund (231) Department of Health and Human Services for the purpose of developing and
55 implementing a **Multi-Cultural Child Abuse Prevention Campaign** and a contract with University of
56 Alaska Anchorage, Justice Center to evaluate the project, Health and Human Services. *(Public*
57 *Hearing set for 5-18-04)*
58 a. Assembly Memorandum No. AM 376-2004.
59 9.F.7. Resolution No. AR 2004-116, a resolution of the Municipality of Anchorage appropriating the sum of
60 \$135,195 from the U.S. Environmental Protection Agency and \$323,000 as a cash match from the
61 2004 Department of Health and Human Services Operating Budget to the Federal Categorical Grants
62 Fund (241), Department of Health and Human Services for **air quality monitoring, enforcement and**
63 **planning**, Health and Human Services. *(Public Hearing set for 5-18-04)*
64 a. Assembly Memorandum No. AM 377-2004.
65 9.F.8. Resolution No. AR 2004-122, a resolution of the Municipality of Anchorage appropriating \$199,000 as
66 a grant to the Federal Categorical Grants Fund (241), Department of Health & Human Services, from
67 the Southcentral Foundation for the purpose of providing **emergency alcohol services**, Health &
68 Human Services. *(Public Hearing set for 5-18-04)*
69 a. Assembly Memorandum No. AM 397-2004.
70 9.F.9. Resolution No. AR 2004-123, a resolution of the Municipality of Anchorage, Alaska, approving the
71 **Timberlane-Klatt water extensions** and providing for assessment of benefited properties at time of
72 service connection, Anchorage Water & Wastewater Utility. *(Public Hearing set for 6-8-04)*
73 a. Assembly Memorandum No. AM 398-2004.
74 9.F.10. Resolution No. AR 2004-127, a resolution of the Municipality of Anchorage, Alaska, approving the
75 **Peck-Wanner Intertie water extension** and providing for assessment of benefited properties at time
76 of service connection, Anchorage Water & Wastewater Utility. *(Public Hearing set for 6-8-04)*
77 a. Assembly Memorandum No. AM 406-2004.
78 9.F.11. Resolution No. AR 2004-124, a resolution of the Municipality of Anchorage, Alaska, confirming and
79 levying assessments for the sewer special improvements within **Levy-Upon-Connection (LUC) Roll**

- 1 **04-S-3**, setting date of payment and providing for penalties and interest in the event of delinquency,
2 Anchorage Water & Wastewater Utility. (*Public Hearing set for 6-8-04*)
3 a. Assembly Memorandum No. AM 399-2004.
- 4 9.F.12. Resolution No. AR 2004-125, a resolution of the Municipality of Anchorage, Alaska, confirming and
5 levying assessments for the sewer special assessments within **Levy-Upon-Connection (LUC) Roll**
6 **04-S-5**, setting date of payment and providing for penalties and interest in the event of delinquency,
7 Anchorage Water & Wastewater Utility. (*Public Hearing set for 6-8-04*)
8 a. Assembly Memorandum No. AM 400-2004.
- 9 9.F.13. Resolution No. AR 2004-126, a resolution adopting the amended **Citizen Participation Plan** of the
10 Municipality of Anchorage, which is part of the 2003-2007 Housing and Community Development
11 Consolidated Plan for the Community Development Block Grant, the HOME Investment Partnerships
12 Program and the Emergency Shelter Grant, Department of Economic & Community Development.
13 (*Public Hearing set for 6-8-04*)
14 a. Assembly Memorandum No. AM 401-2004.

Chair Traini called for a motion to approve the remainder of Consent Agenda.

Mr. Tremaine moved,
Mr. Tesche seconded,
and this motion was passed,

to approve the amended Consent Agenda, with the
exception of those items pulled for review.

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

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

END OF CONSENT AGENDA

10. REGULAR AGENDA

10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

- 10.A.1. Resolution No. AR 2004-111, a resolution of the Anchorage Municipal Assembly recognizing and
honoring **Lorraine Charvet** for her 36 years of service with the Municipality of Anchorage, Mayor
Begich; Assemblymembers Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan,
Tesche, Traini, Tremaine and Whittle.

Ms. Jennings moved,
Mr. Coffey seconded,
and this motion passed unanimously,

to approve AR 2004-111.

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

Ms. Jennings read the resolution, recognizing Lorraine Charvet for 36 years of service with the Municipality of
Anchorage. Mr. Coffey presented the award to Ms. Charvet, honoring her for her service since 1967, as a nurse
practitioner in the Public Health Department in the MOA Family Planning Division. Ms. Charvet accepted her award
and thanked the Assembly and the Administration for the recognition and for all the support they had given the
department over the years.

- 10.A.2. Resolution No. AR 2004-128, a resolution of the Anchorage Municipal Assembly recognizing and
honoring **Beverly Shroyer** for her 21 years of service with the Municipality of Anchorage, Mayor
Begich; Assemblymembers Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan,
Tesche, Traini, Tremaine and Whittle.

Ms. Ossiander moved,
Ms. Shamberg seconded,
and this motion passed unanimously,

to approve AR 2004-128.

Ms. Shamberg read the resolution honoring Beverly Shroyer for her 21 years of service to the Municipality of
Anchorage. Ms. Ossiander presented the resolution, recognizing Ms. Shroyer for her knowledge and expertise in the
Human Resource Division with AWWU. She thanked the Begich Administration for the direction they were leading the
city. She viewed her job at AWWU as a public service position, helping the public and she was proud to be part of it.

- 10.A.3. Resolution No. AR 2004-129, a resolution of the Anchorage Municipal Assembly recognizing
Anchorage Water and Wastewater Utility for its **Excellence in Management Program Award** from
the Association of Metropolitan Sewerage Agencies, Mayor Begich; Assemblymembers Coffey,
Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche, Traini, Tremaine and Whittle.

Mr. Sullivan moved,
Ms. Shamberg seconded,
and this motion passed unanimously,

to approve AR 2004-129.

Mr. Sullivan read the resolution and Mr. Tremaine presented the award, honoring the AWWU team for their advanced
programs, high commitment and employee involvement to be leaders of the future. Mr. Kurt Voss, Engineering
Manager at AWWU, accepted the award on behalf of Director Mark Premo and all employees of AWWU. He
expressed appreciation to the Assembly and the Administration for the recognition and the assistance in achieving the
goals and mission of AWWU. To Mr. Sullivan, Mr. Voss responded that Anchorage still had the best water in the
world.

10.A.4. Resolution No. AR 2004-130, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Bill Putnam** for his 24 years of service with the Municipality of Anchorage, Mayor Begich; Assemblymembers Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche, Traini, Tremaine and Whittle. **(Addendum)**

Ms. Fairclough moved, to approve AR 2004-130.
Mr. Tremaine seconded,
and this motion passed unanimously,

Ms. Fairclough read the proclamation and Mr. Whittle presented the resolution, honoring Mr. Bill Putnam for his 24 years of service with the Municipality. As an electrician, Mr. Putnam began his municipal employment with AWWU, at the Asplund Water Treatment Facility. He served as foreman at the water distribution facility for 15 years. In 1999 was elected as the AWWU Employee of the year and runner-up for the Municipality Employee of the Year. Mr. Putnam accepted his award.

10.A.5. Resolution No. AR 2004-131, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Michael Rutherford** for his 27 years of service with the Municipality of Anchorage, Mayor Begich; Assemblymembers Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche, Traini, Tremaine and Whittle. **(Addendum)**

Mr. Whittle moved, to approve AR 2004-131.
Mr. Tesche seconded,
and this motion passed unanimously,

Mr. Whittle read the proclamation and Ms. Fairclough presented the recognition to Mr. Michael Rutherford for his 27 years of service with the Municipality at the Ship Creek Water Treatment Facility, most recently as foreman of the Eagle River Water Treatment Facility. He had received numerous awards and recognitions in his years of service with AWWU. Mr. Rutherford thanked the Assembly for the recognition and felt fortunate to have worked with such a fine staff at AWWU.

10.B. RESOLUTIONS FOR ACTION - OTHER

10.B.2. Resolution No. AR 2004-112, a resolution of the Municipality of Anchorage providing for the appropriation of \$21,500 from Friends of the Library donations to the Miscellaneous Operational Grants Fund (261), Office of Economic and Community Development, for the purchase of **library books and materials**, Economic & Community Development/Library.
a. Assembly Memorandum No. AM 373-2004.

Mr. Whittle moved, approved AR 2004-112.
Mr. Tesche seconded,

Mr. Whittle thanked the Friends of the Library for their contributions of books. He encouraged everyone to consider joining the Friends of the Library and felt it was a very worthwhile organization.

and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

10.B.6. Resolution No. AR 2004-119, a resolution of the Municipality of Anchorage appropriating the \$18,500 from the Alaska Department of Environmental Conservation as a pass through grant from the U.S. Environmental Protection Agency to the State Categorical Grants Fund (231) Department of Health and Human Services for **fine particulate (PM-2.5) monitoring**, Health and Human Services.
a. Assembly Memorandum No. AM 394-2004.

Mr. Whittle moved, to approve AR 2004-119.
Mr. Tesche seconded,

Mr. Whittle requested current 2004 data from the MOA Health Department, for comparison to be made with past years' amounts of dust. He also wanted to review comparisons of the reduced hours of dust control and street sweeping in the city.

and this passed unanimously,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

10.B.7. Resolution No. AR 2004-120, a resolution of the Municipality of Anchorage appropriating \$82,500 from the Areawide Capital Improvement Program (CIP) Fund 401, Performing Arts Center (DEPTID 1717), Unappropriated HVAC Settlement Proceeds to the Areawide Capital Improvement Program Fund 401, Performing Arts Center (DEPTID 1717) for major repairs and renovations to the **Performing Arts Center roof**, Maintenance & Operations Department.
a. Assembly Memorandum No. AM 395-2004.

Ms. Fairclough moved, to approve AR 2004-120.
Mr. Tremaine seconded,

Ms. Fairclough questioned the two mentioned appropriated amounts listed in this resolution. She read from Line 23, the amount of \$90,166.20 which seemed to be in addition to the \$82,500, mentioned in the title. Deputy Municipal Manager Michael Abbott responded that the resolution was proposing to move both amounts of money. He stated that the figures involved the receipts from litigation and the balance in the maintenance fund, both dedicated to the much

needed roof repair project. Municipal Attorney Mr. Boness responded the \$90,166 had already been authorized for roof repairs and this resolution was appropriating the \$82,500. Chair Traini requested a memo from the Mayor's Office, describing their ultimate plan and summarize the total breakdown of appropriations for the roof repairs.

To Mr. Coffey, Mr. Abbott responded that an ordinance would be introduced the following week for a levy of a \$2.50 surcharge for adult tickets at the Performing Arts Center, which would, in conjunction with the revenue bond, complete the roof repair project. Municipal Manager, Denis LeBlanc stated that the repairs were badly needed and the PAC Board had agreed with the ticket surcharge to provide additional funds for the roof repair and maintenance fund.

and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.

NAYES: None.

10.C. BID AWARDS None pulled for review.

10.D. NEW BUSINESS

10.D.1. Assembly Memorandum No. AM 372-2004, **Public Safety Advisory Commission** appointments (Mark Mew, Robyn Birkedal), Mayor's Office.

Chair Traini read this memorandum title and called for a motion from Mr. Whittle.

Mr. Whittle moved, to approve AM 372-2004.

Mr. Tesche seconded,

Mr. Whittle congratulated both new appointments, Ms. Robyn Birkedal and Mr. Mark Mew. He explained that both of these individuals were active volunteers involved with public safety. Mayor Begich explained that Ms. Birkedal was a high school student and they were trying to involve more youth. Ms. Jennings joined Mr. Whittle and the Mayor in congratulating these two individuals.

and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.

NAYES: None.

10.D.20 Assembly Memorandum No. AM 408-2004, **Sunsets of Boards and Commissions** (Heritage Land Bank Advisory Commission; Solid Waste Commission, Anchorage Women's Commission; Mt. View Community Recreation Center Advisory Commission), Clerk's Office. **(Addendum)**

Chair Traini read this memorandum title and called for a motion from Mr. Tesche.

Mr. Tesche moved, to approve AM 408-2004.

Mr. Tremaine seconded,

Mr. Tesche stated the approval of this memorandum would allow the Municipal Attorney to prepare ordinances that would preserve the life of four boards and commissions. He explained it was important not to interrupt the important work of these boards and commissions. He recommended that Assembly Attorney, Michael Gatti, prepare an ordinance eliminating the sunset clause of boards and commissions, allowing them to continue their work uninterrupted. He recommended a YES-vote on this memorandum.

Ms. Ossiander questioned the change and asked if a worksession was scheduled to discuss this issue. Chair Traini stated that there would be worksessions on this, because it was a fundamental change.

and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.

NAYES: None.

10.D.21 Assembly Memorandum No. AM 409-2004, **Assembly Meeting Schedule** (July – December 2004), Assembly Chair Traini. **(Addendum)**

Chair Traini read this memorandum title and called for a motion from Mr. Tesche.

Mr. Tesche moved, to approve AM 409-2004.

Mr. Tremaine seconded,

Ms. Fairclough proposed an amendment to change the Assembly meeting schedule for the month of December.

Ms. Fairclough moved, to amend AM 409-2004, *by changing* the December 28, 2004 date to "December 7, 2004."

Mr. Tesche seconded,

and this was approved unanimously,

Mr. Tremaine proposed a meeting schedule change for November.

Mr. Tremaine moved, to amend AM 409-2004, *by changing* the November 23, 2004 date to "November 16, 2004."

Mr. Coffey seconded,

and this was approved unanimously,

Chair Traini called for a vote on the main motion.

Mr. Tesche moved, to approve AM 409-2004, as amended.
Mr. Tremaine seconded,
and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

10.D.22 Assembly Memorandum No. AM 410-2004, recommendation of award to Callan Associates for
investment consulting services for the Municipality of Anchorage, Department of Finance (RFP 24-
P017) (\$59,000), Purchasing. **(Addendum)**

Chair Traini read this memorandum title and called for a motion from Ms. Ossiander.

Ms. Ossiander moved, to approve AM 410-2004.
Ms. Shamberg seconded,

Ms. Ossiander had understood that one of the primary responsibilities for the Investment Advisory Commission was to participate in the selection and review of fund managers. She had seen that commission had not listed them in this memorandum. Chief Fiscal Officer Jeff Sinz responded that they viewed the responsibility of the Investment Advisory Commission was to advise on the selection process, not to actually participate with the selection. He added that Callan Associates was an investment consultant contractor, and it would be their responsibility to advise the municipality and the board of the selection and retention of managers.

Mr. Tremaine stated that he continually communicated with Mr. Sinz and the Administration on the amount of money the city pays for these services, and thought it could be reduced. He stated that he would support this amendment.

Chair Traini called for a vote.

and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

10.E. INFORMATION AND REPORTS None were pulled for review.

10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

10.F.4. Ordinance No. AO 2004-91, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 10.50.010, **Closing Hours for Licensed Premises**, to allow patrons to safely exit the premises, Assemblymember Fairclough. (*Public Hearing ~~6-8-04~~ 6-22-04*)
a. Assembly Memorandum No. AM 407-2004.

Chair Traini read this memorandum title and called for a motion from Ms. Tesche, who yielded the floor to Ms. Fairclough, the sponsor.

Ms. Fairclough moved, to introduce AO 2004-91, to be referred to the Public Safety
Mr. Sullivan seconded, Committee and a worksession scheduled for June 4, 2004,
Mr. Tesche was the concurring third, with Public Hearing set for June 22, 2004.

Ms. Fairclough requested that this issue be referred to the Public Safety Committee and stated the intent of this ordinance was to ensure bar patrons could safely exit bars after alcohol had stopped being served and would allow individual bar owners the choice to extend hours. Chair Traini stated that the Public Safety Committee had been notified to meet on this issue. He set a worksession for June 4, 2004, and scheduled Public Hearing on June 22, 2004. Ms. Fairclough requested that Anchorage Police Department, STAR representatives and representatives from the industry be involved with the meeting.

Mr. Whittle stated that the Public Safety Commission might also be invited. Chair Traini stated that Ms. Jennings, who would chair that worksession, could invite them. Mayor Begich concurred that the commission be included.

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

12. APPEARANCE REQUESTS Unscheduled appearance, upon request from the Chair.

MR. ART WEEKS, Municipal Librarian, who was accompanied by Mary Rasmuson, Chair of the Library Advisory Board, reported on the board's meeting of April 21, 2004. The Library Advisory Board had discussed and evaluated Senate Bill 269, concerning children's names and checked out books. Ms. Rasmuson stated the board unanimously opposed the bill, viewing it generally harmful to children. She explained this issue could potentially compromise the safety of children by disclosing personal information of children, including home addresses. She stated they were concerned the federal rights of privacy act may be compromised. This was an issue that should remain between the child and the parent and the libraries should not be involved. To Chair Traini's question, Mr. Weeks responded that the parent was required to sign when a child signed up for a library card and the parent would be responsible for lost or overdue books. To Mr. Tesche's question, Mr. Weeks responded that Senate Bill 269 was recently amended and passed on the floor of the State House of Representatives and returned to the Senate for final action. Mr. Sullivan questioned the information not being available until there was a fine or lost book, and questioned the function of librarians as compared to police, psychologists and counselors, when dealing with the confidentiality of patrons. Chair Traini requested Mr. Weeks supply an explanation to the Assembly on the method used to collect and record data in the libraries.

13. CONTINUED PUBLIC HEARINGS None.

14. NEW PUBLIC HEARINGS

- 14.A. Resolution No. AR 2004-101, a resolution of the Municipality of Anchorage appropriating \$1,146,807 in long-term contract payable loan proceeds from three capital leases (ref. AM No. 806-2003), representing the ten (10) year lease-purchase of three **emergency fire apparatus** to equip new Tudor/Baxter Fire Station #14 and new Southport Fire Station #15, to the Anchorage Fire Service Area Fund (131) to properly record the lease purchase of this equipment in compliance with generally accepted accounting principles, Anchorage Fire Department.
1. Assembly Memorandum No. AM 349-2004.

Chair Traini read this resolution title and opened Public Hearing. With no one to testify he closed Public Hearing and called for a motion.

Mr. Tesche moved, to approve AR 2004-101.
Ms. Ossiander seconded,

Ms. Ossiander questioned the use of bonds versus lease-purchase. Chief Fiscal Officer, Jeff Sinz, responded that the Fire Stations in question were previously funded with bond proceeds of \$7.2 million, authorized in April of 2002. Included with that proposition was authorization to increase the tax cap in the amount of \$4.29 million for associated costs, which included lease costs associated with the apparatus which would be housed at those facilities. Mr. Sinz added this proposal would be tax exempt, lease financing, and involved a 4.18% interest rate. He explained the issue currently before the Assembly was the execution of the plan that had already been approved. Ms. Ossiander thought it was worth additional discussion to determine which approach worked the best, on an item-by-item basis.

Ms. Fairclough agreed with Ms. Ossiander. To her question, the Administration responded that the lease was only a financing mechanism with this bond issue. One issue involved a capital acquisition of the equipment and one was a recording of a liability for the lease financing. She requested additional information about the fire trucks, including depreciation methods through a lease agreement and if the MOA would own the vehicles at the time. Mr. Sinz responded that the MOA would own the assets at the end of the lease term.

and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

- 14.B. Resolution No. AR 2004-102, a resolution of the Municipality of Anchorage appropriating \$263,807 from the Federal Seized and Forfeited Monies from Categorical Fund (257) awarded from criminal narcotics cases by the U.S. Drug Enforcement Agency to the **Police Investigation Fund** (257) for use by the Anchorage Police Department.
1. Assembly Memorandum No. AM 350-2004.

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

Ms. Fairclough moved, to approve AR 2004-102.
Mr. Tremaine seconded,

To Mr. Coffey, the Mayor responded that this was variable revenue and it was difficult to predict the amounts of this account each year.

Ms. Jennings thanked Chief Monegan for the very hard work of the Department and the DEA and was happy that this money would be coming to them.

and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

- 14.C. Resolution No. AR 2004-103, a resolution of the Municipality of Anchorage appropriating \$112,047 from the State Seized and Forfeited Monies from Categorical Fund (257) awarded from criminal narcotics cases by the U.S. Drug Enforcement Agency, to the **Police Investigation Fund** (257) for use by the Anchorage Police Department.
1. Assembly Memorandum No. AM 351-2004.

Chair Traini read this resolution title and opened Public Hearing. There was no one to testify. He closed Public Hearing and called for a motion.

Mr. Tesche moved, to approve AR 2004-103.
Mr. Tremaine seconded,
and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

- 14.D. Resolution No. AR 2004-104, a resolution of the Municipality of Anchorage accepting and appropriating a State of Alaska Clean Water Fund loan in the amount of \$5,704,515 for construction of **Cell 7** at the Anchorage Regional Landfill, Solid Waste Services.
1. Assembly Memorandum No. AM 352-2004.

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

Mr. Sullivan moved, to approve AR 2004-104.
Mr. Tesche seconded,
and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

Ms. Jennings thanked Mr. Robert Hall for seeking these federal loans, which had saved the MOA \$1.1 million dollars.

- 14.E. Resolution No. AR 2004-105, a resolution of the Municipality of Anchorage accepting and appropriating a State of Alaska Clean Water Fund loan offer in the amount of \$525,000 for the design of **landfill cells** at the Anchorage Regional Landfill, Solid Waste Services.
1. Assembly Memorandum No. AM 353-2004.

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

Mr. Tesche moved, to approve AR 2004-105.
Mr. Tremaine seconded,
and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

- 14.F. Ordinance No. AO 2004-77, an ordinance authorizing the Municipality of Anchorage to extinguish all **unpaid tax, penalty, interest, and administrative debt** on, and authorize sale of properties at market value (Parcel ID Nos. 017-073-73, 020-422-13, 050-792-14, 051-55-25), Real Estate Services.
1. Assembly Memorandum No. AM 314-2004.

Chair Traini read this ordinance title and opened Public Hearing. With no one to testify, he closed Public Hearing and called for a motion.

Ms. Fairclough moved, to approve AO 2004-77.
Mr. Tesche seconded,
and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

- 14.G. Ordinance No. AO 2004-78, an ordinance amending Anchorage Municipal Code Section 25.60 to replace the reference to the Planning Department and Public Works with Health and Human Services and to clarify the **cemetery decoration policy**, specify a timeline for removal of decorations from graves, to clarify when boxes and fences may be placed on graves, and to authorize placement of traditional wooden religious symbols in Anchorage Memorial Cemetery, Health and Human Services.
1. Assembly Memorandum No. AM 315-2004.

Chair Traini read this ordinance title and opened Public Hearing. There being none, he closed Public Hearing and called for a motion.

Mr. Tesche moved, to approve AO 2004-78.
Mr. Tremaine seconded,

To Ms. Ossiander, Deputy Municipal Manager Michael Abbott responded that this ordinance only applied to the MOA Cemetery.

To Ms. Fairclough, Mr. Don Warden, Cemetery Director, responded this new ordinance involved mostly technical changes, for the ordinance to be more easily read. Other changes included moving the cemetery from the Division of Public Works to the Department of Health and Human Services. He stated that after researching cemetery decoration code across the nation, he decided to have two clean-up days, on the first and third Wednesday, each month. Other changes in the ordinance included clarification of allowances and limitations of cemetery boxes and fences. He also included allowances of wooden crosses and icons.

To Mr. Coffey, Mr. Warden responded that conditional use permits, issued by his office, helped families understand there were restrictions on things like planting bushes or plants that may interfere with gravesite maintenance. Mr. Warden added the permits were free of charge.

Ms. Shamberg proposed an amendment to change on Page 4, beginning on Line 37, M[B].

Ms. Shamberg moved, to amend AO 2004-78, on Page 4, Line 37, M[B]. *by adding:*
Ms. Fairclough seconded, Removal of snow for the purpose of creating a walkway to
and this motion was approved, and from an existing grave is permitted only with approval of
the cemetery staff. [AND] ‡ The removal of snow from an
existing grave is prohibited.

Ms. Shamberg stated that this additional change was requested by Mr. Warden, after careful consideration of how to protect grass and vegetation during the winter.

To Mr. Coffey, Municipal Attorney Fred Boness responded that a more accurate description of the permit used by the cemetery, could read: "upon completion of a use permit authorized by the Cemetery Director." Mr. Coffey moved Mr. Boness' description as an amendment.

Mr. Coffey moved, to amend AO 2004-78, *by changing* on Page 4, Line 2,
Mr. Tremaine seconded, to read: "upon completion of a use permit authorized
and this motion was approved, by the Cemetery Director."

Chair Traini requested the MOA Legal Staff forward language to the Clerk's Office. He called for a vote on the main motion, as amended.

Mr. Tesche moved, to approve AO 2004-78, as amended.
Mr. Tremaine seconded,
and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

- 14.H. Ordinance No. AO 2004-86, an ordinance amending Anchorage Municipal Code Title 17 for technical changes to **definitions, complaints, animals in public places, protective custody, and fee schedule**, Health & Human Services.
1. Assembly Memorandum No. AM 363-2004.

Chair Traini read the ordinance title and opened Public Hearing.

NIEL KOENIGER, Chair of the Animal Control Advisory Board, explained the proposed changes in this ordinance were unanimously recommended and approved by the Board. The revisions had been considered by the Board and a subcommittee for over a year. He stated they dealt with the most difficult item, involving animal noise, listed under Section 1. He stated that it was not the board's intention to allow a dog to bark continually and not to exceed twenty minutes. Other changes were simple and straight forward.

To Mr. Tesche, Mr. Koeniger responded what was before the Assembly that evening was what they were prepared to submit for code changes. The Advisory Board had also considered making a modification to item 17.10.090, to allow additional dog park areas in the city, but had not had a chance to communicate with the Parks and Recreation Commission. To Chair Traini, Mr. Koeniger responded that the current dog park ordinances would sunset in September of 2004 and it would be a good time to review the issue and make additional changes at that time.

Mr. Sullivan voiced his appreciation to the board for making improvements and revisions to the code. He stated he was still receiving calls concerning the amounts of time of animal noise. Mr. Koeniger responded that after they had completed research, had worksessions, worked with the Assembly and the Chugiak Dog Musers Association, they had arrived at the allowance for twenty minutes of noise. They had set seven minutes for allowing a dog to bark and then the animal would have to be quiet for the rest of the hour. Mr. Sullivan recommended that the language in the proposed language needed additional clarification, involving seven minutes "per hour."

To Mr. Tremaine, Mr. Koeniger responded that the sound decibel levels were dealt with in Title 15, Health and Human Services. The noise levels were tricky to record, and personnel from Health and Human Services could address this, monitoring it with a machine.

To Ms. Jennings, Mr. Koeniger responded that the permits were required to allow for four animals or more in the city limits and was referenced in Section Four.

Chair Traini announced the next person testifying was his wife, and to dispel any possible conflict of interest, he explained that he did not gain financially from her being on the Animal Control Advisory Board. He asked if there were any objections of his participation with the issue, and there were none.

SANDY TRAINI and KATIE NOLAN joined Mr. Koeniger on reporting of the findings from both the Animal Control Advisory Board and the Commission. They were adhering to state statutes that navigable water could not be fenced. Therefore their findings were that fencing was not allowed in Connor's Bogg.

To Ossiander, Mr. Koeniger explained that they had researched the allowance for feeding and loading and unloading of animals. He stated they had communicated with professional mushers, professional animal trainers, Dog Stop, Animal Feed and Seed, and other retailers and noncommercial, multi-animal associations in town.

Ms. Jennings remarked there were many complaints that there were many dogs off-leash in the city. Chair Traini thought the increase of off-leash dog parks would minimize loose dog numbers in the city. Mr. Koeniger responded they would consider more off-leash dog parks, if they continued to receive support.

Ms. Fairclough stated she would like to see a report on the top three, common complaints by Animal Control with statistics being compared with numbers before and after the ordinance went into effect. She approved of Mr. Tesche's idea of a map to show areas in the city. To her question, Municipal Manager Mr. LeBlanc responded that the Administration was not monitoring enforcement at this time. Ms. Traini responded that Anchorage Police Department had not been responsive with any enforcement of this issue.

KRIS KREUZENOWSKI, played dogs barking from a tape, using a cassette player, and said the noise was over 100 decibels and had been taped from her kitchen. She was concerned with the barking because of the associated health risks. She argued that Health and Human Services had not attempted to record and monitor animal noise. She found Title 17 was in direct conflict of Title 15, concerning Health Code. She had purchased a meter from Radio Shack and recorded up to 100 decibels with the noise of the animals next door to her. To Ms. Shamberg, she responded that even with the changes proposed by the Animal Advisory Board, three or four times per day still allowed too much sound. She explained that she and her husband lived next door to an active, undisciplined dog yard.

Mr. Stout sympathized with her problem. To his question, Ms. Kreuzenowski responded that she and her husband had lived there for 23 years, and the dog facility had moved in 3-4 years ago.

Ms. Jennings sympathized and knew that education was a key in resolving the issue. She knew of dog yards that were quiet all the time.

To Fairclough, Mr. Le Blanc responded that personnel from Health and Human Services could take a decibel reading of this yard and issue a citation for this violation.

BEN GARDNER, Chugiak resident, requested specific language for the length of time of barking, defining time pauses. Mr. Sullivan agreed there needed to be a guaranteed time of peace. Mr. Gardner recommended definition of lapsed time intervals between barkings, per day.

LEXIE HILL, a dog musher from the Chugiak Dog Musers, sympathized with Ms. Kreuzenowski from Chugiak and supported the Animal Control Advisory Board's findings. She defended having dog yards and requested four times per day, to allow two feedings, loading and unloading. She had worked with Ms. Kreuzenowski and the musher neighbor. Ms. Hill felt this issue had gone on for so long that the musher had become firm in his ways and the problem had become solidified. She thought it would be difficult to creatively correct the problem.

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

Mr. Tesche moved, to approve AO 2004-86.
Mr. Tremaine seconded,

Mr. Tremaine wanted definitions of decibel levels and interpretation of Title 15. He thought that enforcement would resolve the problems and he would support this ordinance. Heather Wheeler, with the MOA Health Department, could not respond on Title 15 concerning noise violation enforcement. Ms. Wheeler thought the issue of times for noise per day was not the objective and was willing to research this issue. Mr. Tremaine stated that he would like that information for the next meeting and requested the Administration explain their policy on code enforcement, with clarification of the process of citing for a violation. He knew of some facilities which had accumulated five notices of violation. Ms. Wheeler stated she would supply copies of the lists of violations of the Chugiak kennel for Assemblymembers. She viewed part of the problem as a lack of enforcement and thought the code was confusing and needed to be more clearly defined. She viewed the language concerning feeding and specific time limits of loading and unloading, with the code currently stating "reasonable and customary," were too vague and varied greatly among facilities. The changes they would propose would resolve some of these enforcement problems.

Mr. Sullivan moved, to postpone AO 2004-86 until May 18, 2004.
Ms. Fairclough seconded,

Mr. Tesche thought the Animal Control Advisory Board had done their homework and urged the body to vote on the issue that evening.

Mr. Stout favored postponement and wanted further discussion on the "three times per day" issue.

Mr. Coffey stated there appeared to be authority to revoke the facility licenses when a situation arose, like multiple violations.

Ms. Shamberg favored postponement. She felt the board had done a tremendous amount of work but there were still some questions that needed to be readdressed.

Mr. Tremaine wanted to resolve the issue that evening and thought the board had done their homework, outlining how to take care of animals and deal with owners in violation.

Mr. Sullivan supported postponement to allow a worksession to tighten up a few areas of the code. He stated he wanted to schedule a worksession before the next Assembly Meeting.

and this motion was passed,

AYES: Fairclough, Whittle, Sullivan, Traini, Stout, Shamberg and Coffey.
NAYES: Tremaine, Tesche, Jennings and Ossiander.

14.I. Resolution No. AR 2004-108, a resolution amending Title 21 of the Anchorage Municipal Code of Regulations to add a new Chapter 21.90, regulations governing **Multiple Dwelling Unit Residential Development on a Single Lot or Tract** within the Municipality, Project Management & Engineering/Development Services/Traffic/Anchorage Fire Department.

Chair Traini read this resolution title and opened Public Hearing.

TIM POTTER proposed an alternate approach of dealing with the site condo issue. He suggested that multiple principle residential structures on a single lot or tract be handled and identified as a conditional use, identified in R-2M, R-3 and R-4 zoning districts. Each proposed project would be required to go through a full application process with the Planning and Zoning, including a review by the Planning Department and forwarded to P&Z Commission with Public Hearing. He stated there were several methods of process to consider. An option would be to create and follow an absolute design guideline, with a step-by-step instructional manual for procedure. Mr. Potter described a menu or recipe approach, in which each project would be weighed differently and conform to a point system. His choice would be a third option, which would allow a conditional use, involving general guidelines, with plans submitted and reviewed by the staff with Public Hearings held. Each project would be judged per site consideration, comprehensive plan and specific needs. With this approach, each developer would be able to submit designs that would be judged independently and be site specific. This would allow considerations of special conditions and neighborhoods. The Planning and Zoning Commission would make the ultimate decision if each project would be approved for development. Mr. Potter offered to be involved with the Assembly as a participant in worksessions and task forces to help determine a long-term fix to the site condo issue.

To Mr. Tesche, Mr. Potter recommended that his proposed ordinance have accelerated introduction to P&Z with Public Hearing and returned to the Assembly. He was concerned with the developers who were grandfathered in with grading permits, and thought that status needed to be examined by the Administration to determine if these developers had gained the right to proceed with the project development. He gave examples of already-defined standards that had been set, which he thought might create long-term concerns with developments. He thought his proposal might allow the guidelines and individual approaches that would be necessary for development to be successful.

To Ms. Fairclough, Assembly Attorney Gatti stated that he would review the Alaska statutes and prepare a summary for Assemblymembers for the Friday worksession.

Ms. Jennings stated she was hopeful that Mr. Potter's proposed ordinance might be successful. Mr. Potter responded that there may be a question of the developers being vested in their development plans, often with substantial financial investments already made.

MARY SENA shared some of her concerns about her condominium unit in Campbell Creek Condos. She had sought assistance from the Assembly, the Ombudsman, the Planning Department, Municipal Engineer Howard Holton, and many other city officials, inspectors, and engineers trying to resolve the concerns of her condo. The developer, Mike Buza, with RPM Construction, had received all necessary permits to finish the development with the understanding that no certificates of occupancy would be allowed in six units. She stated that two of these units had been occupied for the past two years, with the possibility of the owners now being forced to move. She stated the city was not enforcing the developer to correct code violations. She described the structural flaws and deterioration of her unit, including separation of sheet rock and slanted and detached kitchen counters. A professional engineer and a city inspector had originally described these concerns as only cosmetic. She hired a professional engineer to inspect and his report summarized the lack of appropriate floor joists for structural support. She also described poor parking, the lack of curbs or gutters, sinking driveways and crumbling and heaving sidewalks with runoff sloping towards her condo. She stated there was water ponding in the street, with the runoff from the development going into the Campbell Creek greenbelt. She was promised a ten-foot back yard, and the developer promised her a retaining wall, which the city had allowed the developer to forgo. She had been told by the Administration that the issue would be resolved by June 1st, but there was no indication any changes were underway. She had since found out that the developer did not have liability insurance. She felt the city had allowed the violations to continue, and ultimately could be found responsible for not correcting these problems. To Chair Traini, Ms. Sena responded that Mr. Ron Thompson was the city engineer who inspected her condo. She urged the Assembly and the Administration to help her and other condo owners resolve the code violations.

RANDALL CAYLOR, also a resident of the Campbell Creek Condos, testified. He was in favor of the resolution, but thought the Assembly should assist with the site condos that were not completed or were in non compliance. He thought that someone needed to be responsible for the errors. He felt the code standards needed to be met, and violations needed to be addressed. To Ms. Fairclough, he responded that he did not think this issue had gone before the Hearing Officer. Mr. Caylor stated his homeowners dues were \$187.00 per month.

To Ms. Fairclough, Municipal Engineer Howard Holton responded that he would find out the inspector who completed the inspection on these condos. Municipal Manager Denis LeBlanc stated that he, Ron Thompson and the Administration were trying to resolve the issues with this site condo and were visiting this site weekly. They were working diligently with the developer to make sure he followed through with his commitments and they would be holding him responsible until all significant violations were corrected. To Chair Traini, Mr. Holton responded he would supply Assemblymembers with a complete summary of actions and activities of the stop orders and the approval of the drainage issues.

LEX GREGORY, a site condo developer, was concerned with the rising costs of available property and the expense of making all the required improvements in the site condo developments. He did not think the developers should be responsible for things like design failure, for longer than one year. He thought there were currently enough regulations in place. To Ms. Osslander, Mr. Gregory stated "site condo" used to include complexes such as duplexes and multiplexes in residential areas. Today, the term described multiple units clustered together, with homeowners responsible for snow removal, yard work, sanitary and water utilities and road maintenance. In that process, it had changed the importance of the homeowners' association.

Ms. Fairclough stated that site condos involved a form of ownership, which included new responsibilities. Under this ownership, following state statutes, the Municipality could not restrict development. The Municipality redefined ownership within a development involving restrictions, and the only assurances could be in the form of encouraging the homeowners' association to make improvements.

With no further public testimony, Chair Traini closed Public Hearing and call for a motion to continue Public Hearing on March 18, 2004.

Mr. Coffey moved,	to <i>continue</i> Public Hearing on AR 2004-108 on March 18,
Mr. Tremaine seconded,	2004, with a worksession scheduled.
and this was approved with no objections,	

15. SPECIAL ORDERS

15.A. Ordinance No. AO 2004-94, an ordinance amending provisions of Anchorage Municipal Code 21.40 governing construction of **single principle structures** in the R-2M, the R-3, and R-4 Districts, requiring issue of conditional use permits for construction of multiple principle residential structures in said districts, enacting a new Section 21.50.315 setting standards for multiple principle residential structures and providing for an effective date, Assemblymembers Tesche, Fairclough and Tremaine.
(Laid on the Table)

Mr. Tesche formally introduced Mr. Potter's ordinance, proposed that evening, and recommended immediate referral to the Planning and Zoning Commission for Public Hearing and discussion and then returned to the Assembly.

1Mr. Tesche moved, to introduce AO 2004-94.
2Ms. Fairclough seconded,
3Mr. Tremaine was the concurring third,
4

5Mr. Tremaine proposed this ordinance be discussed by the Assembly and he did not find it necessary for it to go
6before the Commission. Mr. Tesche responded that he had proposed to amend, by including language in Section 11
7to read: "This ordinance shall take effect immediately upon passage and approval by the Anchorage Assembly and
8shall apply to all projects for which a building permit allowing erection of buildings has not been issued as 5-11-04."
9Chair Traini, Mr. Coffey and Ms. Jennings agreed that it was essential that this be sent to the Planning and Zoning
10Commission.
11

12Mr. Tesche moved, to amend AO 2004-94, by adding a new Section 11. to read:
13This ordinance shall take effect immediately upon passage
14and approval by the Anchorage Assembly "...and (shall)
15apply to all projects for which a building permit allowing
16erection of buildings has not been issued as 5-11-04."
17

18Mr. Tremaine was pleased with the effective date.
19

20Chair Traini ruled to refer this proposed amendment to the Planning and Zoning Commission. He stated that he would
21schedule it back to the Assembly, following their review. Mr. Tesche concurred.
22

23Mr. Coffey agreed that it was essential that this issue be heard before the Planning and Zoning Commission.
24

25Ms. Jennings agreed with the Chair's ruling of having the Planning and Zoning Commission be responsible for the
26rulings.
27

28To Mr. Sullivan, Mayor Begich responded that he would be sending an informational memorandum to the Assembly,
29giving a time schedule of the Title 21 rewrite. He thought this ordinance would insure quality development and the
30Administration wanted to move forward on this issue.
31

32Mr. Tesche moved, to introduce AO 2004-94, with immediate
33Ms. Fairclough seconded, referral to the Planning and Zoning Commission.
34Mr. Tremaine was the concurring third,
35

3616. UNFINISHED AGENDA None.
37

3817. AUDIENCE PARTICIPATION None.
39

4018. ASSEMBLY COMMENTS
41

42Mr. Whittle commented on the excellent police work shown by the Anchorage Police Department over the weekend at
43the Sears Mall where an armed bank robber was apprehended, after the mall was evacuated and surrounded.
44

45Mr. Sullivan commented the Alaska State Legislature was in the final hour of their session.
46

47Mr. Stout commented that we were still in danger for another hour.
48

49Ms. Ossiander commented that since she would be chairing the Site Condo worksession, she would appreciate being
50informed of all critical, 'hot button issues' before the worksession.
51

52On behalf of the Assembly, Chair Traini thanked Anchorage Police Department Chief Walt Monegan for the excellent
53job that he accomplished with the recent murder case in Anchorage.
54

5519. EXECUTIVE SESSIONS None.
56

5720. ADJOURNMENT Chair Traini called for a motion to adjourn the meeting.
58

59Mr. Sullivan moved, to adjourn the Regular Assembly Meeting.
60Mr. Tesche seconded,
61and this motion was passed,
62

63AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
64NAYES: None.
65

66The Regular Assembly Meeting was adjourned at 10:25 p.m.
67
68

69Refer to Document Archives for Signatures
70
71

72DICK TRAINI, Assembly Chair
73ATTEST:

74Refer to Document Archives for Signatures
75
76

77
78BARBARA GRUENSTEIN, Municipal Clerk
79Date Minutes Approved: June 20, 2004
80MC/BG