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**MUNICIPALITY OF ANCHORAGE**  
**ANCHORAGE ASSEMBLY**

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

**Minutes for Regular Meeting of March 16, 2004**

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**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.

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

PRESENT: Allan Tesche, Brian Whittle, Melinda Taylor, Fay Von Gemmingen, Dick Traini, Anna Fairclough, Doug Van Etten, Dan Kendall, Janice Shamberg and Dick Tremaine, with Dan Sullivan arriving shortly after roll call.

ABSENT: None.

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**3. PLEDGE OF ALLEGIANCE**

The pledge was led by Boy Scout Troop Number 25, with members Toby Troxler, Jordan Bixby and Brian Kersey. To Chair Traini, Troop Leader, Ron Kersey responded they were working on a citizenship badge and were sponsored by The Church of Jesus Christ of Latter Day Saints, Centennial Park.

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**4. MINUTES OF PREVIOUS MEETING**

4. A. Regular Meeting – January 20, 2004

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Mr. Tesche moved, to approve the Regular Meeting Minutes  
Mr. Sullivan seconded, of January 20, 2004.  
and this was passed unanimously,

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**5. MAYOR'S REPORT**

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Mayor Begich announced plans of refunding bonds worth \$224 million dollars. He explained the effect would be a potential savings to the MOA of about \$700,000 per year, based on the refunding. He stated he was grateful for the support from the Assembly, with this time-sensitive action. He explained with the market changes they had chosen to refund these bonds because the market and timing allowed a savings. Chair Traini added that the total savings was in the amount of \$11 million, which equaled about \$700,000 of savings. To Mr. Tesche, the Mayor responded that the savings generated from the bond refunding would not be reappropriated, that it was required to be given directly to the taxpayers, other than paying for the debt service costs of the action.

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To Ms. Von Gemmingen, the Mayor responded they had just completed their Employees of the Year Banquet and Awards Ceremony. This year this ceremony was televised and it was a wonderful opportunity to recognize Municipal Employees for their hard work and dedication.

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**6. ASSEMBLY CHAIR'S REPORT**

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Chair Traini announced that he had just returned from a National League of Cities, Board of Directors Meeting. He would be preparing packets for Assemblymembers summarizing the National League of Cities' positions on issues and their priorities of future lobbying efforts for the coming year.

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**7. COMMITTEE REPORTS** None.

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**8. ADDENDUM TO AGENDA**

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Chair Traini read the Addendum items. He accepted additional items Laid on the Table and assigned 9.A.2, 9.F.13 and 14.H as their Agenda placement. He then called for a motion to incorporate the Addendum into the Regular Agenda.

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

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75

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

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77

NAYES: None.

1 Question was called on the Consent Agenda.

2  
3 Ms. Fairclough moved, to approve the Consent Agenda.  
4 Mr. Tesche seconded,

5  
6 Chair Traini read the Consent Agenda and called for Assemblymembers and members of the Administration to request  
7 items be pulled and moved to the Regular Agenda for discussion.

8  
9 **9. CONSENT AGENDA**

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

11 9.A.1. Resolution No. AR 2004-67, a resolution of the Anchorage Municipal Assembly recognizing and  
12 honoring the **Alaska Alumnae Chapter of Delta Sigma Theta Sorority, Inc.** for its participation in the  
13 Delta Sigma Theta Sorority International Day of Service HIV/AIDS, Mayor Begich; Assemblymembers  
14 Taylor, Fairclough, Kendall, Shamberg, Sullivan, Tesche, Traini, Tremaine, Van Etten,  
15 Von Gemmingen and Whittle. **(Addendum)**

16  
17 Ms. Taylor requested this item be pulled for review on the Regular Agenda. *(See item 10.A.1)*

18  
19 9.A.2 Resolution No. AR 2004-69, a resolution of the Anchorage Municipal Assembly recognizing and  
20 honoring **George J. Canelos**, for his service to the Municipality of Anchorage. **(Laid on the Table)**

21  
22 Ms. Fairclough and Mayor Begich requested this item be pulled for review on the Regular Agenda. *(See item 10.A.2)*

23  
24 9.B.5. Resolution No. AR 2004-68, a resolution appointing **election officials** for the Regular Municipal  
25 Election of April 6, 2004, Municipal Clerk. **(Addendum)**

26 9.B.5. Resolution No. AR 2004-68, a resolution appointing **election officials** for the Regular Municipal  
27 Election of April 6, 2004, Municipal Clerk. **(Addendum)**

28  
29 **9.B. RESOLUTIONS FOR ACTION - OTHER**

30 9.B.1. Resolution No. AR 2004-59, a resolution appropriating \$10,000 from the State of Alaska Bioenergy  
31 Program to the **Anchorage Regional Landfill Gas-to-Energy Economic Feasibility Report** in the  
32 Department of Solid Waste Services.

33 a. Assembly Memorandum No. AM 233-2004.

34 9.B.2. Resolution No. AR 2004-62, a resolution of the Anchorage Municipal Assembly approving the request  
35 to create the **records retention schedule for the Real Estate Services Department**, in accordance  
36 with Municipal Policy and Procedure 52.2, Information Technology Department.

37 a. Assembly Memorandum No. AM 253-2004. **(Addendum)**

38 9.B.3. Resolution No. AR 2004-63, a resolution of the Anchorage Municipal Assembly approving the request  
39 to modify the **records retention schedule for the Municipal Light & Power Department**, in  
40 accordance with Municipal Policy and Procedure 52.2, Information Technology Department.

41 a. Assembly Memorandum No. AM 254-2004. **(Addendum)**

42 9.B.4. Resolution No. AR 2004-64, a resolution of the Municipality of Anchorage appropriating \$5,000 from  
43 Alaska Housing Finance Corporation (AHFC) as a supplemental grant to the State Categorical Grants  
44 Fund (231), Department of Health and Human Services to fund the **Weatherization Assistance**  
45 **Program**, Health and Human Services.

46 a. Assembly Memorandum No. AM 259-2004. **(Addendum)**

47 9.B.5. Resolution No. AR 2004-68, a resolution appointing **election officials** for the Regular Municipal  
48 Election of April 6, 2004, Municipal Clerk. **(Addendum)**

49  
50 Mr. Whittle requested this item be pulled for review on the Regular Agenda. *(See item 10.B.5)*

51  
52 **9.C. BID AWARDS**

53 9.C.1. Assembly Memorandum No. AM 235-2004, recommendation of award to Renegade Equipment, LLC  
54 for **Raspberry Road Trail Improvements** (Kincaid Elementary School to Cutty Sark Street) for the  
55 Municipality of Anchorage, Project Management & Engineering Department (ITB 24-C003)  
56 (\$203,108.60), Purchasing.

57 9.C.2. Assembly Memorandum No. AM 236-2004, recommendation of award to Tam Construction, Inc. for  
58 **Far North Park and Nunaka Park Improvements** for the Municipality of Anchorage, Project  
59 Management & Engineering (ITB 24-C002) (\$294,698.00), Purchasing.

60 9.C.3. Assembly Memorandum No. AM 237-2004, recommendation of award to Alaska Truck Center for  
61 Furnishing two **infrared total maintenance vehicles** to the Municipality of Anchorage, Maintenance &  
62 Operations Department & Anchorage Water & Wastewater Utility (ITB 23-B078) (\$193,550),  
63 Purchasing.

64  
65 Ms. Shamberg requested this item be pulled for review on the Regular Agenda. *(See item 10.C.3)*

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

68 9.D.1. Assembly Memorandum No. AM 225-2004, **Building Board** appointments (Skipp Bringmann, Michael  
69 Cooke, Paul Michelsohn, Thomas Zietlow), Mayor's Office.

70 9.D.2. Assembly Memorandum No. AM 226-2004, **Health and Human Services Commission**  
71 reappointments (Michele Christiansen, Michele Czajkowski), Mayor's Office.

72 9.D.3. Assembly Memorandum No. AM 227-2004, **Heritage Land Bank Advisory Commission**  
73 reappointment (Gordon Severson), Mayor's Office.

74 9.D.4. Assembly Memorandum No. AM 228-2004, **Investment Advisory Commission** appointment (Don  
75 Simmons), Mayor's Office.

76 9.D.5. Assembly Memorandum No. AM 229-2004, **Port Commission** appointments (Vicki Glenzer, Maurice  
77 Hollowell, Suzanne Linford, Gary Gustafson, Mike Navarre), Mayor's Office.

- 1 9.D.6. Assembly Memorandum No. AM 230-2004, **Public Facilities Advisory Commission** reappointments  
2 (Tanya Bratslavsky, Carmen Lyon, Dennis McMillian), Mayor's Office.
- 3 9.D.7. Assembly Memorandum No. AM 231-2004, **Women's Commission** reappointments (Susan Merritt,  
4 Margaret Ingmanson), Mayor's Office.
- 5 9.D.8. Assembly Memorandum No. AM 232-2004, **Youth Advisory Commission** appointments (Claire Choi,  
6 Steffen Bernard), Mayor's Office.
- 7 9.D.9. Assembly Memorandum No. AM 234-2004, 2004/2005 Liquor License Renewals: **Anchorage Billiard**  
8 **Palace #2742, Solstice Café #847, Benihana #4161 – Trophy Lounge #1697, AMF East 40**  
9 **Bowl/Gold Room #2289, Los Arcos Rest. #3953, Boston Pizza #4180, Black Angus Meat Mkt.**  
10 **#132, Crossroads Lounge #286, Eddie's Sports Bar #3596, Steve's Sports Bar & Grill #1566, La**  
11 **Mex-Diamond #97-3807, The Spare Room #505, Annarae's #508, Sourdough Mining Co. An AK**  
12 **Rest #2496, Glacier Brew House #3978, Polar Bar #901, Houlihan's of Alaska #3060 – Beverage**  
13 **Dispensary; Crossroads Lounge Dart Pub #2244 – Beverage Dispensary-Duplicate; Ramada Ltd.**  
14 **Hotel of Anchorage #3796, Sitzmark Bar & Grill #3571 – Beverage Dispensary-Tourism (Downtown,**  
15 **Spenard, Fairview, Taku/Campbell, Sand Lake, Northeast, Campbell Park, Tudor Area, University Area, Eagle**  
16 **River, North Star & Abbott Loop Community Councils), Clerk's Office.**
- 17 9.D.10. Assembly Memorandum No. AM 238-2004, Change Order No. 1 to Contract 22MIS117 with Dobson  
18 Cellular Systems, Inc. (formerly AT&T Wireless Services) for **cellular phone services** for the  
19 Municipality of Anchorage, Information Technology Department (\$300,000), Purchasing.
- 20 9.D.11. Assembly Memorandum No. AM 239-2004, proprietary purchase to Digital Inspections for providing a  
21 **utility maintenance management system** to the Municipality of Anchorage, Municipal Light & Power  
22 (\$64,862.31), Purchasing.
- 23 9.D.12. Assembly Memorandum No. AM 240-2004, sole source membership with **Electric Power Research**  
24 **Institute** for the Municipality of Anchorage, Municipal Light & Power (ML&P) (\$263,057), Purchasing.
- 25 9.D.13. Assembly Memorandum No. AM 241-2004, cooperative agreement with the U. S. Department of  
26 Agriculture (USDA) for **avian vector control services** for the Municipality of Anchorage, Solid Waste  
27 Services (\$99,175), Purchasing.
- 28 9.D.14. Assembly Memorandum No. AM 242-2004, proprietary purchase of **computer software licensing**  
29 **and maintenance support** from MRO Software Corporation for the Municipality of Anchorage,  
30 Anchorage Water & Wastewater Utility (AWWU) (\$43,746.93), Purchasing.
- 31 9.D.15. Assembly Memorandum No. AM 243-2004, proprietary purchase of **computer hardware**  
32 **maintenance and software license renewal** from Hewlett Packard Company, Inc. for the  
33 Municipality of Anchorage, Anchorage Water & Wastewater Utility (\$59,822.95), Purchasing.
- 34 9.D.16. Assembly Memorandum No. AM 244-2004, recommendation of award to Resource Data, Inc. for  
35 providing **2004 software application services** for the Municipality of Anchorage, Anchorage Water &  
36 Wastewater Utility (RFP 23-P-59) (\$1,275,000), Purchasing.
- 37 9.D.17. Assembly Memorandum No. AM 245-2004, Change Order No. 7 to Klondike Advertising Inc. contract  
38 (PO No. 231146), **Employee Safety Incentive Award Program**, in the amount of \$15,000 for a NTE  
39 \$45,000, and extending the contract period to May 31, 2004, Street Maintenance.
- 40 9.D.18. Assembly Memorandum No. AM 246-2004, proprietary purchase for providing **periodical and serial**  
41 **renewals** from ProQuest Information & Learning to the Municipality of Anchorage, Office of  
42 Community & Economic Development/ Library Division (\$37,000), Purchasing.
- 43 9.D.19. Assembly Memorandum No. AM 247-2004, proprietary purchase for providing **book leasing services**  
44 from McNaughton Book Service to the Municipality of Anchorage, Office of Community & Economic  
45 Development/Library Division (\$105,225), Purchasing.
- 46 9.D.20. Assembly Memorandum No. AM 255-2004, proprietary purchase to V.F. Grace, Inc. for providing  
47 **Taser defense weapons and accessories** to the Municipality of Anchorage, Anchorage Police  
48 Department (\$32,695.55), Purchasing. **(Addendum)**
- 49 9.D.21. Assembly Memorandum No. AM 256-2004, Change Order No. 3 to Vendor Contract 22MLP043 with  
50 Coffman Engineers for providing **plant engineering services** for the Municipality of Anchorage,  
51 Municipal Light & Power (\$200,000), Purchasing. **(Addendum)**
- 52 9.D.22. Assembly Memorandum No. AM 257-2004, recommendation of award to The Boutet Company for  
53 providing **project management services** for the Municipality of Anchorage, Project Management &  
54 Engineering (RFP 24-P001) (\$1,500,000), Purchasing. **(Addendum)**
- 55 9.D.23. Assembly Memorandum No. AM 258-2004, Amendment No. 3 to the professional services contract  
56 with Locher, LLC, to provide **project management services** to the Municipality of Anchorage  
57 (\$100,000), Anchorage Water & Wastewater Utility. **(Addendum)**
- 58 9.D.24. Assembly Memorandum No. AM 262-2004, **Urban Design Commission** appointments (Patricia  
59 Joyner, Joann Mitchell, Scott Sandlin), Mayor's Office. *(Clerk's Note: Assembly Action postponed to*  
60 *April 13, 2004, to permit a 10-day public comment period pursuant to AMC 21.10.010 B)* **(Addendum)**

61  
62 Mr. Tremaine requested this item be pulled for review on the Regular Agenda. *(See item 10.D.24)*

63  
64 **9.E. INFORMATION AND REPORTS**

- 65 9.E.1. Information Memorandum No. AIM 23-2004, Anchorage Municipal Code 3.70.090 B. Bargaining  
66 Status Report for **AMEA**, Employee Relations.
- 67 9.E.2. Information Memorandum No. AIM 24-2004, **MOA Trust Fund Status – 2003 Year in Review**,  
68 Finance.

69  
70 Ms. Shamberg and Mayor Begich requested this item be pulled for review on the Regular Agenda. *(See item 10.E.2)*

- 71  
72 9.E.3. Information Memorandum No. AIM 25-2004, **Investment Advisory Commission Annual Report –**  
73 **2003 Year in Review**, Finance.
- 74 9.E.4. Information Memorandum No. AIM 26-2004, **Monthly Financial Reports – January 2004**, Finance.
- 75 9.E.5. Information Memorandum No. AIM 27-2004, **contracts awarded between \$50,000 and \$100,000**  
76 **through formal competitive processes** for the month of February 2004, Purchasing.
- 77 9.E.6. Information Memorandum No. AIM 28-2004, **Sole Source Procurement Report** for the month of  
78 February 2004, Purchasing.

1  
2 Mr. Sullivan requested this item be pulled for review on the Regular Agenda. (See item 10.E.6)

3  
4 **9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**

- 5 9.F.1. Ordinance No. AO 2004-65, an ordinance of the Anchorage Municipal Assembly reaffirming selection  
6 of the former Kmart Building located in the Northway Mall Area as the site for the **Anchorage School**  
7 **District Administration and Training Facility** subject to voter approval of bonds to pay for  
8 construction of that facility, Assembly Chair Traini. (Public Hearing set for 4-13-04)
- 9 9.F.2. Ordinance No. AO 2004-66, an ordinance of the Anchorage Municipal Assembly continuing or  
10 reestablishing the **Animal Control Advisory Board** pursuant to Anchorage Municipal Code Section  
11 4.05.150, Legal Department. (Public Hearing set for 4-13-04)
- 12 9.F.3. Ordinance No. AO 2004-67, an ordinance of the Anchorage Municipal Assembly reestablishing the  
13 **Investment Advisory Commission** pursuant to Anchorage Municipal Code Section 4.05.150, Legal  
14 Department. (Public Hearing set for 4-13-04)
- 15 9.F.4. Ordinance No. AO 2004-68, an ordinance of the Anchorage Municipal Assembly reestablishing the  
16 **Urban Design Commission** pursuant to Anchorage Municipal Code Section 4.05.150, Legal  
17 Department. (Public Hearing set for 4-13-04)
- 18 9.F.5. Ordinance No. AO 2004-69, an ordinance of the Anchorage Municipal Assembly reestablishing the  
19 **Youth Advisory Commission** pursuant to Anchorage Municipal Code Section 4.05.150, Legal  
20 Department. (Public Hearing set for 4-13-04)
- 21 9.F.6. Ordinance No. AO 2004-70, an ordinance authorizing withdrawal of Lot 3, Girdwood Post Office  
22 Subdivision, containing 1.5 acres m/l, from the Heritage Land Bank, and authorizing sale of **Lot 3,**  
23 **Girdwood Post Office Subdivision**, for fair market value plus certain pre-development costs, to the  
24 United States Postal Service (USPS) for construction of a new post office in Girdwood, Heritage Land  
25 Bank. (Public Hearing set for 4-13-04)
- 26 a. Assembly Memorandum No. AM 250-2004.
- 27 9.F.7. Resolution No. AR 2004-60, a resolution of the Municipality of Anchorage appropriating \$750,000  
28 from the MOA Trust Fund (730) for expert **financial management and support services** provided in  
29 Calendar Year 2004, Finance. (Public Hearing set for 4-13-04)
- 30 a. Assembly Memorandum No. AM 248-2004.
- 31 9.F.8. Resolution No. AR 2004-61, a resolution to approve the application to the U.S. Department of Housing  
32 and Urban Development for \$5,000,000 in **Section 108 loan guarantees**, including an initial loan of  
33 \$2,000,000 to Denali Family Services, Office of Economic & Community Development. (Public  
34 Hearing set for 4-13-04)
- 35 a. Assembly Memorandum No. AM 249-2004.
- 36 9.F.9. Resolution No. AR 2004-65, a resolution approving a three year extension of the collective bargaining  
37 agreement between the Municipality of Anchorage and the **International Brotherhood of Electrical**  
38 **Workers AFL/CIO Local No. 1547**, Employee Relations. (Public Hearing set for 4-13-04)
- 39 a. Assembly Memorandum No. AM 260-2004. (**Addendum**)
- 40

41 Ms. Taylor requested to abstain from voting on this item due to a possible conflict of interest.

- 42
- 43 9.F.10. Resolution No. AR 2004-66, a resolution approving and ratifying a two year extension of the collective  
44 bargaining agreement between the Municipality of Anchorage and the **International Association of**  
45 **Machinists & Aerospace Workers, Inc., Local Lodge No. 1690**, Employee Relations. (Public  
46 Hearing set for 4-13-04)
- 47 a. Assembly Memorandum No. AM 261-2004. (**Addendum**)
- 48

49 Ms. Taylor requested to abstain from voting on this item due to a possible conflict of interest.

- 50
- 51 9.F.11. Ordinance No. AO 2004-71, an ordinance of the Municipality of Anchorage, Alaska, authorizing and  
52 providing for the issuance of General Obligation Refunding Bonds of the Municipality in the aggregate  
53 principal amount of not to exceed \$72,000,000 to provide funds required to refund certain outstanding  
54 **general obligation general purpose bonds** of the Municipality; providing for the form and manner of  
55 sale of said bonds; pledging the full faith and credit of the Municipality to the payment thereof;  
56 authorizing the Chief Fiscal Officer to negotiate and execute a contract for the purchase and sale of  
57 said bonds; and related matters, Finance Department. (Public Hearing set for 4-13-04)
- 58 a. Assembly Memorandum No. AM 251-2004. (**Addendum**)
- 59 9.F.12. Ordinance No. AO 2004-72, an ordinance of the Municipality of Anchorage, Alaska authorizing and  
60 providing for the issuance of General Obligation Refunding Bonds of the Municipality in the aggregate  
61 principal amount of not to exceed \$190,000,000 to provide funds required to refund certain  
62 outstanding **general obligation school bonds** of the Municipality; providing for the form and manner  
63 of sale of said bonds; pledging the full faith and credit of the Municipality to the payment thereof;  
64 authorizing the Chief Fiscal Officer to negotiate and execute a contract for the purchase and sale of  
65 said bonds; and related matters, Finance Department. (Public Hearing set for 4-13-04)
- 66 a. Assembly Memorandum No. AM 251-2004. (**Addendum**)
- 67 9.F.13 Ordinance No. AO 2004-73, introduce by title, an ordinance authorizing the sale of a municipal  
68 building and land, known as **Grandview Gardens Cultural Center**, located in Anchorage at 1325  
69 Primrose Street, for less than fair market value, to the organization for Northern Development, Inc., at  
70 501-(C)(3) non profit corporation, pursuant to Anchorage Municipal Code Section 25.30.040B,  
71 Assemblymember Tremaine. (**Laid on the Table**) (Public Hearing set for April 13, 2004)
- 72

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

74

75 Ms. Fairclough moved, to approve the amended Consent Agenda, with the  
76 Mr. Tesche seconded, exception of those items pulled for review and with Ms. Taylor  
77 and this motion was passed, abstaining from voting on 9.F.9 and 9.F.10, because of a  
78 possible conflict of interest.

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

4 NAYES: None.

5  
6 Chair Traini announced the unanimous approval of the amended Consent Agenda, with the exception of the pulled  
7 items and proceeded into discussion of those items.

8  
9 **END OF CONSENT AGENDA**

10  
11  
12 Chair Traini gave the floor to Mayor Begich, who acknowledged all new board and commission appointments and  
13 reappointments present. Several new Administration members stood to be recognized. Chair Traini thanked them for  
14 their willingness to serve. To Chair Traini's question, the Mayor responded that most of the board and commission  
15 appointments were completed. He stated that Mr. Michael Johnson could be contacted by calling 343-7109, if there  
16 were any additional candidates willing to serve in the remaining positions.

17  
18 **10. REGULAR AGENDA**

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

20 10.A.1. Resolution No. AR 2004-67, a resolution of the Anchorage Municipal Assembly recognizing and  
21 honoring the **Alaska Alumnae Chapter of Delta Sigma Theta Sorority, Inc.** for its participation in the  
22 Delta Sigma Theta Sorority International Day of Service HIV/AIDS, Mayor Begich; Assemblymembers  
23 Taylor, Fairclough, Kendall, Shamberg, Sullivan, Tesche, Traini, Tremaine, Van Etten,  
24 Von Gemmingen and Whittle. (**Addendum**)

25  
26 Chair Traini read this resolution title and called for a motion from Ms. Taylor.

27  
28 Ms. Taylor moved, to approve AR 2004-67.  
29 Mr. Whittle seconded,  
30 and this motion was passed,

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

34 NAYES: None.

35  
36 Ms. Taylor presented the award to this group of women, while Mr. Whittle read the resolution. The Alaska Alumnae  
37 Chapter of Delta Sigma Theta Sorority was recognized and honored for service and efforts in educational  
38 development, physical and mental health development, political awareness and involvement and international  
39 awareness and involvement with HIV and AIDs victims in our community. Honored members included Yvonne  
40 Charles, Gwendolyn Winford, Mary Boxx, Betty Sears, Celeste Hardy, Sheila Smiley, Pam Brown-McMillan, Ciesta  
41 Cato, Joann Everett, Wanda Wilson, Patricia Smith and Rosa Foster. Member Ms. Sheila Smiley accepted the award  
42 on behalf of the group and thanked the Assembly and the Administration for their recognition.

43  
44 10.A.2 Resolution No. AR 2004-69, a resolution of the Anchorage Municipal Assembly recognizing and  
45 honoring **George J. Canelos**, for his service to the Municipality of Anchorage, Mayor Begich, Chair  
46 Traini and Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Tremaine,  
47 Van Etten, Von Gemmingen and Whittle. (**Laid on the Table**)

48  
49 Chair Traini read the resolution title and called for a motion from Ms. Fairclough.

50  
51 Ms. Fairclough moved, to approve AR 2004-69.  
52 Mr. Sullivan seconded,  
53 and this motion was passed,

54  
55 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall,  
56 Tremaine and Sullivan.

57 NAYES: None.

58  
59 Mayor Begich presented the award to Mr. George J. Canelos and Ms. Fairclough read the resolution. Mr. Canelos  
60 accepted his award, recognizing and honoring him for his service in the MOA since the 1970s. He served as Senior  
61 Planner to the Capital Site Planning Commission and various other positions, including Director of the Heritage Land  
62 Bank and Real Estate Services. He retired from the MOA on February 26, 2004. Mr. Canelos stated he would be  
63 returning to the private sector. He stated he had very much enjoyed working with the MOA.

64  
65 Mr. Tremaine praised Mr. Canelos for his outstanding work. He described the accomplishments of Mr. Canelos as  
66 bringing people together. He was pleased that Mr. Canelos had accepted a position in Anchorage and would still be  
67 a part of the community.

68  
69 Mr. Tesche congratulated him on his retirement and new job and thanked him for all his service with the MOA.

70  
71 Mr. Van Etten thanked him for his work and tremendous service, and for his ability and professional skills of working  
72 with people.

73  
74 Ms. Shamberg congratulated and urged him to consider the opportunity of volunteering his time as a mediator for  
75 Girdwood issues. Mr. Canelos stated he would discuss the matter with her.

76  
77 Mr. Sullivan congratulated Mr. Canelos on his retirement, stating that during his service to the MOA, Mr. Canelos  
78 had given the term "bureaucrat" a good meaning, with his professionalism dealing with the public and the issues.

1  
2 Mayor Begich thanked Mr. Canelos for his service and stated his leaving would be an enormous loss, to both the  
3 Administration and the community. He urged Mr. Canelos to remain involved with the Winter Cities and explained Mr.  
4 Canelos had been instrumental in arranging the international conference in Anchorage. He had proven his  
5 professionalism pulling people together on often diverse issues.

6  
7 Chair Traini congratulated Mr. Canelos on his retirement and thanked him for the expert service he had contributed to  
8 the MOA, including his work on the Northern Cities Commission. He reminded Mr. Canelos that he would always be  
9 welcomed back. Ms. Mary Lou Canelos, who joined her husband while he was presented with this recognition, was  
10 also recognized for her service to the community.

11  
12 **10.B. RESOLUTIONS FOR ACTION - OTHER**

13 10.B.5. Resolution No. AR 2004-68, a resolution appointing **election officials** for the Regular Municipal  
14 Election of April 6, 2004, Municipal Clerk. **(Addendum)**

15  
16 Chair Traini read this resolution title and called for a motion from Mr. Whittle.

17  
18 Mr. Whittle moved, to approve AR 2004-68.  
19 Mr. Tesche seconded,  
20 and this motion was passed,

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

25  
26 Mr. Whittle requested this item be discussed, to give him the opportunity to thank, in advance, all the work the  
27 elections office and staff would be accomplishing during the upcoming election.

28  
29 **10.C. BID AWARDS**

30 10.C.3. Assembly Memorandum No. AM 237-2004, recommendation of award to Alaska Truck Center for  
31 Furnishing two **infrared total maintenance vehicles** to the Municipality of Anchorage, Maintenance &  
32 Operations Department & Anchorage Water & Wastewater Utility (ITB 23-B078) (\$193,550),  
33 Purchasing.

34  
35 Chair Traini read this memorandum title and called for a motion from Ms. Shamberg.

36  
37 Ms. Shamberg moved, to approve AM 237-2004.  
38 Mr. Tremaine seconded,  
39 and this motion was passed,

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

44  
45 Ms. Shamberg stated she requested this item be discussed to hear the description of this interesting-sounding  
46 machine. The Administration explained this was a machine that heated asphalt and would repair holes in streets and  
47 trails during the summer and winter. It was a truck-mounted tray system, was propane-fueled and would offer an all-in-  
48 one, permanent fix.

49  
50 **10.D. NEW BUSINESS**

51 10.D.24 Assembly Memorandum No. AM 262-2004, **Urban Design Commission** appointments (Patricia  
52 Joyner, Joann Mitchell, Scott Sandlin), Mayor's Office. *(Clerk's Note: Assembly Action will be  
53 postponed to April 13, 2004, to permit a 10-day public comment period pursuant to AMC 21.10.010  
54 B) (Addendum)*

55  
56 Chair Traini read this resolution title and called on a motion from Mr. Tremaine.

57  
58 Mr. Tremaine moved, to *postpone* AM 262-2004 until April 13, 2004.  
59 Ms. Von Gemmingen seconded,  
60 and this motion was passed,

61  
62 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall,  
63 Tremaine and Sullivan.  
64 NAYES: None.

65  
66 **10.E. INFORMATION AND REPORTS**

67 10.E.2. Information Memorandum No. AIM 24-2004, **MOA Trust Fund Status** – 2003 Year in Review,  
68 Finance.

69  
70 Chair Traini read this informational memorandum title and called for a motion from Ms. Shamberg.

71  
72 Ms. Shamberg moved, to accept AIM 24-2004.  
73 Mr. Sullivan seconded,

74  
75 Ms. Shamberg questioned why a bank from out-of-state had been selected for managing the MOA Trust Fund Status.  
76 The Administration responded the Union Bank of California had been given the contract because they had submitted a  
77 substantially lower bid, and their level of service was extremely high.

1 To Ms. Von Gemmingen's question, Mayor Begich responded that the income earned during 2003 had been the best  
2 income year in recent history. He stated the fund was up \$21 million and was predicting it would be stable for the 2005  
3 operating budget.

4  
5 To Mr. Tremaine, the Administration responded that the financial management contract would be up this summer, but  
6 they had already communicated with the Purchasing Department and had asked for a continuation of the contract with  
7 the Union Bank of California. They would be recommending that the Assembly retain this custodian bank because  
8 their fees were low and their service remained strong.

9  
10 Ms. Shamberg moved, to accept AIM 24-2004.  
11 Mr. Sullivan seconded,  
12 and this motion was passed,

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

17  
18 10.E.6. Information Memorandum No. AIM 28-2004, Sole Source Procurement Report for the month of  
19 February 2004, Purchasing.

20  
21 Chair Traini read this memorandum title and called for a motion from Mr. Sullivan.

22  
23 Mr. Sullivan moved, to accept AIM 28-2004.  
24 Mr. Tremaine seconded,

25  
26 Mr. Sullivan requested information on the sole source procurement report with \$12,600 to Ivan More Research, to  
27 provide research, including a public opinion telephone survey, to assess attitudes and behaviors concerning engine  
28 block heaters. Ms. Beverly Wooley, with the Division of Health and Human Services, responded that the air quality  
29 program was funded in part by Federal EPA appropriations and it required a survey on the end outcome of the  
30 performance measures. The Mayor added that federal grant money the MOA received required mandatory surveys to  
31 monitor the effectiveness and attitudes of this program and also involved measuring the air quality in the MOA.

32  
33 Ms. Taylor complemented Ms. Wooley on the fine job she was doing with managing the successful air quality program.  
34 She remembered when Anchorage was out of compliance with the air quality standards of EPA, and the air had been  
35 presenting a dangerous health risk to citizens.

36  
37 Mr. Tesche also complemented Ms. Wooley on the successful program. He thought that Mr. Sullivan could get a more  
38 thorough explanation of the requirements by contacting the EPA. Ms. Wooley responded that she would request  
39 additional information from the EPA on their requirements and an explanation of their mandatory surveys.

40  
41 Mr. Sullivan requested Ms. Wooley to compile data that had been collected from these telephone surveys. The Mayor  
42 reminded Mr. Sullivan that there was no Municipal money involved with this program.

43  
44 Mr. Sullivan moved, to accept AIM 28-2004.  
45 Mr. Tremaine seconded,  
46 and this motion was passed,

47  
48 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall,  
49 Tremaine and Sullivan.  
50 NAYES: None.

51  
52 **10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION** None pulled for discussion.

53  
54 **11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS**

55 11.A. Assembly Memorandum No. AM 190-2004, Employee Relations Board reappointment (Michael  
56 Reeves), Mayor's Office. (*Postponed from 3-2-04*)

57  
58 Chair Traini read this memorandum title and explained that this item had been postponed while Ms. Taylor had  
59 requested additional information on this reappointment by the Mayor's Office.

60  
61 Ms. Taylor thanked the Administration for providing the additional information and stated that she had no objection of  
62 this reappointed selection.

63  
64 Chair Traini called for a motion.

65  
66 Ms. Taylor moved, to approve AM 190-2004.  
67 Ms. Von Gemmingen seconded,  
68 and this motion was passed,

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

73  
74 11.B. Assembly Memorandum No. AM 211-2004, Tony Roma's #2344 – Transfer of Ownership for a  
75 Beverage Dispensary Liquor License (Campbell Park, Tudor Area and University Area Community Councils),  
76 Clerk's Office. (*Postponed from 3-2-04*)

1 Chair Traini read this memorandum title and explained that the liquor license transfer had been postponed and was  
2 again being considered before the Assembly. Chair Traini called for a motion from Mr. Tremaine.

3  
4 Mr. Tremaine moved, to approve AM 211-2004.  
5 Mr. Sullivan seconded,

6  
7 Attorney Darrell Thompson representing Tony Roma's, testified that he was before the Assembly to answer questions.  
8 To Chair Traini Attorney Thompson replied that he had sufficient authority to answer for Tony Roma's owner, Mr.  
9 Nading.

10 Mr. Tremaine stated that there were back taxes due the Municipality from Tony Roma's. He explained to Mr.  
11 Thompson that Assemblymembers wanted clarity of the issue concerning catering activity based under this license  
12 being used off premises, specifically at the Pine's Club within the past year or two.

13  
14 Attorney Thompson was not aware of the transferee and stated that Tony Roma's owner would have to answer that  
15 question, but he was not present that evening. He stated the taxes had been paid in full. To Chair Traini's question,  
16 Municipal Clerk Barbara Gruenstein responded that she did not have confirmation that the taxes had been paid. Chair  
17 Traini stated they would leave the memorandum as it was, with approval only when payment of taxes had been  
18 confirmed.

19  
20  
21 Mr. Tremaine moved, to approve AM 211-2004 *with protest* until taxes owed the  
22 Mr. Sullivan seconded, MOA are paid in full.  
23 and this motion was passed,

24  
25 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall,  
26 Tremaine and Sullivan.

27 NAYES: None.

28  
29 11.C. Ordinance No. AO 2004-1, an ordinance repealing Anchorage Municipal Code Section 21.70.030  
30 regarding **Mobile Home Park Annual Permits**, amending Anchorage Municipal Code Chapter  
31 14.60.030 to delete the fine for mobile home permits, repealing Anchorage Municipal Code of  
32 Regulations Chapter 21.70 regarding Mobile Home Park Annual Permits, and repealing Anchorage  
33 Municipal Code of Regulations Subsection 21.20.007G. regarding fees, Planning Department.  
34 1. Assembly Memorandum No. AM 7-2004.  
35 (*Postponed from 2-3-04*)

36  
37 Chair Traini read this ordinance title and he explained there was a motion from Mr. Sullivan, seconded by Mr. Van  
38 Etten, on the floor from the Regular Assembly Meeting of February 3, 2004. He called for additional discussion and  
39 there was none, and he called for a vote.

40  
41 Mr. Sullivan moved, to approve AO 2004-1.  
42 Mr. Van Etten seconded,  
43 and this motion was passed,

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

46 NAYES: Shamberg and Tremaine.

47  
48 11.D. Information Memorandum No. AIM 94-2003, transmittal of the Planning and Zoning Commission  
49 recommendation of denial for a rezoning application request to rezone 2.01 acres from R-1A (Single  
50 Family Residential) to B-3 (General Business District) for a relinquished right of way parcel and **Lots**  
51 **1, 2, 3, 4, 5 and 10, Block D, Deborah Subdivision**, generally located at 12907 Old Glenn Highway,  
52 Eagle River (Planning and Zoning Commission Case 2003-094), Planning Department.  
53 (*Postponed from 10-21-03; Carried Over FROM 11-18-03; Postponed from 12-2-03 & 12-16-03;*  
54 *Carried Over from 2-3-04; Postponed from 2-17-04*)

55  
56 Chair Traini read this memorandum title and explained that this item had been postponed and carried over numerous  
57 times, and would die from lack of action if action was not taken that evening.

58  
59 Ms. Fairclough moved, to accept AIM 94-2003.  
60 Mr. Tesche seconded,

61  
62 Ms. Fairclough proposed to amend this AIM and remand the case to the Planning Commission with instructions to  
63 consider the following issues, as well as other issues that the Planning Commission may identify when deliberating on  
64 this matter. She explained that the community surrounding this development was highly opposed to a used cars sales  
65 lot. She said the considerations included in her amendment would allow the Planning and Zoning Commission to  
66 review and improve this case. She stated she would not be moving consideration of the body to approve the rezone  
67 because there were too many unresolved issues. To Mr. Tesche, Ms. Fairclough stated that the developer concurred  
68 on all items but did not think he had heard of her last consideration, concerning the fee. Mr. Tesche stated he would  
69 be supporting this memorandum, as amended.

70  
71 To Mr. Sullivan's question, Ms. Fairclough responded that she had been advised by the Assembly Counsel and the  
72 Platting Department's Mr. Weaver that this was the process.

73  
74 Ms. Fairclough moved, to amend AIM 94-2003 *by considering changing conditions*  
75 Mr. Tesche seconded, *involved with:* 1) access to the Old Glenn Highway;  
76 and this motion was approved, 2) buffering to residential; 3) creek undergrounding/creek  
77 easement setbacks; 4) limiting uses of the property; 5)  
78 lighting; 6) access to Old Glenn Highway needs to be at least

70 ft. away from existing stop signs on the frontage property;  
7) Comp Plan consistency; and 8) the only fee the developer  
should be required to pay is \$525.00 for a rehearing fee; and  
to remand case number 2003-94 (sic) AIM 94-2003 to the  
Planning Commission for consideration of the issues,  
including recommendations.

Ms. Fairclough moved, to accept AIM 94-2003, as amended.  
Mr. Tesche seconded,  
and this motion was passed,

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

## 12. APPEARANCE REQUESTS

12.A **Joseph Law**, speaking on the matter of freedom of speech. (*Unscheduled Appearance*)

JOSEPH LAW, spoke of the disturbance at the Sullivan Arena in April 2003, when two Chugach Electric Board Candidates were arrested, booked and later released and were facing pending charges from the MOA for handing out fliers. Mr. Law believed that the individuals' freedom of speech rights were violated. Mr. Law stated there was a lawsuit against the Mayor, and Mr. Law believed the Mayor would be found liable in this case. He stated this case had already cost the city over \$10,000. Mr. Law stated that he had communicated with Jack Frost, and it was their interpretation that the individuals were in the right of way and should not have been arrested. His communications with Sullivan Arena Administration indicated they had no procedures or protocol regarding handing out brochures or fliers. Mr. Law also consulted his attorney, Ken Cook, who thought there was enough evidence to recall the Mayor. He thought the Assembly would be liable also, because they were supposed to be protecting the rights of citizens. To Mr. Tesche, Mr. Law thought that anyone had the right to speak in a right-of way, which included the sidewalk. To Tremaine, he thought the Assembly should take legal and legislative authority and halt litigation. He could not answer if the Assembly should be involved with other white collar cases.

To Mr. Law, Mr. Sullivan stated that Mr. Ray Craig had testified before the Assembly two weeks ago and brought up the issue of the two individuals being arrested. He called for an explanation from Municipal Attorney, Fred Boness, who stated that he had reviewed the file and found these men were on private property. The police reports indicated the Sullivan Arena Security Officers invited them to distribute fliers on the sidewalk, which they declined to do, and they continued to remain standing and soliciting next to the main doorways, where people were entering the building. The Sullivan Arena Security Administration had made the complaint to police, who asked the two individuals to move to the sidewalk and they refused. Mr. Boness submitted his policy would be that the renter legally had the rights over property inside and outside the premises, and ultimately could decide what the outcome of the case would be. The renter in this case was the Sportsman Show. Mr. Boness stated that the Sportsman Show indicated that they disapproved of the individuals distributing fliers as election advertisement. Mr. Boness explained that after the arrest the MOA Prosecutor offered to them a pretrial diversion, which would have resolved the matter. They chose to decline, and so far had unsuccessfully proven that the area surrounding the entrances of a rented facility was public property.

To Mr. Tesche, Mr. Boness responded that the property in question was property that was subject to the tenant agreement with the renter, giving the tenant the right of choosing the activity that would take place on the property they had rented from the city. The normal policy would include inside and outside areas for show set up, where there were exhibits set up outside the arena. To Mr. Sullivan, Mr. Boness responded that the penalty for a misdemeanor in a civil case would be a fine.

12.B. **Victor Mollozzi**, advocating a Park and Recreation Bond. (*Unscheduled Appearance*)

VICTOR MOLLOZZI, Chair of the Parks and Recreation Commission, testified before the Assembly to advocate for the Parks Bond. As Chair of the Parks Bond Team, he had worked hard with advertisements for this issue, scheduled to appear on the April ballot. He summarized their efforts of the campaign, involving much support from the public and the Begich Administration and included community events and distribution of pledge cards. He urged Assemblymembers to consider making a pledge of donated funds to help with the drive to educate the public. Mr. Tremaine volunteered to help with organizing volunteers in this important effort. Mr. Tesche made a pledge.

13. **CONTINUED PUBLIC HEARINGS** None were pulled for discussion.

## 14. NEW PUBLIC HEARINGS

14.A. Resolution No. AR 2004-53, a resolution of the Municipality of Anchorage appropriating \$704,595 of Fund Balance from the **Medical/Dental/Life Self Insurance Fund** (603) as a 2003 contribution to the Areawide General Fund (101) and closing the Medical/Dental/Life Self Insurance Fund (603), Finance.  
1. Assembly Memorandum No. AM 215-2004.

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 2004-53.  
Mr. Tremaine seconded,  
and this motion was passed,

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

- 1  
2 14.B. Resolution No. AR 2004-54, a resolution appropriating \$208,474 of Special Assessment and Interest  
3 Collections and \$1,450 of Fund Balance within the Special Assessment Bond Redemption Fund  
4 (0899) for **special assessment bond debt service**, Finance Department.

5 1. Assembly Memorandum No. AM 57-2004.

6  
7 Chair Traini read this resolution title and opened Public Hearing. There was no one to testify and he closed Public  
8 Hearing and called for a motion.

9  
10 Ms. Fairclough moved, to approve AR 2004-54.  
11 Mr. Tremaine seconded,  
12 and this motion was passed,

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

16 NAYES: None.

- 17  
18 14.C. Resolution No. AR 2004-32, a resolution confirming and levying special assessments for **Special**  
19 **Assessment District No. 1SR97**, which provided street, drainage, and street light reconstruction  
20 within the Geneva Woods Subdivision Area, and setting the date of assessment installment payments,  
21 interest on unpaid assessments, and providing for penalties and interest in the event of delinquency,  
22 Project Management & Engineering.

23 1. Assembly Memorandum No. AM 94-2004.

24  
25 Chair Traini read this resolution title and opened Public Hearing. There was no one to testify and he closed Public  
26 Hearing and called for a motion.

27  
28 Ms. Fairclough moved, to approve AR 2004-32.  
29 Mr. Sullivan seconded,

30  
31 Ms. Fairclough proposed changes to this resolution.

32  
33 Ms. Fairclough moved, to amend AR 2004-32 *by inserting* on Line 23 to insert "March  
34 Ms. Von Gemmingen seconded, 16," *by inserting* on Line 33, "30<sup>th</sup>," *by inserting* on Line 34,  
35 and this was unanimously approved, "June 30," *by changing* on Page 6, Line 137 the Tax ID  
36 number to read "00324765" and the lot number to be "39,"  
37 and *by changing* Line 147 on Page 7 the Tax ID number to  
38 read "00324765" and the lot number to be "38A-1."  
39

40 To Ms. Fairclough's question, the Administration responded that they had opted to omit the names associated with the  
41 lots because they were trying to streamline the documents and minimize costs. It was more expensive to record the  
42 lots with the names, and they were fulfilling requirements set by code, by supplying only the lot numbers in the  
43 documents.

44  
45 Ms. Von Gemmingen stated that the names should be included to show if there was a conflict of interest, and thought it  
46 may lead to liability in the future.

47  
48 The Mayor stated that this was a process that had been included in the past, involving the road and improvement  
49 districts. He stated their intent was to save money, and they would return to including the names if the Assembly  
50 wished. To Ms. Von Gemmingen suggestion, the Mayor responded that the names could easily be disclosed  
51 separately to Assemblymembers when assessments were before the Assembly, for their review, and not be included  
52 with the assessment document. Chair Traini requested the Administration supply names to Assemblymembers, to  
53 match the lot assessment document before them that evening to better prepare them if they get a call from residents of  
54 Geneva Woods.

55  
56 Ms. Fairclough moved, to approve AR 2004-32, as amended.  
57 Mr. Sullivan seconded,  
58 and this motion was passed,

59  
60 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall,  
61 Tremaine and Sullivan.

62 NAYES: None.

- 63  
64 14.D. Resolution No. AR 2004-48, a resolution confirming and levying assessments for the sewer special  
65 improvements within **Levy-Upon-Connection (LUC) Roll 04-S-2**, setting date of payment and  
66 providing for penalties and interest in the event of delinquency, Anchorage Water & Wastewater Utility.

67 1. Assembly Memorandum No. AM 173-2004.

68  
69 Chair Traini read this resolution title and opened Public Hearing. There was no one to testify and he closed Public  
70 Hearing and called for a motion.

71  
72 Ms. Fairclough moved, to approve AR 2004-48.  
73 Mr. Tremaine seconded,

74  
75 Ms. Fairclough proposed additions to the resolution.

76  
77 Ms. Fairclough moved, to amend on Page 1, Line 21, *by inserting* "March 16."  
78 Mr. Sullivan seconded,

1 and this motion was approved,

2  
3 Ms. Fairclough moved, to amend on Page 2, Line 19 and 20, by inserting "March 16."  
4 Mr. Tremaine seconded,  
5 and this motion was approved,

6  
7 Chair Traini put the question.

8  
9 Ms. Fairclough moved, to approve AR 2004-48, as amended.  
10 Mr. Tremaine seconded,  
11 and this motion was passed,

12  
13 AYES: Tesche, Von Gemmingen, Traini, Fairclough, Shamberg, Van Etten, Kendall, Tremaine and Sullivan.  
14 NAYES: None.  
15 (*Clerk's Note: Whittle and Taylor temporarily out of room*)

16  
17 14.E. Resolution No. AR 2004-47, a resolution of the Municipality of Anchorage, Alaska, approving the  
18 **Eagle River High School (sanitary) sewer extension** and providing for assessment of benefited  
19 properties at time of service connection, Anchorage Water & Wastewater Utility.  
20 1. Assembly Memorandum No. AM 172-2004.

21  
22 Ms. Von Gemmingen moved to Change the Order of the Day to take up items 14.E and 14.F. She moved to combined  
23 Public Hearing of these items. Both motions were seconded by Mr. Tremaine and were unanimously approved. Chair  
24 Traini read the resolution titles and opened Public Hearing on the issues concerning schools. With no one to testify,  
25 he closed Public Hearing and called for a motion on the first item.

26  
27 Ms. Von Gemmingen moved, to approve AR 2004-47.  
28 Mr. Tremaine seconded,

29  
30 Ms. Fairclough addressed item No. 4 in the resolution, concerning a piece of property, owned by the Municipality. She  
31 stated that the Chugiak-Eagle River CBERRRSA Road Board had a snow storage dump and a maintenance site close  
32 to this land and she explained for the record that the MOA was responsible for the water and sewer improvement. She  
33 explained that the Chugiak-Eagle River Road Board would not be submitting an assessment. Mr. Mark Premo,  
34 General Manager of AWWU, stated that there would be no charge for services if the parcel was never connected to  
35 water and sewer utilities and acknowledged Ms. Fairclough's statement. He stated the Administration would look into  
36 the assessment responsibility.

37  
38 Chair Traini called for a vote.

39  
40 and this motion was passed,

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

45  
46 14.F. Resolution No. AR 2004-49, a resolution of the Municipality of Anchorage, Alaska, approving the  
47 **Eagle River Area High School water extensions** and providing for assessment of benefited  
48 properties at time of service connection, Anchorage Water & Wastewater Utility.  
49 1. Assembly Memorandum No. AM 137-2004.

50  
51 Chair Traini read this resolution title and opened Public Hearing. There was no one to testify and he closed Public  
52 Hearing and called for a motion.

53  
54 Ms. Fairclough moved, to approve AR 2004-49.  
55 Mr. Tremaine seconded,

56  
57 Ms. Fairclough voiced the same concern with the responsibilities of sewer and water assessments for this issue. The  
58 Mayor stated that the Administration would look into this matter, stating there were still questions which entity would be  
59 responsible for other improvements, including roads and facility improvements.

60  
61 Chair Traini called for a vote.

62  
63 and this motion was passed,

64  
65 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall,  
66 Tremaine and Sullivan.  
67 NAYES: None.

68  
69 14.G. Ordinance No. AO 2004-56, an ordinance approving a long-term lease of dedicated park land in Ruth  
70 Arcand Park, at the **Section 16 Equestrian Center**, to Anchorage Horse Council, Inc., a non-profit  
71 corporation, for less than fair market value, Assemblymember Tremaine and Shamberg.  
72 1. *Lease Agreement I* for the Rainbow Connection. (**Laid on the Table**)  
73 2. *Lease Agreement II* for the Equestrian Center. (**Laid on the Table**)

74  
75 Chair Traini read this ordinance title and opened Public Hearing.

76  
77 ANNIE MAYBRY, Director of the Rainbow Connection of Therapeutic Horseback Riding Program and a member of the  
78 Anchorage Horse Council, testified. She was requesting a long-term lease to the property, to save costs and make

1 important improvements to the Center. Approval of this lease would allow them to create a full-time, permanent Center  
2 for the handicapped riding program. She stated that this land was donated several years ago on a short-term lease  
3 basis. Numerous volunteers in the community had worked to establish and maintain the trails which were used by  
4 many user groups, not just horse-riders. To Mr. Tremaine, Ms. Maybry explained that the long-term lease would allow  
5 them to get grant funding and build permanent facilities. She stated the volunteers involved with the Chamberlain  
6 Equestrian Center had worked together with the Anchorage Horse Council since 1985, and would continue to do so.  
7 To Ms. Shamberg, Ms. Maybry responded they hoped to have the facility opened to disabled riders in one year.

8  
9 With no further public testimony, Chair Traini closed Public Hearing and called for a motion.

10  
11 Mr. Tremaine moved, to approve AO 2004-56.  
12 Mr. Sullivan seconded,

13  
14 Mr. Tremaine stated that the Assembly had addressed a similar case in the past concerning the issue of a Hilltop ski  
15 area. He explained this current issue would ultimately be decided by the voters in Anchorage. The decision before the  
16 Assembly this evening was to approve putting the issue on the ballot. It involved acreage of Section 16 being leased  
17 on a long-term basis to the Anchorage Horse Council, and leased back to the city. The total 335 acres included 100  
18 acres designated for the horses, but also included ball fields and the multi-use trails behind Hanshew Middle School  
19 and Spring Hill Subdivision.

20  
21 Ms. Fairclough moved to postpone until April 13, 2004 until they had the opportunity to hold a work session. While she  
22 was totally supportive of the use of the property, she felt there was much information in the 150-page document that  
23 needed to be reviewed to confirm that actions to-date had been appropriate.

24  
25 Ms. Fairclough moved, to *postpone* AO 2004-56 until April 13, 2004.  
26 Mr. Sullivan seconded,  
27 and this motion was withdrawn,

28  
29 Municipal Attorney, Fred Boness, urged the Assembly to take action on this ordinance that evening in order for it to be  
30 included in the April 6<sup>th</sup> election. The lease needed to be approved by the Assembly before voters could vote on it.  
31 Ms. Fairclough withdrew her motion and Mr. Sullivan concurred.

32  
33 To Mr. Kendall's question, Mr. Tremaine stated that the organization had paid nothing in the past and, upon approval  
34 of this ordinance, would be paying 5% of gross revenues, net of the capital improvements, in the future.

35  
36 To Chair Traini, Municipal Attorney Boness responded that the two Equestrian Center leases presented that evening  
37 were different. He advised approving both of them with this ordinance.

38  
39 To Mr. Tesche's question, Mr. Boness stated that the lease documents must be in existence prior to the election and  
40 the Assembly was required to approve the specific terms and conditions of the lease. He assured Assemblymembers  
41 that both of the lease agreements were in order. Mr. Tesche stated he would be comfortable with voting that evening.

42  
43 Ms. Shamberg requested to be added as a cosponsor of this ordinance, and this was approved without objection.

44  
45 Mr. Tremaine thought the ordinance was in order and was thorough and complete. He was ready to take action on the  
46 ordinance or if other Assemblymembers wanted to wait for a worksession, he would support that decision.

47  
48 With no further discussion, Chair Traini called for a vote on the main motion.

49  
50 Mr. Tremaine moved, to approve AO 2004-56.  
51 Mr. Sullivan seconded,  
52 and this motion was passed,

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

- 56  
57 14.H. Ordinance No. AO 2004-28(S), an ordinance determining and approving the total amount of the  
58 **annual operating budget of the Anchorage School District** for its fiscal year 2004-2005 and  
59 determining and appropriating the portion of the Assembly approved budget amount to be made  
60 available from local sources, Anchorage School District. (**Laid on the Table**)  
61 1. Assembly Memorandum No. AM 80-2004(A).  
62 2. Ordinance No. AO 2004-28, an ordinance determining and approving the total amount of the  
63 **annual operating budget of the Anchorage School District** for its fiscal year 2004-2005 and  
64 determining and appropriating the portion of the Assembly approved budget amount to be made  
65 available from local sources, Anchorage School District.  
66 3. Assembly Memorandum No. AM 80-2004.  
67 4. Informational Memorandum No. AIM 29-2004, Anchorage School District Six-year capital  
68 improvement program: July 1, 2004-June 30, 2010, Anchorage School District. (**Laid on the**  
69 **Table**)

70  
71 Chair Traini relinquished the Assembly Chair to Mr. Tesche, who opened discussion on this ordinance.

72  
73 Mr. Tremaine declared a potential conflict of interest with his participation with this issue because his wife was a  
74 special education teacher, employed by the Anchorage School District (ASD), with a financial contribution to the family.  
75 To Ms. Fairclough, Mr. Tremaine responded that his wife had not received a pink slip for her job. Mr. Traini called the  
76 Question if Mr. Tremaine had a substantial financial interest in the issue of the ASD budget, creating a conflict of  
77 interest with his participation with the action before the Assembly and it was seconded by Mr. Van Etten. Chair Tesche

1 called for objections, and there being none, he ruled there was no conflict with Mr. Tremaine participating with  
2 discussion and action on this issue.

3  
4 Mr. Traini declared that he may have a potential conflict of interest with this issue because his wife was also a special  
5 education teacher, employed with the ASD, and financially contributed to his family. Mr. Tremaine moved the  
6 Question if Mr. Traini had a substantial financial interest in the issue of the ASD budget, creating a conflict of interest  
7 with his participation with the action before the Assembly and it was seconded by Ms. Fairclough. Chair Tesche called  
8 for objections, and there being none, he ruled there was no conflict with Mr. Traini participating with discussion and  
9 action on this issue.

10  
11 Mr. Sullivan declared that he may have a potential conflict of interest with this issue because his wife was also a  
12 school teacher, employed with the ASD and financially contributed to his family. Mr. Tesche moved the Question if Mr.  
13 Sullivan had a substantial financial interest in the issue of the ASD budget, creating a conflict of interest with his  
14 participation with the action before the Assembly and it was seconded by Mr. Tremaine. Chair Tesche called for  
15 objections, and there being none, he ruled there were no conflicts with Mr. Sullivan participating with discussion and  
16 action on this issue.

17  
18 Mr. Traini returned to the Chair and opened Public Hearing on AO 2004-28 and AO 2004-28(S). He first invited Ms.  
19 Comeau, the Superintendent of ASD, to testify.

20  
21 SUPERINTENDENT CAROL COMEAU testified that the ASD had introduced a budget to Assemblymembers at a  
22 recent work session, and they were introducing a Substitute Version of that budget that evening. She explained the  
23 (S) Version included a revision which proposed a decrease of costs, based on assessments of new construction and  
24 also the costs of the transfer of utilities. Superintendent Comeau stated they would make all the necessary budget  
25 adjustments, once the state had completed action on school appropriations and once the federal funding for schools  
26 was completed in June. She explained the process of completing the ASD budget involved 150 citizens' and  
27 employees' participation, four budget review teams chaired by citizens, which participated with recommendations of  
28 proposed budget cuts.

29  
30 Mr. Tremaine stated they would have his full support because he understood the importance of education. He praised  
31 the Superintendent for the clear, organized and professional process, review and summary. He was hopeful the ASD  
32 would see additional appropriations for Anchorage Schools from the state and federal governments.

33  
34 Mr. Tesche praised the Advisory Commission for their work and offered his full support of their budget.

35  
36 Ms. Von Gemmingen thanked the Advisory Commission for all their hard work with a very difficult job and stated she  
37 would be supporting the budget.

38  
39 To Ms. Fairclough, Superintendent Comeau responded that there was a 3% increase from last year's budget. With  
40 additional costs for negotiated pay increases, a state mandated \$10 million for teacher PERS retirement system,  
41 increased costs of insurance, utilities, fuel, construction, supplies and equipment, they had formerly predicted their  
42 costs would lead to a \$26.2 million dollar budget gap. Their focus remained on prioritizing direct instruction to students  
43 in a safe environment. She stated they were taking measures to decrease the drop out rate. While they were facing  
44 an additional 1.5 students per class, they were losing 54 teachers in the district. She stated they were finalizing a 6-  
45 year instructional plan and in May they would be finalizing a curriculum renewal site program, to regularly review  
46 curriculum. They were firm on meeting the standards for reading, writing and math.

47  
48 Anchorage School Board President Jake Metcalfe thanked the Assembly for their support and warned the body that  
49 cuts might continually be getting worse, and they might be relying more and more on MOA money in the future. He  
50 stated that they had taken a position advocating in Juneau, for the state to adopt a fiscal plan, so the ASD would better  
51 be able to predict a budget from year to year.

52  
53 Mr. Whittle agreed with their plan to urge the State to adopt a fiscal plan. To Mr. Whittle, Superintendent Comeau  
54 responded they had made a difficult choice in cutting coaches of C-teams in high school sports activities. She  
55 predicted that athletics would see additional cuts in the future, which she thought were so critical for students to stay  
56 and be interested.

57  
58 To Ms. Shamberg's question, Superintendent Comeau responded that the ASD Administration was only 2.7% of the  
59 ASD budget, and in comparison with national statistics, this was small.

60  
61 To Mr. Sullivan, Superintendent Comeau responded if the state came up with more appropriations, she did not know if  
62 the appropriations needed from the MOA would change. She explained that the rapid increase of \$100 million was a  
63 result of increased student population, mandates like No Child Left Behind, rapidly escalating costs for special  
64 education, increased costs for English as a Second Language Programs, increased costs for facility maintenance and  
65 preventative maintenance and health insurance and retirement costs. Mr. Sullivan wanted it on the record that the  
66 school district was not wasting money. Mr. Sullivan pointed out that the six-year services summary projected a  
67 decrease of \$50 million dollars in the budget for the year 2009 and 2010 as the ASD got caught up with school  
68 renovations and maintenance of facilities. Superintendent Comeau responded this forecast was based on no increase  
69 of student population.

70  
71 Ms. Von Gemmingen, Mr. Whittle and Mr. Tesche encouraged the public to become involved with urging the state to  
72 create a fiscal plan. Mr. Tesche stated that on Page 8 of the Budget Basics Book, with the costs to operate the district  
73 lowering over time, the taxpayers were predicted to pay up to an additional 10% tax over the next two years because  
74 the projected appropriations from the State of Alaska were dropping 10%.

75  
76 GUY OKADA, President of the Principal's Association and Principal of Dimond High School, spoke of lessening  
77 academic standards resulting from the possible loss of professional educators. The many challenges principals faced  
78 included reaching 100% compliance by 2013, with the federal mandate of No Child Left Behind, and preparing

1 students to pass the Alaska High School Graduation Qualifying Examination. On behalf of the Principal's Association  
2 he urged the Assembly to support the education budget and gave the reminder that their resources were stretched to  
3 the maximum. All budget cuts affected the quality of education they offer students in the ASD. To Mr. Tesche, Mr.  
4 Okada responded that the Principal's Association was committed to send a message to the state capital to create a  
5 fiscal plan. To Mr. Sullivan, Mr. Okada responded that he did not think it was a good idea to save the old Dimond High  
6 School building and parking lot. He understood the Dimond High School swimming pool and athletic facilities would be  
7 saved for a future community center.

8  
9 ANN SPOHNHOLTZ, member of the Municipal Education Commission, who served with the ASD Budget Review  
10 Team, testified. To Mr. Tesche, Ms. Spohnholtz commented on the importance of synchronizing the ASD and MOA  
11 budget cycles, and thought that the MOA might more easily change their fiscal year instead of the school district.  
12 Aligning the two budgets would make it easier to deal with the state budget. She agreed with Mr. Tesche that both the  
13 ASD and the MOA should address that issue. Ms. Spohnholtz stated that the landscaping was a valid concern  
14 because while the property improvements listed in the ASD review were per requirements, the maintenance for this  
15 high-end landscaping was not included in the current budget and without the upkeep the plants would die. Mr. Tesche  
16 recommended the commission work with landscape architects to change the landscape standards, to use lower-cost  
17 maintenance vegetation that would still be attractive. To Mr. Tesche, Ms. Spohnholtz responded that the ASD was  
18 preparing comments for the changes made to the No Child Left Behind Program, and were waiting to hear of the final  
19 extent of the cuts.

20  
21 THOMAS LAMB, a citizen running for the ASD Board Seat B, was concerned with much of the information shared that  
22 evening, concerning the ASD. He made various comparisons with other school districts across the nation that  
23 operated efficiently with a lesser percent of administration. To Mr. Tesche, Mr. Lamb responded that the ASB and the  
24 ASD could make additional cuts to the ASD Administration and he did not support the cut of teachers or the purchase  
25 and renovation of the Kmart Building. To Ms. Von Gemmingen, he responded he had attended School Board and  
26 School District meetings but had not been a member.

27  
28 DR. THERESA N. OBERMEYER testified that she had just filed a lawsuit against the ASD, in response to their  
29 proposed budget. She questioned the ethics of the School District and felt they were capable of improving the quality  
30 of education.

31  
32 JOHN STEINER, member of the ASB, encouraged Mr. Lamb to do more research and collect more data concerning  
33 the statistics of the LA school districts that Mr. Lamb described in testimony that evening. He predicted those districts  
34 were quite different from Anchorage schools and did not include the standards that the ASD was required to meet in  
35 Alaska. He addressed the ASD landscaping issue by saying that they had no plans to pull funding from education to  
36 maintain attractive schools.

37  
38 With no further public testimony, Chair Traini closed Public Hearing and called the Question on AO 2004-28(S).

39  
40 Mr. Tesche moved, to approve AO 2004-28(S)  
41 Mr. Tremaine seconded,

42  
43 Ms. Fairclough stated, in response to Mr. Lamb's testimony, that the Assembly did not have the power or authority to  
44 change the ASD Budget and could only deal with approving or disapproving the proposed ordinance before them.

45  
46 Mr. Tremaine was grateful for the testimony that evening and thought it was important to study methods and programs  
47 used by other school districts. He stated he would be fully supporting this ordinance, and was looking forward to the  
48 possibility of additional state appropriations for the ASD, so the demands from the MOA might change.

49  
50 Chair Traini commended the members of the ASD, the boards and the commission for their professional and timely  
51 action on the ASD 2004-2005 budget.

52  
53 and this motion was passed,

54  
55 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall,  
56 Tremaine and Sullivan.

57 NAYES: None.

58  
59 Mr. Tesche proposed immediate reconsideration of AO 2004-28(S) and urged a NO-vote.

60  
61 Mr. Tesche moved, for immediate reconsideration of AO 2004-28(S).  
62 Mr. Tremaine seconded,  
63 and this motion failed,

64  
65 AYES: None.

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

- 68  
69 14.I. Resolution No. AR 2004-55, a resolution of the Anchorage Municipal Assembly approving an alcoholic  
70 beverages conditional use in the B-3 District for a new restaurant or eating place use per AMC  
71 21.40.180 D.8; located on Lot 1, Block 3, Vans Subdivision; site address being 1111 E. Dimond  
72 Boulevard; generally located on the north side of E. Dimond Boulevard, between the Old Seward  
73 Highway and Briarwood Street (**Joy Teriyaki Restaurant**) (Case 2004-056), Planning Department.  
74 1. Assembly Memorandum No. AM 222-2004.

75  
76 Chair Traini read this resolution title and opened Public Hearing. With no public testimony, he closed Public Hearing  
77 and called for a motion.

1 Mr. Sullivan moved, to approve AR 2004-55.  
2 Ms. Fairclough seconded,

3  
4 Mr. Sullivan stated that this was an exceptional restaurant. He had found the establishment immaculately clean, it had  
5 professional service and felt it had been a good addition to the community for the past year.

6  
7 Mr. Tremaine agreed that this restaurant maintained high standards and was a good addition to the community. He  
8 proposed changes to the resolution on Line 36, by increasing the numbers of tables for this restaurant to 17.

9  
10 Mr. Tremaine moved, to amend AR 2004-55 *by changing* on Line 36 the number of  
11 Mr. Sullivan seconded, tables to "17."  
12 and this motion was approved,

13  
14 Chair Traini called for further discussion and there being none, he called for a vote.

15  
16 Mr. Sullivan moved, to approve AR 2004-55, as amended.  
17 Ms. Fairclough seconded,  
18 and this motion was passed,

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

22 NAYES: Kendal, temporarily out of room.

23  
24 14.J. Resolution No. AR 2004-56, a resolution of the Anchorage Municipal Assembly approving an alcoholic  
25 beverages conditional use in the B-3 District for a new restaurant or eating place use per AMC  
26 21.40.180 D.8; located on Lot 1A, Block 1, Tudor Square Subdivision; site address being 4300 Old  
27 Seward Highway, Suite #GD01; generally located in the City Center Mall on the northwest corner of  
28 Tudor Road and Old Seward Highway (**El Tango Restaurant**) (Case 2004-059), Planning  
29 Department.  
30 1. Assembly Memorandum No. AM 223-2004.

31  
32 Chair Traini read this resolution title and opened Public Hearing. With no one to testify, he closed Public Hearing and  
33 called for a motion.

34  
35 Mr. Sullivan moved, to approve AR 2004-56.  
36 Ms. Fairclough seconded,

37  
38 To Mr. Sullivan's questions, the owner of El Tango Restaurant testified that this was a conditional use for the same  
39 location, with his restaurant changing to a Columbia/Argentina restaurant theme. He told Mr. Sullivan that his  
40 restaurant would be family style and he would be happy to post the hours. He stated if they chose to have  
41 entertainment, it would be limited to violin or piano playing or a couple dancing the Tango on Friday and Saturday  
42 nights. He stated they were not planning to have music at this time, but agreed if they did, they would only offer  
43 entertainment at the dinner hour, and not after 10:00 p.m.

44  
45 Mr. Tremaine stated he was looking forward to this new addition in Anchorage.

46  
47 Mr. Van Etten stated he was delighted with the responsibility the owner had shown in attending local community  
48 council meetings and being thorough prepared with the opening of the new restaurant.

49  
50 To Ms. Shamberg's question, the owner responded that they would try to open their restaurant by April 15<sup>th</sup>.

51  
52 Chair Traini stated this new restaurant was in his district, and he was aware of the response from the Midtown  
53 Community Council, saying great things about the owner and his plans. He welcomed them and told them he looked  
54 forward to having them in his district.

55  
56 Mr. Sullivan moved, to approve AR 2004-56.  
57 Ms. Fairclough seconded,  
58 and this motion was approved,

59  
60 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall,  
61 Tremaine and Sullivan.

62 NAYES: None.

63  
64 14.K. Ordinance No. AO 2004-62, an ordinance amending Anchorage Municipal Code Section 8.10.090 to  
65 restructure the elements of the **offense**, define a family member, and for other purposes, Legal  
66 Department.  
67 1. Assembly Memorandum No. AM 216-2004.

68  
69 Chair Traini read the ordinance title and opened Public Hearing. There being no one to testify, he closed Public  
70 hearing and called for a motion.

71  
72 Mr. Tesche moved, to approve AO 2004-62.  
73 Mr. Tremaine seconded,

74  
75 Mr. Tesche proposed changes to the ordinance, on Line 12, Page 1 adding, "...or electronic communication" and he  
76 urged a YES-vote on the ordinance, as amended.

77  
78 Mr. Tesche moved, to amend AO 2004-62, *by adding* on Page 1, Line 12,

1 Mr. Tremaine seconded, "…or electronic communication."  
2 and this motion was approved,  
3

4 Mr. Tremaine asked many questions of the MOA Legal Staff, and was convinced that the definition was broad enough  
5 to cover all conceivable aspects of current and future, including harassment and internet.  
6

7 Ms. Shamberg raised the question if one made a telephone call and once connected to the dialed telephone, if the  
8 callee hung up, the caller's line would still be connected. Municipal Attorney Boness replied that this ordinance applied  
9 to all forms of communication, including electronic communications. To Ms. Shamberg's question, Mr. Boness  
10 responded that he agreed it was important to have full and explanatory titles in the agenda, for easier interpretation of  
11 purpose. He agreed that a layman might not readily understand the interpretation of the elements of offense, as was  
12 included in this ordinance title. In Legal terms, he stated this was complete language and well understood by  
13 professionals.  
14

15 With no further discussion, Chair Traini called for a vote.  
16

17 Mr. Tesche moved, to approve AO 2004-62, as amended.  
18 Mr. Tremaine seconded,  
19 and this motion was passed unanimously,  
20

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

25 14.L. Ordinance No. AO 2004-64, an ordinance amending Anchorage Municipal Code Title 23 to set local  
26 building code requirements for **carbon monoxide detectors** in residential occupancies, Mayor Begich  
27 and Assembly Chair Traini.  
28 1. Assembly Memorandum No. AM 221-2004.  
29

30 Chair Traini read the ordinance title and opened Public Hearing.  
31

32 LEE BAKER, testifying on behalf of the Homebuilders' Association, supported this ordinance, to make homes safer.  
33

34 To Mr. Tremaine's question, Mr. Baker responded that this ordinance would apply to new and existing homes, to  
35 include single, multi and family homes, homes that were being renovated, including homes built years ago. Mr. Baker  
36 explained that typically homes would not be inspected for required improvements until the time it was on the market for  
37 sale. Once the home was inspected and a notice was written for a violation of code involving carbon monoxide  
38 detectors, here would be no fines or fee involved if the violation was corrected within 30 days.  
39

40 To Chair Traini, Mr. Baker responded the codes involving this new requirement would be throughout the entire  
41 Municipality, including Eagle River, even though they were not actively enforcing the codes.  
42

43 Mr. Whittle stated that he fully supported this ordinance, and thought it would help save lives. To his question, Mr.  
44 Baker did not think there was any legal way to prevent any homeowner from working on their own furnace. He stated  
45 that they could encourage, through education, private homeowners to make wise decisions, including hiring  
46 professionals to work on furnaces.  
47

48 To Mr. Kendall's question, Mr. Baker explained that carbon monoxide detectors were easily available at most hardware  
49 stores, starting at \$25.00. He understood them to be highly efficient and if the batteries were regularly replaced, then  
50 they would remain functional.  
51

52 To Ms. Shamberg, Mr. Baker responded that the approval of this new ordinance would require carbon monoxide  
53 detectors immediately in all new and existing homes but would not apply to motels and hotels.  
54

55 To Ms. Von Gemmingen, Mr. Baker responded that they would not be actively inspecting. They would be advertising  
56 and educating the public with changes in the code safety requirements, and they would be holding interviews with local  
57 news agencies including an ordinance-signing opportunity at the Mayor's office the next day.  
58

59 There being no additional public testify, Chair Traini closed Public Hearing and called for a motion.  
60

61 Mr. Tesche moved, to approve AO 2004-64  
62 Mr. Tremaine seconded,  
63 and this motion was improved,  
64

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

69 **15. SPECIAL ORDERS** None.  
70

71 **16. UNFINISHED AGENDA** None.  
72

73 **17. AUDIENCE PARTICIPATION**  
74

75 Chair Traini welcomed two Boy Scout Troops to the meeting. Troop Number 209, sponsored by the Rabbit Creek  
76 Lions Club, with Troop Leader, Mark Won, and included members Brian Weinen, William Campbell, Eric Scott, Chris  
77 Becker, David Bavalon, Adam Lynn, Robert LaPine, John Scott and Pat Agle.  
78

1 Chair Traini welcomed a visiting Boy Scout Troop before the Assembly. They introduced themselves as Dan Audi,  
2 David Meyer, Alex Holm, Justin Holm and Tony Heath, all members of Troop Three, sponsored by LDS Church in  
3 Eagle River. To Chair Traini's question, they responded they were working towards their Citizenship of the Community  
4 Merit Badge.

5  
6 Another Boy Scout Troop, Number 210 had been present earlier in the Assembly Meeting and left before they had the  
7 opportunity to introduce themselves to the Assembly.

8  
9 **18. ASSEMBLY COMMENTS** None.

10 Ms. Von Gemmingen announced that the ASD Superintendent Comeau was awarded the Athena Society Award at a  
11 recent Chamber of Commerce luncheon.

12  
13 Mr. Van Etten congratulated Dimond High School for having a student who was recently received an appointment from  
14 all three of Alaska delegate. Dimond High School Principal, Guy Okada responded that Dimond had a student  
15 accepted into Annapolis, two to WestPoint and one to the Coast Guard.

16  
17 Mr. Van Etten stated the Administration had promised the regulations associated with site condos to be completed  
18 weeks ago, and urged the Administration to confirm the status of the case. Mayor Begich stated it had taken longer  
19 than originally anticipated to review this complex case.

20  
21 Mr. Tremaine stated that the building community had reviewed the site condo regulations for the past several weeks  
22 and were waiting for the final regulations. He recommended a work session be scheduled to speed up the process of  
23 finalizing the regulations. Chair Traini affirmed a work session would be scheduled. Mayor Begich stated that  
24 Administrative staff would be available for the work session and would make sure the development community was  
25 invited.

26  
27 Mr. Sullivan requested that Mr. Ron Thompson, Director of Development Services, notify them of their next meeting,  
28 so Assemblymembers could attend.

29  
30  
31 **19. EXECUTIVE SESSIONS** None.

32  
33 **20. ADJOURNMENT**

34  
35 Chair Traini called for a motion to adjourn the meeting.

36  
37 Mr. Sullivan moved, to adjourn the Regular Assembly Meeting.  
38 Mr. Tremaine seconded,  
39 and this motion was passed,

40  
41 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall,  
42 Tremaine and Sullivan.

43 NAYES: None.

44  
45 The Regular Assembly Meeting was adjourned at time 9:40 p.m.

46  
47 Agenda Published: THE ANCHORAGE CHRONICLE  
48 P.O. 52464-489-04

49  
50  
51  
52  
53 \_\_\_\_\_  
54 DICK TRAINI, Assembly Chair

55 ATTEST:

56  
57  
58  
59  
60 \_\_\_\_\_  
61 BARBARA GRUENSTEIN, Municipal Clerk  
62 Date Minutes Approved: June 8, 2004  
63 MC/BG  
64  
65  
66  
67