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MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEETING

Assembly Chambers, Loussac Library
3600 Denali Street, Room 108

Minutes for Regular Meeting of January 20, 2004, amended

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, 3600 Denali Street, Anchorage, Alaska.

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

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

ABSENT: None.

3. PLEDGE OF ALLEGIANCE Mr. Mike Gutierrez led the pledge.

4. MINUTES OF PREVIOUS MEETING

4.A. Meeting Minutes of December 2, 2003.

Mr. Whittle moved, to approve the Minutes for the Special Assembly Meeting of December 2, 2003.
Ms. Taylor seconded,
and this motion was passed,

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

NAYES: None.

5. MAYOR'S REPORT

Municipal Manager, Mr. Denis LeBlanc reported that Mayor Begich was in Washington D.C., attending the National Mayors' Association Conference. Mr. LeBlanc stated Mayor Begich was scheduled to meet with U.S. Secretary of Transportation and was going to be sitting on the Transportation and International Trade Committee Boards.

On behalf of Mayor Begich and the Administration, Mr. LeBlanc offered condolences and sympathy to the family of APD Captain Bill Miller and his wife, Debbie, who recently lost their 14 year old daughter, Jessica. Chair Traini asked Mr. LeBlanc to pass on to the family the sympathy of the entire Assembly and staff.

6. ASSEMBLY CHAIR'S REPORT

Chair Traini announced that Assemblymember Brian Whittle had recently been appointed to the National League of City's Energy Policy Committee Board.

7. COMMITTEE REPORTS None.

8. ADDENDUM TO AGENDA

Chair Traini read the Addendum items and called for any additional items to be added to the Addendum. There being none, he called for a motion to move the Addendum items into the Regular Agenda.

Mr. Tesche moved, to incorporate the Addendum items to the Regular Agenda.
Mr. Tremaine seconded,
and this motion was passed,

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

NAYES: None.

Chair Traini read the Consent Agenda and called for any additional items. Assistant Municipal Manager, Michael Abbott, requested to add a resolution containing the Administration's proposed legislative program to the Agenda. Chair Traini accepted this untitled item, and assigned Agenda number 9.B.8, under Resolutions for Action.

9. CONSENT AGENDA

9.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

9.A.1. Resolution No. AR 2004-13, a resolution of the Anchorage Municipal Assembly recognizing and honoring the **Anchorage Woman's Club** for its commitment to community service and for its on-going efforts to provide automated external defibrillators to the Anchorage Police Department, Mayor Begich;

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

3
4 Chair Traini requested this item be pulled for review on the Regular Agenda. (See item 10.A.1)

5
6 **9.B. RESOLUTIONS FOR ACTION - OTHER**

7 9.B.1. Resolution No. AR 2004-12, a resolution of the Municipality of Anchorage supporting development of a
8 **natural gas pipeline** with a spur line to Anchorage to meet future energy needs, Mayor's Office.

9
10 Mr. Whittle requested this item be pulled for review on the Regular Agenda. (See item 10.B.1)

11
12 9.B.2. Resolution No. AR 2004-14, a resolution of the Municipality of Anchorage appropriating \$37,135 from
13 the Alaska Department of Health and Social Services to the State Categorical Grants Fund (231) for the
14 **Approved Provider Close-Out** in the Department of Health and Human Services.

15 a. Assembly Memorandum No. AM 50-2004.

16 9.B.3. Resolution No. AR 2004-15, a resolution of the Municipality of Anchorage appropriating \$30,000 from
17 **Girdwood Valley Service Area (SA) Fund Balance (Fund 106)** to Girdwood Valley SA BY2003
18 General Operating Budget (Fund 106) for year round road maintenance services, Maintenance &
19 Operations Department.

20 a. Assembly Memorandum No. AM 51-2004.

21 9.B.4. Resolution No. AR 2004-16, a resolution appropriating \$30,000 of revenue from the State of Alaska,
22 Department of Military and Veterans Affairs Division of Emergency Services to the State Categorical
23 Grants Fund 231 to the Project Management & Engineering Department for preparation of a final
24 **Anchorage All-Hazard Mitigation Plan**, Project Management & Engineering.

25 a. Assembly Memorandum No. AM 52-2004.

26 9.B.5. Resolution No. AR 2004-21, a resolution of the Anchorage Municipal Assembly finding that the
27 proposed modification of the existing conditional use meets the standards of AMC 21.50.020 and
28 21.50.160 and that no significant effect will result from the approval of the modification of this existing
29 conditional use in the B-3 District for a package store per AMC 21.40.180D.8., the legal description of
30 which is Tract K-1A Commercial Tract Fragment Lot, Site Plan of Tract A-1, Madigan Place
31 Subdivision, Plat 94-160, generally located at 8601 Old Seward Highway (**Goldrush Liquors**),
32 Assembly Chair Traini. (**Addendum**)

33
34 Mr. Van Etten requested this item be pulled for review on the Regular Agenda. (See item 10.B.5)

35
36 9.B.6. Resolution No. AR 2004-22, a resolution of the Anchorage Municipal Assembly and Mayor Mark Begich
37 to name the Loussac Library Ice Sculpture Fountain the "**Kay Linton Ice Sculpture Fountain**" in honor
38 of her outstanding contributions and dedication to community service. (**Addendum**)

39
40 Mr. Tesche requested this item be pulled for review on the Regular Agenda. (See item 10.B.6)

41
42 9.B.7. Resolution No. AR 2004-23, a resolution of the Anchorage Municipal Assembly honoring and
43 recognizing **Don Decker and Julie Decker** for their contribution to the City of Anchorage and the
44 Alaskan arts community, Mayor Begich; Assemblymembers Tesche, Fairclough, Kendall, Shamberg,
45 Sullivan, Taylor, Traini, Tremaine, Van Etten, Von Gemmingen and Whittle. (**Addendum**)

46
47 Mr. Tesche and Mr. Van Etten requested this item be pulled for review on the Regular Agenda. (See item 10.B.7)

48
49 9.B.8. Resolution No. 2004-*unnumbered*, an unnumbered resolution of the Municipality of Anchorage adopting
50 the MOA **2004 Legislative Program**, with State of Alaska Grants Requests for the Municipal Operating
51 and Capital Budget, the Mayor's Office.

52 a. Memorandum No. *unnumbered*-2004, State Grants Requests.

53
54 Mr. Tesche requested this item be pulled for review on the Regular Agenda. (See item 10.B.8)

55
56 **9.C. BID AWARDS**

57 9.C.1. Assembly Memorandum No. AM 42-2004, recommendation of award to Northern Building Supplies, Inc.
58 for furnishing **miscellaneous wood casement windows** to the Municipality of Anchorage, Department
59 of Health and Human Services (ITB 23-B075) (\$175,000), Purchasing.

60 9.C.2. Assembly Memorandum No. AM 43-2004, recommendation of award to Consolidated Engineering &
61 Contracting for **AWWU Server Room cooling upgrade** for the Municipality of Anchorage, Anchorage
62 Water & Wastewater Utility (ITB 23-C075) (\$144,444), Purchasing.

63 9.C.3. Assembly Memorandum No. AM 67-2004, recommendation of award to Construction Unlimited, Inc. for
64 **C-5-7 Sewer Trunk Upgrade, Phase 2** for the Municipality of Anchorage, Water & Wastewater Utility
65 (ITB 23-C081) (\$808,458), Purchasing. (**Addendum**)

66
67 **9.D. NEW BUSINESS**

68 9.D.1. Assembly Memorandum No. AM 44-2004, Amendment No. 1 to professional services contract with
69 HDR Alaska, Inc. for preparation of an **Anchorage All-Hazard Mitigation Plan**, Project No. 03-33
70 (\$29,000), Project Management & Engineering.

71 9.D.2. Assembly Memorandum No. AM 45-2004, Amendment No. 4 to the construction services contract with
72 GMG General, Inc., for the **2002 Eagle River Park Improvements**, Project No. 01-53 (\$52,251),
73 Project Management & Engineering.

74 9.D.3. Assembly Memorandum No. AM 46-2004, contract continuation for **South Extension of the Coastal**
75 **Trail services** with HDR Alaska, Inc. (HDR) for the Municipality of Anchorage, Project Management &
76 Engineering Department (\$400,000), Purchasing.

1
2 Mr. Sullivan requested this item be pulled for review on the Regular Agenda. (See item 10.D.3)

- 3
4 9.D.4. Assembly Memorandum No. AM 47-2004, a grant to the Anchorage Sports Association not to exceed
5 \$96,505 for the purpose of reimbursement for materials and subcontracted services for the **Chuck**
6 **Albrecht Softball Complex fencing project**, Office of Economic and Community Development.
7 9.D.5. Assembly Memorandum No. AM 48-2004, 2004 grant agreement with Greater Anchorage, Inc. to
8 support **Fur Rendezvous Winter Festival** (\$56,187.50), Office of Economic and Community
9 Development.
10 9.D.6. Assembly Memorandum No. AM 49-2004, grant agreements to provide funding for the **Making A**
11 **Difference – Juvenile Offender Program** (Anchorage Youth Court \$115,000; Youth Restitution
12 Programs, Volunteers of America \$85,000; Victim Mediation/Impact, Volunteers of America \$25,340,
13 Probation Services at McLaughlin, State of Alaska \$47,000), Health & Human Services.
14 9.D.7. Assembly Memorandum No. AM 64-2004, **Executive Appointments** (David Ramseur – Chief of Staff;
15 Denis LeBlanc – Municipal Manager; Mary Jane Michael – Economic and Community Development; Jeff
16 Sinz – Chief Fiscal Officer; Michael Abbott – Deputy Municipal Manager; Mark Premo – Anchorage Water
17 and Wastewater Utility; Ron Thompson – Development Services; David Otto – Employee Relations;
18 John Fullenwider – Anchorage Fire Department; Beverly Wooley – Health and Human Services; Alan
19 Czajkowski – Maintenance and Operations; Dave Lundebay – Merrill Field; Jim Posey – Municipal Light &
20 Power; Howard Holton - Project Management & Engineering; Walt Monegan – Anchorage Police
21 Department; Tom Wilson – Public Transportation; Robert Hall – Solid Waste Services; Lance Wilber –
22 Traffic; Fred Boness – Municipal Attorney; Marty McGee – Assessor; Sharon Weddleton – Controller; Tony
23 Price – Public Finance; Dan Moore – Treasurer; Paul Wiltse – Office of Management & Budget;
24 Troy Swanson – Information Technology; George Cannelos – Heritage Land Bank; Bill Sheffield – Port of
25 Anchorage), Mayor's Office. *Clerk's note: Assembly action on AM 6602994 postponed to February 3,*
26 *2004, to permit a 10-day public comment period pursuant to AMC 21.10.010.B.) (Addendum)*
27 9.D.8. Assembly Memorandum No. AM 66-2004, **Planning and Zoning Commission** reappointments (Greg
28 Jones, Toni Jones), Mayor's Office. *(Clerk's note: Assembly action on AM 68-2004 postponed to*
29 *February 3, 2004, to permit a 10-day public comment period pursuant to AMC 21.10.030) (Addendum)*
30

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

- 32
33 9.D.9. Assembly Memorandum No. AM 68-2004, **Board of Adjustment** reappointment (Michael Jensen),
34 Mayor's Office. **(Addendum)**
35

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

- 37
38 9.D.10. Assembly Memorandum No. AM 69-2004, contract Amendment No. 3 to Contract No. 224030 with EES
39 Consulting, Inc. for providing **independent consulting engineer services** for the Municipality of
40 Anchorage, Municipal Light & Power (\$200,000), Purchasing. **(Addendum)**
41 9.D.11. Assembly Memorandum No. AM 70-2004, Amendment No. 1 to Purchase Order 230165, grant to
42 Anchorage Winter Cities 2004 as a contribution from the Municipality of Anchorage for the **Winter**
43 **Cities Conference** to be held February 18-22, 2004 (\$100,000), Heritage Land Bank. **(Addendum)**
44

45 **9.E. INFORMATION AND REPORTS**

- 46 9.E.1. Information Memorandum No. AIM 2-2004, **Girdwood Water Improvements Phase 1 Transmission**
47 **Main Extension** – Frontier Excavating, Inc. (P.O. 226125), report of construction contract change
48 orders (\$795,920.05), Anchorage Water & Wastewater Utility.
49 9.E.2. Information Memorandum No. AIM 3-2004, **Ship Creek Sewer Upgrade** – Tam Construction, Inc. (P.O.
50 226106), report of construction change orders (\$865,664.52), Anchorage Water & Wastewater Utility.
51 9.E.3. Information Memorandum No. AIM 4-2004, **Waste Reduction and Recycling Challenge Grants**
52 (ALPAR Christmas Tree Recycling - \$13,900; ALPAR Glass Recycling Rehabilitation Project - \$74,500;
53 Green Star Second Annual Electronics Recycling Program - \$45,000; Green Star Education Program
54 regarding handling of Recyclables and Household Hazardous Waste - \$16,000; Gage Tree Service
55 Remanufacture of Wood Waste for Landscaping Mulch - \$35,000; UAA Campus Recycling Program Initiative
56 - \$28,124; Waste Management of Alaska Recycling Program Education - \$30,000), Solid Waste Services
57 9.E.4. Information Memorandum No. AIM 5-2004, **Sole Source Procurement Report** for the month of
58 December 2003, Purchasing.
59 9.E.5. Information Memorandum No. AIM 6-2004, **contracts awarded between \$50,000 and \$100,000**
60 **through formal competitive processes** for the month of December 2003, Purchasing.
61

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

63
64 **9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**

- 65 9.F.1. Ordinance No. AO 2004-7, an ordinance submitting to the qualified voters residing in the **Lakehill**
66 **Limited Road Service Area** at the Regular Municipal Election April 6, 2004 a ballot proposition
67 approving the continuation of said Limited Road Service Area for an additional period of three years.
68 Anchorage Municipal Code Sections 27.20.330 and 27.30.600. Assemblymembers Shamberg and
69 Tremaine. *(Public Hearing set for 2-3-04)*
70 a. Assembly Memorandum No. AM 38-2004.
71 9.F.2. Ordinance No. AO 2004-8, an ordinance submitting to the qualified voters residing in the **Mountain**
72 **Park Estates Limited Road Service Area** at the Regular Municipal Election April 6, 2004 a ballot
73 proposition approving the continuation of said Limited Road Service Area for an additional period of
74 three years. Anchorage Municipal Code Sections 27.20.250 and 27.30.330. Assemblymembers
75 Shamberg and Tremaine. *(Public Hearing set for 2-3-04)*
76 a. Assembly Memorandum No. AM 38-2004.

- 1 9.F.3. Ordinance No. AO 2004-9, an ordinance submitting to the qualified voters residing in the **Mountain**
2 **Park/Robin Hill Limited Road Service Area** at the Regular Municipal Election April 6, 2004 a ballot
3 proposition approving the continuation of said Limited Road Service Area for an additional period of
4 three years. Anchorage Municipal Code Sections 27.20.280 and 27.30.360. Assemblymembers
5 Shamberg and Tremaine. (*Public Hearing set for 2-3-04*)
6 a. Assembly Memorandum No. AM 38-2004.
- 7 9.F.4. Ordinance No. AO 2004-10, an ordinance submitting to the qualified voters residing in the **Rabbit**
8 **Creek View and Rabbit Creek Heights Limited Road Service Area** at the Regular Municipal Election
9 April 6, 2004 a ballot proposition approving the continuation of said Limited Road Service Area for an
10 additional period of three years. Anchorage Municipal Code Sections 27.20.160 and 27.30.240.
11 Assemblymembers Shamberg and Tremaine. (*Public Hearing set for 2-3-04*)
12 a. Assembly Memorandum No. AM 38-2004.
- 13 9.F.5. Ordinance No. AO 2004-11, an ordinance submitting to the qualified voters residing in the **Raven**
14 **Woods/Bubbling Brook Limited Road Service Area** at the Regular Municipal Election April 6, 2004 a
15 ballot proposition approving the continuation of said Limited Road Service Area for an additional period
16 of three years. Anchorage Municipal Code Sections 27.20.270 and 27.30.350. Assemblymembers
17 Shamberg and Tremaine. (*Public Hearing set for 2-3-04*)
18 a. Assembly Memorandum No. AM 38-2004.
- 19 9.F.6. Ordinance No. AO 2004-12, an ordinance submitting to the qualified voters residing in the **Rockhill**
20 **Limited Road Service Area** at the Regular Municipal Election April 6, 2004 a ballot proposition
21 approving the continuation of said Limited Road Service Area for an additional period of three years.
22 Anchorage Municipal Code Sections 27.20.320 and 27.30.590. Assemblymembers Shamberg and
23 Tremaine. (*Public Hearing set for 2-3-04*)
24 a. Assembly Memorandum No. AM 38-2004.
- 25 9.F.7. Ordinance No. AO 2004-13, an ordinance submitting to the qualified voters residing in the **Skyranch**
26 **Estates Limited Road Service Area** at the Regular Municipal Election April 6, 2004 a ballot
27 proposition approving the continuation of said Limited Road Service Area for an additional period of
28 three years. Anchorage Municipal Code Sections 27.20.240 and 27.30.320. Assemblymembers
29 Shamberg and Tremaine. (*Public Hearing set for 2-3-04*)
30 a. Assembly Memorandum No. AM 38-2004.
- 31 9.F.8. Ordinance No. AO 2004-14, an ordinance submitting to the qualified voters residing in the **Totem**
32 **Limited Road Service Area** at the Regular Municipal Election April 6, 2004 a ballot proposition
33 approving the continuation of said Limited Road Service Area for an additional period of three years.
34 Anchorage Municipal Code Sections 27.20.340 and 27.30.610. Assemblymembers Shamberg and
35 Tremaine. (*Public Hearing set for 2-3-04*)
36 a. Assembly Memorandum No. AM 38-2004.
- 37 9.F.9. Ordinance No. AO 2004-15, an ordinance submitting to the qualified voters residing in the **Upper**
38 **Grover Limited Road Service Area** at the Regular Municipal Election April 6, 2004 a ballot proposition
39 approving the continuation of said Limited Road Service Area for an additional period of three years.
40 Anchorage Municipal Code Sections 27.20.260 and 27.30.340. Assemblymembers Shamberg and
41 Tremaine. (*Public Hearing set for 2-3-04*)
42 a. Assembly Memorandum No. AM 38-2004.
- 43 9.F.10. Ordinance No. AO 2004-16, an ordinance submitting to the qualified voters residing in the **Valli Vue**
44 **Estates Limited Road Service Area** at the Regular Municipal Election April 6, 2004 a ballot
45 proposition approving the continuation of said Limited Road Service Area for an additional period of
46 three years. Anchorage Municipal Code Sections 27.20.230 and 27.30.310. Assemblymembers
47 Shamberg and Tremaine. (*Public Hearing set for 2-3-04*)
48 a. Assembly Memorandum No. AM 38-2004.
- 49 9.F.11. Ordinance No. AO 2004-17, an ordinance creating **Special Assessment District 2P03** for road
50 reconstruction on Highlander Drive and Highlander Circle, and determining to proceed with proposed
51 improvements therein, Project Management & Engineering. (*Public Hearing set for 2-17-04*)
52 a. Assembly Memorandum No. AM 53-2004.
- 53 9.F.12. Ordinance No. AO 2004-18, an ordinance creating **Mooseberry Water Special Assessment District**
54 **1554**, and determining to proceed with the propose improvements therein, Anchorage Water &
55 Wastewater Utility. (*Public Hearing set for 2-17-04*)
56 a. Assembly Memorandum No. AM 54-2004.
- 57 9.F.13. Ordinance No. AO 2004-19, an ordinance creating **Turnagain Heights Water Special Assessment**
58 **District 1416**, and determining to proceed with the proposed improvements therein, Anchorage Water
59 & Wastewater Utility. (*Public Hearing set for 2-17-04*)
60 a. Assembly Memorandum No. AM 55-2004.
- 61 9.F.14. Ordinance No. AO 2004-20, an ordinance creating **Turnagain Heights Sanitary Sewer Lateral**
62 **Special Assessment District 1415**, and determining to proceed with the proposed improvements
63 therein, Anchorage Water & Wastewater Utility. (*Public Hearing set for 2-17-04*)
64 a. Assembly Memorandum No. AM 56-2004.
- 65 9.F.15. Ordinance No. AO 2004-21, an ordinance of the Anchorage Municipal Assembly amending Anchorage
66 Municipal Code Chapter 28.60, **Absentee Voting**, to add a new section 28.60.060 to include voting by
67 electronic transmission, Assembly Chair Traini. (*Public Hearing set for 2-3-04*)
68 a. Assembly Memorandum No. AM 62-2004.

69
70 Mr. Sullivan requested this item be pulled for review on the Regular Agenda. (*See item 10.F.15*)

- 71
72 9.F.16. Resolution No. AR 2004-17, a resolution of the Municipality of Anchorage, Alaska, confirming and
73 levying assessments for the sewer special improvements within **Levy-Upon-Connection (LUC) Roll**
74 **03-S-1**, setting date of payment and providing for penalties and interest in the event of delinquency,
75 Anchorage Water & Wastewater Utility. (*Public Hearing set for 2-17-04*)
76 a. Assembly Memorandum No. AM 58-2004.

- 1 9.F.17. Resolution No. AR 2004-18, a resolution confirming and levying assessments for the sewer special
2 improvements within **Levy-Upon-Connection (LUC) Roll 04-S-1**, setting date of payment and
3 providing for penalties and interest in the event of delinquency, Anchorage Water & Wastewater Utility.
4 *(Public Hearing set for 2-17-04)*
5 a. Assembly Memorandum No. AM 59-2004.
- 6 9.F.18. Resolution No. AR 2004-19, a resolution of the Municipality of Anchorage appropriating \$193,964 as a
7 grant to the Federal Categorical Grants Fund (241), Department of Health and Human Services, from
8 the Corporation for National and Community Service for enhancing disaster & emergency preparedness
9 of special and vulnerable populations through **mobilization of volunteers**, Health & Human Services.
10 *(Public Hearing set for 2-3-04)*
11 a. Assembly Memorandum No. AM 60-2004.
- 12 9.F.19. Resolution No. AR 2004-20, a resolution approving the acceptance and appropriation of State of Alaska
13 grant funds in the amount of \$375,000 from the Department of Community and Economic Development
14 (Senate Bill 100), to be applied toward the **Sand Lake Area Water Extension project**, Anchorage
15 Water & Wastewater Utility. *(Public Hearing set for 2-3-04)*
16 a. Assembly Memorandum No. AM 61-2004.

17
18 Mr. Tremaine requested this item be pulled for review on the Regular Agenda. *(See item 10.F.19)*
19

- 20 9.F.20. Ordinance No. AO 2004-22, an ordinance amending Anchorage Municipal Code Section 12.25.040 to
21 reduce the 2004 maximum attainable tax revenue by an amount attributable to exclusion of the **Eagle**
22 **River-Chugiak Park and Recreational Service Area** from the 2004 Budget, Assemblymember
23 Fairclough. *(Public Hearing set for 2-3-04)* **(Addendum)**
24 a. Assembly Memorandum No. AM 63-2004.
- 25 9.F.21. Ordinance No. AO 2004-23, an ordinance amending Anchorage Municipal Code of Regulations Section
26 21.20.002 to establish a **fee for rezoning small residential parcels** to another residential use,
27 Planning Department. *(Public Hearing set for 2-3-04)* **(Addendum)**
28 a. Assembly Memorandum No. AM 65-2004.
- 29 9.F.22. Resolution No. AR 2004-24, a resolution authorizing the Municipality of Anchorage, Public
30 Transportation Department, to enter into a Transfer of Responsibilities Agreement (TORA) in the
31 amount of \$192,150 with the State of Alaska, Department of Transportation and Public Facilities, for
32 financing the implementation of a **Public Transportation Marketing Program** and appropriating these
33 funds to the State Categorical Grants Fund (231), Public Transportation Department. *(Public Hearing*
34 *set for 2-3-04)* **(Addendum)**
35 a. Assembly Memorandum No. AM 71-2004.
- 36 9.F.23. Resolution No. AR 2004-25, a resolution authorizing the Municipality of Anchorage, Public
37 Transportation Department to enter into a Transfer of Responsibilities Agreement (TORA) in the
38 amount of \$366,000 with the Department of Transportation and Public Facilities, State of Alaska, for the
39 **Municipal Share-A-Ride Program** and appropriating these funds to the State Categorical Grants Fund
40 (231), Public Transportation Department. *(Public Hearing set for 2-3-04)* **(Addendum)**
41 a. Assembly Memorandum No. AM 72-2004.
- 42 9.F.24. Resolution No. AR 2004-26, a resolution of the Municipality of Anchorage accepting and appropriating
43 \$450,000 as a grant from the Rasmussen Foundation, to the Anchorage Parks & Recreation Service
44 Area CIP Fund (461), Office of Economic & Community Development, to complete the environmental
45 impact statement for the **South Extension of the Coastal Trail project**, Office of Economic &
46 Community Development. *(Public Hearing set for 2-3-04)* **(Addendum)**
47 a. Assembly Memorandum No. AM 73-2004.

48
49 Chair Traini called for Assemblymembers to pull items for review and discussion. He then called for a motion to
50 approve the remainder of Consent Agenda.

51
52 Mr. Tesche moved, to approve the remainder of the Consent Agenda, with
53 Mr. Tremaine seconded, the exception of those items pulled for review.
54 and this motion was passed,
55

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

59
60 Chair Traini announced the unanimous approval of the amended Consent Agenda, with the exception of the pulled
61 items and proceeded into discussion of those items.

62 END OF CONSENT AGENDA

63 10. REGULAR AGENDA

64 10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

- 65 10.A.1. Resolution No. AR 2004-13, a resolution of the Anchorage Municipal Assembly recognizing and
66 honoring the **Anchorage Woman's Club** for its commitment to community service and for its on-going
67 efforts to provide automated external defibrillators to the Anchorage Police Department, Mayor Begich;
68 Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van
69 Etten, Von Gemmingen and Whittle.
70
71
72

73 Chair Traini read the resolution title and called for a motion from Ms. Fairclough.

74
75 Ms. Fairclough moved, to approve AR 2004-13.
76 Ms. Von Gemmingen seconded,

1 and this motion was approved,
2

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

5 NAYES: None.
6

7 Ms. Fairclough read the resolution and Chair Traini presented the award to representatives of the Anchorage Woman's
8 Club. Ms. Lynn Dixon, acting President, and Ms. Linda Gutierrez accepted the award on behalf of all AWC members for
9 their fund raising efforts. APD Chief Monegan presented an additional recognition from the Anchorage Police
10 Department, to these women, thanking them for their assistance with collecting the funds for the purchase of automated
11 defibrillators for the APD vehicles.
12

13 **10.B. RESOLUTIONS FOR ACTION - OTHER**

14 10.B.1. Resolution No. AR 2004-12, a resolution of the Municipality of Anchorage supporting development of a
15 **natural gas pipeline** with a spur line to Anchorage to meet future energy needs, Mayor's Office.
16

17 Chair Traini read the title of this resolution and called for a motion from Mr. Whittle.

18
19 Mr. Whittle moved, to approve AR 2004-12.
20 Mr. Sullivan seconded,
21

22 Chair Traini ruled that Mr. Sullivan did not have a conflict of interest, even though he was an active member of the
23 Alaska Natural Gas Development Authority Board of Directors. Mr. Kendall was asked to abstain, due to a conflict of
24 interest.
25

26 Mr. Whittle asked the Administration for an explanation of this proposed project and the extent of the necessary funding.
27 Mr. Abbott responded that the Administrative staff would answer questions, but they did not have experts on the subject
28 of Cook Inlet natural gas in attendance of the evening's meeting.
29

30 To Mr. Tremaine's question, Mr. Abbott responded that the price of Cook Inlet gas was 30% to 50% that of imported gas
31 prices. Mr. Tremaine stated that Enstar had already proposed a 17% fuel cost increase to local residents, and he
32 reminded the body that currently there was no evidence that the local reserves would not be sufficient. He saw a
33 possible conflict of interest, with MLP owning properties in the Beluga Gas Fields and predicted less oil royalty because
34 of its "stranded" identification. Mr. Tremaine felt this project was extensive and far reaching. He stated the language of
35 this bill indicated that not enough research or thought had been given to this broad matter and he would be casting a
36 NO-vote on this issue.
37

38 Van Etten also said he would also be casting a NO-vote. He offered to propose postponement to allow further
39 research and discussion.
40

41 Ms. Von Gemmingen stated she was concerned with the probable shortage of gas in the future for our area, and would
42 vote to postpone, allowing additional study and communication.
43

44 Mr. Abbot responded to Mr. Tesche's question, stating the Administration would not object to a delay to collect
45 additional information on this issue. He stated the Administration would work with the Assembly to collect new
46 information on Cook Inlet gas.
47

48 Mr. Van Etten moved, to *postpone* further action on AR 2004-12 until February 3,
49 Mr. Tremaine seconded, 2004, following a scheduled work session.
50 and this motion was approved unanimously,
51

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

54 NAYES: None.

55 ABSTAIN: Kendall.
56

57 10.B.5. Resolution No. AR 2004-21, a resolution of the Anchorage Municipal Assembly finding that the
58 proposed modification of the existing conditional use meets the standards of AMC 21.50.020 and
59 21.50.160 and that no significant effect will result from the approval of the modification of this existing
60 conditional use in the B-3 District for a package store per AMC 21.40.180D.8., the legal description of
61 which is Tract K-1A Commercial Tract Fragment Lot, Site Plan of Tract A-1, Madigan Place
62 Subdivision, Plat 94-160, generally located at 8601 Old Seward Highway (**Goldrush Liquors**),
63 Assembly Chair Traini. (**Addendum**)
64

65 Chair Traini read the title of this resolution and called for a motion from Mr. Van Etten.

66
67 Mr. Van Etten moved, to approve AR 2004-21.
68 Mr. Sullivan seconded,
69

70 Mr. Van Etten stated that he understood this involved modifications of the old K-Mart off the Old Seward Highway, in
71 south Anchorage and asked if there were people in the audience to speak on behalf of Goldrush Liquors.
72

73 SHERMAN ERNOUF, an attorney from the Dan Coffey Law Offices, represented Goldrush Liquors. He stated that
74 Goldrush Liquors did have a conditional use permit to sell liquor at the site, and they had maintained a consistent ABC
75 license. Mr. Ernouf stated they had spoken before the Taku-Campbell CC and the Abbott Loop CC and received no
76 opposition. He stated his client offered state-of-the-art security systems and a modern facility, measuring about 19,000

1 square feet, including storage. Mr. Van Etten stated that the conditional use for the former tenant, K-Mart, was only a
2 small component of the multi-faceted retail business and wondered if the businesses could be compared when passing
3 on the conditional use permit.
4

5 RON DINGER, the manager of Goldrush Liquors testified. He stated they would have a modern facility and they had a
6 top notch, professional crew who would be monitoring inside and outside the premises. To Mr. Van Etten's question,
7 Mr. Dinger responded that Goldrush would be offering a "warehouse" atmosphere, offering a well-stocked variety of
8 spirits, wine and six packs, sodas, water and mixers for consumers. He stated his business was one of several,
9 redesigning floor space in the old K-Mart building. To Ms. Von Gemmingen, Mr. Dinger responded that they were going
10 to use shopping bags with pre-printed name and logo designs, but were not planning to use individual price tags. He
11 stated that he was a member and certified with CHAR and he and his employees were going to be members of the
12 Responsible Beverage Sellers Group in Anchorage. To Mr. Van Etten, Mr. Dinger stated he had already become a
13 member of the Taku CC, and attended meetings regularly. To Mr. Van Etten's specific question, Mr. Dinger responded
14 that he promised to attend Taku CC meetings at least quarterly.
15

16 Mr. Van Etten moved, to approve AR 2004-21.
17 Mr. Sullivan seconded,
18 and this motion passed,
19

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

22 NAYES: None.
23

24 10.B.6. Resolution No. AR 2004-22, a resolution of the Anchorage Municipal Assembly and Mayor Mark Begich
25 to name the Loussac Library Ice Sculpture Fountain the "**Kay Linton Ice Sculpture Fountain**" in honor
26 of her outstanding contributions and dedication to community service, the Mayor's Office. **(Addendum)**
27

28 Under the direction of Chair Traini, Mr. Tesche moved that for this item be postponed until the Mayor had returned to
29 Anchorage and could be present for this dedication.
30

31 Mr. Tesche moved, to *postpone* AR 2004-22 until February 3, 2004.
32 Mr. Kendall seconded,
33 and this motion was passed,
34

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

37 NAYES: None.
38

39 10.B.7. Resolution No. AR 2004-23, a resolution of the Anchorage Municipal Assembly honoring and
40 recognizing **Don Decker and Julie Decker** for their contribution to the City of Anchorage and the
41 Alaskan arts community, Mayor Begich; Assemblymembers Tesche, Fairclough, Kendall, Shamberg,
42 Sullivan, Taylor, Traini, Tremaine, Van Etten, Von Gemmingen and Whittle. **(Addendum)**
43

44 Chair Traini read this resolution title and called for a motion from Mr. Tesche.
45

46 Mr. Tesche moved, to approve AR 2004-23.
47 Mr. Sullivan seconded,
48 and this motion was passed,
49

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

52 NAYES: None.
53

54 Mr. Tesche asked for Don and Julie Decker to come forward, and he read the resolution honoring them for their
55 contributions to the Arts. The father-daughter team had owned the Art Gallery since 1994. They were honored for their
56 dedication of improving the quality of life in Anchorage. The Deckers accepted their award and thanked Mr. Michael
57 Morris and Ms. Michelle Decker, who had also contributed to the gallery.
58

59 10.B.8. Resolution No. AR 2004-27, a resolution of the Municipality of Anchorage adopting the MOA **2004**
60 **Legislative Program**, with State of Alaska Grants Requests for the Municipal Operating and Capital
61 Budget, the Mayor's Office. *(Submitted for introduction 01-20-04)* **(Addendum)**
62 a. Memorandum No. AM 75-2004, State Grants Requests.
63

64 Assistant Municipal Manager, Michael Abbott, submitted for introduction this resolution concerning the proposed
65 priorities of grant requests for presentation before the State Legislature. Accompanying that resolution was a
66 memorandum. Chair Traini read this resolution title as "MOA 2004 Legislative Program" and called for a motion.
67

68 Mr. Tesche moved, to *introduce* AR 2004-27, with AM 75-2004.
69 Mr. Tremaine seconded,
70 Ms. Von Gemmingen was the concurring third,
71

72 Mr. Tesche explained that as amendments were introduced and changes were made to this original legislation, new
73 priorities would continually emerge. Because of the importance of making the MOA's wishes and needs heard in the
74 state capital, Mr. Tesche stated he supported this resolution and urged its approval.
75

1 Mr. Tremaine challenged the Administration's interpretation of franchise fees which had been discussed at their work
2 sessions. He explained that Alaska State Laws prohibited municipalities from licensing utilities as they were regulated
3 by the RCA. He thought the MOA was perhaps the only city in the nation that did not have franchise fees.
4

5 MR. BOB LORE, from the OMB staff, explained the subject of franchise fees was a discussion priority of the Alaska
6 Municipal League. The Municipal League had proposed changes to the Public Utilities Title 42 and Title 29, dealing
7 with franchise fees. He stated that if a utility was regulated by the Public Utilities Commission and the Regulatory
8 Commission of Alaska, the Municipality may not impose franchise fees on the utility. The Supreme Court had ruled that
9 there could be franchises allowed by the state, but when conflicts arose, the state would assume regulatory procedures
10 over the local government.
11

12 Mr. Tremaine stated that as the Assembly and the Administration learned more about regulatory control, he was
13 realizing the MOA should be requesting consideration from the state to lessen the regulatory control over the public
14 utilities.
15

16 Mr. Kendall questioned if the scheduled, 3-year upgrades for the radio systems included the Chugiak Fire Service Area.
17 Mr. Kendall voiced his concern because Chugiak had been overlooked in the past, and had to purchase their own
18 radios. Mr. Abbott responded that all MOA units were intended to be included and he would confirm Chugiak's inclusion
19 the next day. Mr. Kendall thanked Mr. Abbott for furnishing the information to the Assembly in a timely fashion.
20

21 Mr. Kendall addressed the issue of including Dowling Road in two phases, the Abbott Loop Road Upgrade in the first
22 three priorities, and the Jewel Lake and Strawberry Road Signalization projects. He stated that normally these projects
23 would be funded though the AMATS and he questioned the Administration why they had been included with the
24 miscellaneous grant categories. Mr. Abbott responded that the state had funded the Bragaw Extension and there had
25 been a similar bond package submitted for consideration in Juneau. He explained that the Administration had included
26 the first four items on the Capital Grants Request List be submitted to the state for possible funding. He stated it was
27 their intention to submit these items as proposed state bond packages. Mr. Kendall proposed an amendment to clarify
28 the Administration's intent.
29

30 Mr. Kendall moved,
31 Mr. Sullivan seconded,
32 and this motion passed unanimously,
33

to amend AR 2004-27, *by including* with the first
four items on the Capital Grants Request List *by adding* in
parenthesis, following each item, "*Proposed State Bond
Package*" to read: 1) Dowling Road
Extension/Reconstruction – Minnesota Dr. to Old Seward
Highway (*Proposed State Bond Package*); 2) Dowling Road
Extension – Laurel Drive to Abbott Loop Road (*Proposed State
Bond Package*); 3) Abbott Loop Road Upgrade – 68th Avenue
to Abbott Road (*Proposed State Bond Package*); and 4)
Anchorage Museum of History and Art – Expansion (*Proposed
State Bond Package*).
34
35
36
37
38
39
40
41

42 Mr. Kendall stated he fully supported the Graduated Driver Licensing Program for teenagers. He saw the MOS's intent
43 of regulating utilities as a possible conflict of interest. Mr. Kendall agreed with the current Regulatory Commission
44 Program and thought it had worked well. He did not think the MOA needed to be in the regulatory business of their own
45 water and other utilities.
46

47 Ms. Fairclough stated that the revisions of the MOA 2004 State Legislative Program List that had been distributed that
48 evening included changes which had not been discussed, were not approved, or were listed differently from priorities
49 voiced by the Assembly. She stated these issues included Health and Human Service Matching Grant, the Expanded
50 Youth Courts, the Impacts of State Action on Municipalities, the Conveyance of State Land to Anchorage, investing in
51 the Education of Alaska, improving Anchorage's Public Facilities, the new Downtown Convention Center, the Denali Kid
52 Care and the Port Expansion.
53

54 Referring to the Administration's proposal of land conveyances, Ms. Fairclough stated that while she supported the idea
55 of acquiring as much land as possible she recognized that the 17,000 acres had not been surveyed and that would be a
56 financial burden for the MOA at this time. She added that the interests of NALA, Eklutna, the State and Anchorage
57 needed to be taken into consideration when discussing land acquisition in the Anchorage area. She proposed removing
58 the word "remaining" to more accurately describe the available land for acquisition. Mr. Abbott stated the
59 Administration was comfortable with the deletion and that it followed their intent and helped with clarification.
60

61 Ms. Fairclough moved,
62 Mr. Tremaine seconded,
63 and this motion was approved,
64

to amend AR 2004-27, on Page 1, in the
Subsection of Land Conveyances by the State of
Alaska *by striking* the word "remaining."
65

65 Ms. Fairclough proposed including additional language to insure funding security of education.
66

67 Ms. Fairclough moved,
68 Ms. Von Gemmingen seconded,
69 and this motion was approved,
70

to amend AR 2004-27, on Page 1, in the Subsection
pertaining to Investing in the Education of Alaska, *by including*
in the opening sentence, "The Municipality supports increasing
and/or inflation proofing funds for Education in its foundation
funding formula."
71
72

73 Mr. Abbott stated he agreed with this amendment and recommended including it in the opening sentence, increasing
74 the education foundation formula, to include wording "taking into account inflation" or "increasing and/or inflation
75 proofing."
76

1 Ms. Fairclough moved, to amend AR 2004-27, on Page 1, in the Subsection
2 Ms. Taylor seconded, pertaining to Improving Anchorage's Public Facilities, the new
3 and this motion was approved, downtown Convention Center, to delete any requirements
4 which include a state hotel tax.
5

6 Mr. Sullivan stated that while he agreed with Ms. Fairclough's amendment, he thought that addressing the State hotel
7 and motel tax was an important enough issue to be addressed separately.
8

9 Ms. Fairclough moved, to amend AR 2004-27, in the Priority Issues list,
10 Ms. Von Gemmingen seconded, by moving Denali Kid Care Program to the #1 position,
11 and this motion was approved, exchanging positions with the Graduated Drivers Licensing
12 Program.
13

14 Ms. Fairclough said because sexual assault was a felony and domestic violence was a misdemeanor, she proposed to
15 include the wording "sexual assault" to guarantee clarification. She made the motion and reminded the Body that she
16 had a conflict of interest with this subject, but she urged their approval. The Administration stated they had no
17 objections, and supported changing the title of the priority with this amendment. Ms. Fairclough thanked Mr. Abbott and
18 stated they would leave it up to the Administration to adjust the language to best suit the intention.
19

20 Ms. Fairclough moved, to amend AR 2004-27, to change in the Subsection
21 Mr. Van Etten seconded, on Domestic Violence, by including the words "Sexual
22 and this motion was approved, Assault," with the Administration supplying the language to
23 include a restraining order change.
24

25 Mr. Abbott stated that recent changes of the Administration's Capital section also included the Port Intermodal
26 Expansion. Ms. Fairclough stated she had noted all of the Administration's new changes and was simply going to point
27 out that modifications would be forthcoming.
28

29 Ms. Fairclough said that while she had been State Legislative Chair for the past three years, that she had noticed
30 legislation before the House needed to be defined and very specific. She stated that she would support the document
31 as it had been amended but hoped the body and the Administration would agree that much work still needed to be done
32 before the document was completed. Chair Traini explained this resolution was a "living" document and would be
33 continually changing.
34

35 Mr. Tesche questioned if the Graduated Drivers Licensing Program should list specific age classifications. He stated
36 that he had been contacted by a constituent, regarding this program, and questioned this program's effects on fully
37 emancipated minors who were living independently and responsibly. Chair Traini stated he thought the State would
38 address the issues of age. Mr. Boness agreed with the Chair, explaining the state legislative process included a series
39 of committees, referrals and public testimony.
40

41 Ms. Shamberg requested that under the 2004 Grant Requests Legislative Program, in the last Subsection IV, that
42 Priority Number 9 (Girdwood Road Service Area) be changed to Number 20 (the Hillside District Plan), giving the
43 priority to the planning and development of the Hillside District.
44

45 Ms. Shamberg moved, to amend AR 2004-27, by changing in the Section
46 Ms. Taylor seconded, IV, under the 2004 MOA Grant Requests Legislative
47 Program, in the last Subsection, Number 20 (the Hillside
48 District Plan) be changed to Number 9 (Girdwood Road
49 Service Area), "giving the priority to the Planning and
50 Development of the Hillside District Plan."
51

52 Ms. Taylor moved, to amend Ms. Shamberg's amendment, by changing in the
53 Ms. Von Gemmingen seconded, Section IV, under the Subsection of Hillside, by including
54 "Stuckagain Heights" with the "Hillside District Plan."
55

56 Mr. Tremaine suggested under the Subsection pertaining to political subdivisions and community councils, add
57 "Basher." Ms. Taylor agreed. Ms. Shamberg accepted this friendly amendment and suggested language to be "Hillside
58 District Plan/Stuckagain Heights."
59

60 Mr. Tremaine moved, to amend AR 2004-27, by changing in the Section
61 Ms. Taylor seconded, IV, under the 2004 Legislative Program, in the last
62 and this motion was approved, Subsection IV, Number 9 (Girdwood Road Service Area)
63 be changed to Number 20 (the Hillside District Plan), "giving
64 the priority to the Planning and Development of the Hillside
65 District Plan/Stuckagain Heights." And, under political
66 subdivisions and community councils, by adding the word
67 "Basher."
68

69 Ms. Von Gemmingen proposed to add a clause to the headline that was on the bottom of the Page 1, "Recognize
70 Impacts of State Action on Municipalities." She proposed having the Administration create this headline to support Ms.
71 Fairclough's idea of the MOA's independence from the state. To Ms. Fairclough's question, Mr. Tesche responded that
72 he supported changes in the language of the Grants Requests to let the state clearly understand that the MOA opposed
73 hotel and motel taxation. Ms. Fairclough proposed to add this change under Section IV, on Page 1, following the
74 Statewide Fiscal Plan. Ms. Von Gemmingen thought the MOA statement on hotel and motel taxation might be most
75 effective on Page 1, just above the title. Mr. Abbott stated he would make sure corrections were made to accommodate
76 these changes and would include language to clarify the MOA's stand on state taxation of hotel and motel rooms. He

1 stated the Administration would add additional corrections, including Ms. Von Gemmingen's suggestion of a technical
2 correction of the correct spelling of MacKay Building.

3
4 Mr. Sullivan stated he had passed out the sponsor statement of House Bill 367, legislation regulating Adult
5 Entertainment Establishments. He had been prepared to introduce amendments to this resolution, but because this
6 Grant Package Request was in a process of transition, he was going to wait until a later date. This would also allow
7 Assemblymembers an opportunity to look through his statement before presenting a resolution to the MOA Legislative
8 Program. He explained that the State of Alaska had taken additional steps concerning Adult Cabarets that were not
9 what he had originally planned for this resolution.

10
11 Mr. Sullivan proposed an amendment renumbering items numbers 22 and 23, and adding a new item number 22,
12 concerning appropriations for the area of the International Airport.

13
14 Mr. Sullivan moved, to amend AR 2004-27, *by changing* in the 2004
15 Mr. Tremaine seconded, Legislative Priorities, *by adding* a new item, Number 22: a
16 and this motion was approved, Grant Request in the amount of \$500,000 for the Planning and
17 Development of the Westside District Plan, which would
18 include the Anchorage International Airport and the
19 surrounding community councils of Sand Lake, Spenard and
20 Turnagain.

21
22 Mr. Van Etten proposed in Section IV, to change the first three items, making the top priority the Dowling Road
23 Extension – Laurel Street to Abbott Loop.

24
25 Mr. Van Etten moved, to amend AR 2004-27, *to change* in the 2004
26 Mr. Sullivan seconded, Legislative Priorities, to make priority the Dowling Road
27 and this motion was withdrawn, Extension – Laurel Street to Abbott Loop.

28
29 Mr. Abbott stated the Administration had created the Dowling Road Extension as a priority because of its citywide
30 impacts, helping to establish a new east-west arterial for traffic and viewed the priorities of numbers 2 and 3 as having
31 only local impact. Mr. Van Etten withdrew his amendment with the concurrence of the second, Mr. Sullivan, with the
32 hope that the State Legislature would be willing to spend \$50 million for all three of these into a state bond series.

33
34 Ms. Fairclough addressed item Number 16, concerning the Lower Fire Lake Dam by explaining this dam was accepted
35 by the city from the state, at below-standard condition, and this was a critical issue for Eagle River and the MOA. If the
36 dam collapsed, it would take the entire road and drainage budget to repair. She said there were two new condominium
37 housing developments that were in jeopardy of being lost if the dam collapsed. She encouraged the Administration to
38 review the studies on this issue and consider changing this item to high priority. She felt the state was at fault with this
39 issue and they needed to be held accountable. The Administration agreed with the importance of this item, and stated
40 they were opened to reprioritizing the items.

41
42 Ms. Fairclough proposed creating a list of the top four priority items, to address the most important issues to the
43 Assembly. She suggested rearranging the issues because she did not see Dowling Road as a critically needed item at
44 this time. Mr. Sullivan stated that the Assembly had helped clarify their support of state bond projects. The
45 Administration agreed with the clarification of designations for bond funding.

46
47 Mr. Sullivan proposed to include to the Raspberry Road Extension – Minnesota to Rovina with the Dowling Road
48 Extension - Minnesota to Old Seward Highway. Chair Traini thought that was already part of the project. To Mr.
49 Sullivan's question Mr. Abbott stated he did not want to consider including the projects together until he completed the
50 research on the both projects and then he would approve the amendments.

51
52 Mr. Tremaine stated that the issue of recording the price of real estate transfers at a state level had been discussed.
53 He stated the Board of Realtors supported mandatory reporting of real estate prices. Mr. Tremaine stated that the
54 subject of mandatory disclosures had been discussed during the work session and the Administration should have
55 included it with this legislation, but it was not. He proposed to amend the Administration's Legislative Programs
56 Requests, by adding a Legislative Priority No.10, concerning real estate price disclosures in the State of Alaska.

57
58 Mr. Tremaine moved, to amend AR 2004-27, *by adding* Legislative Priority
59 Ms. Von Gemmingen seconded, No. 10: **Establish statewide real estate transfer price data**
60 collection. The Municipality of Anchorage supports
61 mandatory reporting of real estate sales price to the State.
62 Alaska is one of the very few states that do(sic) not require
63 reporting of real estate sale prices. There are several means
64 used to gather these data including real estate sale stamps,
65 fees, and/or taxes. The Board of Realtors, in testimony to the
66 Anchorage Assembly, stated that they believe collection of real
67 estate sale price is best enacted statewide rather than by
68 individual municipalities. They also stated that they are willing
69 to support such legislation at the state level. Accuracy in
70 property valuation is necessary for equitable taxation of
71 property owners as required by state law. The State Assessor
72 is responsible for reviewing assessed property value
73 throughout the State.

74
75 Mr. Abbott, responding on behalf of the Mayor, did not support mandatory disclosure of real estate transactions. He
76 respectfully requested to address this issue when the Mayor returned to Anchorage and could speak to it. He stated it

1 would be appropriate to show courtesy to wait and allow the Mayor to be heard on an issue of which he had a
2 professional background. Mr. Tremaine reminded Mr. Abbott if the issue came to a vote, Mayor Begich would have to
3 abstain due to conflict of interest.
4

5 Mr. Van Etten stated he may have a conflict of interest because he was a real estate agent. Chair Traini ruled he did
6 not have a conflict and directed him to participate with the vote.
7

8 Mr. Tremaine, Ms. Von Gemmingen and Ms. Fairclough stated they thought this legislative issue should be acted upon
9 by the Assembly that evening. Mr. Tesche stated that it would be appropriate to hear from the Mayor on this issue first,
10 as a matter of comity, and good legislative process.
11

12 Ms. Taylor believed that waiting for a week would not do any damage and it would be helpful to have an in-depth
13 discussion with the Mayor. Mr. Abbott stated that he thought it was important to pass this legislation, so it could be
14 forwarded onto Juneau for consideration, and the only issue that he thought needed to be postponed should be this
15 amendment on real estate disclosure. Ms. Shamberg stated that she did not see a reason to wait and hear the Mayor's
16 opinions.
17

18 Mr. Tesche voiced his concern that it may appear that the Assembly and the Administration were not working together if
19 the Assembly passed Mr. Tremaine's amendment. He proposed postponement on the amendment.
20

21 Mr. Tesche moved, to *postpone* action on Mr. Tremaine's amendment to allow
22 Ms. Taylor seconded, Mayor Begich the opportunity to speak to it.
23 and this motion failed,
24

25 AYES: Tesche, Whittle, Taylor, Van Etten and Sullivan.

26 NAYES: Von Gemmingen, Traini, Fairclough, Kendall, Shamberg and Tremaine.
27

28 Chair Traini called for a vote on Mr. Tremaine's amendment to AR 2004-27, adding Legislative Priority No. 10,
29 establishing a statewide real estate transfer price data collection.
30

31 Mr. Tremaine moved, to amend AR 2004-27, by adding Legislative Priority
32 Ms. Von Gemmingen seconded, No. 10: Establish statewide real estate transfer price data
33 and this motion was passed, collection....
34

35 AYES: Whittle, Von Gemmingen, Traini, Fairclough, Kendall, Shamberg, Tremaine and Sullivan.

36 NAYES: Tesche, Taylor and Van Etten.
37

38 Chair Traini called for additional discussion, and there being none, he called for a vote on the main motion. ~~Mr.~~
39 ~~Tremaine proposed postponement.~~
40

41 Mr. Tremaine moved, to ~~postpone~~ approve AR 2004-27, as amended.
42 Mr. Tesche seconded,
43 and this motion was passed,
44

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

47 NAYES: None.
48

49 Ms. Fairclough moved for immediate reconsideration, and urged a NO-vote.
50

51 Ms. Fairclough moved, for *immediate reconsideration* of AR 2004-27,
52 Ms. Shamberg seconded, as amended.
53 and this motion failed,
54

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

57 NAYES: Taylor.
58

59 **10.C. BID AWARDS** None.
60

61 **10.D. NEW BUSINESS**

62 10.D.3. Assembly Memorandum No. AM 46-2004, contract continuation for **South Extension of the Coastal**
63 **Trail services** with HDR Alaska, Inc. (HDR) for the Municipality of Anchorage, Project Management &
64 Engineering Department (\$400,000), Purchasing.
65

66 Chair Traini read this memorandum title and called for a motion from Mr. Sullivan.
67

68 Mr. Sullivan moved, to approve AM 46-2004.
69 Mr. Tremaine seconded,
70

71 Mr. Sullivan questioned the Administration about this proposed appropriation. He remembered the donation from the
72 Rasmussen Foundation was \$450,000, and was curious of the use of the remaining \$50,000. Director of the MOA
73 Economic and Community Development Division, Mary Jane Michaels, responded that money would cover the
74 additional costs incurred from mail outs, public notices and various marketing activities for the new South Extension of
75 the Coastal Trail System. Mr. Sullivan questioned the proposed, preferred route, described as the orange-modified
76 route, and asked if changes would be allowed, to protect property owners or to save costs and if there would be

1 additional and expensive environmental impact statements required. He stated if the trail projection was changed, this
2 appropriation of funds for this legislation would have been ill spent.

3
4 Ms. Michaels responded that the route would be reviewed so any modifications to the preferred, orange route would be
5 completed prior to the associated EIS.

6
7 Municipal Engineer Howard Holtan stated that the Drafted EIS, included in the memorandum could still be modified with
8 changes in the routes.

9
10 Mr. Sullivan moved, to approve AM 46-2004.
11 Mr. Tremaine seconded,
12 and this motion passed,

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

16
17 10.D.5. Assembly Memorandum No. AM 48-2004, 2004 grant agreement with Greater Anchorage, Inc. to
18 support **Fur Rendezvous Winter Festival** (\$56,187.50), Office of Economic and Community
19 Development.
20 a. Assembly Ordinance No. AO 2003-55.

21
22 Chair Traini requested a motion for reconsideration of this memorandum, to bring it before the Assembly for discussion.

23
24 Mr. Tesche moved, for *reconsideration* of AM 48-2004.
25 Mr. Tremaine seconded,
26 and this motion passed unanimously,

27
28 Mr. Sullivan moved, to approve AM 48-2004.
29 Mr. Tremaine seconded,

30
31 Chair Traini explained that he wanted to make an amendment to AM 48-2004, an agreement with the Fur Rendezvous.
32 He wanted to clarify the compliance with AO 2003-55, which set increased security requirements for dances held in
33 Anchorage where teenagers were invited to attend. He proposed to amend AM 48-2004, after Line 17, to include the
34 phrase, "Greater Anchorage Inc. is required to comply with AO 2003-55."

35
36 Mr. Traini moved, to amend AM 48-2004, *by adding*, following Line 17, the
37 Ms. Fairclough seconded, sentence, "Greater Anchorage Inc. is required to comply
38 and this motion was withdrawn, with AO 2003-55."

39
40 Ms. Fairclough recommended that the Clerk's Office mail a copy of this requirement to the Fur Rendezvous Office.

41
42 Mr. Sullivan acknowledged that Mary Pignalberi, the Executive Director of the Anchorage Fur Rendezvous was in
43 attendance, and asked her to come forward.

44
45 MARY PIGNALBERI stated she was not familiar with the ordinance, but explained that her office had attended various
46 meetings with the Anchorage School District and the Anchorage Police Department, addressing a number of
47 adjustments and changes that the Rony Office was planning to make to the Fur Ball Dance. They were very aware of
48 the need to reorganize the event, resulting from past conflicts and the risk of this event being discontinued entirely.
49 They proposed changes include increased security, both from APD and Egan Center Security.

50
51 Chair Traini stated that if she and the administration of the Fur Rendezvous understood and agreed to comply with the
52 ordinance, the amendment would not be necessary. Ms. Pignalberi agreed to comply. Chair Traini withdrew his
53 amendment with concurrence from Ms. Fairclough.

54
55 Mr. Sullivan moved, to approve AM 48-2004.
56 Mr. Tremaine seconded,
57 and this motion passed unanimously,

58
59 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Van Etten, Kendall, Shamberg, Tremaine
60 and Sullivan.
61 NAYES: None.

62
63 10.D.8. Assembly Memorandum No. AM 66-2004, **Planning and Zoning Commission** reappointments (Greg
64 Jones, Toni Jones), Mayor's Office. *Clerk's note: Assembly action on AM 68-2004 postponed until*
65 *February 3, 2004, to permit a 10-day public comment period pursuant to AMC 21.10.030.) (Addendum)*

66
67 Chair Traini read this memorandum title and called for a motion from Mr. Tremaine.

68
69 Mr. Tremaine moved, to *postpone* AM 66-2004 until February 3, 2004.
70 Ms. Fairclough seconded,
71 and this motion passed unanimously,

72
73 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Van Etten, Kendall, Shamberg, Tremaine
74 and Sullivan.
75 NAYES: None.

1 10.D.9. Assembly Memorandum No. AM 68-2004, Board of Adjustment reappointment (Michael Jensen),
2 Mayor's Office. *Clerk's note: Assembly action on AM 68-2004 will be postponed to February 3, 2004,*
3 *to permit a 10-day public comment period pursuant to AMC 21.10.030.) (Addendum)*
4

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

6
7 Mr. Tremaine moved, to *postpone* AM 68-2004 until February 3, 2004.
8 Ms. Fairclough seconded,
9 and this motion passed unanimously,

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

13 NAYES: None.

14
15 Chair Traini announced the postponement of these two memoranda and explained that a ten-day period was required
16 under Code for public notice on each issue and Assembly action would continue on February 3, 2004.

17 18 **10.E. INFORMATION AND REPORTS**

19 10.E.5. Information Memorandum No. AIM 6-2004, contracts awarded between \$50,000 and \$100,000
20 through formal competitive processes for the month of December 2003, Purchasing.

21
22 Chair Traini read this informational memorandum title and called for a motion from Mr. Whittle.

23
24 Mr. Whittle moved, to *accept* AIM 6-2004.
25 Mr. Sullivan seconded,
26 and this motion passed unanimously,

27
28 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Van Etten, Kendall, Shamberg, Tremaine
29 and Sullivan.

30 NAYES: None.

31
32 Mr. Whittle explained he wanted to discuss this item to let the citizens of Anchorage know that new rifles had been
33 purchased for the Municipality of Anchorage Police Department.

34
35 Chair Traini stated the new rifles would be H&K-53 caliber weapons, which were 223, short-barreled rifles which had
36 select fire of either semi- or full-automatic. APD Chief Monegan stated these rifles were state-of-the-art and had been
37 desperately needed by our APD Crisis Response Officers. To Mr. Whittle's question, the Chief responded that this
38 shipment of new rifles would arrive in the near future. Mr. Tesche suggested that Chief Monegan bring one of these
39 new rifles before the Assembly, to let the public see what arms the officers would be carrying.

40
41 Chair Traini thanked Alaska State Representative Michael Hawker for his assistance with protecting the state
42 appropriations, assuring the funds would not be cut for these rifles.

43 44 **10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**

45 10.F.15. Ordinance No. AO 2004-21, an ordinance of the Anchorage Municipal Assembly amending Anchorage
46 Municipal Code Chapter 28.60, **Absentee Voting**, to add a new section 28.60.060 to include voting by
47 electronic transmission, Assembly Chair Traini. (*Public Hearing set for 2-3-04*)
48 a. Assembly Memorandum No. AM 62-2004.

49
50 Chair Traini read the title of this ordinance and called for a motion from Mr. Sullivan.

51
52 Mr. Sullivan moved, to *introduce* AO 2004-21, with Public Hearing set
53 Mr. Tremaine seconded, for February 3, 2004.
54 Ms. Fairclough was the concurring third,

55
56 Chair Traini announced the introduction of this ordinance. Mr. Sullivan requested a work session be set.

57
58 10.F.19. Resolution No. AR 2004-20, a resolution approving the acceptance and appropriation of State of
59 Alaska grant funds in the amount of \$375,000 from the Department of Community and Economic
60 Development (Senate Bill 100), to be applied toward the **Sand Lake Area Water Extension project**,
61 Anchorage Water & Wastewater Utility. (*Public Hearing set for 2-3-04*)
62 a. Assembly Memorandum No. AM 61-2004.

63
64 Chair Traini read this resolution title and called for a motion from Mr. Tremaine.

65
66 Mr. Tremaine moved, to *introduce* AR 2004-20, with Public Hearing set
67 Mr. Whittle seconded, for February 3, 2004.
68 Ms. Fairclough was the concurring third,

69
70 Chair Traini announced the introduction of this resolution. Mr. Tremaine stated that Senate Bill 100 had passed and
71 was funded, and he recommended a work session be set.

72 73 **11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS**

74 11.A. Assembly Memorandum No. AM 33-2004, recommendation of award to Alaska Truck Center for
75 furnishing **two infrared total maintenance vehicles** to the Municipality of Anchorage, Maintenance

1 Operations Department & Anchorage Water & Wastewater Utility (ITB 23-B078) (\$193,550),
2 Purchasing. (*Postponed from 12-16-03 and 1-6-04*)
3

4 Chair Traini read this memorandum title and stated there were no motions pending and asked the Administration for
5 their wish for proceeding. Mr. Abbott stated the Administration requested indefinite postponement. He explained this
6 was a relatively contentious bid award, to which a protest had been filed. He said it was the Administration's intention to
7 pull this item, review the process satisfactorily and if appropriate, bring the bid award before the Assembly at a later
8 date.

9
10 Mr. Tremaine moved, to *postpone indefinitely* AM 33-2004.
11 Ms. Taylor seconded,
12 and this motion was passed unanimously,
13

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

16 NAYES: None.
17

- 18 11.B. Resolution No. AR 2003-389, a resolution of the Anchorage Municipal Assembly supporting **Alaska**
19 **Senate Concurrent Resolution 12**, acknowledging the natural unfairness in the current local
20 governmental structure and requesting the Local Boundary Commission to present a recommendation
21 for borough incorporation to the Legislature in order to formally request residents living in certain
22 unorganized areas of Alaska to help operate and financially provide for their local school system,
23 Assemblymembers Tesche, Traini, Fairclough, Sullivan, and Von Gemmingen.
24 1. Assembly Memorandum No. AM 976-2003. (*Postponed from 12-16-03 and 1-6-04*)
25

26 Chair Traini read this resolution title and called for a motion from Mr. Tesche, who moved and yielded the floor to Ms.
27 Taylor.
28

29 Ms. Taylor requested that the Assembly postpone action on this issue. She explained that Representative Ethan
30 Berkowitz and his wife were having a baby and he was not available. She suggested, as a courtesy, they should wait
31 until the Representative could join them. She also stated there may be an additional amendment coming forth to this
32 document. Sponsor Mr. Tesche stated he concurred with this motion.
33

34 Mr. Kendall stated this resolution was quite simple. He stated that if this document was the same one addressed by the
35 Assembly in December, he thought they could proceed with action.
36

37 Ms. Taylor stated that their recent work session on borough incorporation led her to conclude this issue was far
38 reaching with potential ramifications of hurting the relationships we shared with rural Alaskan communities.
39

40 Mr. Taylor moved, to *postpone* AR 2003-389 until February 3, 2004.
41 Ms. Tesche seconded,
42 and this motion was passed,
43

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

46 NAYES: None.
47

48 12. APPEARANCE REQUESTS

- 49 12.A. **Micheal McKamey**, to request formation of the new Midtown Community Council.
50

51 MICHEAL MCKAMEY, a resident of Midtown, testified in support of the proposed Midtown Community Council. He
52 summarized their history, explaining the boundaries of Fireweed Lane to the north, International Airport Road to the
53 south, Arctic Boulevard to the west and the New Seward Highway to the east. Mr. McKamey explained that they were
54 proposing to meet every second Wednesday of each month, as not to conflict with other scheduled meetings with
55 neighboring community councils. He explained their reasons for creating the new council included the need for more
56 representation for Midtown citizens. He said it also would help meet the goals and objectives of the MOA 2020
57 Comprehensive Plan by helping to establish the Midtown Community Council as a major employment center and would
58 assist in coordinating land use planning with transportation planning. Mr. McKamey added that many of the residents of
59 Midtown approved of the creation of this council and their boundaries had been approved by the P&Z Commission. He
60 acknowledged several members in the audience who were residents on the Midtown area supporting the proposed
61 council and stated they had collected over 130 signatures.
62

63 Chair Traini stated he had drafted a new ordinance, creating this new Midtown Community Council. (*Clerk's note:*
64 *Chair Traini granted Special Orders to Mr. Sullivan for the introduction of this ordinance, and this action is found under*
65 *Agenda item number 15, Special Orders.)
66*

67 Mr. Sullivan stated that the Spenard Community Council was the neighboring council which would be giving up the
68 largest area, and they were in support of the establishment of this new Midtown CC. To Mr. Sullivan, Mr. McKamey
69 responded they were aware of the high APD incidents in this area and this would be focus of their attention.
70

71 To Mr. Van Etten, Mr. McKamey responded that members of his group had attended many of the council meetings in
72 the area. They supported Spenard, Tudor, Taku, North Star and Rogers Park. He said their group had also invited
73 those community council members to attend their meetings. Mr. Van Etten stated he was impressed with the growing
74 numbers of signatures their group had collected.
75

1
2 Ms. Fairclough moved, to postpone AR 2004-3 until later in the evening's meeting.
3 Mr. Sullivan seconded,
4 and this motion failed,
5

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

9 Chair Traini announced the failure of postponement of this resolution, and opened continued discussion of this item.

10
11 Mr. Kendall stated the Patriot Act had been controversial and questioned the possible conflict with this resolution. He
12 said it would be easy to interpret the Department of Homeland Security as supporting the Patriot Act and he requested
13 a definition of the conflict, as described in the letter to Ms. Fairclough from Mr. Miller.
14

15 Assistant Municipal Manager, Mike Abbott responded that the funding, listed in the memorandum was from the Federal
16 Homeland Security Program for the funding of officers, for overtime related to violent or drug-related crimes, for patrols
17 of overtime of critical municipal infrastructure and funding for training exercises to prepare for assistance, prevention
18 and protection against acts of terrorism. Mr. Abbott stated he had read Mr. Tesche's ordinance concerning the Patriot
19 Act and he did not think there was a conflict between this issue and the Patriot Act.
20

21 Mr. Sullivan stated the memorandum, on Line 14, affirmed that these funds would be utilized for overtime patrols of
22 critical municipal infrastructure. Mr. Sullivan added that the letter from Mr. Miller requested an explanation of these
23 overtime patrols. He stated clarification would resolve the confusion.
24

25 Mr. Tesche, the sponsor of the legislation regarding of the Patriot Act, stated he was in full support of this legislation and
26 viewed it in compliance with local law enforcement issues, following Municipal Code and State Statutes. Mr. Tesche
27 added that with the federal and state cutbacks, he did not want to deprive our local police the opportunity for funding,
28 while they were enforcing local Code and State Statutes. He urged Assemblymembers to vote in favor of this
29 resolution.
30

31 Ms. Fairclough stated that Mr. Miller was a citizen in Anchorage who was actively involved in many issues and she felt
32 he was pointing out an inconsistency and thought it needed to be addressed. She stated she agreed with Mr. Tesche,
33 to accept this funding for the overtime for police officers.
34

35 Mr. Tremaine urged the body to vote in favor of accepting federal appropriations, and reminded them that there were
36 confusing interpretations of the Patriot Act with possible conflicts with the U.S. Constitution and the Bill of Rights. He
37 stated he would be casting a YES-vote for this resolution.
38

39 Mr. Sullivan thanked the Administration for the clarification and was satisfied that this resolution was in compliance with
40 both federal and state law, in regards to the Patriot Act.
41

42 Mr. Whittle thought there were differences between the Homeland Security and the Patriot Act and did not see this
43 resolution as a conflict.
44

45 Ms. Fairclough moved, to approve AR 2004-3.
46 Mr. Tremaine seconded,
47 and this motion was passed,
48

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

53 14.C. Resolution No. AR 2004-4, a resolution of the Municipality of Anchorage authorizing the Port of
54 Anchorage to transfer \$4,100,000 and \$4,088,000 to the Maritime Administration to comply with federal
55 grant matching fund requirements for the **expansion of the Port of Anchorage**.
56 1. Assembly Memorandum No. AM 24-2004.
57

58 Chair Traini read this resolution title and opened Public Hearing. There being no public testimony, he closed Public
59 Hearing and called for a motion.
60

61 Ms. Shamberg moved, to approve AR 2004-4.
62 Mr. Van Etten seconded,
63 and this motion was passed,
64

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

69 14.D. Resolution No. AR 2004-5, a resolution accepting and appropriating **Federal Highway grant funds** in
70 the amount of \$3,002,000 to Fund 409, and \$4,498,000 to Fund 441, for projects located within the
71 Municipality of Anchorage, Project Management & Engineering.
72 1. Assembly Memorandum No. AM 25-2004.
73

74 Chair Traini read the title of this resolution and opened Public Hearing. There being no public testimony, he closed
75 Public Hearing and called for a motion.
76

1 Ms. Fairclough moved, to approve AR 2004-5.
2 Ms. Taylor seconded,
3 and this motion was passed,
4

5 AYES: Tesche, Whittle, Taylor, Von Gemmingen, Traini, Fairclough, Van Etten, Kendall, Tremaine
6 and Sullivan.
7 NAYES: None.
8 ABSENT: Shamberg, temporarily out of room.
9

10 To Mr. Sullivan's question, Municipal Engineer Howard Holtan responded that the chart included with this resolution
11 indicated that No. 18, the Strawberry Road Upgrade, had not been cancelled, it was reprogrammed as a municipal bond
12 project and was taken off of the TIP Program, thus canceling it from a federal aid project. The Administration had
13 included funding proposals in the Legislative Package for intersections of Jewel Lake and Strawberry Road. Mr. Holtan
14 responded to Mr. Sullivan that he was not familiar with the totals on the Coastal Trail South Project. He added that this
15 chart covered the MOA spending plan for the next three years. He stated the plan would vary with specific projects.
16

17 14.E. Resolution No. AR 2004-9, a resolution appropriating \$366,707 of interest earnings from the Jail
18 Revenue Bond investment to the Anchorage Metropolitan Police Service Area Capital Improvement
19 Program Fund (451) for costs for the **Anchorage Jail Project**, Project Management & Engineering.
20 1. Assembly Memorandum No. AM 37-2004.
21

22 Chair Traini read the title of this resolution and opened Public Hearing.
23

24 THERESA OBERMEYER praised Mr. Sullivan for his questions on the recently discussed resolution, appropriating \$15
25 million in the MOA. She explained the 51 pages of documents she had distributed to Assemblymembers related to this
26 Anchorage Jail Project proposal.
27

28 There being no further public testimony, he closed Public Hearing and called for a motion.
29

30 Ms. Fairclough moved, to approve AR 2004-9.
31 Ms. Taylor seconded,
32 and this motion was passed,
33

34 AYES: Tesche, Whittle, Taylor, Von Gemmingen, Traini, Fairclough, Van Etten, Shamberg, Kendall,
35 Tremaine and Sullivan.
36 NAYES: None.
37

38 14.F. Ordinance No. AO 2004-3, an ordinance amending Anchorage Municipal Code Section 3.30.172 to add
39 and classify two **new executive positions** (Deputy Director I, Deputy Director II), Employee Relations.
40 1. Assembly Memorandum No. AM 22-2004.
41

42 Chair Traini read this ordinance title and opened Public Hearing. There being no public testimony, he closed Public
43 Hearing and called for a motion.
44

45 Mr. Tremaine moved, to approve AO 2004-3.
46 Mr. Shamberg seconded,
47 and this motion was passed,
48

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

53 To Ms. Shamberg's question, Mr. Abbott responded that this ordinance created no new positions, but rather was
54 allowing these positions to be classified as executive positions. He explained this would make these positions subject
55 to serving at the pleasure of the Mayor.
56

57 14.G. Resolution No. AR 2004-11, a resolution of the Anchorage Municipal Assembly approving an alcoholic
58 beverages conditional use in the B-3 District for a new restaurant or eating place use per AMC
59 21.40.180 D.8; located on Lot 2, Robert Pippel Subdivision; site address being 11401 Old Glenn
60 Highway, Space #103; generally located on the east side of Old Glenn Highway and south of Coronado
61 Road (**Shine's Sushi Restaurant**) (Case 2004-009), Planning Department.
62 1. Assembly Memorandum No. AM 41-2004.
63

64 Chair Traini read this resolution title and opened Public Hearing.
65

66 MR. WONG, owner of Shine's Sushi Restaurant, testified. To Mr. Sullivan's question, Mr. Wong stated he and his
67 business were not affiliated with the other Shine's Restaurant in Anchorage.
68

69 There being no additional public testimony, Chair Traini closed Public Hearing and called for a motion.
70

71 Mr. Fairclough moved, to approve AR 2004-11.
72 Mr. Whittle seconded,
73 and this motion was passed,
74

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

1 NAYES: None.

2

3 14.H. Ordinance No. AO 2004-6, an ordinance of the Anchorage Municipal Assembly amending Anchorage
4 Municipal Code Section 21.15.030 J.2. to enlarge the sixty (60) day expiration period for a **liquor**
5 **license conditional use permit** to 120 days and providing a retroactive effective date,
6 Assemblymember Tesche.

7 1. Assembly Memorandum No. AM 39-2004.

8

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

11

12 Mr. Tesche moved, to approve AO 2004-6.

13 Mr. Tremaine seconded,

14

15 Mr. Tesche stated this was mere housekeeping, following the last Assembly Meeting, when they discovered an
16 ordinance that addressed new applications for conditional use permits and described a property which had to face
17 repeating the process and a fee of \$4000. He explained this new ordinance would change the law to allow 120 days for
18 completing the permitting process. He also stated this law would be retroactive to provide relief to the applicant who
19 was affected two weeks ago.

20

21 To Mr. Tesche's question, Mr. Abbott responded that the Administration was in concurrence with approval of this
22 ordinance. Municipal Attorney, Mr. Fred Boness responded that the approval and use of this ordinance would not
23 hinder the administration of government, concerning conditional use permitting. Mr. Tesche recommended approval of
24 this ordinance.

25

26 Mr. Tesche moved, to approve AO 2004-6.

27 Mr. Tremaine seconded,

28 and this motion passed unanimously,

29

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

32 NAYES: None.

33

34 14.I. Ordinance No. AO 2003-124(S), an ordinance amending Sections 21.35.020, 21.40.060 and 21.40.130
35 of the Anchorage Municipal Code regarding **floor area ratio** definitions and to exclude underground
36 parking and loading areas from the floor area ratio requirements in the R-4 Multiple-Family Residential
37 District and R-O Residential Office District (Planning and Zoning Commission Case 2003-128),
38 Assemblymember Tesche.

39

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

42

43 Mr. Tesche moved, to approve AO 2003-124(S).

44 Mr. Tremaine seconded,

45

46 Mr. Tesche said he brought this forward because a constituent had a project which was being affected by current
47 Municipal Code. He explained this proposed ordinance would amend Municipal code, to apply to the R-4 and the RO
48 District and would facilitate development in a project that was currently under construction.

49

50 Mr. Tremaine proposed a friendly amendment. Sponsor Mr. Tesche concurred with this amendment.

51

52 Mr. Tremaine moved, to amend AO 2003-124(S) *by changing* on Line 14
53 Ms. Fairclough seconded, to include the words, "that, notwithstanding provisions of
54 and this motion passed unanimously, Anchorage Municipal Code, Subsection 21.10.015.A.3,"

55

56 Mr. Tesche moved, to approve AO 2003-124(S), as amended.

57 Mr. Tremaine seconded,

58 and this motion was passed,

59

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

62 NAYES: None.

63

64 14.J. Resolution No. AR 2004-10, a resolution of the Anchorage Municipal Assembly approving a conditional
65 use for an alcoholic beverages conditional use in the B-2C District for a duplicate beverage dispensary
66 license per AMC 21.40.170 D.14, for **The Woodshed Lounge**, located on the lower level floor,
67 Anchorage Original Townsite, Block 17, Lot 7A; generally located on the northeast corner of West 3rd
68 Avenue and F Street (Downtown Community Council) (Case 2004-010), Planning Department.

69 1. Assembly Memorandum No. AM 40-2004.

70

71 Chair Traini read this title and opened Public Hearing on this item.

72

73 JOHN PERRY, President of U.P.E. Inc., and owner of the Woodshed Lounge, testified. He stated the Agenda
74 suggested the permit was for a "lower level," but the conditional use was for an outdoor deck on the west side of the
75 building. He stated the deck was to provide seating and enhance the establishment. Chair Traini stated on Lines 17-
76 19, it correctly described it as a duplicate beverage dispensary license for a 603 square foot deck.

1
2 PAULA VON GEMMINGEN testified in opposition of the permit. While she was a resident of the sixth floor in the
3 apartment complex next door, she often complained of noise and smoke. She had been a next door resident from 1991
4 to 2001. On occasion she had walked to the Woodshed Lounge to ask them to shut their windows to contain the noise.
5 She added that when she went down to the bar at night to complain, they did try to control the noise. She was no longer
6 a neighbor to the bar, but sympathized with the residents in the condo building.
7

8 AVENUE KAMPELLA, condo owner and member of the Board of Directors for the Turnagain Arm Condo Association,
9 next door to the Woodshed, voiced her concern about the noise, police activity and garbage from the bar and thought
10 the deck would make matters worse. She urged the Assembly not to approve the conditional use permit for the
11 Woodshed Bar, and help to protect the 70 condo residents in the Turnagain Arms Condominium Building.
12

13 Mr. Tesche asked Mr. Perry and Ms. Kampella, asking if they could reach an amendable agreement. Mr. Perry agreed
14 to sit down with the Turnagain Arms Condominium Homeowners Association to discuss an agreement. Mr. Tesche
15 stated he felt the opposition from the neighbors was not over the new proposed deck, but rather opposition of the noise,
16 garbage and increased police incidents over the years.
17

18 Mr. Perry stated it was their intention not to have music piped onto the deck, but use the deck as extended seating for
19 tables and chairs of a future restaurant expansion.
20

21 Mr. Tesche moved, to *postpone* action on AR 2004-10 until February 17, 2004.
22 Mr. Sullivan seconded,
23

24 Mr. Tesche stated that the bar was important business to downtown, and the condo owners were a large group of
25 downtown residents that needed their quality of life protected. He proposed a postponement of this resolution to allow
26 the condo association and the owners of the bar to communicate about operations and create a good-neighbor
27 agreement.
28

29 To Ms. Von Gemmingen's question Mr. Perry responded that it was their plan to expand their kitchen. Currently they
30 were serving 93% liquor and 7% food, which was comprised of appetizers all heated by means of an oven similar to a
31 microwave. Mr. Perry stated the resolution listed that their entertainment would include recorded music, live music and
32 floor shows, and agreed that no music would be on the deck. Ms. Von Gemmingen recalled similar, past complaints
33 from residents neighboring the Hilton and other bars downtown.
34

35 To Mr. Sullivan's questions, Mr. Perry responded that the descriptions and hours listed in the summary were to cover
36 any eventualities and were not necessarily their current activities or hours. Mr. Perry restated that they did not have
37 plans to put music on the deck.
38

39 To Mr. Whittle's questions, Mr. Perry responded that his employees did monitor and pick up garbage, but did not police
40 the lower lot that Ms. Kampella had referred to, because it was not their property. He stated he had an ongoing battle
41 with their garbage collectors because they were not timely with the dumpster pickup. Mr. Perry stated that now it had
42 been pointed out as a concern, he and his staff would make an effort to keep the area clean.
43

44 Ms. Von Gemmingen stated that she and other Assemblymembers had received emails from residents of Turnagain
45 Arms, complaining of the smoke, noise, garbage cans and the roar of car engines, which continued until early hours of
46 the morning. One email stated that even with the windows closed the resident still had to wear earplugs to sleep.
47

48 Mr. Tesche moved, to *postpone* action on AR 2004-10 until February 17, 2004.
49 Mr. Sullivan seconded,
50 and this motion was passed,
51

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

54 NAYES: None.
55

56 15. SPECIAL ORDERS

57

58 Chair Traini granted Mr. Sullivan's request of Special Orders to introduce this new ordinance, entitled an ordinance
59 amending provisions of Anchorage Municipal Code Chapter 2.40, to establish a new Midtown Community Council.
60

61 Mr. Sullivan moved, to *introduce Ordinance AO 2004-27*, an ordinance,
62 Ms. Von Gemmingen seconded, amending provisions of Anchorage Municipal Code Chapter
63 Mr. Van Etten was the concurring third, 2.40, to establish a **new Midtown Community Council**,
64 Assemblymembers Traini, Sullivan, Whittle, Von Gemmingen,
65 Tesche and Taylor. (*Introduced and amended 1-20-04*)
66 (*Public Hearing set for 2-17-04*)
67

68 Chair Traini announced the formal introduction of this ordinance and requested Public Hearing be set for February 17,
69 2004. Mr. Van Etten, Mr. Sullivan, Mr. Whittle, Ms. Von Gemmingen, Mr. Tesche and Ms. Taylor requested to be added
70 as cosponsors to this new ordinance.
71

72 16. UNFINISHED AGENDA None.
73

74 17. AUDIENCE PARTICIPATION
75

1 TROY MAULDEIN, resident of the Campbell Creek area, testified on behalf of concerned residents in his area. He
2 spoke of the transient residents who were camping out near the bike trail. He and his neighbors had witness
3 panhandling, illegal fishing and alcoholic behavior from many of these transients. He proposed working with the
4 Assembly in sponsoring an ordinance which would make panhandling illegal, to possibly control this activity. Chair
5 Traini suggested Mr. Mauldein speak with Mr. Sullivan, who had addressed some of those issues in Anchorage. He
6 also recommended that he speak with APD Chief Monegan, and discuss how those concerns could be addressed. Mr.
7 Sullivan stated to Mr. Mauldein that he had sponsored a panhandling ordinance last year, clarifying that soliciting was
8 illegal in roadways or sidewalks in Anchorage. He recommended communicating with Chief Monegan on enforcement.

9
10 **18. ASSEMBLY COMMENTS**

11
12 Ms. Taylor commented on the issue of assisting homeless individuals and homeless families in the MOA. She thanked
13 the Assembly for the assistance that had been given to the Safe Harbor Inn, a nonprofit motel for the homeless, which
14 had proven to be successful and was a critically needed item in Anchorage.

15
16 Mr. Sullivan said the Assembly had met with the Administration to discuss the HDR contract and the Coastal Trail. He
17 stated that Mr. Holtan gave a credible clarification of how the funds were to be spent. Mr. Sullivan stated he respected
18 Mr. Holtan's explanation, but could not support the memorandum because his constituents were more interested in
19 using the money for maintenance, improvements and connectivity of the already existing trails.

20
21 Mr. Tremaine stated that he was looking forward to joining Ms. Von Gemmingen, Ms. Fairclough, Chair Traini and the
22 Mayor, traveling to Juneau to represent Anchorage before the State Legislature on issues of fiscal responsibility.

23
24 **19. EXECUTIVE SESSIONS** None.

25
26 **20. ADJOURNMENT** The meeting adjourned at 9:30 p.m.

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28 Pub. THE ANCHORAGE CHRONICLE
29 P.O. 52464-485-04
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DICK TRAINI, Assembly Chair

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53 ATTEST:

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60 BARBARA GRUENSTEIN, Municipal Clerk
61 Date Minutes Approved: April 13, 2004
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