

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

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

Minutes for Regular Meeting of May 18, 2004

1. CALL TO ORDER

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

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

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

ABSENT: None.

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

4. MINUTES OF PREVIOUS MEETING

4.A. Special Meeting – March 24, 2004

Mr. Tesche moved, to approve the Special Meeting Minutes of March 24, 2004.
Ms. Fairclough seconded,
and this was passed unanimously,
with new Assemblymembers abstaining,

4.B. Special Meeting – March 26, 2004

Mr. Tesche moved, to approve the Special Meeting Minutes of March 26, 2004.
Ms. Fairclough seconded,
and this was passed unanimously,
with new Assemblymembers abstaining,

4.C. Special Meeting – April 8, 2004

Mr. Tremaine moved, to approve the Special Meeting Minutes of April 8, 2004.
Mr. Tesche seconded,

Ms. Jennings pointed out a correction was needed clarifying the absence of Mr. Kendall for that Special Assembly Meeting. Chair Traini stated that the record should show Mr. Kendall had an excused absence.

Ms. Shamberg asked that her comments, supporting the use of local banking institutions, be included in these Minutes. Municipal Clerk Barbara Gruenstein stated the necessary corrections would be made and this set of Minutes would be again presented to the Assembly for approval.

Mr. Tesche moved, to *postpone* the approval of the Special Meeting Minutes
Mr. Tremaine seconded, of April 8, 2004, for corrections and possible additions.
and this was passed unanimously,

5. MAYOR'S REPORT

Mayor Begich stated there were items that the Administration had laid on the table that evening due to a busy construction season and because the Assembly would not be meeting for the next three weeks.

Mayor Begich announced the municipal bonds were scheduled to be sold on June 10, 2004. Following a recent rating by Standards and Poors, their ratings had risen, reflecting the high standards and professional team of AWWU. He added that a retail section of these bonds would soon be available for sale to the general public.

6. ASSEMBLY CHAIR'S REPORT

Mr. Tremaine reported on the Pioneer Pit, located on Lake Otis, between Huffman and O'Malley Roads, which was currently closed. This gravel pit involved five acres that had been illegally mined over the past twenty-five years, but charges had never been brought against the property owner. A court order stipulated it would be remediated last year, which had not happened. He stated that this pit was currently being illegally used as a trail system for dirt bikes and four-wheel drive vehicles, and he had recently witnessed a backhoe operating. Mr. Tremaine stated the authorities would soon be looking into this issue and was hopeful of resolution.

Chair Traini shared a large, framed photo of members of the Youth Court. He explained the Assembly and the Administration supported Youth Court in the high schools in Anchorage.

7. COMMITTEE REPORTS None.

8. ADDENDUM TO AGENDA

Chair Traini read the Addendum items. He added AR 2004-138, AM 435-2004, AM 436-2004, AR 2004-140, AR 2004-139 and a substitute version, AR 2004-108(S). He assigned these items to the Agenda, numbers 9.B.4, 9.C.1, 9.C.2, 9.D.11, 9.F.8 and 13.B, respectively. He then called for additional Addendum items, and there being none, he called for a motion to incorporate the Addendum items into the Regular Agenda.

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

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

Chair Traini called for a motion on the Consent Agenda.

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

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

9. CONSENT AGENDA

9.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

9.A.1. Resolution No. AR 2004-137, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Mel Tipton and the Ship Creek Shuttle** for their promotion of public transportation and economic development in Ship Creek Business District, Mayor Begich; Assemblymembers Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche, Traini, Tremaine and Whittle.
(Addendum)

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

9.B. RESOLUTIONS FOR ACTION - OTHER

9.B.1. Resolution No. AR 2004-87, a resolution of the Anchorage Municipal Assembly approving the revised (schematic) design for the **Service High School Renewal Phase 2B project**, Anchorage School District.
a. Assembly Memorandum No. AM 318-2004.

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

9.B.2. Resolution No. AR 2004-132, a resolution of the Municipality of Anchorage appropriating \$37,200 as a contribution from Alaska Communications Systems to the Miscellaneous Grants Fund (261) for the Anchorage Police Department for **Enhanced 911 related projects**, Anchorage Police Department.
a. Assembly Memorandum No. AM 419-2004.

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

9.B.3. Resolution No. AR 2004-133, a resolution of the Municipality of Anchorage appropriating \$15,000 from **Girdwood Valley Service Area** (SA) Fund Balance (Fund 106) to Girdwood Valley SA BY2004 General Operating Budget (Fund 106) for year round road maintenance services, Maintenance & Operations Department.

a. Assembly Memorandum No. AM 420-2004.

9.B.4. Resolution No. AR 2004-138, a resolution authorizing the Municipality to grant an electrical easement across a portion of **Tract H-3A, Discovery Park Subdivision**, Tax #019-181-29, for Southport Fire Station No. 15 located at Southport Drive, Project Management & Engineering.

a. Assembly Memorandum No. AM 434-2004. **(Laid on the Table)**

9.C. BID AWARDS

9.C.1. Assembly Memorandum No AM 435-2004, recommendation of award to Waterston Construction Co. for construction of **Fire Station No. 15 – Southport** for the Municipality of Anchorage, Project Management & Engineering (ITB 24-C015) (\$2,844,000), Purchasing. **(Laid on the Table)**

9.C.2. Assembly Memorandum No AM 436-2004, recommendation of award to Pinnacle Construction, Inc. for **Fire Station No. 10 (Rabbit Creek) renovations and additions** for the Municipality of Anchorage, Project Management & Engineering (ITB 24-C010) (\$915,660), Purchasing. **(Laid on the Table)**

9.D. NEW BUSINESS

9.D.1. Assembly Memorandum No. AM 426-2004, 2004/2005 Liquor License Renewal: **Kaze Restaurant** #2296 – Restaurant/Eating Place (Downtown & Government Hill Community Councils), Clerk's Office.

Ms. Ossiander requested this item be pulled for review on the Regular Agenda. *(See item 10.D.1)*

- 9.D.2. Assembly Memorandum No. AM 427-2004, 2004/2005 Liquor License Renewals: **Skipper's Seafood 'N Chowder House #1589** – 3611 Minnesota Dr., **Skipper's Seafood 'N Chowder House #1762** – 601 E. Dimond, **China Garden #227**, **Phillip's #3645** – 2902 Minnesota Dr. (Restaurant/Eating Place); **Humpy's Great American Ale House #3427**, **Harry's Restaurant #323** (Beverage Dispensary); **American Legion Post #34 #3690** (Club) (Downtown, Spenard, Fairview, Midtown, Taku/Campbell, Abbott Loop & Huffman/O'Malley Community Councils).

Ms. Jennings requested this item be pulled for review on the Regular Agenda (*See item 10.D.2*)

- 9.D.3. Assembly Memorandum No. AM 416-2004, recommendation of award to AIS, Inc. dba Alaska Insulation Supply and Alaskan Insulation Specialties for providing specialized **insulation services and crews** to the Municipality of Anchorage, Municipal Light & Power (RFP 24-P010) (\$150,000/year), Purchasing.
- 9.D.4. Assembly Memorandum No. AM 417-2004, recommendation of award to MHW Americas, Inc. for providing professional services for the **88th Avenue Water Transmission Main Project** for the Municipality of Anchorage, Anchorage Water & Wastewater Utility (RFP 23-P055) (\$800,000), Purchasing.
- 9.D.5. Assembly Memorandum No. AM 418-2004, **Girdwood Water Improvements** – Amendment No. 4 to contract for professional services with R&M Consultants, Inc. – P.O. 0000216117 (\$289,200), Anchorage Water & Wastewater Utility.
- 9.D.6. Assembly Memorandum No. AM 428-2004, reimbursable services agreement with the ADOT/PF for **water main improvements** (Abbott Loop Road Extension Project) for the Municipality of Anchorage, Anchorage Water & Wastewater Utility (\$1,967,396), Purchasing. (**Addendum**)
- 9.D.7. Assembly Memorandum No. AM 429-2004, recommendation of award to Locher, LLC and PM & E Services, LLC for providing **project management services** for the Municipality of Anchorage, Anchorage Water & Wastewater Utility (RFP 24-P015) (\$400,000/year), Purchasing. (**Addendum**)
- 9.D.8. Assembly Memorandum No. AM 430-2004, proprietary purchase to Tim and Linda Bennett for leased space for an **AWWU Field Office** to the Municipality of Anchorage, Anchorage Water & Wastewater Utility (\$18,120), Purchasing. (**Addendum**)
- 9.D.9. Assembly Memorandum No. AM 431-2004, Change Order No. 1 to P.O. 234151 with Dryden & LaRue, Inc. for professional services to repair/replace the existing **Eklutna transmission line** for the Municipality of Anchorage, Municipal Light & Power (\$500,000), Purchasing. (**Addendum**)
- 9.D.10. Assembly Memorandum No. AM 432-2004, Change Order No. 1 to Purchase Order 231301 with Waronzof Associates, Inc. to prepare a financial analysis and feasibility study for the **Creekside Town Center Project** for the Municipality of Anchorage, Heritage Land Bank (\$54,525), Purchasing. (**Addendum**)

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

- 9.D.11 Resolution No. AR 2004-140, a resolution of the Anchorage Municipal Assembly stating and confirming the Assembly's intent in adopting AR 82-276 that **site selection of major school buildings** used for consolidation of Administrative functions be retained by the Assembly and that sites selected for such projects conform to the comprehensive plan, Assemblymembers Tesche and Tremaine. (**Laid on the Table**)

Mr. Tesche requested this item be pulled for review on the Regular Agenda (*See item 10.D.11*)

9.E. INFORMATION AND REPORTS

- 9.E.1. Information Memorandum No. AIM 48-2004, **contracts awarded between \$50,000 and \$100,000 through formal competitive processes** for the month of April 2004, Purchasing.
- 9.E.2. Information Memorandum No. AIM 49-2004, **Sole Source Procurement Report** for the month of April 2004, Purchasing.
- 9.E.3. Information Memorandum No. AIM 50-2004, Notice of Award for Request for Proposal (RFP) 24-P022 for providing professional engineering services for **System Expansion Analysis** for the Municipality of Anchorage, Anchorage Water & Wastewater Utility (\$188,000), Purchasing. (**Addendum**)

9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

- 9.F.1. Ordinance No. AO 2004-92, an ordinance creating new **Girdwood Lindblad Water Special Assessment District 1730**, and determining to proceed with the proposed improvements therein, Anchorage Water & Wastewater Utility. (*Public Hearing set for 6-22-04 6-08-04*)
- a. Assembly Memorandum No. AM 424-2004.

The Administration requested this item be pulled for review on the Regular Agenda. (*See item 10.F.1*)

- 9.F.2. Ordinance No. AO 2004-93, an ordinance amending Anchorage Municipal Code Chapter 10.45 to add a new section for **surcharge** on adult admission charges to events held in the Alaska Center for the Performing Arts, effective for all performances beginning September 8, 2004, Maintenance & Operations Department. (*Public Hearing set for 6-8-04*)
- a. Assembly Memorandum No. AM 425-2004.
- 9.F.3. Resolution No. AR 2004-134, a resolution of the Municipality of Anchorage appropriating \$50,000 within the Anchorage Fire Department, as a contribution from the Chugiak Fire Service Area (104) Fund Balance, and \$350,000 in anticipated long-term contract payable loan proceeds to the Chugiak Fire Service Area Capital Improvement (404) Fund to provide for the purchase of a new **emergency response fire apparatus** for use by the Chugiak Volunteer Fire Department, Anchorage Fire Department. (*Public Hearing set for 6-8-04*)
- a. Assembly Memorandum No. AM 421-2004.

Mr. Tremaine requested this item be pulled for review on the Regular Agenda (*See item 10.F.3*)

- 9.F.4. Resolution No. AR 2004-135, a resolution of the Municipality of Anchorage appropriating \$46,520,000 of proceeds of General Obligation Bonds to the Anchorage Roads and Drainage Service Area CIP Fund (441), \$1,210,000 to the Areawide General CIP Fund (401), \$5,650,000 to the Anchorage Fire Service Area CIP Fund (431), \$2,000,000 to the Anchorage Metropolitan Police Service Area CIP Fund (451) to pay the costs of **public safety, roads and drainage capital improvement projects**, and contribution \$462,000 from the Anchorage Roads and Drainage Service Area CIP Fund (441) to the Equipment Maintenance Internal Service Fund (601) for the purchase of street maintenance vehicles, Office of Management & Budget. (*Public Hearing set for 6-8-04*)
- a. Assembly Memorandum No. AM 422-2004.
- 9.F.5. Resolution No. AR 2004-136, a resolution amending the Municipality of Anchorage 2003-2007 Housing and Community Development Consolidated Plan to include the **Mountain View Neighborhood Revitalization Strategy**, Economic & Community Development. (*Public Hearing set for 6-8-04*)
- a. Assembly Memorandum No. AM 423-2004.
- 9.F.6. Ordinance No. AO 2004-95, an ordinance of the Anchorage Municipal Assembly reestablishing the **Municipal Airports Advisory Commission** pursuant to Anchorage Municipal Code Section 4.05.150, Mayor's Office. (*Public Hearing set for 6-8-04*) (**Addendum**)
- a. Information Memorandum No. AIM 51-2004.
- 9.F.7. Ordinance No. AO 2004-96, an ordinance of the Anchorage Municipal Assembly **repealing Anchorage Municipal Code Section 4.05.150**, Assemblymember Tesche. (*Public Hearing set for 6-8-04*) (**Addendum**)
- a. Assembly Memorandum No. AM 433-2004.
- 9.F.8. Resolution No. AR 2004-139, a resolution appropriating **Annual Entitlement Grants** from the U.S. Department of Housing and Urban Development and anticipated program income in the amounts of \$2,285,000 of 2004 entitlement and \$30,000 of anticipated program income for the Community Development Block Grant (CDBG), \$1,119,105 of 2004 entitlement and \$135,000 of anticipated recaptured funds for the HOME Investment Partnerships Program (HOME), and \$85,231 of entitlement for the Emergency Shelter Grant (ESG), appropriating said funds to the Federal Categorical Grants Fund (241), and awarding a grant of up to \$40,000 in CDBG funds to Anchorage Historic Properties, Inc., Economic & community Development. (*Public Hearing set for 6-08-04*) (**Laid on the Table**)

END OF CONSENT AGENDA

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

Mr. Tremaine moved, to approve the amended Consent Agenda, with the
Mr. Tesche seconded, exception of those items pulled for review.
and this motion was passed,

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

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

10. REGULAR AGENDA

10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

- 10.A.1. Resolution No. AR 2004-137, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Mel Tipton and the Ship Creek Shuttle** for their promotion of public transportation and economic development in Ship Creek Business District, Mayor Begich; Assemblymembers Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche, Traini, Tremaine and Whittle. (**Addendum**)

Chair Traini read this resolution title and called for a motion from Ms. Shamberg.

Ms. Shamberg moved, to approve AR 2004-137.
Mr. Coffey seconded,
and this was passed unanimously,

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

Ms. Shamberg presented the resolution and Mr. Coffey read the proclamation recognizing and honoring Mr. Mel Tipton and the Ship Creek Shuttle for their promotion of public transportation in the Ship Creek Business District. The success of their efforts helped bring 3000 people into the area annually and they were also recognized for effecting the Ship Creek economic development. Mr. Tipton accepted his award and stated he was pleased to consider Anchorage his home.

10.B. RESOLUTIONS FOR ACTION - OTHER

- 10.B.1. Resolution No. AR 2004-87, a resolution of the Anchorage Municipal Assembly approving the revised (schematic) design for the **Service High School Renewal Phase 2B project**, Anchorage School District.
- a. Assembly Memorandum No. AM 318-2004.

Chair Traini read this resolution title and called for a motion from Mr. Sullivan.

Mr. Sullivan moved, to approve AR 2004-87.
Mr. Tremaine seconded,

To Mr. Sullivan's question, Director of Facilities for the Anchorage School District, Ray Amsden, responded that the entrance of the gym was not part of the gym renovation and those improvements would happen at a later date.

and this motion passed unanimously,

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

10.B.2. Resolution No. AR 2004-132, a resolution of the Municipality of Anchorage appropriating \$37,200 as a contribution from Alaska Communications Systems to the Miscellaneous Grants Fund (261) for the Anchorage Police Department for **Enhanced 911 related projects**, Anchorage Police Department.
a. Assembly Memorandum No. AM 419-2004.

Chair Traini read this resolution title and called for a motion from Mr. Stout.

Mr. Stout moved, to approve AR 2004-132.
Mr. Tesche seconded,

To Mr. Stout's question, Municipal Attorney Fred Boness responded there was no recently filed lawsuit against the city pertaining to 911. Anchorage Police Chief Monegan concurred.

In response to Mr. Tremaine's question, Chair Traini requested a memo for the next meeting from the Administration outlining the impact of the appropriation cuts on the 911 emergency response system.

and this motion was passed unanimously,

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

10.C. BID AWARDS None pulled for review.

10.D. NEW BUSINESS

10.D.1. Assembly Memorandum No. AM 426-2004, 2004/2005 Liquor License Renewal: **Kaze Restaurant** #2296 – Restaurant/Eating Place (Downtown & Government Hill Community Councils), Clerk's Office.

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

Ms. Ossiander moved, to approve AM 426-2004.
Mr. Tesche seconded,

To Ms. Ossiander, Chair Traini stated this license would not be renewed because taxes had not been paid. Mr. Sullivan explained that the Assembly could protest license renewals if taxes were not paid, and when the taxes were current, the protest would be dropped. Chair Traini added this was often the only chance to collect overdue taxes.

Chair Traini requested that Assembly Attorney, Mr. Gatti, to set up a short training session for Assemblymembers to review the liquor license process. Because of Mr. Coffey's knowledge and expertise with liquor licenses, Chair Traini asked him to assist Mr. Gatti.

Ms. Ossiander moved, to approve AM 426-2004, *with protest*, until taxes were paid.
Mr. Tesche seconded,
and this motion was passed unanimously,

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

10.D.2. Assembly Memorandum No. AM 427-2004, 2004/2005 Liquor License Renewals: **Skipper's Seafood 'N Chowder House** #1589 – 3611 Minnesota Dr., **Skipper's Seafood 'N Chowder House** #1762 – 601 E. Dimond, **China Garden** #227, **Phillip's** #3645 – 2902 Minnesota Dr. (Restaurant/Eating Place); **Humpy's Great American Ale House** #3427, **Harry's Restaurant** #323 (Beverage Dispensary); **American Legion Post #34** #3690 (Club) (Downtown, Spenard, Fairview, Midtown, Taku/Campbell, Abbott Loop & Huffman/O'Malley Community Councils).

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

Ms. Jennings moved, to approve 427-2004.
Mr. Tremaine seconded,

Mr. Coffey declared that he had in the past, represented Skipper's Seafood, Humpy's Great American Ale House and Harry's Restaurant in legal matters. To Chair Traini's question, Mr. Coffey responded that he no longer represented any of these establishments and that these businesses were no longer clients of his law firm. Chair Traini ruled that Mr. Coffey did not have a conflict of interest with this issue.

Ms. Jennings pulled this item to discuss the large number of DUIs associated with Humpy's. Ms. Fairclough explained that it was difficult to prove DUIs, because of hearsay evidence from the violator. She stated that an ABC violation, such as serving alcohol to underage customers, would be justified cause to protest liquor license renewal. She recommended Mr. Gatti include a review of cases such as this in the training session he would be conducting.

Mr. Sullivan stated it was important to look at the dates of violations of the establishments when reviewing the license renewals. He gave the example of a two-year-old violation that should not be considered because it had been in the past.

Ms. Fairclough requested the table in this memorandum needed to be clarified, because it appeared that the licensing fee was \$600, the filing fee was \$200 with a \$500 penalty "where applicable" for all establishments. Municipal Clerk Ms. Gruenstein thought it was standard format.

and this motion was passed,

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

10.D.10 Assembly Memorandum No. AM 432-2004, Change Order No. 1 to Purchase Order 231301 with Waronzof Associates, Inc. to prepare a financial analysis and feasibility study for the **Creekside Town Center Project** for the Municipality of Anchorage, Heritage Land Bank (\$54,525), Purchasing. **(Addendum)**

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

Ms. Ossiander moved, to approve AM 432-2004.
Mr. Sullivan seconded,

Ms. Ossiander wanted to thank the Administration for moving in the right direction with this project. She fully supported this plan and wanted open communication concerning the Tax Increment Financing (TIF) because there could be some profound implementations for the rest of the city. To Mr. Coffey, the Administration responded the city would be reimbursed from Alaska Housing Finance Corporation for this project.

and this motion was passed unanimously,

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

10.D.11 Resolution No. AR 2004-140, a resolution of the Anchorage Municipal Assembly stating and confirming the Assembly's intent in adopting AR 82-276 that **site selection of major school buildings** used for consolidation of Administrative functions be retained by the Assembly and that sites selected for such projects conform to the comprehensive plan, Assemblymembers Tesche and Tremaine. **(Laid on the Table)**

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

Mr. Tesche moved, to introduce and postpone AR 2004-140.
Mr. Tremaine seconded,

Mr. Tesche stated this was a result of the recent worksession with the Anchorage School District. He had requested a legal opinion from Mr. Boness and Mr. Gatti. He had learned recently from ASD Superintendent Carol Comeau that the school district did not plan to award bids on the new school headquarters lease project until June 8, 2004, following a worksession on June 4, 2004 and he urged the Assembly to approve introduction and postpone this resolution until that date.

Ms. Ossiander objected to the introduction of this resolution prior to legal advice.

Chair Traini thought the motion to introduce was correct, and postponement was appropriate. He explained the referenced AR 82-276, previously passed by the Assembly, gave the authority of construction and site selection to the Anchorage School District.

To Ms. Fairclough, ASD Superintendent Comeau commented that they would not be taking bids on these projects until after the worksession and they would delay making recommendations to the School Board until June 28, 2004. She stated they would be conducting worksessions and seeking legal counsel.

To Chair Traini, Mr. Boness responded that he did see possible conflict with this resolution. He stated that although he did not reach any final conclusions, he thought there might be legal concerns with the School District's approach.

Mr. Tesche thought it may be appropriate to postpone action on this resolution pending the final legal review from the Municipal Attorney and the School District Counsel. He urged to continue introduction and wait to hear the legal advice.

Chair Traini requested that Assembly Budget Director Elvi Gray-Jackson schedule a joint worksession for June 4, 2004.

Mr. Tesche moved, to introduce and postpone AR 2004-140 until June 8, 2004.

Mr. Tremaine seconded,
Ms. Jennings was the concurring third,

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

10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

- 10.F.1. Ordinance No. AO 2004-92, an ordinance creating new **Girdwood Lindblad Water Special Assessment District 1730**, and determining to proceed with the proposed improvements therein, Anchorage Water & Wastewater Utility. (*Public Hearing set for 6-22-04 6-08-04*)
a. Assembly Memorandum No. AM 424-2004.

Chair Traini read this ordinance title. Deputy Municipal Manager Michael Abbott requested the Public Hearing for this ordinance be scheduled for June 8, 2004 rather than June 22, 2004. Chair Traini called for a motion.

Mr. Abbott moved, *to introduce* AO 2004-93, as amended, *by changing*
Mr. Tremaine seconded, the Public Hearing date from June 22 to "June 8, 2004."
Ms. Jennings was the concurring third,

- 10.F.3. Resolution No. AR 2004-134, a resolution of the Municipality of Anchorage appropriating \$50,000 within the Anchorage Fire Department, as a contribution from the Chugiak Fire Service Area (104) Fund Balance, and \$350,000 in anticipated long-term contract payable loan proceeds to the Chugiak Fire Service Area Capital Improvement (404) Fund to provide for the purchase of a new **emergency response fire apparatus** for use by the Chugiak Volunteer Fire Department, Anchorage Fire Department. (*Public Hearing set for 6-8-04*)
a. Assembly Memorandum No. AM 421-2004.

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

Mr. Tremaine moved, *to introduce* AR 2004-134, as amended, on Line 4,
Mr. Tesche seconded, *by deleting* the second "and."
Ms. Fairclough was the concurring third,

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

- 11.A. Ordinance No. AO 2004-86, an ordinance amending Anchorage Municipal Code Title 17 for technical changes to **definitions, complaints, animals in public places, protective custody, and fee schedule**, Health & Human Services.
1. Assembly Memorandum No. AM 363-2004.
(*Postponed from 5-11-04*)

Chair Traini read this ordinance title and stated a motion to approve from Mr. Tesche was on the floor from the Assembly Meeting of May 11, 2004.

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

Chair Traini called for Assembly discussion.

Mr. Sullivan stated the Animal Advisory Board had recently received recommendations of the Assembly to their summary of AO 2004-86. He moved to postpone action on this issue, to allow the board time to review their comments, and also time to hold an additional worksession, to finalize changes to the ordinance.

Mr. Sullivan moved, *to postpone* AO 2004-86 until June 8, 2004.
Ms. Fairclough seconded,

To Chair Traini, Animal Control Advisory Board Chair, Neil Koeniger, responded that they did not support postponement. They felt the changes the board had proposed included substantial modifications which would improve enforcement and their recommendations had already gone before the public. He urged the body to deal with the clarification issues that the Advisory Board had addressed. If there were additional changes needed he asked to allow time for the board to receive additional public input.

Mr. Tremaine stated he would cast a NO-vote on postponement. He felt the Assembly should pass what was before them and provide relief to the neighbors. He thought other issues could be addressed in the future.

Chair Traini urged the body to not postpone this item. The Animal Control Advisory Board had put much work into an excellent job of proposing clarification and changes.

Mr. Coffey did not object to a short postponement to allow for further comment, but wanted resolution in the near future.

Mr. Stout agreed with postponement for a short period of time. He thought this was a contentious issue and that allowing additional time was appropriate to review the wording, particularly with the issue of noise allowances of three times per day with a maximum of twenty consecutive minutes. He was concerned that the current wording did not permit appropriate allowances for sled dogs.

Mr. Sullivan thought additional time would allow the Assembly to address the gaps in the language. To his question, Mr. Koeniger responded that he felt the board had created language that would help clarify the time allowances. Mr. Koeniger felt the Assembly might make additional changes that had not been heard before the public, and he thought it

1 was important to include the public process with any substantial changes. Mr. Koeniger handed out the proposed
2 changes the board had recommended.

3
4 Mr. Tesche stated he would cast a NO-vote on postponement, following the reasons expressed by the Animal Control
5 Advisory Board and Mr. Tremaine.

6
7 Ms. Ossiander thought with the substantial amendments being recommended by Assemblymembers, it would be a
8 good idea to postpone, allowing the public to respond.

9
10 Ms. Fairclough stated if it was voted to postpone she would like to hear from the Administration on the issue that the
11 Assembly had heard last week.

12
13 Mr. Sullivan thought it was important to have one more worksession, allowing the public to be involved.

14
15 and this motion failed,

16
17 AYES: Fairclough, Sullivan, Stout, Ossiander and Coffey.

18 NAYES: Whittle, Tremaine, Traini, Tesche, Jennings and Shamberg.

19
20 Ms. Ossiander thanked the Animal Control Advisory Board for specific recommendations that would enable the
21 Municipality to be more successful when dealing with enforcement issues. She stated she was concerned with the
22 feeding time and the loading and unloading times. She thought it was important to accommodate sled dogs in the city
23 limits. From her experiences with her own dogs and her communications with the mushing organizations, she thought
24 that it was important to include additional feeding and loading times. She proposed to insert on Page 1, Line 27, after
25 "10:00 p.m. and 7:00 a.m.," a change of wording.

26
27 Ms. Ossiander moved,

28 Mr. Coffey seconded,

to amend AO 2004-86, *by changing* the Coffey amendment
to read: "A licensed commercial or multi animal facility,
as defined below, shall be excused from the seven
consecutive minutes limit for Daytime noise only up to four
times per day, for a maximum of twenty (20) consecutive
minutes each time provided that no 20 minute period shall
occur within one hour of any other 20 minute period."

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35 Ms. Ossiander stated this was following recommendations from mushers and thought this amendment would better
36 accommodate the mushing community.

37
38 Mr. Coffey stated this amendment permitted a practice which was not harmful. It was his understanding that the
39 revisions to Title 21 were coming, and after listening to the testimony of mushers who trained their dogs not to bark
40 excessively, he hoped that this would help preserve dog mushing in the municipal, rural environment. To Mr. Coffey's
41 question, Mr. Koeniger responded that this amendment would make the code more enforceable.

42
43 To Mr. Sullivan's question, Animal Control Advisory Board member, Ms. Traini, responded that if allowing twenty
44 minutes, the numbers of provided times should be reduced because it would be allowing too much time. She thought
45 that fifteen minute sessions would be more appropriate in a one hour session.

46
47 Mr. Sullivan proposed to amend Ossiander's amendment, amending Coffey's amendment to AO 2004-86, by changing
48 on Lines 30 and 31, the twenty minute period to a fifteen minute period.

49
50 Mr. Sullivan moved,

51 Mr. Coffey seconded,

to amend the Ossiander amendment, *by changing* the
Coffey amendment to read: "...for a maximum of "fifteen
(15)" consecutive minutes each time provided that no "15"
minute period shall occur within one hour of any other "15"
minute period."

52
53
54
55
56 Mr. Sullivan did not want to compound the problem and thought that this reduction would resolve those situations of
57 conflict. The four, fifteen minute periods allowed the same amount of total time for the mushers to handle their teams
58 and would be enough time to feed and load their dogs.

59
60 Mr. Tremaine stated that a dog yard with ten or twenty five dogs might be able to accomplish feeding and loading in
61 fifteen minutes, but that dog yards with more dogs would find this time period difficult. He thought the twenty minute
62 allowance was acceptable.

63
64 Ms. Ossiander urged a NO-vote on the Sullivan amendment. She thought there had been enough testimony from dog
65 mushers on the amount of time needed to feed and load the animals.

66
67 Chair Tesche called for a vote on the Sullivan amendment.

68
69 and this motion failed,

70
71 AYES: Fairclough, Sullivan, Shamberg and Coffey.

72 NAYES: Whittle, Tremaine, Traini, Tesche, Stout, Jennings and Ossiander.

73
74 Chair Traini called for additional comments the Ossiander amendment.

75
76 Mr. Stout urged a YES-vote. He thought it addressed his concerns and was appropriate.

77

Chair Traini called for a vote on the Ossiander amendment.

and this motion was approved,

AYES: Fairclough, Whittle, Tremaine, Traini, Stout, Ossiander and Coffey.

NAYES: Sullivan, Tesche, Jennings and Shamberg.

Mr. Sullivan proposed to amend AO 2004-86 on Page 1, Lines 24 and 25.

Mr. Sullivan moved,	to amend AO 2004-86, on Page 1, Lines 24 and 25, by
Mr. Coffey seconded,	<i>changing</i> seven consecutive minutes to “five” consecutive
	minutes; on Line 25 from five consecutive minutes to “three”
	consecutive minutes and on Line 26, from five consecutive
	minutes to “three” consecutive minutes.

Mr. Sullivan stated he had received testimony and calls indicating the time allowances for noise were too long.

To Mr. Tremaine’s question, the MOA Animal Control Enforcement Officer, Richard Novy, responded that over 90% of the complaints to Animal Control were for dog barking. He agreed that repetitive barking of more than three or four minutes was excessive for many people. He thought that problem dogs were often dogs left at home alone, had no stimulation and had irresponsible owners.

To Chair Traini’s question, Mr. Koeniger, with the Animal Control Advisory Board also opposed the amendment. He stated that the only other testimony heard by their board that had exceeded dog barking was the issue of cat licensing.

Ms. Jennings stated she would not support any amendments. She felt that the Animal Control Advisory Board had done their work and she would support the ordinance the way it was.

Mr. Coffey thought that the seven minute and five minute limits were reasonable, and would make neighbors respect neighbors and he supported the Sullivan Amendment.

Mr. Tesche opposed the Sullivan amendment supported the recommendations of the Animal Control Advisory Board.

Mr. Tremaine would also follow the Advisory Board and would oppose the Sullivan amendment.

Chair Traini thought the Animal Control Advisory Board had done a good job. To his question, Municipal Manager Denis LeBlanc responded that the Administration would present a report of all the complaints every three months to the Assembly. Chair Traini called for a vote on the Sullivan amendment.

and this motion failed,

AYES: Fairclough, Sullivan and Coffey.

NAYES: Whittle, Tremaine, Traini, Tesche, Stout, Jennings and Ossiander.

(Clerk’s Note: Shamberg was temporarily out of room)

Mr. Sullivan proposed to amend AO 2004-86, by defining chronic animal noise on Page 1.

Mr. Sullivan moved,	to amend AO 2004-86, by adding on Line 24: “Chronic animal
Ms. Fairclough seconded,	<u>noise means repeated vocalization by an animal or animals in</u>
and this was unanimously approved,	<u>a sixty minute period from the time the noise begins...</u> ”

Mr. Sullivan proposed to amend AO 2004-86 to further define animal noise standards.

Mr. Sullivan moved,	to amend AO 2004-86, by adding at the end of Page 1, in a
Mr. Tremaine seconded,	<u>new paragraph: “Chronic animal noise also means</u>
	<u>vocalization by an animal or animals that violate the noise</u>
	<u>standards set forth in Title 15 of the Anchorage Municipal</u>
	<u>Code.”</u>

To Tesche, Municipal Attorney Fred Boness responded this amendment did not sound like a technical amendment and could be potentially problematical. Mr. Tesche thought that cross-referencing codes may confuse the burden of proof of the Municipality when concerning enforcement and, based on Mr. Boness’ comment, he would not support the amendment.

Ms. Ossiander commented that the Animal Control Enforcement Officers had testified that this was difficult to accomplish and they would not support it.

Mr. Coffey stated it was his hope that if set standards were established that individual homeowners, who were annoyed, could address the concerns before the Hearing Officer. He thought that standards in Title 17 had been established and the noise ordinance would apply. He thought this amendment would give enforcement another method to deal with the problems and he would support the amendment.

Mr. Sullivan defended his amendment, stating that further definition of chronic animal noise was needed in terms of duration and volume. He thought it was legally correct and appropriate.

Ms. Jennings stated the second sentence of the amendment was more than just a technical change. While she supported the concept behind standards set on decibels, she thought only the technical changes should be included.

To Ms. Fairclough's question, Municipal Attorney Boness responded that decibel levels were already in Code 15.70.80, but did not define the source of the noise. Mr. Coffey stated that Code 15.70 referred back to Title 17 but did not set a standard for noise. He thought by including a description of decibel levels in Title 17, the provision of Title 15 would refer it to the noise ordinance.

Chair Traini called for a vote on the Sullivan amendment dealing with chronic noise and Title 15.

and this motion was approved,

AYES: Fairclough, Whittle, Sullivan, Stout, Shamberg and Coffey.

NAYES: Tremaine, Traini, Tesche, Jennings and Ossiander.

To Mr. Tremaine's question, MOA Health and Human Services responded enforcing decibel rules was expensive because it involved noise-training for officers and they currently did not have the manpower for additional duties.

Mr. Coffey stated his goal was not to increase the burden of already overworked animal control officers, but to give additional tools to property owners who were dealing with noise issues. To his question, Health and Human Services stated that currently the code did not define the responsibility of the complainant to bear all financial costs and to produce the evidence. Mr. Coffey recommended that the definition be included and he proposed to make an amendment to clarify that the responsibility was on the homeowner.

Mr. Whittle stated that this explanation changed his views on the amendment and he proposed immediate reconsideration.

Mr. Whittle moved, for *immediate reconsideration* of the Sullivan amendment,
Mr. Tesche seconded, dealing with chronic noise and Title 15.

Mayor Begich stated that the Administration supported the language change to put the responsibility of the cost and collecting evidence on the complainant.

To Mr. Whittle, Ms. Heather Wheeler, with the MOA Health and Human Services responded that even if the language included the responsibility clause, there may be burden of proof issues with the Hearing Officer.

Mr. Coffey stated he would support reconsideration because he did not want to deprive the homeowner the opportunity of using an additional tool.

Mr. Sullivan thought that this still would be possible, with redirected funds into these municipal departments to increase staffing and he would be willing to find the resources.

Chair Traini call for a vote for immediate reconsideration on the Sullivan amendment.

and this motion was unanimously approved,

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

NAYES: None.

Chair Traini stated the body would now reconsider the Sullivan amendment, describing standards of chronic animal noise in Title 15.

To Ms. Ossiander, Ms. Wheeler reported that her meter reading of the dog yard which was the focus of the complaint before the Assembly the proceeding week, was found to be within the legal decibel limits.

Mr. Coffey proposed to amend the Sullivan amendment.

Mr. Coffey moved, to amend the Sullivan amendment, amending AO 2004-86,
Mr. Sullivan seconded, by *including* language: Chronic animal noise also means vocalization by an animal or animals that violate the noise standards set forth in Title 15 of the Anchorage Municipal Code. "Any noise investigation conducted for the purpose of this section shall be the sole and exclusive responsibility of the complainant. It shall not be the responsibility of the Health and Human Service."

Mr. Whittle thought the burden of proof would still be the responsibility of the city.

Ms. Jennings questioned the purpose of the first part of the amendment. Mr. Sullivan responded that the noise level from dogs could be over the allowed decibel levels.

Mr. Coffey stated it was the job of the Hearing Officer to make the decision on issues that came before him. If the disturbed homeowner could not prove the case through recordings of uninterrupted barking or other noise violations, they would lose the case. The intention of his amendment was to clarify that it was not the responsibility of Health and Human Services.

Ms. Ossiander agreed with Mr. Whittle. Municipal Attorney Boness responded that his opinion was that the Hearing Officer only reviewed enforcement issues, and cases like this matter would end up in a court of law. Mr. Boness

clarified that animal issues were dealt with differently than issues before the Planning and Zoning Commission, and did not provide the private right of action.

Assembly Attorney Michael Gatti added that an individual could bring a common law nuisance action and the standards set forth in the ordinance could be utilized as evidence in support of the action, without involving the Municipality.

To Mr. Sullivan, Mr. Gatti clarified that an individual could bring a nuisance action that would not involve the Hearing Officer. He stated there was a provision in Title 15 which applied to hazardous noise and noise duration, which could apply to animal noise. He added there was a provision in Title 15 which addressed animals engaged in that sort of activity and included a prohibition on owning those sorts of animals. He thought there were some tools in Title 15 pertaining to noise that could pertain to animals, which may be researched.

and this motion failed, to approve the Coffey amendment to the Sullivan amendment.

AYES: Sullivan, Tesche, Shamberg and Coffey.

NAYES: Fairclough, Whittle, Tremaine, Traini, Stout, Jennings and Ossiander.

Chair Traini directed the body back to the Sullivan amendment, as reconsidered.

To Mr. Tesche, Mr. Sullivan clarified the purpose of his amendment, explaining that adding language on Line 24 would alleviate the situation of allowing a dog to bark in intervals of seven minutes, taking a one-minute gap and barking again for seven minutes. Mr. Koeniger agreed that this was language recommended by the Animal Control Advisory Board and supported the amendment. Mr. Sullivan urged a YES-vote.

and this motion failed, to approve the Sullivan amendment, *as reconsidered*, dealing with chronic noise and Title 15.

AYES: Sullivan, Shamberg and Coffey.

NAYES: Fairclough, Whittle, Tremaine, Traini, Tesche, Stout, Jennings and Ossiander.

Mr. Coffey proposed to amend the ordinance on Page 5.

Mr. Coffey moved, to amend AO 2004-86, on Page 5, in the table in Section 8,
Ms. Fairclough seconded, Line 7, under "Fee" and "Refund" *by adding* the words "Cost,
and this motion was withdrawn, rounded to the nearest dollar, plus 10%."

To Chair Traini, Mr. Koeniger responded the existing language was the same that was in the code, and they wanted to distinguish between animals not having proof of required vaccinations. Mr. Coffey stated he had requested information concerning the Animal Control Advisory Board's intention, but had not yet reviewed it. Mr. Koeniger supplied Mr. Coffey with the explanation and Mr. Coffey withdrew his amendment, and the second concurred.

Chair Traini returned the body to the main motion, approving AO 2004-86, as amended.

Mr. Tremaine urged a YES-vote.

Chair Traini called for a vote.

and the motion was passed, to approve AO 2004-86, as amended.

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

NAYES: None.

12. APPEARANCE REQUESTS

12.A. **The Links, Inc.**, commemorating the 50th Anniversary of *Brown v. Board of Education*.

TINA JOHNSON-HARRIS gave a historic review of The Links, Inc., a national group of over 10,000 members, who were partnering with NAACP and other civic and civil rights organizations to celebrate the fiftieth anniversary of Brown-v-Board of Education, on May 17, 2004. This was a landmark Supreme Court ruling that prevented racial segregation. Ms. Harris was joined by other Links members, including Ms. Jewel Jones, Ms. Mattie Powell and Ms. Frances Johnson and her granddaughter, Ariana. Ms. Jones handed out advertisements of the upcoming activities celebrating the historical event. Ms. Harris thanked the Assembly and the Administration for the recognition. Mayor Begich presented a proclamation to The Links, Inc., honoring this Chapter for their work. To Mr. Whittle's question, Ms. Johnson-Harris responded that Alaska had a long ways to go, but was far better than many cities and states across the nation. Ms. Jennings thanked Ms. Harris and the other representatives of Links for coming before the Assembly.

13. CONTINUED PUBLIC HEARINGS

13.A. Resolution No. AR 2004-108, a resolution amending Title 21 of the Anchorage Municipal Code of Regulations to add a new Chapter 21.90, regulations governing **Multiple Dwelling Unit Residential Development on a Single Lot or Tract** within the Municipality, Project Management & Engineering/Development Services/Traffic/Anchorage Fire Department.
(Continued from 5-11-04)

1. Resolution No. AR 2004-108(S-1), a resolution amending Title 21 of the Anchorage Municipal Code of Regulations to add a new Chapter 21.90, regulations governing **Multiple Dwelling Unit Residential Development on a Single Lot or Tract** within the Municipality, Project Management & Engineering/Development Services/Traffic/Anchorage Fire Department.

2. Resolution No. AR 2004-108(S-2), a resolution amending Title 21 of the Anchorage Municipal Code of Regulations to add a new Chapter 21.90, regulations governing **Multiple Dwelling Unit Residential Development on a Single Lot or Tract** within the Municipality, Project Management & Engineering/Development Services/Traffic/Anchorage Fire Department. **(Laid on the Table)**

Chair Traini explained this issue would most likely be postponed and continued at the next Assembly Meeting. He stated persons would be allowed to speak only one time, either at this Public Hearing or at the next Assembly Meeting. He opened Public Hearing.

SHEILA HOWE, a past member of the Planning Committee of the Northeast Community Council, stated the site condos did not have safe sidewalks or space for small buses to pick up children at their door, which was federally required. She stated that the site condo law needed to address both those issues. To Mr. Tesche, Ms. Howe responded that the Assembly should consider the standards defined in the American Disabilities Act (ADA). To Ms. Jennings, Ms. Howe responded that the first version of the site condo ordinance worked, but the second one did not. She responded that the ADA requirements needed to be met, if the developments were to be classified under ADA, catering to disabled Americans. Mr. Stout thanked Ms. Howe for her continued public service.

BOB PETERSON, owner of the Peterson Development Group, a condo development company, testified. He had been on the condo review committee with Assemblymembers Anna Fairclough and Doug Van Etten, addressing many issues, including parcel connectivity, access for fire equipment and street construction integrity. He supported most of the amendments, but questioned the required spacing of 20-foot fire clearance in between buildings, which caused him to lose his design of "garden windows." To Ms. Shamberg, Mr. Peterson responded that many additions were practical but others were too demanding, causing too much impact on the developers. Ms. Fairclough asked Mr. Peterson to consider a five-unit complex. To Mr. Sullivan, Peterson responded that additional considerations were needed to address the twenty-five foot driveway and the allowances of a turnaround. He thought there could be concerns with implementation of the new standards, which would create tremendous amounts of work, issuing all the variances and permits.

Ms. Ossiander moved, *to postpone* AR 2004-108 and any "S" Versions, with
Mr. Sullivan seconded, continued Public Hearing on June 8, 2004.

To Mr. Tremaine, Mr. Peterson responded that condo developers did not need a subdivision permit to get a grading permit. He responded that the ordinance set to be heard by the Planning and Zoning Commission would have a huge impact on developers. Mr. Peterson could not make recommendations, because he would be impacted either way.

Mr. Tremaine summarized that the builders were getting grading permits, assuming they would be guaranteed building permits. He emphasized that they were acting at their own risk. Mr. Tremaine stated he would cast a NO-vote on postponement.

Mr. Tesche stated that the "Potter" Resolution would come before the Assembly on June 9, 2004, if the Planning and Zoning Commission had completed their recommendations. To Mr. Tesche's question, Mayor Begich responded that the Administration was ready to resolve the site condo issue. The Mayor clarified that all permit applicants would continue to be issued necessary permits, including grading permits, under the old rules, until this issue was resolved.

To Ms. Fairclough's question, Mr. Tom Nelson, Director of the MOA Planning Department, concurred that a subdivision process was not required by condo developers to get a grading permit. Ms. Fairclough stated she would support continued Public Hearing and Assembly action on June 8, 2004.

Chair Traini stated that Municipal Attorney Mr. Boness had finalized his findings on the issue of regulations in regard to existing grading permits and had distributed copies to Assemblymembers and the public.

Mr. Sullivan stated he supported postponement until June 8th, to allow the building community, the public and Assemblymembers time to review and make informed decisions.

Mr. Stout agreed with postponement. He viewed the S-2 Version of the ordinance as a substantial rewrite from what had previously been discussed, and he had not had time to review it.

With no additional public testimony, Chair Traini called for a vote on Ms. Ossiander's motion for postponement.

and this motion was passed,

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

NAYES: Tremaine and Tesche.

Ms. Fairclough stated that this issue had gone on long enough and thought the Planning and Zoning Commission's time was being wasted, if the Assembly would not be seriously considering a conditional use process on this issue.

Mr. Tesche stated that he wanted the recommendations of the Planning and Zoning Commission.

14. NEW PUBLIC HEARINGS

- 14.A. Resolution No. AR 2004-114, a resolution of the Municipality of Anchorage appropriating the \$102,000 from the State of Alaska, Department of Transportation and Public Facilities, Division of Statewide Planning Highway Safety Office and reappropriating \$1,543 of contributions from the 2002 Seat Belt Enforcement Grant, State Categorical Grants Fund (231) and reappropriating \$647 of contributions from the 2003 Seat Belt Enforcement Grant, State Categorical Grants Fund (231) to the State

Categorical Grants Fund (231) for the **Seat Belt Enforcement Blitz Program**, Anchorage Police Department.

1. Assembly Memorandum No. AM 375-2004.

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. Ossiander moved, to approve AR 2004-114.
Mr. Coffey seconded,

To Chair Traini's question, Anchorage Police Department Chief Walt Monegan responded this program was a secondary law for adults and a primary law for children. He stated the state had proposed making the law for mandatory seat belts a primary law for both children and adults, but it had died in committee. Chief Monegan responded to Chair Traini's question that Municipal Police Officers would not stop an adult without children for seat belt enforcement alone.

and this motion was passed,

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

NAYES: None.

(Clerk's Note: Sullivan was temporarily out of room)

14.B. Resolution No. AR 2004-115, a resolution of the Municipality of Anchorage appropriating \$164,448 from the State of Alaska, Department of Health and Social Services to the State Categorical Grants Fund (231) Department of Health and Human Services for the purpose of developing and implementing a **Multi-Cultural Child Abuse Prevention Campaign** and a contract with University of Alaska Anchorage, Justice Center to evaluate the project, Health and Human Services.

1. Assembly Memorandum No. AM 376-2004.

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 2004-115.
Ms. Jennings seconded,
and this motion was passed,

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

NAYES: None.

(Clerk's Note: Sullivan was temporarily out of room)

14.C. Resolution No. AR 2004-116, a resolution of the Municipality of Anchorage appropriating the sum of \$135,195 from the U.S. Environmental Protection Agency and \$323,000 as a cash match from the 2004 Department of Health and Human Services Operating Budget to the Federal Categorical Grants Fund (241), Department of Health and Human Services for **air quality monitoring, enforcement and planning**, Health and Human Services.

1. Assembly Memorandum No. AM 377-2004.

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.

Mr. Tremaine moved, to approve AR 2004-116.
Ms. Jennings seconded,
and this motion was passed,

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

NAYES: None.

(Clerk's Note: Sullivan was temporarily out of room)

14.D. Resolution No. AR 2004-122, a resolution of the Municipality of Anchorage appropriating \$199,000 as a grant to the Federal Categorical Grants Fund (241), Department of Health & Human Services, from the Southcentral Foundation for the purpose of providing **emergency alcohol services**, Health & Human Services.

1. Assembly Memorandum No. AM 397-2004.

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. Ossinder moved, to approve AR 2004-122.
Ms. Tesche seconded,
and this motion was passed,

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

NAYES: None.

(Clerk's Note: Sullivan was temporarily out of room)

14.E. Ordinance No. AO 2004-85, an ordinance amending Anchorage Municipal Code Section 3.30.172 to add, rename and delete executive position classifications for the **Executive Branch Organization**, Employee Relations.

1. Assembly Memorandum No. AM 357-2004.

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

Ms. Jennings moved, to approve AO 2004-85.
Mr. Tremaine seconded,
and this motion was passed,

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

NAYES: None.

(Clerk's Note: Sullivan was temporarily out of room)

14.F. Resolution No. AR 2004-106, a resolution of the Municipality of Anchorage, Alaska, confirming and levying assessments for the sewer special improvements within **Levy-Upon-Connection (LUC) Roll 04-S-4**, setting date of payment and providing for penalties and interest in the event of delinquency, Anchorage Water & Wastewater Utility.

1. Assembly Memorandum No. AM 354-2004.

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

Ms. Jennings moved, to approve AR 2004-106.
Mr. Tremaine seconded,

Mr. Tremaine proposed to insert the current date on Line 18.

Mr. Tremaine moved, to amend AR 2004-106, on Line 18, *by adding*
Mr. Tesche seconded, the current date of "May 18, 2004."
and this was approve,

Ms. Jennings moved, to approve AR 2004-106, as amended.
Mr. Tremaine seconded,
and this motion was passed,

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

NAYES: None.

(Clerk's Note: Sullivan was temporarily out of room)

14.G. Ordinance No. AO 2004-84, an ordinance amending Anchorage Municipal Code Section 4.05.040 to set the commencement and termination of **board and commission terms** to October and to provide for automatic extension of appointed members terms until a new appointment is confirmed by the Assembly or a maximum of 120 days, and to extend terms of existing board and commission members by 8 months, Planning Department.

1. Assembly Memorandum No. AM 356-2004.

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.

Mr. Tremaine moved, to approve AO 2004-84.
Mr. Tesche seconded,

To Mr. Coffey, Mayor Begich responded there were no time limits on filling boards and commissions. The Mayor added that his Administration had acted quickly to fill appointment vacancies.

and this motion was passed,

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

NAYES: None.

(Clerk's Note: Sullivan was temporarily out of room)

14.H. Ordinance No. AO 2004-79, an ordinance amending the zoning map and providing for the rezoning of **Gladys Wood Park Subdivision, Tract 1**, from R-1 (Single Family Residential) and R-2M (Multiple Family Residential) to PLI-p (Public Lands and Institutions-Park), generally located north of Strawberry Road and west of Cranberry Street (Sand Lake Community Council) (Planning and Zoning Commission Case 2004-001), Planning Department.

1. Assembly Memorandum No. AM 316-2004.

Chair Traini read this ordinance title and opened Public Hearing. There being no one to testify, he closed Public Hearing and called for a motion. Mr. Tesche proposed to continue Assembly action and Public Hearing on this item and remand this ordinance to the Planning and Zoning Commission.

Mr. Tesche moved, to postpone AO 2004-79, remanding to the Planning and
Mr. Tremaine seconded, Zoning Commission.
and there were no objections,

15. SPECIAL ORDERS None.

16. UNFINISHED AGENDA None.

17. AUDIENCE PARTICIPATION

JOSEPH DELL addressed the Assembly concerning the Hoffstone Site Condo Development that was under construction near 80th and Lake Otis Boulevard near Alpine View Circle. He explained the developers had hit a natural spring, which was creating a lake in the area. He and other residents of the area were concerned with the water problems if construction continued and wondered how the developers were going to resolve the current issues. Mr. Dell explained this had begun last summer, and there had been extensive water flow. He stated there were residents on Belridge Circle who were having severe water problems as a result of the development. Mr. Dell asked the Assembly and the Administration to look into the water issue and help monitor this particular development.

18. ASSEMBLY COMMENTS

Ms. Fairclough stated that she would have future questions about the Ship Creek Project involving Hartsel Road. Deputy Municipal Manager Michael Abbott responded that he would provide answers.

To the Administration, Ms. Ossiander requested that it would be helpful if items for consideration be submitted to Assemblymembers prior to the beginning of the Assembly Meeting.

Ms. Fairclough stated that she and Mayor Begich had attended the graduation ceremony of Leadership Anchorage. She also reminded the body there would be a fund raiser to benefit the Youth Court, scheduled for May 19, 2004. She explained this was a hog roast, hosted by the Anchorage Homebuilders Association, and would be held in Eagle River.

Ms. Jennings thanked Mr. Dell for his patience and sharing his concerns with the artesian spring on 80th Avenue.

Mr. Sullivan announced the annual Performing Arts Center Patrons' Dinner and Reception would be held June 2, 2004.

Chair Traini responded that there was a social gathering scheduled at Isaac Walton for Saturday, June 5, 2004.

19. EXECUTIVE SESSIONS None.

20. ADJOURNMENT

Chair Traini called for a motion to adjourn the meeting.

Mr. Tesche moved, to adjourn the Regular Assembly Meeting.
Ms. Shamberg seconded,
and this motion was passed,

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

The Regular Assembly Meeting was adjourned at 9:35 p.m.

DICK TRAINI, Assembly Chair

ATTEST:

BARBARA GRUENSTEIN, Municipal Clerk
Date Minutes Approved: July 6, 2004
MC/BG
Agenda Published THE ANCHORAGE CHRONICLE
P.O. 52464-496-04