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2
3 **MUNICIPALITY OF ANCHORAGE**
4 **ANCHORAGE ASSEMBLY**

5
6 **Assembly Chambers, Z. J. Loussac Library**
7 **3600 Denali Street, Anchorage, Alaska**

8
9 **Minutes for Regular Meeting of September 7, 2004**
10 **Continued to September 8, 2004, amended**
11

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13
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16
17 **1. CALL TO ORDER**

18
19 The Assembly Meeting was called to order by Chair Traini at 5:00 p.m. on September 7, 2004. The meeting was
20 continued to September 8, 2004, when it was called to order at 6:08 p.m.

21
22 **2. ROLL CALL** A Quorum was achieved each evening with all Assemblymembers present.

23
24 **PRESENT:** Anna Fairclough, Brian Whittle, Dick Tremaine, Dan Sullivan, Dick Traini, Allan Tesche, Ken Stout,
25 Pamela Jennings, Debbie Ossiander, Janice Shamberg and Dan Coffey.

26 **ABSENT:** None.

27
28 **3. PLEDGE OF ALLEGANCE** Assemblymember Coffey led the pledge.

29
30 **4. MINUTES OF PREVIOUS MEETING**

31 4.A. Regular Meeting – August 3, 2004

32
33 Mr. Tesche moved, to approve Minutes of the Regular Meeting
34 Mr. Tremaine seconded, of August 3, 2004.
35 and this motion was passed unanimously,
36

37 **5. MAYOR'S REPORT**

38
39 Mayor Begich reported on the municipal tax reform.

40
41 The Mayor honored individuals who had done outstanding services in the line of duty. Police Chief Monegan shared
42 with the recognitions, presenting awards to these men, as the Mayor read proclamations of their services. Officer
43 Kevin McDonald was presented the Medal of Valor for his heroism when he was dispatched to a Spenard hotel and
44 subdued an agitated man threatening suicide, and threatened Officer McDonald's life and the lives of other officers on
45 the scene. Detective Glen Klinkhart received the Meritorious Conduct Award for his dedication and outstanding
46 service involved with the Bethany Corriera disappearance and murder case. Property and Evidence Supervising
47 Officer Greg Stewart received the Meritorious Conduct Award for his outstanding performance in improving and
48 streamlining procedures for the Drug and Evidence Room. Citizen Michael Savage received a Citizen's Letter of
49 Recognition for his vital role in saving the life of Mr. Steven Polk, suffering from a heart attack.

50
51 **6. ASSEMBLY CHAIR'S REPORT**

52
53 Chair Traini reported on his recent meeting with the Mayor of Incheon Korea, one of Anchorage's Sister Cities. He
54 also reported on the large monument, recently installed at the Ted Steven's International Airport, by the people of
55 Incheon.

56
57 **7. COMMITTEE REPORTS** None.

58
59 **8. ADDENDUM TO AGENDA**

60
61 Chair Traini read the Addendum items and added AM 659-2004, AO 2004-129, AO 2004-130. AO 2004-131 was laid
62 on the table and a personal appearance request from Robert Bassett was added. These items were assigned Agenda
63 Numbers 9.C.6, 9.F.8, 9.F.9, 9.F.10 and 12.C, respectively. The Chair then called for additional Addendum items, and
64 there being none, he called for a motion to incorporate the Addendum items into the Regular Agenda.

65
66 Mr. Tesche moved, to approve the inclusion of the Addendum items into the
67 Mr. Sullivan seconded, Regular Agenda.
68 and this motion was unanimously passed,
69

70 Chair Traini called for a motion on the Consent Agenda.

71
72 Mr. Tesche moved, to approve the Consent Agenda.
73 Mr. Sullivan seconded,
74

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

76
77 **9. CONSENT AGENDA**

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

- 1 9.A.1. Resolution No. AR 2004-216, a resolution of the Anchorage Municipal Assembly honoring and
2 thanking **Alejandro (Alex) Vargas** for many years of displaying his culinary arts and friendship to the
3 employees of City Hall, Mayor Begich; Assemblymembers Coffey, Fairclough, Jennings, Ossiander,
4 Shamberg, Stout, Sullivan, Tesche, Traini, Tremaine and Whittle.

5
6 Ms. Fairclough requested this item be pulled for review on the Regular Agenda. (See item 10.A.1)

7
8 **9.B. RESOLUTIONS FOR ACTION - OTHER**

- 9 9.B.1. Resolution No. AR 2004-217, a resolution authorizing the Municipality to grant a telecommunication
10 easement to **Matanuska Telephone Association, Inc.**, in the northeast corner of Tract 3, Eagleridge
11 Subdivision Phase A, Plat 81-292, within Section 13, T14N, R2W, S.M., Alaska, located at Gruening
12 Middle School site near Eagle River Road, Tax #050-872-01, Project Management & Engineering.
13 a. Assembly Memorandum No. AM 673-2004.
14 9.B.2. Resolution No. AR 2004-219, a resolution authorizing the Municipality of Anchorage to grant an
15 electrical easement to **Matanuska Electric Association, Inc. (MEA) and Matanuska Telephone**
16 **Association (MTA)** across a portion of Tract B, Eagle Bluff Subdivision, (Tax ID #060-031-27), a
17 portion of HLB Parcel 1-085 and managed by Eagle River Parks and Recreation, Heritage Land Bank.
18 a. Assembly Memorandum No. AM 678-2004.
19 b. Resolution No. AR 2004-219(S), a resolution authorizing the Municipality of Anchorage to
20 grant an electrical easement to Matanuska Electric Association, Inc. (MEA) and Matanuska
21 Telephone Association (MTA) across a portion of Tract B, Eagle Bluff Subdivision, (Tax ID
22 #060-031-27), a portion of HLB Parcel 1-085 and managed by Eagle River Parks and
23 Recreation, Heritage Land Bank. (**Laid on the Table**)
24

25 (Clerk's Note: AR 2004-219 was approved on the Consent Agenda on 9-07-04 and was approved for reconsideration
26 on 9-08-04; See Agenda Item 10.B.2)

- 27
28 9.B.3. Resolution No. AR 2004-221, a resolution of the Municipality of Anchorage authorizing the
29 Administration to apply for low income **Weatherization Assistance Program grant funds** from
30 Alaska Housing Finance Corporation, Health and Human Services.
31 a. Assembly Memorandum No. AM 682-2004.
32 9.B.4. Resolution No. AR 2004-223, a resolution of the Anchorage Municipal Assembly appropriating
33 \$40,250 from the State of Alaska, Department of Community and Economic Development, to the State
34 Categorical Grants Fund (231) for continuing implementation of the **Anchorage Coastal**
35 **Management Program**, Planning Department.
36 a. Assembly Memorandum No. AM 686-2004.
37 9.B.5. Resolution No. AR 2004-227, a resolution of the Municipality of Anchorage appropriating \$8,500 from
38 a National Park Service grant to the Federal Categorical Grants Fund (241), Economic and
39 Community Development, for **Iditarod National Historic Trail improvements**, Office of Economic &
40 Community Development.
41 a. Assembly Memorandum No. AM 690-2004.
42

43 **9.C. BID AWARDS**

- 44 9.C.1. Assembly Memorandum No. AM 660-2004, recommendation of award to multiple vendors for
45 providing **miscellaneous heavy duty equipment** to the Municipality of Anchorage, Municipal Light &
46 Power (ML&P), Anchorage Water & Wastewater Utility (AWWU) and the Maintenance & Operations
47 Department (M&O) (ITB 24-B035) (\$568,913), Purchasing.
48 9.C.2. Assembly Memorandum No. AM 662-2004, recommendation of award to Cal Worthington Ford and
49 Alaska Sales & Service, Inc. for providing **miscellaneous light duty vehicles** to the Municipality of
50 Anchorage, Municipal Light & Power (ML&P) and the Maintenance & Operations Department (M&O)
51 (ITB 24-B039) (\$1,257,152), Purchasing.
52 9.C.3. Assembly Memorandum No. AM 665-2004, recommendation of award to Shepard Bros., Inc. for
53 furnishing **extended passenger vans** to the Municipality of Anchorage, Public Transportation
54 Department (ITB 24-B037) (\$352,413), Purchasing.
55 9.C.4. Assembly Memorandum No. AM 666-2004, recommendation of award to Tam Construction, Inc. for
56 the **DeBarr-Muldoon to Turpin Water Upgrade** for the Municipality of Anchorage, Anchorage Water
57 & Wastewater Utility (ITB 24-C050) (\$378,690), Purchasing.
58 9.C.5. Assembly Memorandum No. AM 674-2004, recommendation of award to Young's Firehouse for
59 furnishing **uniforms** to the Municipality of Anchorage, Anchorage Fire Department (ITB 24-C032)
60 (\$208,867.90/yr), Purchasing.
61

62 Ms. Shamberg requested this item be pulled for review on the Regular Agenda. (See item 10.C.5)

- 63
64 9.C.6. Assembly Memorandum No. AM 695-2004, recommendation of award to Consolidated Contracting &
65 Engineering for the **Northwood Maintenance Code Upgrade** for the Municipality of Anchorage,
66 Project Management & Engineering (ITB 24-C043) (\$264,444), Purchasing. (**Addendum**)
67

68 **9.D. NEW BUSINESS**

- 69 9.D.1. Assembly Memorandum No. AM 657-2004, **Arts Advisory Commission appointment** (Bob Curtis-
70 Johnson), Mayor's Office.
71

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

- 73
74 9.D.2. Assembly Memorandum No. AM 658-2004, **Light and Power Commission** appointment
75 (Mark Wiggins), Mayor's Office.
76

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

- 1 9.D.3. Assembly Memorandum No. AM 655-2004, **Platting Board** appointment (Mike Kreger), Mayor's
2 Office. (*Clerk's Note: Assembly Action on AM 655-2004 will be Postponed to September 21, 2004 to*
3 *permit a 10-day public comment period pursuant to AMC 21.10.010 B.*)
4

5 Ms. Fairclough requested this item be pulled for review on the Regular Agenda. (*See item 10.D.3*)
6

- 7 9.D.4. Assembly Memorandum No. AM 656-2004, **Urban Design Commission** appointments (Linda Cyra-
8 Korsgaard, Luanne Urfer), Mayor's Office. (*Clerk's Note: Assembly Action on AM 656-2004 will be*
9 *Postponed to September 21, 2004 to permit a 10-day public comment period pursuant to AMC*
10 *21.10.010 B.*)
11

12 Mr. Tremaine requested this item be pulled for review on the Regular Agenda. (*See item 10.D.4*)
13

- 14 9.D.5. Assembly Memorandum No. AM 652-2004, **Villa Nova** #1608- Transfer of Ownership for a Restaurant
15 Eating Place and Restaurant Designation Liquor License (Spenard, Midtown & Taku/Campbell
16 Community Councils), Clerk's Office.

- 17 9.D.6. Assembly Memorandum No. AM 653-2004, **Tony Roma's** #4294 - Transfer of Ownership of a
18 Duplicate Beverage Dispensary Liquor License (Campbell Park, Tudor Area and Midtown Community
19 Councils), Clerk's Office.
20

21 Mr. Whittle requested this item be pulled for review on the Regular Agenda. (*See item 10.D.6*)
22

- 23 9.D.7. Assembly Memorandum No. AM 667-2004, proprietary purchase of United Rentals, Trench Safety for
24 providing "**Speed Shore**" **trench rescue shoring and equipment** to the Municipality of Anchorage,
25 Anchorage Fire Department (\$40,000), Purchasing.

- 26 9.D.8. Assembly Memorandum No. AM 670-2004, proprietary purchase of **fire station alerting equipment**
27 from Westnet, Inc. for the Municipality of Anchorage, Anchorage Fire Department (AFD) (\$60,014.63),
28 Purchasing.
29

30 Ms. Jennings requested this item be pulled for review on the Regular Agenda. (*See item 10.D.8*)
31

- 32 9.D.9. Assembly Memorandum No. AM 676-2004, extension of cooperative agreement between the Alaska
33 Division of Forestry (DOF) and the Municipality of Anchorage (MOA) allowing for reimbursement not to
34 exceed \$56,550 for the extension of the 2004 initial attack **wildfire helicopter**, Anchorage Fire
35 Department.
36

37 Ms. Jennings requested this item be pulled for review on the Regular Agenda. (*See item 10.D.9*)
38

- 39 9.D.10. Assembly Memorandum No. AM 677-2004, cooperative agreement between the Alaska Department of
40 Natural Resources, Division of Forestry (DOF) and the Municipality of Anchorage allowing for
41 reimbursement not to exceed \$450,000 to fund **2004-2005 wildfire mitigation projects**, Anchorage
42 Fire Department.
43

44 Mr. Tremaine requested this item be pulled for review on the Regular Agenda. (*See item 10.D.10*)
45

- 46 9.D.11. Assembly Memorandum No. AM 681-2004, proprietary services contract to Dr. Michael Levy, MD for
47 providing **Medical Director services** to the Municipality of Anchorage, Anchorage Fire Department
48 (\$62,700), Purchasing.

- 49 9.D.12. Assembly Memorandum No. AM 672-2004, proprietary purchase of **annual maintenance support**
50 from Aether Systems, Inc. for the Municipality of Anchorage, Anchorage Police Department (APD)
51 (\$197,845.40/yr), Purchasing.

- 52 9.D.13. Assembly Memorandum No. AM 685-2004, Amendment No. 2 to Purchase Order 240381 with Rusty's
53 Towing & Recovery for **towing and storage of impounded vehicles** for DUI and evidence for the
54 Municipality of Anchorage, Anchorage Police Department (\$11,900).

- 55 9.D.14. Assembly Memorandum No. AM 661-2004, recommendation of award to PileCap, Inc. for **repair and**
56 **support pile** for the Municipality of Anchorage, Port of Anchorage (\$385,400), Purchasing.

- 57 9.D.15. Assembly Memorandum No. AM 663-2004, Change Order No. 4 to contract with SeaCoast
58 Construction Company, Inc. **2004 Transit ADA Construction Services**, Project No. 01-63b
59 (\$180,000), Project Management & Engineering.

- 60 9.D.16. Assembly Memorandum No. AM 668-2004, proprietary purchase with ABB, Inc. for providing an
61 **operator training simulator** to the Municipality of Anchorage, Municipal Light & Power (\$307,500),
62 Purchasing.

- 63 9.D.17. Assembly Memorandum No. AM 671-2004, recommendation to authorize and approve the Mayor, or
64 His Delegees, to submit binding proposals for the **privatization of the Elmendorf Air Force Base**
65 **utility systems** (Municipal Light & Power and Anchorage Water and Wastewater Utility). (*Clerk's*
66 *Note: Postponed to the Continued Meeting of 9-08-04; Executive Session scheduled for 6:00 p.m. on*
67 *9-08-04*)
68

69 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (*See item 10.D.17*)
70

- 71 9.D.18. Assembly Memorandum No. AM 680-2004, Change Order No. 1 to Purchase Order 234229 to Ater
72 Wynne, LLP for providing services for a **Railbelt Study** for the Municipality of Anchorage, Municipal
73 Light & Power (ML&P) (\$19,900), Purchasing.

- 74 9.D.19. Assembly Memorandum No. AM 654-2004, recommendation of award to HDR Alaska, Inc. to provide
75 services to conduct a **Sand Lake Water and Sewer Study** for the Municipality of Anchorage,
76 Anchorage Water and Wastewater Utility (RFP 24-P006) (\$205,000), Purchasing.

- 77 9.D.20. Assembly Memorandum No. AM 669-2004, proprietary purchase of **computer software license**
78 **renewals and maintenance/support** from Oracle Corporation for the Municipality of Anchorage,
79 Anchorage Water & Wastewater Utility (AWWU) (\$58,455.99), Purchasing.

- 1 9.D.21. Assembly Memorandum No. AM 688-2004, Amendment No. 3 to USKH, Inc. professional
2 **architectural/engineering services** Contract No. 230433 for capital improvement projects for the
3 Municipality of Anchorage, Merrill Field Airport (\$196,660).
4 9.D.22. Assembly Memorandum No. AM 689-2004, recommendation of award to Cambridge Systematics, Inc.
5 to provide services to develop a **GIS Integrated Transportation Network** for the Municipality of
6 Anchorage, Information Technology (ITD) (RFP 23-P049) (\$229,894), Purchasing.

7
8 **9.E. INFORMATION AND REPORTS**

- 9 9.E.1. Information Memorandum No. AIM 76-2004, **Monthly Financial Report** – July 2004, Finance.
10 9.E.2. Information Memorandum No. AIM 77-2004, 2003 **Independent Financial Audit Management**
11 **Letter**, Finance.
12 9.E.3. Information Memorandum No. AIM 78-2004, 2003 **Schedule of Expenditures of Federal Awards,**
13 **State Financial Assistance Reports and Required Federal Information**, Finance.
14 9.E.4. Information Memorandum No. AIM 79-2004, **contracts awarded between \$50,000 and \$100,000**
15 **through formal competitive processes** for the month of July 2004, Purchasing.
16 9.E.5. Information Memorandum No. AIM 80-2004, **Sole Source Procurement Report** for the month of July
17 2004, Purchasing.

18
19 **9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**

- 20 9.F.1. Ordinance No. AO 2004-127, an ordinance of the Anchorage Municipal Assembly authorizing an
21 exclusive use permit for portions of **Lot 9-A and 12-A in the Port of Anchorage Subdivision** to the
22 United States Coast Guard, Port of Anchorage. *Public Hearing Set for 9-21-04.*
23 a. Assembly Memorandum No. AM 664-2004.
24 9.F.2. Ordinance No. AO 2004-128, an ordinance of the Anchorage Municipal Assembly authorizing the long
25 term lease between the Municipality of Anchorage as lessor and **Flight Safety Alaska, Inc.** as lessee
26 of Lot 2, Block 2, Merrill Field Replat, located between Runway 06/24 and East 4th Avenue, Merrill
27 Field Airport *Public Hearing Set for 9-21-04.*
28 a. Assembly Memorandum No. AM 684-2004.
29 9.F.3. Resolution No. AR 2004-218, a resolution of the Municipality of Anchorage, Alaska, confirming and
30 levying special assessments for sanitary sewer improvements for **Hansen Sand Lake Lateral**
31 **Improvement District (LID) 1436**, setting date of payment and providing for penalties and interest in
32 the event of delinquency, Anchorage Water & Wastewater Utility. *Public Hearing Set for 10-12-04.*
33 a. Assembly Memorandum No. AM 675-2004.
34 9.F.4. Resolution No. AR 2004-220, a resolution of the Municipality of Anchorage appropriating \$86,333 to
35 the Areawide General Fund CIP Fund (401), \$134,516 to the Anchorage Fire Service Area CIP Fund
36 (431), \$698,276 to the Anchorage Roads and Drainage CIP Fund (441), \$38,597 to the Anchorage
37 Parks and Recreation Service Area CIP Fund (461), \$12,189 to the Eagle River/Chugiak Parks and
38 Recreation CIP Fund (462), and \$11,285 to the Public Transportation CIP Fund (485) of General
39 Obligation Series "A: bond premium for the payment of **bond issuance costs**, Finance.
40 a. Assembly Memorandum No. AM 679-2004.
41 9.F.5. Resolution No. AR 2004-224, a resolution of the Municipality of Anchorage appropriating \$2,813,220
42 as a grant from the State of Alaska Division of Homeland Security and contributions of \$19,241 from
43 Areawide General Operating Fund (101), Office of Emergency Management; \$4,699 from Areawide
44 General Operating Fund (101), Health and Human Services; \$6,713 from Areawide General Operating
45 Fund (101), Public Transportation; \$47,122 from Anchorage Fire Service Area Operating Fund (131),
46 Fire; \$53,613 from Anchorage Metropolitan Police Service Area Operating Fund (151), Police; \$5,370
47 from Areawide General Operating Fund (101), Maintenance and Operations; \$11,412 from Anchorage
48 Roads and Drainage Service Area Fund (141), Maintenance and Operations; \$1,750 from Areawide
49 General Operating Fund (141), Traffic; \$1,070 from Anchorage Roads and Drainage Service Area
50 Fund (141), Traffic to State Categorical Grants Fund (231) for the purchase of **terrorism response**
51 **and prevention equipment**, Citizens Corps Program, and emergency planning consultation by the
52 Office of the Municipal Manager, Emergency Operations Center, Anchorage Police Department.
53 *Public Hearing Set for 9-21-04.*
54 a. Assembly Memorandum No. AM 687-2004.
55 9.F.6. Resolution No. AR 2004-225, a resolution of the Municipality of Anchorage appropriating the sum of
56 \$478,927 from the Alaska Department of Transportation and Public Facilities as a pass through grant
57 from the Federal Highway Administration to the State Categorical Grants Fund (231) Department of
58 Health and Human Services for a **Block Heater Installation Program**. *Public Hearing Set for 9-21-*
59 *04.*
60 a. Assembly Memorandum No. AM 691-2004.

61
62 Chair Traini stated there were additional ideas that needed consideration, pertaining to this item and set Public
63 Hearing for September 21, 2004. The Mayor responded that he and his Administration would address that issue.

- 64
65 9.F.7. Resolution No. AR 2004-226, a resolution of the Municipality of Anchorage appropriating the sum of
66 \$336,249 from the Alaska Department of Transportation and Public Facilities as a pass through grant
67 from the Federal Highway Administration to the State Categorical Grants Fund (231) Department of
68 Health and Human Services for **Air Quality Public and Business Awareness Education**. *Public*
69 *Hearing Set for 9-21-04.*
70 a. Assembly Memorandum No. AM 692-2004.
71 9.F.8. Ordinance No. AO 2004-129, an ordinance of the Municipality of Anchorage, Alaska, providing for the
72 issuance of **Junior Lien Water Revenue Bonds** of the Municipality in the aggregate appreciated
73 amount of \$2,000,000 to pay the costs of certain improvements to the water utility and to pay costs of
74 bond issuance; fixing certain covenants and protective provisions safeguarding the payment of the
75 principal and interest on said bonds; providing for the date, form, terms, maturities and manner of sale
76 of the bonds; delegating to the Chief Fiscal Officer the approval of final maturity amounts and interest
77 rates on said bonds; authorizing an official statement; and authorizing the sale of such bonds,
78 Finance. *Public Hearing Set for 9-21-04. (Addendum)*
79 a. Assembly Memorandum No. AM 693-2004.

1 9.F.9. Ordinance No. AO 2004-130, an ordinance of the Anchorage Municipal Assembly amending
2 Anchorage Municipal Code Section 21.15.125, **Abbreviated Plat Procedure**, to limit the size of
3 parcels, future subdivisions and the timeframe within which they are eligible to be subdivided,
4 Assemblymember Shamberg. *Public Hearing Set for 9-21-04 10-12-04. (Clerk's Note: AO-2004-130*
5 *was referred to the Planning and Zoning Commission.) (Addendum)*
6

7 (On 9-08-04, Ms. Shamberg requested clarification of Action taken on 9-07-04. See item 10.F.9)

8
9 9.F.10 Ordinance No. AO 2004-131, an ordinance of the Anchorage Municipal Assembly, amending
10 Anchorage Municipal Code Chapter 12.40 by increasing the mill levy on the excise tax for cigarettes
11 brought into the Municipality, to increase the excise tax on the wholesale price levied on other tobacco
12 products brought into the Municipality, and to provide all revenues from such tobacco excise taxes
13 shall be under the Municipal Tax Cap, thereby providing tax relief and reducing property taxes.
14 Assemblymembers Traini, Tesche, Tremaine, Whittle. *Public Hearing Set for 9-21-04. (Laid on the*
15 *Table)*
16

17 Mr. Tesche moved, to introduce AO 2004-131, as amended.
18 Mr. Whittle seconded,
19 Mr. Tremaine was the concurring third,
20

21 Mr. Tesche encouraged Assemblymembers to join with sponsoring this ordinance and Mr. Tremaine and Mr. Whittle
22 requested their names be added as sponsors.
23

24 To Ms. Fairclough, Chair Traini responded that Public Safety would be taking up this item during the worksession. He
25 requested Assembly Director, Ms. Elvi Gray-Jackson to schedule this item on their Agenda and asked Ms. Jennings to
26 chair that meeting.
27

28 Chair Traini called for a vote to approve the remainder of Consent Agenda.
29

30 Mr. Tesche moved, to approve the Consent Agenda, as amended.
31 Mr. Sullivan seconded,
32 and this motion was passed,
33

34 AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
35 NAYES: None.
36

37 Chair Traini announced the unanimous approval of the amended Consent Agenda, with the exception of the pulled
38 items and proceeded into discussion of those items.
39

40 **END OF CONSENT AGENDA**

41 42 43 **10. REGULAR AGENDA**

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

45 10.A.1. Resolution No. AR 2004-216, a resolution of the Anchorage Municipal Assembly honoring and
46 thanking **Alejandro (Alex) Vargas** for many years of displaying his culinary arts and friendship to the
47 employees of City Hall, Mayor Begich; Assemblymembers Coffey, Fairclough, Jennings, Ossiander,
48 Shamberg, Stout, Sullivan, Tesche, Traini, Tremaine and Whittle.
49

50 Ms. Fairclough moved, to approve AR 2004-216.
51 Mr. Tesche seconded,
52 and this motion was unanimously passed,
53

54 Chair Traini presented the award and Mr. Tesche read the proclamation to Alejandro Vargas, owner of the restaurant
55 and coffee shop on the first floor of City Hall. Mr. Vargas was honored and thanked for his many years of displaying
56 and serving his culinary arts and for his many friendships with Municipal Employees.
57

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

59 10.B.2. Resolution No. AR 2004-219, a resolution authorizing the Municipality of Anchorage to grant an
60 electrical easement to **Matanuska Electric Association, Inc. (MEA) and Matanuska Telephone**
61 **Association (MTA)** across a portion of Tract B, Eagle Bluff Subdivision, (Tax ID #060-031-27), a
62 portion of HLB Parcel 1-085 and managed by Eagle River Parks and Recreation, Heritage Land Bank.
63 a. Assembly Memorandum No. AM 678-2004.
64 b. Resolution No. AR 2004-219(S), a resolution authorizing the Municipality of Anchorage to
65 grant an electrical easement to Matanuska Electric Association, Inc. (MEA) and Matanuska
66 Telephone Association (MTA) across a portion of Tract B, Eagle Bluff Subdivision, (Tax ID
67 #060-031-27), a portion of HLB Parcel 1-085 and managed by Eagle River Parks and
68 Recreation, Heritage Land Bank. *(Laid on the Table)*
69

70 AR 2004-219 was approved on the Consent Agenda on September 7, 2004. On September 8, 2004, Ms. Ossiander
71 moved for reconsideration of this item, which was seconded and unanimously approved. She addressed two type-
72 errors, acknowledged by Robin Ward, Executive Director of the Heritage Land Bank. Ms. Ward explained that the
73 corrections appeared in the legal description of the new Substitute Version. The Chair called for a motion to substitute.
74

75 Mr. Coffey moved, to substitute AR 2004-219(S) for AO 2004-219.
76 Ms. Ossiander seconded,
77 and there were no objections,
78 *(Clerk's Note: Whittle, Sullivan and Tesche were temporarily out of room at the time of the vote.)*
79

1 Mr. Coffey moved, to approve AR 2004-219(S).

2 Ms. Ossiander seconded,

3 and there were no objections,

4 (Clerk's Note: Whittle, Sullivan and Tesche were temporarily out of room at the time of the vote.)

5
6 **10.C. BID AWARDS**

7 10.C.5. Assembly Memorandum No. AM 674-2004, recommendation of award to Young's Firehouse for
8 furnishing **uniforms** to the Municipality of Anchorage, Anchorage Fire Department (ITB 24-C032)
9 (\$208,867.90/yr), Purchasing.

10 Ms. Shamberg moved, to approve AM 674-2004.

11 Mr. Tesche seconded,

12
13
14 Ms. Shamberg questioned what this appropriation would purchase. The Administration responded the bid schedule
15 was based on an estimated quantity of uniforms only and did not include actual fire-fighting gear.

16
17 and this motion was passed,

18
19 AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.

20 NAYES: None.

21
22 **10.D. NEW BUSINESS**

23 10.D.1. Assembly Memorandum No. AM 657-2004, **Arts Advisory Commission appointment** (Bob Curtis-
24 Johnson), Mayor's Office.

25
26 Ms. Jennings moved, to approve AM 657-2004.

27 Mr. Tesche seconded,

28
29 Ms. Jennings recognized Mr. Bob Curtis-Johnson for his new board position and stated his services would be a great
30 addition to the Arts Advisory Commission.

31
32 and this motion passed,

33
34 AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.

35 NAYES: None.

36
37 10.D.2. Assembly Memorandum No. AM 658-2004, **Light and Power Commission** appointment
38 (Mark ~~Wiggins~~ Wiggin), Mayor's Office.

39
40 Ms. Fairclough moved to postpone this appointment until September 21st, to allow the required ten-day public
41 comment period. Mr. Tremaine did not think the ten-day public comment period was needed for members of the Light
42 and Power Commission, like other boards and commissions. Ms. Fairclough withdrew her motion to postpone and
43 moved to approve.

44
45 Ms. Fairclough moved, to approve AM 658-2004, as amended.

46 Mr. Tremaine seconded,

47 and this motion was unanimously passed,

48
49 AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.

50 NAYES: None.

51
52 Ms. Jennings recognized Mr. Mark Wiggin for his new position and stated his resume was superior, bringing a great
53 deal of organizing, planning, ideas and experience to the Light and Power Commission. She added that Mr. Wiggin
54 was also the President of the Turnagain Community Council.

55
56 Chair Traini asked the records to show the correct spelling of his name was "Wiggin."

57
58 10.D.3. Assembly Memorandum No. AM 655-2004, **Platting Board** appointment (Mike Kreger), Mayor's
59 Office. (Clerk's Note: Assembly Action on AM 655-2004 will be Postponed to September 21, 2004 to
60 permit a 10-day public comment period pursuant to AMC 21.10.010 B.)

61
62 Ms. Fairclough moved, to postpone AM 655-2004 until September 21, 2004.

63 Mr. Tremaine seconded,

64
65 Ms. Fairclough moved to postpone this appointment until September 21st, to allow a required ten-day public comment
66 period for this appointment.

67
68 and this motion was passed,

69
70 AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.

71 NAYES: None.

72
73 10.D.4. Assembly Memorandum No. AM 656-2004, **Urban Design Commission** appointments (Linda Cyra-
74 Korsgaard, Luanne Urfer), Mayor's Office. (Clerk's Note: Assembly Action on AM 656-2004 will be
75 Postponed to September 21, 2004 to permit a 10-day public comment period pursuant to AMC
76 21.10.010 B.)

77
78 Ms. Fairclough moved, to postpone AM 656-2004 until September 21, 2004.

79 Mr. Tremaine seconded,

1 and this motion was passed,
2

3 AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
4 NAYES: None.
5

6 10.D.6. Assembly Memorandum No. AM 653-2004, Tony Roma's #4294 - Transfer of Ownership of a
7 Duplicate Beverage Dispensary Liquor License (Campbell Park, Tudor Area and Midtown Community
8 Councils), Clerk's Office.
9

10 Mr. Coffey requested to abstain, due to a conflict of interest, because his law firm represented Tony Roma's. Chair
11 Traini ruled that he should not participate with this matter.
12

13 Mr. Whittle moved, to approve AM 653-2004, with protest.
14 Mr. Tremaine seconded,
15

16 Mr. Whittle requested clarification that the owners understood why the Assembly was protesting this transfer of
17 ownership because the application had not been completed. Municipal Clerk Barbara Gruenstein stated that the buyer
18 had contacted her to explain the sale had not gone through, and had requested this item be pulled from the Agenda
19 and postponed indefinitely.
20

21 Mr. Coffey, whose law firm represented Tony Roma's, explained the seller had also requested for the Alcoholic
22 Beverage Control Board to withdraw the application.
23

24 and this motion was passed,
25

26 AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander and Shamberg.
27 NAYES: None.
28 ABSTAIN: Coffey.
29

30 10.D.8. Assembly Memorandum No. AM 670-2004, proprietary purchase of fire station alerting equipment
31 from Westnet, Inc. for the Municipality of Anchorage, Anchorage Fire Department (AFD) (\$60,014.63),
32 Purchasing.
33

34 Ms. Jennings moved, to approve AM 670-2004.
35 Mr. Tremaine seconded,
36

37 Ms. Jennings pulled this item to make the correction that the attached memorandum, on the back of Page 1, did not
38 pertain to this document. She asked for a deletion of this memorandum, with the approval of the Administration and
39 the Clerk's Office.
40

41 Ms. Fairclough moved, to amend AM 670-2004, *by deleting* the attached
42 Mr. Jennings seconded, memorandum on Page 2, dated July 19, 2004.
43 and this motion was approved unanimously,
44

45 Ms. Jennings moved, to approve AM 670-2004, as amended.
46 Mr. Tremaine seconded,
47 and this motion was passed,
48

49 AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
50 NAYES: None.
51

52 10.D.9. Assembly Memorandum No. AM 676-2004, extension of cooperative agreement between the Alaska
53 Division of Forestry (DOF) and the Municipality of Anchorage (MOA) allowing for reimbursement not to
54 exceed \$56,550 for the extension of the 2004 initial attack **wildfire helicopter**, Anchorage Fire
55 Department.
56

57 Ms. Jennings moved, to approve AM 676-2004.
58 Mr. Tesche seconded,
59

60 Ms. Jennings questioned the discrepancy of the two appropriation dollar figures, with the title showing \$56,550 and the
61 back page including \$58,850 for expenses involved with this project. Municipal Manager Denis LeBlanc responded
62 that the memorandum title figure was the correct figure.
63

64 Ms. Fairclough moved, to amend AM 676-2004, *by changing* the figure on the last
65 Mr. Tremaine seconded, page of the memorandum to read "56,550."
66 and this motion was unanimously passed,
67

68 Ms. Jennings moved, to approve AM 676-2004, as amended.
69 Mr. Tesche seconded,
70 and this motion was passed,
71

72 AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
73 NAYES: None.
74

75 10.D.10. Assembly Memorandum No. AM 677-2004, cooperative agreement between the Alaska Department
76 of Natural Resources, Division of Forestry (DOF) and the Municipality of Anchorage allowing for
77 reimbursement not to exceed \$450,000 to fund **2004-2005 wildfire mitigation projects**, Anchorage
78 Fire Department.
79

1 Mr. Tremaine moved, to approve AM 677-2004.
2 Mr. Tesche seconded,

3
4 To Mr. Tremaine, Mayor Begich responded that he had discussed Mr. Tremaine's ideas of including a Firewise
5 Program, as modeled by communities on the Kenai Peninsula, and was considering creating a new Wildfire Advisory
6 Task Force to address those issues for the 2004-2005 wildfire mitigation projects. He stated they would assemble the
7 task force within the next two weeks.

8
9 and this motion was passed,

10
11 AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
12 NAYES: None.

13
14 10.D.17. Assembly Memorandum No. AM 671-2004, recommendation to authorize and approve the Mayor, or
15 His Delegees, to submit binding proposals for the **privatization of the Elmendorf Air Force Base**
16 **utility systems** (Municipal Light & Power and Anchorage Water and Wastewater Utility). (*Clerk's*
17 *Note: Postponed to the Continued Meeting of 9-08-04; Executive Session scheduled for 6:00 p.m. on*
18 *9-08-04*)

19
20 Ms. Ossiander questioned the proceeding on this issue, since there had not been enough time to finish presentations
21 and shared information at the worksession when it had been discussed. She was prepared to make a motion for an
22 Executive Session to continue presentations and discussion on this issue. Chair Traini first called for a motion to
23 approve before discussing the item.

24
25 Ms. Ossiander moved, to approve AM 671-2004.
26 Mr. Tremaine seconded,

27
28 Ms. Ossiander moved for an Executive Session, for discussion of the privatization of the Elmendorf Air Force Base
29 utility systems, involving Municipal Light and Power and Anchorage Water and Wastewater Utility. She felt this
30 proposal may [~~potential and~~] significantly impact the finances of the city. To Chair Traini, Municipal Attorney Fred
31 Boness responded there were sufficient grounds to hold an Executive Session, based on this issue having potential
32 impact on the financial security of the city.

33
34 Ms. Ossiander moved, for an Executive Session for discussion of AM 671-2004,
35 Mr. Tremaine seconded, at [~~5:00~~] 6:00 p.m. on September 8, 2004.

36
37 Ms. Ossiander explained that the Executive Session would allow them to continue discussion of the financial impact of
38 this issue upon the Municipality. Chair Traini stated the Assembly Meeting was scheduled to begin at 6:00 p.m., and
39 both Ms. Ossiander and Mr. Tremaine agreed to the Executive Session starting at that time.

40
41 and this motion was passed,

42
43 AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
44 NAYES: None.

45
46 (*Clerk's Notes: See Agenda Item 19.A for additional details of the Executive Session, held on September 8, 2004.*)

47
48 Following the Executive Session, Chair Traini returned the Assembly to AM 671-2004. He stated there was a motion
49 from Ms. Ossiander on the floor for approval of the memorandum. With no further discussion, he called for objections.
50 There being none, he announced the unanimous approval of AM 671-2004.

51
52 10.F.9. Ordinance No. AO 2004-130, an ordinance of the Anchorage Municipal Assembly amending
53 Anchorage Municipal Code Section 21.15.125, **Abbreviated Plat Procedure**, to limit the size of
54 parcels, future subdivisions and the timeframe within which they are eligible to be subdivided,
55 Assemblymember Shamberg. *Public Hearing Set for 9-21-04 10-12-04. (Clerk's Note: AO 2004-130*
56 *was referred to the Planning and Zoning Commission.) (Addendum)*

57
58 On September 8, 2004, Ms. Shamberg requested clarification on this item, which had previously been approved on the
59 Consent Agenda, with the condition of referring this issue to the Planning and Zoning Commission. She stated that
60 this had previously been addressed by the P&Z and requested this issue be readdressed by the Assembly as soon as
61 possible. Chair Traini stated this issue would come before the Assembly again on October 12, 2004.

62 63 11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

64 11.A. Ordinance No. AO 2004-107, an ordinance amending the zoning map and providing for the rezoning
65 of approximately 15,246 square feet from R-1A (Single Family Residential) to R-2M SL (Multiple
66 Family Residential with Special Limitations) for **Lots 15 and 16, Block 21, Poggas Subdivision**,
67 generally located at 13211 Venus Way (Old Seward/Oceanview Community Council) (Planning and Zoning
68 Commission Case 2004-047), Planning Department. (*Public Hearing was closed 8-17-04; Carried Over*
69 *from 8-17-04*)

70 1. Assembly Memorandum No. AM 539-2004.

71
72 Chair Traini read the ordinance title and summarized that Public Hearing had closed on this item on August 17, 2004
73 and stated there was no motion [~~was~~] pending.

74
75 Mr. Tremaine moved, to approve AO 2004-107.
76 Mr. Tesche seconded,

77
78 Mr. Tremaine stated that there had been much public testimony on this issue. Since the Public Hearing,
79 Assemblymembers had received a letter from the attorney of the petitioner.

1
2 Assembly Attorney Michael Gatti responded that the letter raised the question of doctrine of estoppel towards
3 Municipal zoning decisions. He explained the cited case, heard by the Alaska Supreme Court, was applicable to the
4 theory involved with the issue before the Assembly. The Alaska Supreme Court had ruled that the case had involved a
5 high burden to an individual asserting estoppel. Mr. Gatti explained that, in the case before the Assembly, the
6 assessor had listed the building as a duplex but an estoppel had not been filed by the petitioner. It was his opinion that
7 there were legal questions that needed to be decided by a court of law and the only issue before the Assembly
8 remained solely a rezoning decision. To Ms. Fairclough, Mr. Gatti responded that the question of whether estoppel
9 existed was a legal question.

10
11 Ms. Fairclough felt a rezone might be considered a nonconforming use. She wondered if there was enough
12 controversy and question to justify a civil suit and asked if there might be risk to the city in this claim. Mr. Gatti
13 responded that the question whether an estoppel could exist would be based on an examination of the facts and felt
14 that more facts were needed before a legal answer could be determined.

15
16 Mr. Tremaine stated it was not an easy decision, partly because the original building permits were nonexistent. Even
17 though it was an arguable point, he did not think that allowing this one lot to be rezoned in a single-family
18 neighborhood was the right choice and he would be voting against it.

19
20 Ms. Fairclough stated that this issue involved a property that was, in all respects, a duplex. The Municipality of
21 Anchorage had not been able to provide a copy of the original building permit. She thought the rezone of this property
22 might be defined as spot-zoning and she hesitated supporting that theory, but she would support a nonconforming use
23 permit for this property. She had spoken to Code Enforcement personnel and Municipal Zoning Administrator Jerry
24 Weaver and it was their opinions that there was no other alternative for resolution.

25
26 Mr. Tesche stated it appeared that at the time the duplex had been built it was not technically legal and the illegal use
27 had perpetuated over time. He questioned if a nonconforming theory would work and if the use of a variance had been
28 explored. He thought the Assembly should not adjudicate estoppel in this case, which he thought needed to be
29 addressed by a court of law. He thought the use of this property was fairly benign, in relationship to the neighborhood,
30 and would support a rezone.

31
32 Ms. Shamberg stated that this property was in her district and she had listened very carefully to the opposing
33 testimony of the neighbors. She felt that the owner had known he was purchasing a duplex, even though the closing
34 papers on the property indicated it was R-1. Every year he received tax billings from the city classifying it as a duplex.
35 She felt the concerns were easily correctable because of the uniqueness of this particular property, and she would be
36 supporting the rezone. She did not consider it a spot-zoning issue.

37
38 Mr. Sullivan stated that during the testimony the owner had responded that the current appraisal of the property
39 included an R-1 zoning, which meant the owner had knowingly purchased the property as R-1. He felt that the duplex
40 offered the owner the benefit of supplemental income, which off-set the burden of additional taxes. Mr. Sullivan
41 thought there was compelling evidence confirming the owner was taking an opportunity, and stated he would not
42 support the ordinance.

43
44 Mr. Coffey did not see any single element as controlling, and thought the case could be reviewed with special
45 limitations from the Planning and Zoning Commission, to afford protection to the neighbors and resolve the issue. He
46 did not see this rezone as significant because the adjacent properties were R-2, and he would support the ordinance.
47 To his question, Municipal Attorney Fred Boness responded that it was his opinion that eight votes would be required
48 for this item to pass. To his question, Zoning Division Administrator Jerry Weaver responded that the alternatives
49 before the Assembly included deciding whether this involved appropriate land use. Mr. Weaver thought that estoppel
50 would be available to the petitioner, depending on the outcome of the decision that evening. If a decision was not
51 reached by the Assembly the owners would have to go elsewhere for resolve.

52
53 To Ms. Fairclough, Mr. Coffey responded that regardless of the decisions made by Assembly, he did not think the
54 people opposing this issue would seek litigation against the city. Chair Traini called for a vote.

55
56 and this motion was passed,

57
58 AYES: Fairclough, Whittle, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
59 NAYES: Tremaine, Sullivan and Traini.

60
61 Ms. Fairclough moved for immediate reconsideration and urged a NO-vote.

62
63 Ms. Fairclough moved, for immediate reconsideration of AO 2004-107.
64 Mr. Coffey seconded,
65 and this motion failed,

66
67 AYES: Tremaine, Sullivan and Traini.
68 NAYES: Fairclough, Whittle, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.

- 69
70 11.B. Ordinance No. AO 2004-113, an ordinance repealing Chapter 16.55 of the Anchorage Municipal Code
71 in its entirety and reenacting a new Chapter 16.55, **Child Care and Educational Facilities**, to comply
72 with State of Alaska standards, add child care home requirements, increase staff educational
73 requirements, improve play yard safety, increase staff accountability, and improve staff background
74 checks, Department of Health and Human Services.
75 1. Assembly Memorandum No. AM 595-2004.
76 2. Ordinance No. AO 2004-113(S), an ordinance repealing Chapter 16.55 of the Anchorage
77 Municipal Code in its entirety and reenacting a new Chapter 16.55, Child Care and
78 Educational Facilities, to comply with State of Alaska standards, add child care home
79 requirements, increase staff educational requirements, improve play yard safety, increase staff

1 accountability, and improve staff background checks, Health and Human Services. **(Laid on**
2 **the Table)** (Public Hearing was closed 8-17-04; Carried Over from 8-17-04) (Clerk's Note:
3 See Agenda Item 13.C for discussion and action on Postponement until September 8,
4 2004)(Postponed until September 21, 2004)

5
6 Chair Traini read this ordinance title and stated there was a substitute version Laid on the Table, and he called for a
7 motion on AO 2004-113(S).

8
9 Mr. Tesche moved, to introduce AO 2004-113(S).
10 Mr. Tremaine seconded,
11 Mr. Stout was the concurring third,
12

13 Ms. Ossiander summarized the substitute version ("S" version), which had the addition of Chair Traini's amendments
14 about smoke-free environments, a change in discipline policy and some typographical error corrections. She passed
15 out two documents, listing her proposed amendments and cast her first motion.

16
17 Ms. Ossiander moved, to approve Ossiander Amendment No. 1 to AO 2004-113(S),
18 Ms. Shamberg seconded, on Page 49, 16.55.350.A.4.b, Lines 24-26 *by changing, to*
19 *read: b. [Children] Preschool children [of any age] in half day*
20 *programs, children "younger than school age" in child care*
21 *homes, and children younger than 12 months and not yet*
22 *walking, shall be provided [with] "opportunities for" supervised*
23 *[activity] "activities" outdoors daily[.] "; and" *by adding a new*
24 *"c." to read: "School age children shall be provided*
25 *opportunities to go outside daily."*
26*

27 Ms. Ossiander explained that she had attempted to change the existing language to reflect more closely state
28 language, with the opportunities to be provided instead of directed. She urged support for her amendment.
29

30 Mr. Sullivan wondered if the new language provided what was needed. He felt there was still a question of who would
31 make the determination and be responsible for a child less than 12 months. Ms. Ossiander responded that her original
32 amendment excluded children under 12 months of age, but there was a requirement in state regulations that this group
33 be covered. It was her understanding that it would be a decision made by the caregiver and the parent, and not
34 necessarily enforced by the child care licensing authority. Mr. Sullivan stated he preferred her original amendment,
35 omitting the language, rather than including ambiguous language that would not be enforceable.
36

37 To Mr. Sullivan, Beverly Wooley, Director of the Municipal Division of Health and Human Services, spoke of the
38 original language and explained that it was their intent to keep the child safe. When working with the State of Alaska,
39 she found it would be difficult to enforce. Martha Anderson, with the Municipal Division of Child & Adult Care
40 Licensing, added that the language Ms. Ossiander proposed was current language and that centers were required to
41 submit a plan for infant care, which included a plan on how to handle infants outside.
42

43 To Ms. Jennings, Ms. Anderson responded that they felt the new language met their needs.

44
45 and this motion was passed,
46

47 AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
48 NAYES: None.
49

50 Ms. Ossiander moved, to approve Ossiander Amendment No. 2 to AO 2004-113(S),
51 Mr. Coffey seconded, on Page 12, 16.55.050.B.8., Lines [8-12] 11-18, *by changing,*
52 *to read: A recreational program that children are allowed to*
53 *attend voluntarily, in which the program assumes no*
54 *responsibility for care of the children and in which [:] all*
55 *children are of school age." [A. ~~All children are of eight years~~*
56 *~~of age and older; or B. ~~All children are of school age and~~~~*
57 *~~may go to and from the program under conditions which are~~*
58 *~~safe and similar to those when going to and from school.]~~*
59

60 Ms. Ossiander stated the Anchorage Boys and Girls Club had requested the change because it was difficult to
61 determine what conditions were safe and similar and it was uncertain who would be making those decisions. She
62 urged support for the amendment.
63

64 Ms. Jennings thought that since some of the children were bussed, the authorities did assume some responsibility.
65 To her question, Noelle Hart with the Boys and Girls Club responded that centers would be exempt from responsibility
66 if they submitted a plan. Ms. Jennings felt it did not address the responsibility for younger children. To her question,
67 Ms. Anderson responded she had never seen parents purposefully select a center they thought was unsafe, although
68 the parents may or may not be aware of some of the activities. Ms. Jennings stated she still questioned the
69 responsibility issue and could not support the amendment.
70

71 To Mr. Sullivan, Ms. Ossiander responded it was a parental decision if the centers offered safe and appropriate
72 activities.
73

74 While he agreed with addressing the protection of children, Mr. Tremaine thought this issue might concern only
75 extreme incidents and it was important to address everyday use. He stated he would be voting consistently to protect
76 children and to not increase costs unnecessarily, and he would support the Ossiander amendment.
77

78 Mr. Sullivan requested an interpretation from the Municipal Legal Staff, to determine if requirements could be exempt
79 under the assumption that there was no liability for the children in their care because it was a recreational program.

1
2 and this motion was passed,

3
4 AYES: Fairclough, Tremaine, Sullivan, Stout, Ossiander, Shamberg and Coffey.

5 NAYES: Whittle, Traini, Tesche and Jennings.

6
7 Ms. Ossiander moved,
8 Mr. Sullivan seconded,

9
10 to approve Ossiander Amendment No. 3, to AO 2004-113(S),
11 Section 16.35.350.A.8, *by deleting* Lines 40-45 on Page 49,
12 and Lines 1-14 on Page 50, *and substituting State*
13 *Regulations for this entire section, to read:* A. A child care
14 facility shall provide structure and daily activities designed to
15 promote a child's individual physical, social, intellectual and
16 emotional development [~~and positive identity. In a center,~~
17 ~~program philosophy and curriculum content shall be at the~~
18 ~~direction and implementation of the center.] Satisfactory~~
19 compliance [~~with this subsection]~~ requires "that:" 8.
20 Television, digital video display, video cassette viewing, and
21 computer/video game use [~~and computer learning]~~ not
22 exceed one and one half hours in a 24 hour period, with
23 exceptions made for special occasions. Such use shall be
24 limited to programs and games specifically designed for the
25 interest and benefit of the child. Computer learning activities
26 may not exceed two hours a day."

27 Ms. Ossiander had heard from a number of child care providers who were concerned, due to the different ages of
28 children in their programs, with the difficulty in monitoring each child. She thought that state regulations simplified the
29 issue and were more easily understood.

30 and this motion was passed with no objections,

31 Ms. Ossiander moved,
32 Mr. Tremaine seconded,

33 to approve Ossiander amendment No. 4, to AO 2004-113(S),
34 *by adding* on Page 5, Lines 15-17, *to read:* "Community
35 water supply has the same meaning as defined by the Alaska
36 Department of Environmental Conservation or the
37 Municipality of Anchorage, whichever has jurisdiction." *And,*
38 *on Page 62, [~~Lines 2-8]~~ Line 22, *by adding* to Section*
39 *16.55.440.C.1.b., to read:* b. A well "not classified as a
40 community water supply" with a water sample passing a state
41 certified laboratory test for nitrates and bacteriological quality.
42 *And, on Page 16, Line 17, to read:* 16.55.440C."1.b."

43 Ms. Ossiander stated this was language that she and the Administration had jointly agreed upon. She explained her
44 intention was to reduce the amounts of paperwork and the expense without compromising safety.

45 and this motion was passed with no objections,

46
47 Ms. Ossiander moved,
48 Mr. Sullivan seconded,

49 to approve Ossiander Amendment No. 5, to AO 2004-113(S),
50 on Page 19, Section 16.55.120.A, *by deleting* on Line 25...,
51 [~~without the presence of staff in necessary,]~~ *and by adding* on
52 Lines 27-28, *to read:* "Parental permission should be sought
53 if it is necessary to interview individual children without the
54 presence of staff."

55 Ms. Ossiander felt that parents had the right to know if their child was being interviewed. She added this amendment
56 followed Anchorage School District policy and Alaska State law. She urged support for her amendment.

57 Mr. Tesche took the position of Assembly Chair to allow Mr. Traini the opportunity to discuss this issue. Mr. Traini
58 stated he agreed with parental permission in cases of children being interviewed without staff present, but wanted to
59 ensure that parents would be involved. He proposed an amendment to substitute the word "obtained" for "sought."

60
61 Mr. Traini moved,
62 Mr. Sullivan seconded,

63 to amend Ossiander Amendment No. 5, *by changing* on
64 Lines 27-28, *to read:* Parental permission should be [~~sought]~~
65 "obtained" if it is necessary to interview individual children
66 without the presence of staff.

67 Ms. Ossiander would not accept the Traini amendment as friendly.

68 Ms. Ossiander stated that this did not include incidents which involved police officers, who would address cases of
69 suspected abuse immediately. Her amendment pertained to city employees from the Health Department investigating
70 licensure situations. She specifically chose the words "sought" because she had learned from past experience that
71 parents were often difficult to find. She intended for authorities to make a good faith effort in locating a parent.

72
73 Ms. Jennings thought that debate against parental permission would be difficult to argue. But, she felt in a case
74 involving parental abuse, when the parent had made a complaint against the staff, when in reality the parent was the
75 abuser, that this amendment would be counterproductive.

76
77 Mr. Traini felt it was important to have an absolute policy that would ensure parents were contacted before children
78 were interviewed by anyone. He did not want a healthcare employee to substitute for the parent.

79

1 Ms. Jennings stated that code enforcement officers were professional investigators, trained for this job and thought
2 they deserved respect. To her question, Ms. Wooley responded there was always the possibility of parental abuse,
3 but she agreed the officers were trained in those fields and they followed state policy involving investigations, allowing
4 interviews by these professionals. While they contacted authorities immediately in cases of suspected abuse, she felt
5 seeking the permission from the parent in every instance would interfere with their procedures. Ms. Jennings stated
6 she would not support this amendment.

7
8 To Mr. Sullivan, Ms. Ossiander responded that her experiences with the School District Policy concerning student
9 suspension and expulsion investigations always involved a good faith effort to contact the parent and required the
10 school principal to be present at each interview. She reminded the body that the issue before them also involved
11 home day care facilities with more than four children. She urged support for the amendment.

12
13 Mr. Traini felt that children were minors for whom the parents were legally responsible. He felt the current policy of
14 simply making an effort to contact parents was insufficient, and thought that parental permission should be mandatory.

15
16 To Ms. Jennings, Ms. Anderson responded that the majority of complaints did not involve physical harm or abuse, and
17 in those incidents parents were contacted. All other incidents were reported and would soon be on-line, along with
18 inspection reports. If parents needed to be called in every instance, it might include the smallest issues, like a child
19 complaining of not enough crayons or that the books were too boring. Ms. Jennings felt this amendment would
20 overburden the system and she would not support it.

21
22 Mr. Traini resumed the Chair and called for a vote on the motion to amend the Ossiander Amendment No. 5.

23
24 and the motion failed,

25
26 AYES: Sullivan, Traini, Stout and Coffey.

27 NAYES: Fairclough, Whittle, Tremaine, Tesche, Jennings, Ossiander and Shamberg.

28
29 Chair Traini called for a vote on the Ossiander Amendment Number 5.

30
31 and the motion passed,

32
33 AYES: Fairclough, Tremaine, Sullivan, Stout, Ossiander and Coffey.

34 NAYES: Whittle, Traini, Tesche, Jennings and Shamberg.

35
36 Ms. Ossiander moved,
37 Mr. Tremaine seconded,

to approve Ossiander Amendment No. 6, to AO 2004-113(S),
on Page 47, Line 9, Section 16.55.330.D, *by changing to*
read: "In a center, ratios required in subsection B. "may
temporarily increase if all children are asleep and other
caregivers are on site and readily available. This temporary
increase shall not exceed the State mandated ratios." [~~shall~~
~~be maintained during sleep periods.~~]

38
39
40
41
42
43
44 Ms. Ossiander referred to her chart which showed the state ratios and indicated in comparison that municipal ratios
45 were tighter. She had created this amendment in response to written, compelling testimony that when all children
46 were asleep, centers often allowed their staff to go into the breakroom for lunch, with the understanding that they were
47 available when needed. She felt it was reasonable for staff members to be allowed breaks, while still allowing
48 coverage of child safety. She thought her proposed changes to the ordinance would lessen the significant economic
49 burden to small businesses in the community. She urged approval of this amendment.

50
51 Mr. Tremaine questioned why there was a different ratio between the city and the state. Ms. Anderson responded that
52 the city wanted higher adult to child ratios, with one difference being the ratio for infants less than 12 months because,
53 in the case of a fire, a caregiver could not carry four babies out of danger. Another difference involved higher ratios
54 with the toddler-aged children. She explained that recent studies indicated that hostility and aggression accelerated
55 rapidly in this age group if they were not monitored. She stated that the third difference involved the school-aged
56 children in group ratios of 1-10. She approved of the language from Ms. Ossiander. To Mr. Tremaine, Ms. Anderson
57 responded they had addressed the cost involved with the ratios and did not see a significant increase in larger centers.
58 She stated it involved life-safety issues and felt they were heading towards meeting national standards.

59
60 To Mr. Tesche, Ms. Anderson stated the Administration supported the Ossiander Amendment.

61
62 To Ms. Fairclough, Ms. Anderson responded by citing the nationally-identified groups as infants, toddlers, preschool
63 and school-aged children. She responded that the state did not require adult supervision with 13 year olds, while the
64 municipality currently required supervision of that age group, with exemptions.

65
66 To Mr. Sullivan, Ms. Anderson responded by citing the state and national group sizes. Chair Traini called for a vote on
67 the Ossiander Amendment No. 6.

68
69 and this motion passed unanimously,

70
71 Ms. Ossiander moved,
72 Mr. Sullivan seconded,

to approve Ossiander Amendment No. 7, to AO 2004-113(S),
to include, on Page 81, under a new, "Section [5] 4", *to read:*
"During the next year the Department of Health and Human
Services will work with community after school care providers
towards creating a separate set of regulations for school-
aged care providers and to specifically re-examine staffing
ratios, education requirements, including: waivers,
appropriate classes and recognition for experience, as well as
financial impact of these regulations and workable

implementation schedules. The Assembly will be informed of their recommendations by September, 2005."

Ms. Ossiander stated that this amendment was a general statement on the document, and not line-specific.

To Ms. Ossiander, Mr. Sullivan recommended to include this amendment on the last page of the document, as a new Section 4. Ms. Ossiander agreed and accepted this as a friendly amendment.

Ms. Ossiander stated that her focus remained on improvements for safe, quality care and believed there were costs involved with many new requirements. She was apprehensive of the cost increases in educational requirements, insurance levels and staffing ratios, fingerprinting and background check requirements, water testing, center facilities, materials and supplies. She thought it was important to monitor the impact of the regulations to ensure it continued to be affordable. She felt her amendments addressed the most problematic issues in the ordinance. She did not think that school-aged care providers had been given adequate attention. She urged support of her amendment.

Mr. Whittle stated that while they were raising the standards, he had been assured that the burdens of costs and additional requirements would be monitored and remain flexible for additional improvements. He supported the Ossiander Amendment No. 7.

Mr. Coffey appreciated Ms. Ossiander's dedication and work on this issue. To his question, Ms. Ossiander responded that it was important to know, but difficult to calculate, the impact of costs to the parents. She understood that as centers' costs increased, the burden would be shared with the families. To Mr. Coffey, Ms. Wooley responded these amendments had been reviewed by task forces for the past two years, and they remained dedicated in resolving the remaining issues as quickly as possible. Chair Traini called for a vote on the Ossiander Amendment No. 7.

and this motion passed with no objections,

Chair Traini requested the Administration prepare an answer to the question of increasing the amount of time allowed for people to obtain the additional educational credit requirements.

Mr. Stout moved,
Mr. Tremaine seconded,

to approve Stout Amendment No. 1, to AO 2004-113(S), Section 16.55.050.4., Page 11, *by deleting* on Lines 25-26 [~~... and which does not care for a child while the child's parents is working...~~], *to read:* A program of facility which is in a location with some other business, recreation, social or religious group activity, including but not limited to bowling or aerobics, where any number of children of any age are cared for while each child's parent is on the premises, in close proximity and "is available" [~~continually able to attend to the child~~] when needed,..."

Mr. Tremaine moved to amend the Stout Amendment No. 1 by adding "is available." Mr. Stout accepted this as a friendly amendment. To his question, Ms. Wooley responded they had issues dealing with this in the past, and questioned deletion of reference to the child's parents working.

To Ms. Fairclough, Mr. Stout stated his amendments were requested from the Anchorage Baptist Temple (ABT). He responded that this amendment was specific to teachers in that facility and the daycare center in the church.

Chair Traini added that ABT's Mr. Clarey had indicated he could not be present because he was conducting religious services that evening.

Mr. Sullivan felt it did apply to children and activities, with adults available when needed in close proximity. He questioned the exceptions of "aerobics and bowling." Ms. Wooley responded there was a long history of bowling alleys having child care rooms with attendants. Because the parents were in close proximity and available when needed, they were exempt. The exemption was also given to aerobic clubs and stores with child care areas.

Ms. Jennings thought the last part of the amendment, referring to the parent working, left a loophole. She agreed with the first part of the amendment, but could not support the second part.

Ms. Ossiander moved,
Ms. Jennings seconded,

to amend the Stout Amendment No. 1, *by reinstating language, to read:* A program or facility which is in a location with some other business, recreation, social or religious activity, including but not limited to bowling or aerobics, where any number of children of any age are cared for while each child's parent is on the premises, in close proximity and is available when needed "and which does not provide care for a child while the child's parent is working."

Mr. Tremaine thought it would be difficult to discern issues of a working parent, concerning exemptions and licensing.

Mr. Coffey stated it was confusing why it was important if the parents were working or not, if they were in close proximity and available when needed.

Chair Traini called for a vote on the Ossiander Amendment to the Stout Amendment No. 1.

and this motion was passed,

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

1 (Clerk's Note: Tesche was out of room at the time of the vote.)

2
3 Chair Traini called for a vote on the Stout Amendment No. 1, as amended.

4
5 and this motion was passed,

6
7 AYES: Fairclough, Whittle, Tremaine, Sullivan, Jennings, Ossiander and Shamberg.

8 NAYES: Traini, Stout and Coffey.

9 (Clerk's Note: Tesche was out of room at the time of the vote.)

10
11 Mr. Stout moved,

12 Mr. Tremaine seconded,

to approve Stout Amendment No. 2, to AO 2004-113(S), on
Page 32, Line 11, *by adding, to read: 4. Hold a certificate
issued by the Association of Christian School International for
Teacher Education.*"

13
14
15
16 To Mr. Stout, Ms. Wooley responded they had already addressed this issue with the State of Alaska, but no one was
17 familiar with this particular agency, so she did not know if it met the requirements. She stated there was a variance
18 process that this church could pursue through the municipality to decide this issue.

19
20 Mr. Sullivan questioned the certification and asked if anyone ~~new~~ knew of them. Mr. Tremaine found the American
21 Christian Schools website on his lap-top computer, which showed that this church preschool accreditation was
22 approved only in Arizona, Florida, New Mexico, Oklahoma, Texas and Virginia. Their certification was not approved in
23 Alaska and Mr. Tremaine thought it was appropriate not to consider this amendment at this time. Mr. Stout and the
24 second withdrew this amendment.

25
26 and this motion was withdrawn,

27
28 Mr. Tremaine moved,

to approve Tremaine Amendment No. 1, to AO 2004-113(S),
Section 3, on Page 80, C.1.a, *by substituting on Line 4 "2008"
for [2005], with application throughout the document.*

29
30
31
32 Ms. Wooley stated that the state had addressed this issue and remained inflexible. She added that currently the state
33 required nine credit hours, so there was a difference of three credit hours.

34
35 and this motion was withdrawn,

36
37 Mr. Sullivan moved,

38 Ms. Fairclough seconded,

to approve Sullivan Amendment No. 1, to AO 2004-113(S),
on Page 28, Line [31] 36, *by changing [\$1,000,000] to
"\$500,000," and by changing [\$2,000,000] to "\$1,000,000."*

39
40
41 Mr. Sullivan stated he was attempting to reduce insurance costs.

42
43 To Fairclough, Ms. Anderson responded they had worked with Municipal Risk Manager Glenn Smith, who thought that
44 costs of all claims had increased and \$500,000 or \$1,000,000 would fall short if one child was involved with serious
45 injury or loss of life. To Ms. Fairclough, Assembly Attorney Michael Gatti responded that his opinion was that the
46 additional liability to the municipality would be a remote possibility, based on the decision of the Assembly choosing
47 the level of insurance. Ms. Fairclough urged a YES-vote to the amendment.

48
49 Mr. Tesche, an attorney experienced in cases of risk management, stated that the city's figures appeared to be
50 appropriate, and he opposed the proposed changes.

51
52 Mr. Tremaine referred to existing code, requiring \$100,000 per child and \$300,000 per accident. That code had been
53 created in 1975 and needed to be adjusted for inflation and increased medical costs. He felt the decisions of the
54 Municipal Risk Manager should be honored and he would not support the amendment. Mr. Sullivan responded that he
55 understood the current standard was being doubled, and the increased costs needed consideration, both to the
56 centers and to the families who paid for the services.

57
58 Ms. Fairclough stated that this amendment was imposing a higher standard than the State of Alaska, and while there
59 were safety issues that needed to be addressed, she felt the responsibility of retaining services should be left for the
60 individual provider. She thought if the Assembly passed regulations on insurance for a business plan, it may be
61 considered an unfunded mandate. She supported Mr. Sullivan's amendment.

62
63 Chair Traini called for a vote on the Sullivan Amendment No. 1.

64
65 and this motion was passed,

66
67 AYES: Fairclough, Sullivan, Traini, Stout, Ossiander, Shamberg and Coffey.

68 NAYES: Whittle, Tremaine, Tesche and Jennings.

69
70 Mr. Sullivan moved,

71 Mr. Coffey seconded,

72 and this was later withdrawn,

to approve Sullivan Amendment No. 2, to AO 2004-113(S),
in the chart on Page 47, Line 4, *by substituting with the State
of Alaska Chart, to read: A. [~~6 weeks-11 months~~] "0-18
months;" B. [~~12-24 months~~] "19-30 months;" C. [~~25-25
months~~] "3-4 years;" D. [~~36 months-5 years~~] "5-6 years and E.
[~~5-12 years~~] "7-12 years, by changing the corresponding
numbers of "caregivers to match the state chart."*

73
74
75
76
77
78 Mr. Sullivan stated that he had witnessed childcare centers using higher ratio standards, providing excellent safety
79 practices for children. This amendment would require other centers to make changes. Ms. Wooley responded that

1 professionals would be reviewing those numbers over the next year, and thought these were needed changes. She
2 stated that as the ratios were reduced, the quality of care and safety increased. Mr. Sullivan stated he was sensitive to
3 the costs associated with higher standards, and thought it would be an economic burden to smaller daycare centers.
4

5 Ms. Jennings thought this amendment would be a huge step backwards. She thought that safety and quality care for
6 centers was the most important issue and she would not support the amendment.
7

8 To Ms. Shamberg, Ms. Wooley responded that this amendment would require a revision in the MOA child care codes.
9 Ms. Shamberg stated she would not support the amendment.
10

11 To Mr. Whittle, Ms. Anderson responded the National Pediatrics Association had created the current standards and
12 states were reviewing those numbers, taking costs into consideration.
13

14 Ms. Ossiander moved, to amend the Sullivan Amendment No. 2, *by creating a new*
15 Ms. Fairclough seconded, "A.1" "6 weeks to 11 months, or older if not walking" with "a
16 and this was withdrawn, 1- 4 ratio for the caregiver to infant ratio."
17

18 Ms. Ossiander thought that it was important to lower the standards when addressing infants, even though it might lead
19 to an economic burden. Mr. Sullivan accepted Ms. Ossiander's amendment as friendly.
20

21 Ms. Fairclough recommended that Mr. Sullivan withdraw his amendment, to allow the body to take up each category
22 individually. She understood that Sections of D, E and F currently met code requirements and should not be debated.
23 She agreed with Ms. Ossiander with a change to Section A. Mr. Sullivan concurred. Ms. Ossiander withdrew her
24 amendment and Mr. Sullivan withdrew his amendment, each with concurrence of the seconds.
25

26 Ms. Fairclough moved, to amend AO 2004-113(S), *by changing the chart on Page*
27 Mr. Coffey seconded, 47, to read: "A.1. 6 weeks to 11 months, or older if not and
28 this was later withdrawn, walking" with "1-4 ratio;" *and by changing* "12-24 months" with
29 a "1-6 ratio."
30

31 Mr. Sullivan supported postponement to allow time to compare state and municipal ratios. Mr. Coffey thought it would
32 be difficult to change the state standards or ratios. Chair Traini called for a time-out to review the motions on the floor.
33 Upon reconvening, Ms. Fairclough addressed the chart on Page 47, item by item.
34

35 Ms. Fairclough moved, to amend AO 2004-113(S), *by changing the chart on Page*
36 Mr. Sullivan seconded, 47, C.3-4 to remain: "1-6 ratio." *and by changing* Section B.3-
37 4 to read: "1-6 ratio."
38

39 Ms. Fairclough moved, to postpone AO 2004-113(S-1) to September 21, 2004.
40 Mr. Coffey seconded,
41

42 Ms. Fairclough thought time was needed to review all proposed changes and urged the Municipal Health and Human
43 Services to examine Section A, to consider a more stringent ratio for that age group. Mr. Sullivan agreed with
44 postponement to allow time to compare state and municipal ratios.
45

46 Ms. Jennings thought the professionals should be making the decisions on this issue and urged consideration of
47 increasing costs.
48

49 Ms. Fairclough asked for her motion for postponement be withdrawn. Mr. Sullivan did not concur. Chair Traini called
50 for a vote on the motion to postpone. Ms. Fairclough urged a NO-vote.
51

52 and this motion was passed with a vote of eight to three,
53 with objections from Fairclough, Tremaine and Coffey.
54

55 Chair Traini called for a motion to Change the Order of the Day to take up Agenda 13.A, AO 2004-116, concerning dog
56 parks. Ms. Fairclough moved, it was seconded by Mr. Whittle and unanimously approved. Upon completion of
57 Assembly Action of that item, Ms. Fairclough moved to readdress the Child Care issue, AO 2004-113(S).
58

59 Ms. Fairclough moved, for reconsideration of postponement of AO 2004-113(S).
60 Mr. Coffey seconded,
61

62 Ms. Fairclough stated that she had communicated with the Administration and was optimistic that a resolution could be
63 reached on this ordinance. Mayor Begich responded that the Administration had an amendment that would assist the
64 process and would resolve the concerns on child care and he urged a YES-vote on reconsideration to postpone.
65

66 and there were no objections,
67

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

70 (Clerk's Note: Whittle was temporarily out of room at the time of the vote.)
71

72 Ms. Fairclough moved, to amend AO 2004-113(S), *by changing the chart on Page*
73 Mr. Sullivan seconded, 47, to read: A. 6 weeks through 11 months, or older if not
74 walking independently, with a 1 to 4 ratio of Caregivers; B.
75 12 through [24] "18" months, with a ratio of 1 to 5 ratio of
76 Caregivers; C. [25] "19" through 35 months; with a 1 to 6
77 ratio of Caregivers; D. 36 months through 5 years with a 1 to
78 10 ratio of Caregivers; E. 5 through 12 years with a ratio 1 to

10 ratio of Caregivers, and; F. 13 through 17 years with a 1 to 20 ratio of Caregivers.

Ms. Fairclough thought these changes would allow flexibility under state code and would match what had been proposed, without reducing current standards for D, E and F. Mayor Begich concurred with the changes. Ms. Wooley thought the changes were appropriate and most liberal. Ms. Fairclough urged a YES-vote.

Mr. Sullivan moved, to amend the Fairclough Amendment, *by changing* in Section A, *to read:* A. 6 weeks through 11 months, or older if not walking independently, with a 1 to [4] "5" ratio of Caregivers.

Chair Traini called for a second, there was none and the motion died.

Ms. Fairclough stated that the previously approved Ossiander's Amendment had allowed for the economic impact to be addressed. Chair Traini called for a vote on the Fairclough Amendment.

and this motion was unanimously passed,

Ms. Fairclough clarified that the Municipal Health and Human Services Department and the Municipal Law Department would include the changes in childrens' ages throughout the document, following the amended chart.

Chair Traini called for a vote on the main motion, to approve AO 2004-113(S).

Mr. Tesche moved, to approve AO 2004-113(S), as amended.
Mr. Tremaine seconded,
and this motion was passed,

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

NAYES: None.

(Clerk's Note: Whittle was temporarily out of room at time of vote.)

Mayor Begich thanked the Administrative Staff for their many hours of work, the community for their participation with this issue and Assemblymembers who had been involved with changes to create an acceptable ordinance.

Chair Traini thanked the Administration, Ms. Wooley and Ms. Ossiander for their work on this issue.

Ms. Jennings thanked Ms. Fairclough and Ms. Ossiander for their hard work in creating an acceptable ordinance.

Ms. Fairclough moved, for immediate reconsideration of AO 2004-113(S).
Mr. Tremaine seconded,

Ms. Fairclough thought the passage of this ordinance had been an arduous issue, taking two years to get to this point, and she did not wish for any more changes. She urged a NO-vote.

and this motion failed,

AYES: None.

NAYES: Fairclough, Tremaine, Traini, Tesche, Stout, Jennings, Shamberg and Coffey.

(Clerk's Note: Whittle, Sullivan and Ossiander were temporarily out of room at the time of the vote.)

11.C. Resolution No. AR 2004-193, a resolution of the Anchorage Municipal Assembly requesting the State of Alaska, Department of Health and Social Services to delegate **Child Care Facility Licensing authority** to the Municipality, Department of Health and Human Services, pursuant to Alaska Statute 47.35.010 and 4 Alaska Administrative Code Chapter 62, Department of Health and Human Services.

1. Assembly Memorandum No. AM 595-2004.

(Public Hearing was closed 8-17-04; Carried Over from 8-17-04) (Clerk's Note: See Agenda Item 13.C for discussion and action on Postponement until September 8, 2004)

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

Mr. Tesche moved, to approve AR 2004-193.
Mr. Tremaine seconded,
and there were no objections,

(Clerk's Note: Whittle and Shamberg were temporarily out of room at the time of the vote.)

11.D Ordinance No. AO 2004-111, an ordinance of the Municipality of Anchorage authorizing a trade of a 8.26 acre parcel municipally owned property commonly known as **Tract B, Campbell Lake Outfall**, located at the outfall of Campbell Lake in southwest Anchorage, Heritage Land Bank.

1. Assembly Memorandum No. AM 591-2004.

(Public Hearing was closed 8-17-04; Carried Over from 8-17-04)

(Clerk's Note: Action on AO 2004-111 was Postponed to the Meeting of September 21, 2004.)

12. APPEARANCE REQUESTS

12.A. **Mark S. Novosad**, regarding conditional use permit for beer and wine license process.
(Clerk's Note: Did not appear)

12.B. **Ray Crown**, regarding belt route around City of Anchorage for future road development.

1 Raymond Anthony Crown spoke on possible transportation solutions to future congestion issues in the city. His
2 transportation improvements included proposed changes to the Glenn Highway, L Street, Minnesota, O'Malley and
3 Birch Roads, with overpasses at the intersections of Tudor and Lake Otis. These plans would involve land acquisition,
4 which he did not see as a large concern. He also supported consideration of a five percent city sales tax.

5
6 12.C. **Robert C. Beau Bassett**, regarding Alaska Youth Leadership. **(Addendum)**

7
8 ROBERT C. BEAU BASSETT, an educator with the Points of Light Foundation, appeared to speak on this national
9 organization which promoted community service to address serious social problems. He reported on the Points of Light
10 Youth Leadership Institute which involved specialized training to high school students to become more involved in their
11 communities. Young individuals were educated about community problems, and learned resources and solutions to
12 design their own service projects that would help the community. Mr. Bassett introduced members included Priscilla
13 Simmons, Katrina Whitecarage, Martin McKay and Jessica Reed. Ms. Jennings thanked them for their volunteering
14 and support to the community and invited them to join the Youth Violence Prevention Task Force, which was scheduled
15 to meet the following evening. To Mr. Sullivan, Mr. Bassett responded that West High School currently had no
16 participants, due to a lack of community leaders providing interest and involvement. Ms. Ossiander confirmed the
17 group's involvement in her district. To Mr. Whittle, Mr. McKay responded that youth community involvement would
18 increase if they were active with Points of Light, and if there were more advertisements and rewards for students'
19 participation.

20
21 Acting Chair Tesche called for a motion to discuss 13.C and 13.D.

22
23 Mr. Whittle moved, to Change the Order of the Day to take up 13.C and 13.D.
24 Mr. Tremaine seconded,
25 and there were no objections,
26

27 **13. CONTINUED PUBLIC HEARINGS**

28 13.A. Ordinance No. AO 2004-116, an ordinance amending Anchorage Municipal Code Chapter 12.35 to
29 incorporate amendments adopted by the State of Alaska regarding **deteriorated property and**
30 **deteriorated areas**, and to clarify tax incentive application requirements, Office of Economic &
31 Community Development.

- 32 1. Assembly Memorandum No. AM 613-2004. *(Carried Over From 8-17-04)*
- 33 2. Ordinance No. AO 2004-116(S-1), an ordinance amending Anchorage Municipal Code
34 Chapter 12.35 to incorporate amendments adopted by the State of Alaska regarding
35 deteriorated property and deteriorated areas, and to clarify tax incentive application
36 requirements, Office of Economic & Community Development. **(Laid on the Table)**
37 *(Continued to September 8, 2004)*

38
39 Chair Traini read this ordinance title and opened Public Hearing.

40
41 ROBERT KINEEN, owner of Nobel's Diner in Mountain View and founding member of Mainstreet USA, testified in
42 support of this ordinance. He felt it would set higher standards and promote new businesses in Mountain View
43 involved with the revitalization efforts.

44
45 MARK PFEFFER, a local businessman, spoke in favor of the ordinance.

46
47 Mr. Tesche moved, to approve AO 2004-116(S-1).
48 Mr. Coffey seconded,

49
50 Mr. Tesche stated this was a simple ordinance that did not change the status of properties in the city. It was supported
51 by the Municipal Legal Staff which conformed the Municipal Code to a recent change in state law, addressing
52 deteriorated properties for purposes of economic development.

53
54 Mr. Tremaine noted the changes in the substitute version and thought it provided tools needed for economic
55 development, while protecting the city's interests. He urged the body's support.

56
57 Chair Traini stated that the ordinance included language which kept the Assembly involved with the process.

58
59 Mr. Tremaine moved, to amend AO 2004-116(S-1), on Page 1, Line 30, by
60 Mr. Coffey seconded, including, to read: "and would meet one of the following:"
61 and this was unanimously approved,

62
63 Chair Traini and Mr. Tesche thanked Municipal Attorney Fred Boness and Heritage Land Bank Executive Director
64 Robin Ward for their work on this ordinance, to ensure protection of the public interest.

65
66 and the motion was passed, to approve AO 2004-116(S-1), as amended.

67
68 AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Shamberg and Coffey.
69 NAYES: None.
70 *(Clerk's Note: Ossiander was temporarily out of room at the time of the vote.)*

71
72 Mr. Tesche, upon request from the Administration, called for a motion to take up Agenda item 14.Q.

73
74 Mr. Tesche moved, to Change the Order of the Day, to take up 14.Q.
75 Mr. Tremaine seconded,
76 and this motion was withdrawn,
77

1 Mr. Sullivan objected because there were many citizens present who had waited two evenings to hear the dog park
2 issue. Chair Traini agreed, and added he had promised the audience that issue would be addressed that evening. Mr.
3 Tesche withdrew his motion and the second concurred. Chair Traini took up 14.D, concerning dog parks.

4
5 13.B. Ordinance No. AO 2004-108, an ordinance amending Anchorage Municipal Code Sections 21.15.030,
6 21.35.020, 21.40.180, 21.40.190, 21.40.200, 21.45.080, 21.45.290 and 21.50.085, adding new and
7 revising current definitions and standards for a self-storage facility and vehicle storage yards, and
8 allowing the yards in certain zoning districts; adding Section 21.50.400, Conditional Use Standards for
9 vehicle storage yards; adding Section 21.50.450 Conditional Use Standards for containerized storage
10 units in conjunction with self storage facilities; and adding Section 21.55.140, amortization
11 requirements for **self-storage facilities and vehicle storage operations**, Planning Department.

12 1. Assembly Memorandum No. AM 580-2004.

13 2. Ordinance No. AO 2004-108(S), an ordinance amending Anchorage Municipal Code Sections
14 21.15.030, 21.35.020, 21.40.180, 21.40.190, 21.40.200, 21.45.080, 21.45.290 and 21.50.085,
15 adding new and revising current definitions and standards for a self-storage facility and vehicle
16 storage yards, and allowing the yards in certain zoning districts; adding Section 21.50.400,
17 Conditional Use Standards for vehicle storage yards; adding Section 21.50.450 Conditional
18 Use Standards for containerized storage units in conjunction with self storage facilities; and
19 adding Section 21.55.140, amortization requirements for self-storage facilities and vehicle
20 storage operations, Planning Department. (**Laid on the Table**)

21 (*Pubic Hearing Closed 8-17-04; Carried Over From 8-17-04, Continued to September 8, 2004*)

22
23 Chair Traini read this ordinance title and opened Public Hearing on this item and the substitute version.

24
25 MATT BOVICH, owner of a local self-storage business with three thousand units in five locations, explained he had
26 been asked by the Planning and Zoning Commission to participate with the subcommittee organizing community
27 involvement with this issue. He summarized that with contributions from community councils, the Planning and
28 Zoning Commission, the industry and the community, they had reached a consensus with support of the ordinance.
29 To Ms. Ossiander, Mr. Bovich responded that he personally did not think the lots should be paved, and he supported a
30 combination of recycled asphalt or D-1 gravel to keep the dust down and allow drainage. He stated many committee
31 members had made compromises to reach agreement and they had approved paving because it looked better. Ms.
32 Ossiander referred to a set of national guidelines for self storage units, which included a variation on pavement
33 requirements across the United States, often depending on the zoning. Mr. Bovich responded that the committee's
34 determination largely depended on beautification and aesthetics and less on the zoning.

35
36 Chair Traini called for a motion to extend the Assembly Meeting until midnight. Mr. Tesche [~~move~~] moved, Mr.
37 Tremaine seconded and it passed with one objection.

38
39 DAN WATSJOLD, a general partner in Airport Car Storage for the past forty years and involved with both inside and
40 outside vehicle storage, testified. He and his company supported the ordinance currently before the Assembly. To
41 Ms. Ossiander, he responded that their business would not be affected by the requirement of limiting fifty percent of
42 the lot to be covered in building. He thought that any increased restrictions would potentially increase limitations for
43 their business. To her question, Mr. Watsjold responded that, while he did not currently have any, he supported the
44 concept of allowing Connex storage units with a conditional use and obscuring fence.

45
46 DIANE HOLMES representing the Anchorage Citizen's Coalition, was concerned with the changes that had occurred
47 over time, including issues involving the reduced size of landscaping buffers. She stated the most problematic issue
48 was the conditional use, versus permitted use, and saw future conflicts with the Title 21 Rewrite. To Mr. Sullivan, Ms.
49 Holms responded that all of these improvements in landscaping were ahead of the Title 21 Rewrite, and they could be
50 used as a model for changes in module three. To Mr. Tremaine, Ms. Holmes responded that she thought it should
51 involve a conditional use.

52
53 KATHY JAMES, member of self storage subcommittee, testified that they had discussed conditional uses, Connex
54 storage units, amortization, landscaping and vehicle storage. She felt many compromises had been made for the
55 subcommittee to reach consensus.

56
57 Chair Traini called for [~~addition~~] additional public testimony, and there being none, he closed Public Hearing. He ruled
58 to postpone Action of this item until the next Assembly Meeting, scheduled for September 21, 2004. To Ms. Fairclough
59 and Ms. Ossiander, he requested that they distribute their proposed amendments to this ordinance and be ready to
60 take action when the body convened.

61
62 Chair Traini called for a motion to Change the Order of the Day to take up 14.H, 14.M and 14.Q, because they were
63 time-sensitive issues and there were people waiting to testify. Mr. Tesche moved to Change the Order of the Day to
64 take up those Agenda items. It was seconded by Mr. Coffey and there were no objections.

65
66 13.C. Resolution No. AR 2004-185, a resolution of the Municipality of Anchorage, Alaska, confirming and
67 levying assessments for the water special assessments within **Levy Upon Connection (LUC) Roll**
68 **04-W-2**, setting date of payment and providing for penalties and interest in the event of delinquency,
69 Anchorage Water & Wastewater Utility.

70 1. Assembly Memorandum No. AM 572-2004.

71 2. Information Memorandum No. AIM 71-2004.

72 (*Continued From 8-17-04, Postponed until September 21, 2004*)

73
74 Acting Chair Tesche announced that the Administration had requested this item to be continued until September 21,
75 2004. Deputy Municipal Manager Michael Abbott added that it had been requested that AR 2004-185 (13.C) and AR
76 2004-186 (13.D) be postponed to allow additional time for review.

77
78 Mr. Whittle moved,

to postpone AR 2004-185 to September 21, 2004.

79 Mr. Tremaine seconded,

1 and there were no objections,
2

3 Chair Traini reviewed the Assembly Agenda schedule, and called for a motion to Change the Order of the Day. Ms.
4 Ossiander asked the audience to indicate, with a showing of hands, who was in attendance to hear or testify on the
5 child care issues. She asked the same of the people in attendance for the school-related issues. She thought one of
6 these issues should wait until the following evening and recommended that the child care issue be postponed until the
7 continuation of the meeting on Wednesday evening at 7:00 p.m.

8
9 Ms. Ossiander moved, to postpone AO 2004-113(S), Agenda items 11.B and 11.C
10 Mr. Tremaine seconded, until September 8, 2004 at 7:00 p.m.
11 and there were no objections,
12

13 13.D. Resolution No. AR 2004-186, a resolution of the Municipality of Anchorage, Alaska, confirming and
14 levying assessments for the sewer special improvements within **Levy-Upon-Connection (LUC) Roll**
15 **04-S-6**, setting date of payment and providing for penalties and interest in the event of delinquency,
16 Anchorage Water & Wastewater Utility.
17 1. Assembly Memorandum No. AM 573-2004.
18 2. Information Memorandum No. AIM 71-2004.
19 (*Continued From 8-17-04*) (*Clerk's Note: See 13.C. for related Assembly discussion and action.*)
20

21 Mr. Whittle moved, to postpone AR 2004-186 until September 21, 2004.
22 Mr. Tremaine seconded,
23 and there were no objections,
24

25 13.E. Ordinance No. AO 2004-115, an ordinance of the Municipality of Anchorage authorizing a sale of
26 Heritage Land Bank Parcel 5-017, a .58 acre parcel commonly known as **Lot 4, Lake Center**
27 **Subdivision**, located at southwest corner of 82nd Avenue and Jewel Lake Road, at fair market value,
28 Heritage Land Bank.
29 1. Assembly Memorandum No. AM 601-2004.
30 (*Carried Over From 8-17-04; Carried Over to 9-08-04, Continued Meeting; Carried Over to 9-21-04.*)
31

32 14. NEW PUBLIC HEARINGS

33
34 Chair Traini called for a motion to combine Public Hearing on 14.A, 14.B and 14.C, AO 2004-117, AO 2004-122 and
35 AO 2004-118 and there were no objections. Chair Traini read the ordinance titles and urged people in attendance
36 wishing to testify, to get their names on the sign-up sheet, being prepared by Elvi Gray-Jackson. Chair Traini opened
37 Public Hearing, beginning with testimony from Anchorage School District Superintendent Carol Comeau and
38 Anchorage School Board President Tim Steele.
39

40 CAROL COMEAU, Anchorage School District Superintendent, reported the enrollment in the schools on the first day
41 was one student less than the numbers one year ago. She summarized the overcrowding of many of the schools by
42 describing the numbers of students, the percentages the schools were overcapacity and the numbers of relocatable,
43 mobile classrooms at some of the schools. The most recent post-election survey indicated that 90.3% of voters
44 thought that the renovation work should be continued at the high schools; 67.4% agreed that the district should build
45 additional classrooms in the most overcrowded schools; 46% agreed that Northeast Anchorage needed a new middle
46 school, and; 34.9% were uncertain of the school needs. The Department of Education and Early Development had
47 verified that all but two projects would qualify for debt reimbursement. She reported the statistics of state debt
48 reimbursement over the years had been 100%.
49

50 TIM STEELE, School Board President, reported that Northeast Anchorage was the fastest growing population and a
51 new Muldoon Middle School was needed. There had been many changes to the bond proposals from what was
52 presented to the voters during the last election, following a review by the Capital Advisory Commission and the
53 Administration. The School Board supported those projects that were reimbursable from the State of Alaska, along
54 with a couple of projects they felt were critical for future development.
55

56 To Mr. Tesche, Ms. Comeau responded the differences between the bond issues currently being considered and the
57 issues submitted to the voters, included omitting Chester Valley Elementary renovation, the administration facility and
58 downsizing proposed construction projects.
59

60 To Mr. Stout, Ms. Comeau responded the proposed construction of the new Muldoon Middle School would begin soon,
61 with the opening scheduled for the fall of 2007. She responded that the renovation projects that would be debt
62 reimbursable included East High School at 70%, Bartlett High School at 70%, Chugiak High School at 70%, Muldoon
63 Middle School at 60%, Clark Middle School at 60% and Service High School, Phase II, at 60%. She responded that
64 projects for West Romig School and the Southwest Elementary were not debt reimbursable.
65

66 To Mr. Sullivan, Ms. Comeau responded that if the project qualified for debt reimbursement, all of the costs for the new
67 facilities would apply, including the money for planning and design. If the Assembly approved these issues for the
68 ballot and if the voters approved the bond issues, it was not the School District's intention to propose additional new
69 renovations or construction to come before the voters in April, 2005. She added that maintenance issues had not
70 adequately been addressed and the School Capital Review Committee would address those soon. She responded
71 that they had studied the surveys and polls and were hopeful that, with the elimination of the administration facility, the
72 voters would support these critically needed projects.
73

74 To Ms. Jennings, Ms. Comeau responded that if the bonds were not submitted to the voters on the ballot, the School
75 District would appeal to the School Board and request an appropriation be taken out of the district's fund balance.
76

77 To Mr. Coffey, Ms. Comeau responded that the two projects that did not qualify for reimbursement had been before the
78 voters on a ballot one time. If the bond issues were passed, the state would begin reimbursement in 2005.
79

1 To Ms. Fairclough, Ms. Comeau responded that renovations needed on West Anchorage were not completed. Ms.
2 Fairclough thought it was wise to combine this local issue with the state ballot to ensure high voter turn out.

3
4 LINDA CHASE and her husband MIKE SWALLING, parents of three children in the Anchorage School District, testified
5 that their children were receiving a very fine education and they supported the school bond packages.

6
7 ROSANNE PAGANO SMITH, mother of a student at Central Middle School, spoke in support of the school bonds.

8
9 CARL LOERBS felt there was a correlation between overcrowded schools and disciplinary problems and he supported
10 the school bond issues.

11
12 JIM KUBITZ, father of four children in the Anchorage School District, supported the bond issues. To Ms. Jennings, he
13 responded that the funding for the planning of West High and Southwest Elementary should be included in the bond
14 package. Mr. Tesche thanked him for his involvement with West High School. To Mr. Whittle, Mr. Kubitz responded
15 that it would take all citizen involvement to support the needs for schools in east Anchorage.

16
17 ROCHELLE McDONALD, parent and volunteer, spoke in support of the school bond packages, with focus on wise
18 spending.

19
20 PEGGY ROBINSON spoke in support of the school bonds, in particular the needed school in east Anchorage. A
21 former School Board member, she asked members of the audience to stand to show support of the school bonds.
22 *(Clerk's Note: A majority of a full-house audience, stood to show their support.)* Ms. Ossiander commended Ms.
23 Robinson for her long-time advocacy for the school needed in Muldoon. To Ms. Jennings, Ms. Robinson responded
24 that she had been on the Bartlett High School Planning Board and understood that better planning processes led to
25 more accurate funding assessments when construction costs were addressed.

26
27 BOB [ROSES] ROSAS, retired teacher and citizen since 1965, and member of the Northeast Community Council,
28 spoke in support of the Muldoon Middle School funding.

29
30 MARY KIESSLING, mother of Anchorage students, spoke in support of the school bonds, including the remodeling
31 and renovations. She urged the Assembly to seek additional revenue sources.

32
33 RON SLEPECKI, parent of students in private Christian Schools, testified in support of the school bond packages.

34
35 KERRY HAWKINS spoke in support of the school bonds, in particular the planning and renovations needed for Clark
36 Middle School.

37
38 ROD McCOY, member of the design committee of the Muldoon Middle School, testified in support of the school bonds.

39
40 AINSLIE PHILLIPS, Muldoon resident, realtor and board member of the Northeast Community Council, testified in
41 support of the school bond packages, particularly in East Anchorage. She felt voters had not supported the bond
42 packages in the past election because there was too much to consider, including the proposed administration building.

43
44 CHUCK FANNIN spoke in support of the school bonds.

45
46 REX SHATTUCK spoke in favor of the school bonds, particularly for Chugiak High School. He thanked Ms.
47 Fairclough, Ms. Ossiander and Carol Comeau and her staff for their efforts in that district.

48
49 JUSTIN SHATTUCK, a junior at Chugiak High School, testified in support of the Phase Four renovation needed at the
50 high school.

51
52 PAM MASSEY, PTA President at Service High School and parent of students in the district, spoke in support of the
53 school bonds, in particular the renovations needed in high schools throughout Anchorage, especially at Service, which
54 was in a state of disrepair.

55
56 L. JOHNSTON felt that the Anchorage School District had too many special interests with their support of the Town
57 Center and a shopping center proposed for Muldoon, and their ignorance with students' interests and needs. Instead
58 of supporting the school bond issues, [she urged the ballot issue to be [øf] on tax breaks to out-of-state developers.]

59
60 MAX GRUENBERG, Alaska State Representative, testified in support of the school bonds for Anchorage. He shared
61 with Assemblymembers a working draft of a House Bill, outlining financial reimbursement of school construction and
62 renovation, showing the percentage of debt reimbursements and dates for payments of reimbursements, with
63 retroactivity of future projects. To Mr. Tremaine, Mr. Gruenberg responded this bill was only an authorization and there
64 were two phases to follow. He was looking for sponsors for additional support.

65
66 LOU PONDOLFINO, parent of students in the district and Service High School Principal, testified in support of both
67 school bonds, in particular the renovations and improvements needed at his high school. He spoke of the 600
68 students housed in portable classrooms and the deterioration of the existing classrooms. He also spoke in support of
69 the proposed Muldoon Middle School. Ms. Ossiander stated that Service was lucky to have him as principal.

70
71 WILLIAM JOHNSON, parent of three students in the district, testified in support of the school bonds, in particular for
72 Northeast Anchorage.

73
74 CESSILYE WILLIAMS, Clark Middle School Principal, spoke in support of the new Muldoon Middle School. She
75 invited everyone to visit and see the overcrowded school and the many mobile units housing her students.

76
77 CHRISTINE SCOTT, parent of students at Clark Middle School, testified in support of the school bonds.

78

1 JOSH GREEN, Northeast Community Council President, testified in support of the school bonds and explained that
2 the council was unified in support. Mr. Stout and Ms. Jennings commended Mr. Green for his leadership and
3 organization with the community council.

4
5 TROY KARLUCK, member of the Northeast Community Council, commended President Josh Green on his hard work
6 on the issues in their area. He stated for the record that he and members of the council would be assisting in any way
7 possible for the Muldoon Middle School.

8
9 GEORGE VAKALIS, representing himself, testified in support of the school bonds. A former military member and
10 familiar with the base alignment in Anchorage, he was aware of factors supporting the base expansions or closures,
11 included criteria of quality education available to military families. He stated that support of the Muldoon Middle School
12 was critically important for both the military bases and for East Anchorage. To Mr. Whittle, Mr. Vakalis responded that
13 in order for the school bonds to pass an election it would take involvement of everyone across the city. He thought
14 simplification of the issues would make them more easily understood, and was optimistic that the bonds would pass.

15
16 With no further public testimony, Chair Traini closed Public Hearing on 14.A, 14.B and 14.C, AO 2004-117, AO 2004-
17 122 and AO 2004-118. He called for a motion on 14.C, AO 2004-118.

- 18
19 14.A. Ordinance No. AO 2004-117, an ordinance providing for the submission to the qualified voters of
20 Anchorage, Alaska, the question of the issuance of not to exceed **\$29,950,000 of General Obligation**
21 **Bonds** of the Municipality of Anchorage to pay the costs of educational capital improvements in the
22 Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay
23 associated operations and maintenance costs at a special election in and for the Municipality of
24 Anchorage on November 2, 2004, Anchorage School District.

- 25 1. Assembly Memorandum No. AM 616-2004.

26
27 *(Clerk's Note: See Agenda Item 14, New Public Hearings, for associated public testimony on this item.)*

28 Mr. Sullivan moved, to approve AO 2004-117.
29 Mr. Tesche seconded,

30
31
32 Mr. Sullivan stated this bond proposition would complete the renovation processes for the high schools. He thought
33 the ASD had convinced him of the need, and this version offered improvements for all areas of town. He would be a
34 YES-vote.

35
36 Mr. Tesche agreed with Mr. Sullivan. He felt West High desperately needed renovations. He would be a YES-vote.

37
38 *(Clerk's Note: See Agenda Item 14.B for details of Mr. Coffey's motion to substitute AO 2004-122 for AO 2004-117.*
39 *AO 2004-117 was postponed indefinitely.)*

- 40
41 14.B. Ordinance No. AO 2004-122, an ordinance providing for the submission to the qualified voters of
42 Anchorage, Alaska, the question of the issuance of not to exceed **\$29,600,000 of General Obligation**
43 **Bonds** of the Municipality of Anchorage to pay the costs of educational capital improvements in the
44 Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay
45 associated operations and maintenance costs at a special election in and for the Municipality of
46 Anchorage on November 2, 2004, Assembly Chair Traini; Assemblymember Fairclough.

- 47 1. Assembly Memorandum No. AM 631-2004.

48
49 *(Clerk's Note: See New Public Hearings, Agenda Item 14, for associated public testimony on this item.)*

50
51 Mr. Coffey stated that these bonds were back before the public because of the promise of sixty and seventy percent
52 state debt reimbursement which he thought was significant. For that reason he wanted to support AO 2004-122, and
53 moved to substitute it for AO 2004-117.

54
55 Mr. Coffey moved, to substitute AO 2004-122 for AO 2004-117.
56 Mr. Stout seconded,

57
58 Mr. Coffey stated that his motion to substitute had to do with the state debt reimbursement. He thought it was
59 important to clarify that he would support the issues involved with AO 2004-117 coming before the voters at a later
60 time.

61
62 Mr. Stout agreed that the state funding was a major force with his support of the substitution of AO 2004-122 for AO
63 2004-117. He felt the two items in AO 2004-117 should be omitted now and reconsidered next year.

64
65 Ms. Jennings thought that supporting AO 2004-117 would help garner the support for West Anchorage voters, and
66 would not support the substitution.

67
68 Mr. Tremaine explained that an election was a sensitive issue and thought that the simpler the message, the better the
69 chance the message would be received. He thought that staying with the debt reimbursable items was a good idea.

70
71 Ms. Fairclough thought that the Assembly should present a united front with the ASD, and move forward with
72 additional debt reimbursable items. To her question, Ms. Comeau stated again that historically, debt reimbursement
73 had been within two or three years of a project and she urged the Assembly to move ahead now. She explained that it
74 was not their intention to propose new construction projects for the April ballot. To Chair Traini she explained the
75 improvements needed at Romig, West and Southwest Elementary School would be addressed and design and
76 construction options would come before the voters. She responded that these projects would not have the state debt
77 reimbursement unless the State Legislature reinstated this program after December 31, 2004.

1 Ms. Ossiander stated it was important for the voters to understand there would not be a major construction bond on
2 the April ballot, and thought it would alleviate much criticism from the public. She also thought it was important for
3 every part of town to be somehow included in the improvements and was concerned that the alleviation of AO 2004-
4 117 would leave out West Anchorage. She emphasized how important it was to plan these projects, and wanted to
5 clarify that planning money was available for debt reimbursement at a later date. She felt that the needs of cities in
6 Alaska could not be ignored, and the state would have to be responsible for funding assistance. She would be voting
7 against the substitution and thought the best message the Assembly could send would be to a united vote.
8

9 Mr. Stout thought that in the process of trying to convince the voters to support this issue, it would be difficult to explain
10 that some items were debt reimbursable and some were not. He thought combining both reimbursable and non-
11 reimbursable items on the ballot would confuse the voters, and the best shot for approval would be to simplify the
12 issue and only include the reimbursable items.
13

14 To Ms. Fairclough, Ms. Comeau responded that appropriations for debt reimbursement for all new projects would end
15 on December 31, 2004. She added that projects in the future would require the Legislature to pass a law that would
16 allow new debt reimbursement programs. Ms. Fairclough stated that, with Ms. Comeau's explanation, she would
17 support substitution.
18

19 To Ms. Jennings, Ms. Comeau responded that the history of debt reimbursement had been one hundred percent since
20 1982, with the likelihood of commitment for future reimbursement from the state.
21

22 Ms. Shamberg stated she would support substitution of AO 2004-122 for AO 2004-117.
23

24 Mr. Tremaine urged all citizens to be advocates of this cause for this to be successful.
25

26 Chair Traini again thanked Lieutenant Governor Loren Lemman for his foresight and leadership in getting this on the
27 November 2, State Ballot. All of the items qualified for state debt reimbursement and education, the youth and the
28 community would benefit from this item.
29

30 Mr. Whittle stated he would support West Anchorage projects in the future.
31

32 and the motion for substitution was passed,
33

34 AYES: Fairclough, Tremaine, Traini, Tesche, Stout, Shamberg and Coffey.

35 NAYES: Whittle, Sullivan, Jennings and Ossiander.
36

37 Chair Traini called for motion to approve AO 2004-122.
38

39 Mr. Coffey moved, to approve AO 2004-122.
40 Mr. Tremaine seconded,
41 and this motion was passed unanimously,
42

43 14.C. Ordinance No. AO 2004-118, an ordinance providing for the submission to the qualified voters of
44 Anchorage, Alaska, the question of the issuance of not to exceed **\$52,000,000 of General Obligation**
45 **Bonds** of the Municipality of Anchorage to pay the costs of educational capital improvements in the
46 Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay
47 associated operations and maintenance costs at a special election in and for the Municipality of
48 Anchorage on November 2, 2004, Anchorage School District.
49 1. Assembly Memorandum No. AM 616-2004.

50 *(Clerk's Note: Refer to Agenda Item 14, New Public Hearings, for associated public testimony on this item.)*
51

52 Chair Traini read this ordinance title and called for a motion.
53

54 Mr. Whittle moved, to approve AO 2004-118.
55 Ms. Fairclough seconded,
56

57 Mr. Whittle stated that after hearing all the testimony and the statistics on the students, he felt it was important to work
58 together on all the bond packages and not be divided by area divisions of the city. They needed to remain focused on
59 the students and the future of the city.
60

61 Mr. Tremaine stated he had received calls from people in his district who were solely focused on the improvements
62 needed for their districts' schools. He thought it was important for all voters to look at Anchorage as a whole, being
63 aware of the growing disparity in East Anchorage, and responsibly address all of the needs. He would be a YES-vote.
64

65 Ms. Fairclough stated that AO 2004-118 was for the Muldoon Area Middle School, with a cost estimate of \$52 million.
66 She would be supporting this issue, because of the need and because the debt reimbursement was available and she
67 urged Anchorage voters to also make an investment in the city's future.
68

69 To Mr. Coffey, Ms. Fairclough and Chair Traini each responded that it would involve state reimbursement of sixty cents
70 on the dollar, and would take place over the entire life of the bond.
71

72 Mr. Stout stated that he was convinced the state would pass the appropriation bills for supporting the Anchorage
73 School proposals. He had seen nothing that would indicate the Muldoon Middle School should not be built, and
74 thought it was in the best interest of the community. He stated he would be supporting it.
75

76 Mr. Tesche felt it was a constitutional obligation for the state to support the school bonds. He stated with the
77 significant changes of the proposals and their presentation, and with the district omitting the administration building, he
78 was optimistic the voters would support the issues and he would be a YES-vote.
79

1 Ms. Shamberg stated ~~that [she still questioned if the state would come forward with debt reimbursement. She thought~~
2 ~~it was an important matter, with the military base issues and the students' education and wellbeing, and she would~~
3 ~~support the issue.] regardless of state funding, she thought it was an important matter, with the military base issues~~
4 ~~and the students education and wellbeing. She would support the issue.~~

5
6 Mr. Coffey stated he had criteria for his supporting this proposal, including the ASD convincing him of the need for a
7 new middle school, the reasonable expectation of state debt reimbursement and the issues were to be included in the
8 November General Election. All of his criteria had been met and he would be a YES-vote.

9
10 Mr. Sullivan thought the voters had rejected the bonds on the last ballot because it was too overwhelming. To his
11 question, Municipal Clerk Barbara Gruenstein responded that a cost for including this on the State November ballot
12 had not been totally calculated into a hard figure, but it would be substantially less than holding a Municipal Special
13 Election. She had worked closely with the Lieutenant Governor and the Division of Elections to coordinate the contract
14 to include the bond proposals. To Mr. Sullivan, Carol Comeau responded the ASD had not conducted any polling to
15 determine the effectiveness of the current format, with the middle school standing alone, but planned to, prior to the
16 election.

17
18 Chair Traini stated that he supported this issue. He had attended a community council meeting in the Muldoon area
19 and was impressed with the support and enthusiasm for the middle school. He stated it was important to act
20 responsibly and approve the bond in one unified voice. He thanked all the individuals who had worked hard to bring
21 this back before the voters, including Lieutenant Governor Loren Leman. He urged a YES-vote from all
22 Assemblymembers. He called for a vote.

23
24 and this motion was passed,

25
26 AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
27 NAYES: None.

28
29 Chair Traini called for a motion to take up Agenda Item 14.D, dealing with off-leash dog park spaces.

30
31 Mr. Tesche moved, to take up Agenda Item 14.D, AO 2004-121.
32 Mr. Stout seconded,
33 and this was unanimously passed,

34
35 14.D. Ordinance No. AO 2004-121, an ordinance of the Anchorage Municipal Assembly re-adopting
36 Anchorage Municipal Code Section 17.10.090 pertaining to **off-leash dog park spaces**,
37 Assemblymembers Traini and Tesche.

38 1. Assembly Memorandum No. AM 630-2004.
39 *(Carried Over to Continued Meeting of 9-08-04)*

40
41 Chair Traini read this ordinance title and summarized the history. He urged any members of the audience who wanted
42 to participate with public testimony to sign their name on the sheet prepared by Ms. Elvi Gray-Jackson. The Chair
43 opened Public Hearing with representatives from the Parks Commission and the Animal Control Advisory Board.

44
45 JEFF CLARK, Commissioner of the Parks and Recreation Advisory Board, summarized the Board's stand in support of
46 the continuation of off-leash dog parks, understanding the need for such parks in the city. Mr. Clark responded to Mr.
47 Sullivan's question by explaining that the Board was not opposed to his idea of licensing dogs to improve monitoring
48 off-leash activity in the parks, but was concerned with the lack of funding for monitoring and enforcement. They had
49 addressed raising private financing through grants and donations and found that it was difficult to get long-term money
50 sources on one-year projects. It would be the recommendation of the Board and they were planning to take a formal
51 position to increase funding for enforcement and would propose the staffing of a fulltime officer.

52
53 JEFF DILLON, Parks and Recreation Department Director, stated the Department was waiting for the decision from
54 the Assembly to see if the concept of off-leash dog parks was going to be continued. They then would take measures
55 to begin addressing and resolving the concerns. Mr. Sullivan repeated his suggestion for dog licensing for the parks,
56 which had been used successfully in other urban communities. Mr. Dillon responded that an education system was
57 needed and encroachment onto adjacent properties needed to be addressed. To Mr. Tremaine's question, Mr. Dillon
58 responded the four main concerns had already been identified, including education for the public. Animal Control had
59 made fliers and brochures to educate the user groups on policy. They were hoping to prepare the criteria manual this
60 fall, begin the public process in early 2005 and present the final recommendations by April or May.

61
62 MIKE WALSH, former Chair and current member of the Animal Control Advisory Board, stated they had submitted a
63 resolution in support of AM 630-2004. They had identified a number of issues that needed to be addressed and
64 described a process to resolve those issues. They had had overwhelming public support which had ~~exceed~~
65 exceeded their expectations. There were numerous volunteer and support groups, one of which had purchased and
66 had already used six hundred thousand 'scoop-the-poop' bags for park clean-up. The city was in the process of
67 developing a long term community park plan, which included dog-walking as an element. To Ms. Shamberg, he
68 responded that the Parks and Recreation Commission had no intentions or expectations that the conditions outlined
69 were going to be resolved before this issue came before the Assembly.

70
71 SANDY TRAINI, member of the Animal Control Advisory Board and Vice-Chair of the Parks and Recreation
72 Commission, introduced additional persons appearing in support, including DIANE ETTER, with the Parks and
73 Recreation Commission, DON DANIELS, from Animal Control, KENNY NOLAN, with the Animal Control Advisory
74 Board and KAYLA EPSTEIN, with the Animal Control Advisory Board and member of the Parks and ~~Reaction~~
75 Recreation Commission.

76
77 Mayor Begich stated that his Administration fully supported the concept of off-leash dog parks and appreciated the
78 enthusiasm heard that evening, but he remained concerned with the availability of resources necessary to maintain
79 responsibility. He highly recommended that the Assembly address the costs of ~~[this concept]~~ off leash parks.

1
2 KIRSTEN BALLARD testified, representing the North American Skijoring and Ski Pulk Association (NASSPA). She
3 explained this group maintained and groomed skijor-only trails at Far North, Bicentennial, Moose Ridge and Connors
4 Bog. These areas had always been leash-only areas until the start of the program, but they were often
5 used as off-leash dog parks, which conflicted often with skiers. Their group worked directly with Anchorage
6 Unleashed, to share the maintenance of the trails in the winter, education, outreach and signs. NASSPA had received
7 verbal abuse from dog owners and the signs had been destroyed and dogs and owners continued to use the main ski
8 trail, which invited conflict. She stated that if the irresponsibility continued, they would not support the off-leash dog
9 usage in the future. They needed improved relations and more financial support from the off-leash dog group or they
10 would not be able to support the establishment of these parks having permanent off-leash areas in the winter.

11
12 BARBARA GARNER, University Area Community Council Vice President, testified they were opposed to the
13 designation of the University Lake as an off-leash dog park. She and members of the council felt this was a small
14 neighborhood park for the local residents and students. They felt badly that the Municipality had never informed them
15 of the changes to this park. To Mr. Sullivan, she responded that she did not feel parking was a problem with the
16 addition of the "no parking" signs.

17
18 BETTY ADKISON, member of the University Community Council, recommended fencing to separate off-leash areas.
19 She thanked the dog groups for trying to educate the dog owners and for supplying the 'scoop-the-poop' bags.

20
21 TIM NEALE, University Community Council President, did not think there was enough planning for the University Lake
22 Park. They wanted to keep the park safe and better monitored. He encouraged the establishment of more dog parks,
23 to put less pressure on the University Lake Park.

24
25 TIM POTTER, an Engineer with Dowl Engineering and familiar with University and University-Medical (*U-Med*) area,
26 made recommendations for the development of University Lake Park. He showed the area on a map and shared a
27 brief history of the area. He felt the Municipality needed to address responsibilities of off-lease use and proposed
28 consideration of addressing potential lawsuits of a dog bite or attack on the university or hospital land. Mr. Sullivan
29 thought it would be difficult to consider continuing the off-leas[e]h use for an additional year, because refining the
30 master plan had not occurred in the prior year. Mr. Potter responded with suggestions, including specific areas for the
31 usage, licensing, parking, fencing and appropriating funding for improvements and enforcement. To Mr. Tesche, Mr.
32 Potter stated he was testifying as a concerned citizen. To Mr. Whittle, Mr. Potter reviewed the boundaries of the area,
33 the right-of-ways and private and undedicated lands. To Ms. Jennings, he responded that he had seen fenced areas
34 and gave examples in communities in the northwest that had successfully used fencing. To Mr. Coffey, he responded
35 that the Assembly could be requesting funding, considering licensing, examining the master plan and implementing the
36 schedule recommended by the Parks Director, extending the sunset clause and reducing the usage area, to minimize
37 conflicts and parking spill-over.

38
39 DIEDRE HALL presented the Assemblymembers with pictures showing environmental deterioration and erosion, dog
40 feces and garbage. She recommended consideration of fees and dog licensing. To Mr. Whittle, she responded that
41 special tags for dogs would be a good idea. In order to be fair with conditional use, she thought the same tags should
42 be required for runners, skiers and bicyclists. Ms. Jennings stated that the Nordic Ski Club organized required fees for
43 maintenance of ski trails in the Kincaid Trails.

44
45 JEAN TAM, user of Connors Bog for 16 years, spoke of protection of the lake. She spoke of her summer projects,
46 monitoring loon nests and fledglings in that park, which statistically were the most productive in the Anchorage Bowl.
47 She urged consideration of closure of the lake during nesting season and felt the nesting areas needed to be fenced
48 for protection. She thought the area was being polluted because of the urination and feces. There was garbage,
49 damage and environmental erosion. She encouraged enforcement, fees, fencing, creating restricted access and
50 consideration of alternative lakes for off-leash parks.

51
52 VIVIAN MENDENHALL, representing the Anchorage Audubon Society, testified they understood the need for dog
53 parks and they supported a continued sunset clause for Connors Bog, with the hope of improvements and
54 enforcement to conserve the nesting areas of the loons. She spoke of their concern with the usage of Connors Bog
55 Park, showing photos of erosion and environmental damage and spoke of the vandalism to the fencing in this area. To
56 Chair Traini, Ms. Mendenhall responded there were three pairs of nesting loons in the Anchorage Municipality, and
57 thirteen in the Anchorage Bowl. To Mr. Stout, she responded that the two nests of loons in Connors Bog were
58 successful with hatching fledglings because of the installation of a floating loon platform with roofs over the nests,
59 which protected them from the eagles.

60
61 TISH KIPPENHAM testified in support of the usage at Connors Bog. She used Connors Bog for the past twenty-four
62 years and had continually cleaned and picked up the garbage. She didn't think there was a problem and thought
63 everyone got along very well at Connors Bog and all the dogs were happy. To Ms. Jennings, Ms. Kippenham
64 responded that she had reprimanded the owners whose dogs chased moose and knew of the fence being vandalized.

65
66 TOM BRADSHAW spoke against off-leash dog parks, and told incidents of owners not cleaning up after their dogs.

67
68 KAYLA EPSTEIN, member of Animal Control and President of the group *Anchorage Unleashed*, spoke in support of
69 the park usage. She was delighted that it was now legal to have loose dogs, and felt they had done much work trying
70 to make this work, picking up garbage and replacing signs in Russian Jack and Connors Bog Parks. Mr. Sullivan
71 stated he respected her and her group for all the work they had done over the past year. She maintained optimism
72 that there would be a workable solution and all of the concerns would be resolved. She thought more parking areas,
73 signs and maps were needed. She recommended developing a good neighbor policy and understood it would be
74 easier to get private funding if the parks usage were permanent. Mr. Sullivan encouraged her to continue to address
75 the issues and make recommendations.

76
77 TAMARA MILLS, *Anchorage Unleashed* Vice President, owner of three dogs and a professional loon biologist,
78 supported off-leash parks. Ms. Mills thought the loons at University Lake could see dog activity at a distance and not

1 be endangered. She recommended improving the fencing to keep dogs away from the shoreline next to the nests and
2 thought that all groups needed to work together in order for this to be successful.

3
4 LORI JOHNSTON opposed all the attention to dogs, when the city had responsibilities to assist citizens who were
5 hungry, homeless and in need.

6
7 KELLY SMITH, Alaska Pacific University Dean of Students, testified about the concerns of off-leash usage in the
8 University Lake area, where there were no boundaries and loose dogs frequented the school's soccer fields,
9 construction areas and children's summer camp areas. While he welcomed communication and invited walking tours
10 to view the area, the University felt there were safety issues that needed to be addressed, including parking, entrances
11 and exits to the park, dogs chasing wildlife and high incidents of environmental damage. To Mr. Sullivan, Mr. Smith
12 responded that he had viewed ~~[the trails of]~~ the dog parks and had seen a dramatic increase of usage during the past
13 year.

14
15 With no additional public testimony, Chair Traini announced this issue could be continued the following evening.
16 *(Clerks Note: See Agenda Item 20, for details on the Adjournment.)*

17
18 On September 8, 2004, Chair Traini returned the body to Public Hearing on AO 2004-121.

19
20 CYNTHIA TOOHEY testified that she thought the dog parks worked beautifully and considered them, in particular
21 University Lake, very successful and very clean. To Mr. Sullivan, she responded that she thought that education was
22 more important than funding.

23
24 BILL BOBRICK testified in support of the off-leash parks. He felt that it was a privilege to share the trails and parks in
25 the city. He supported the group, Anchorage Unleashed, in their efforts to make the parks work and encouraged
26 participation of the Assembly, all municipal departments, the Administration and the public to make this work. He
27 appreciated the Assembly for allowing people to demonstrate their willingness and responsibility on this issue.

28
29 Mr. Sullivan agreed with Mr. Bobrick, in support of the dog parks, but only if it was done right. He thought it was a
30 good idea to push back the sunset clause and have interested parties, including neighboring property owners, address
31 the issue. He requested the Administration to come forth with a legal opinion on the liability issue of having off-leash
32 dogs in mixed-use areas, with statistics.

33
34 HEATHER SHARTAN testified in support of off-leash dog parks.

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

37
38 Mr. Tesche moved, to approve AO 2004-121.
39 Mr. Stout seconded,

40
41 Mr. Tesche moved, to amend AO 2004-121, *by adding* to Lines 22, on Page 1,
42 Mr. Sullivan seconded, That AMC 17.10.090 is hereby re-adopted effective
43 and this motion was passed unanimously, immediately upon passage and approval. "That section shall
44 remain in effect only until December 31, 2004 and is
45 automatically repealed on that same day unless the
46 Assembly, in conjunction with approval of the General
47 Government Operating Budget for FY 2005, finds that funds
48 sufficient to implement the four recommendations contained
49 in the Parks and Recreation Commission resolution of August
50 12, 2004 have been recommended by the Mayor and
51 appropriated by the Assembly in the General Government
52 Operating Budget for FY 2005, and the Mayor has appointed
53 a special advisory committee consisting of a representative
54 each of the Parks and Recreation Department, the Parks and
55 Recreation Commission, and the Animal Control Advisory
56 Board and two citizens to assist the Administration in
57 preparing a specific operations plan for the University Lake
58 and Connors Lake Parks by no later than May 10, 2005.
59
60 Upon approval of this legislation finding as provided above,
61 AMC 17.10.090 shall become a permanent part of the
62 Anchorage Municipal Code, subject to repeal or modification
63 only by subsequent ordinance of the Assembly."
64

65 Mr. Tesche stated that he, with the assistance of Mr. Coffey and Deputy Municipal Manager Michael Abbott, thought
66 that funding would be available to make sure these parks worked successfully. He had been convinced by public
67 testimony that dog parks were in demand and could be successful in a responsible way. He also understood there
68 were two sensitive parks, University and Connors Bog, and thought it was appropriate to create a citizens' committee
69 to assist the Administration in developing an operations plan, to be in operation by May 10, 2005. He urged approval
70 of the ordinance, as amended.

71
72 Mayor Begich supported the amendment and he and his Administration were looking forward to getting the issues
73 resolved and moving ahead.

74
75 Mr. Coffey understood the popularity of the dog parks and felt the concerns needed to be addressed with funds
76 appropriated from users and from the city in order to make it work. He thought the issues associated with University
77 and Connors Bog needed a planning process and felt the Tesche Amendment addressed the issue and he would
78 support it.

1 Mr. Whittle stated that while Russian Jack residents supported the concept, there were still issues that needed to be
2 resolved.

3
4 Ms. Shamberg stated that she supported the Tesche Amendment and agreed with continuing the sunset clause to
5 allow time to work out the concerns. She hoped that the costs would involve the users. In fairness, she also wanted
6 consideration for establishing non-dog parks.

7
8 Ms. Ossiander questioned if the language could be included to allow a licensure or user fee. Chair Traini stated that
9 could be addressed at any time.

10
11 Ms. Jennings supported the Tesche Amendment.

12
13 Mr. Sullivan thought consideration should be given to dog-only parks because he saw the conflicts with the multi-use
14 areas. He requested the Administration give an opinion on the liability issue concerning off-leash dog parks mixed with
15 other uses. He supported the Tesche Amendment and urged a YES-vote.

16
17 Mr. Stout supported the Tesche Amendment, and thought dog parks were an asset to the city. He was concerned with
18 the liability issues regarding loose dogs and felt enforcement needed to be included to ensure park safety.

19
20 Mr. Tesche urged a YES-vote on his amendment. Chair Traini called for a vote on the Tesche Amendment.

21
22 and the motion passed without objection,

23
24 Chair Traini called for a vote on the main motion.

25
26 Mr. Tesche moved, to approve AO 2004-121, as amended.
27 Mr. Stout seconded,
28 and this motion was passed,

29
30 AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
31 NAYES: None.

32
33 Ms. Fairclough moved to reconsider postponement of 11.B, AO 2004-113(S). (*Clerk's Note: See Agenda Item 11.B.*
34 *for continued discussion and action.*)

- 35
36 14.E. Resolution No. AR 2004-222, a resolution of the Anchorage Municipal Assembly approving an
37 alcoholic beverages conditional use in the B-3 SL District for a new restaurant or eating place use per
38 AMC 21.40.180 D.8 for **Manriques Brasserie Restaurant**; located on Lot A, Block 2, Bel Aire
39 Subdivision; site address being 701 West 36th Avenue, Suite #A-17; located in the Olympic Center
40 Mall; generally located on the northeast corner of Arctic Boulevard and West 36th Avenue, Planning
41 Department.
42 1. Assembly Memorandum No. AM 683-2004.
43 (*Carried Over to Continued Meeting of 9-08-04*)

44
45 Mr. Coffey stated that while the work had been completed, he wanted to disclose that in the past an associate from his
46 Law Office had completed the documentation for the conditional use application for this liquor license. Chair Traini
47 ruled that he did not have a conflict of interest because the contract had been terminated with this organization.

48
49 LORENZO KING, representing Manriques Brasserie Restaurant, requested the Assembly approve the conditional use
50 permit.

51
52 Ms. Fairclough moved, to approve AR 2004-222.
53 Mr. Tremaine seconded,
54 and this motion was passed,

55
56 AYES: Fairclough, Tremaine, Sullivan, Traini, Tesche, Stout, Ossiander, Shamberg and Coffey,
57 NAYES: None.

58 (*Clerk's Note: Whittle and Jennings were temporarily out of the room at the time of the vote.*)

- 59
60 14.F. Resolution No. AR 2004-205, a resolution of the Municipality of Anchorage, Alaska, confirming and
61 levying special assessments for sanitary sewer improvements for **Colonial Lateral Improvement**
62 **District (LID) 50-18**, setting date of payment and providing for penalties and interest in the event of
63 delinquency, Anchorage Water & Wastewater Utility.
64 1. Assembly Memorandum No. AM 625-2004.
65 (*Carried Over to Continued Meeting of 9-08-04; Continued to 9-21-04*)

- 66 14.G. Resolution No. AR 2004-206, a resolution of the Municipality of Anchorage, Alaska, confirming and
67 levying assessments for the sewer special improvements within **Levy-Upon-Connection (LUC) Roll**
68 **04-S-7**, setting date of payment and providing for penalties and interest in the event of delinquency,
69 Anchorage Water & Wastewater Utility.
70 1. Assembly Memorandum No. AM 626-2004.
71 (*Carried Over to Continued Meeting of 9-08-04; Continued to 9-21-04*)

- 72 14.H. Resolution No. AR 2004-195, a resolution confirming the assessment roll and levying special
73 assessments for services on property specially benefited in the **Downtown Business Improvement**
74 **District**, Special Assessment District 1SD97, setting the dates of assessment, and providing for
75 assessment billing, payment due dates, application of payments, delinquency, penalties, interest and
76 costs for delinquency and enforcement and appropriating the sum of \$105,581 in assessment
77 revenues when tendered to Special Assessment Fund 271 for services benefiting the property owners
78 in Special Assessment District 1SD97, Office of Management & Budget.
79 1. Assembly Memorandum No. AM 605-2004.

- 1 14.M. Ordinance No. AO 2004-112, an ordinance of the Anchorage Municipal Assembly authorizing the long
2 term lease between the Municipality of Anchorage as lessor and Aero Center LLC, a Limited Liability
3 Company, as lessee of **Lot 1, Block 3, Merrill Field Replat**, located between Runway 15/33 and
4 Merrill Field Drive, Merrill Field Airport.
5 1. Assembly Memorandum No. AM 590-2004.
6 *(Carried Over to Continued Meeting of 9-08-04)*

7
8 Chair Traini read this ordinance title and opened Public Hearing. With no public testimony he closed Public Hearing
9 and called for a motion.

10 Mr. Sullivan moved, to approve AO 2004-112.
11 Mr. Tesche seconded,
12 and this motion was passed,
13

14
15 AYES: Fairclough, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Shamberg and Coffey.

16 NAYES: None.

17 *(Clerk's Note: Whittle and Ossiander were temporarily out of room at the time of the vote.)*

- 18
19 14.N. Ordinance No. AO 2004-119, an ordinance amending Anchorage Municipal Code Section 9.30.235 to
20 clarify use of **handicap parking permits** and comply with Anchorage Charter §21.01, Legal
21 Department.
22 1. Assembly Memorandum No. AM 627-2004.
23 *(Carried Over to Continued Meeting of 9-08-04; Continued to 9-21-04)*

- 24 14.O. Ordinance No. AO 2004-120, an ordinance of the Anchorage Municipal Assembly amending
25 Anchorage Municipal Code Chapter 4.05 to add a new section, 4.05.155 to require annual notification
26 of **boards and commissions** and its membership, Assemblymember Fairclough.

- 27 1. Assembly Memorandum No. AM 628-2004.
28 *(Carried Over to Continued Meeting of 9-08-04; Continued to 9-21-04)*

- 29 14.P. Ordinance No. AO 2004-123, an ordinance amending Anchorage Municipal Code Section 4.50.030 to
30 define the purpose and describe the duties of the **Budget Advisory Commission**, Office of
31 Management & Budget.

- 32 1. Assembly Memorandum No. AM 647-2004.
33 *(Carried Over to Continued Meeting of 9-08-04; Continued to 9-21-04)*

- 34 14.Q. Ordinance No. AO 2004-124, an ordinance amending Anchorage Municipal Code Title 7 to add a new
35 Chapter 7.80 providing for creation of the **Anchorage Cooperative Services Authority**, Finance.

- 36 1. Assembly Memorandum No. AM 648-2004.
37 2. Ordinance No. AO 2004-124(S), an ordinance amending Anchorage Municipal Code Title 7 to
38 add a new Chapter 7.80 providing for creation of the Anchorage Cooperative Services
39 Authority, Finance. ***(Laid on the Table)***

40 *(Carried Over to Continued Meeting of 9-08-04; Public Hearing Closed; Continued to 9-21-04)*

41
42 Chair Traini read this ordinance title and opened Public Hearing. With no one to testify he closed Public Hearing and
43 called for a motion.

44
45 Mr. Tesche moved, to approve AO 2004-124(S).
46 Mr. Tremaine seconded,
47

48 Mr. Coffey questioned, on Page 2, Line 27, the power given to the Anchorage Cooperative Services Authority to sue
49 and be sued. Cost Savings Initiative Director Paul Wiltse responded it involved authority for entering into contracts
50 which was comparable to the municipal and state structuring, involving separate entities.

51
52 Ms. Ossiander questioned why the authority was not subject to either Title 3 or Title 7, and she wondered if there
53 would be safeguards over this agency. Because of the broad exemptions of public policy and law, she requested the
54 Administration reply to the Assembly at the next meeting, on specific exemptions that were proposed for this new
55 division. Deputy Municipal Manager Michael Abbott responded the Administration used the Parking Authority in
56 modeling, to allow for a successful, responsible and profitable new authority. He encouraged the Assembly to endorse
57 the ordinance substitute version that evening.

58
59 Mr. Coffey moved, to postpone AO 2004-124(S) until September 21, 2004.
60 Mr. Sullivan seconded,
61

62 Mr. Sullivan stated he had not had time to review the substitute version, Laid on the Table that evening, but he thought
63 the intent seemed reasonable.

64
65 and this motion was approved unanimously,
66

67 Chair Traini stated it was his intention to continue this item until the Regular Meeting on September 21, 2004, under
68 Unfinished Business on the Agenda.

69
70 Ms. Fairclough moved, to Change the Order of the Day to take up Agenda Item 14.E.
71 Mr. Tremaine seconded,
72 and there were no objections,
73

74 **15. SPECIAL ORDERS** None.

75
76 **16. UNFINISHED AGENDA** None.

77
78 **17. AUDIENCE PARTICIPATION** None.
79

1 **18. ASSEMBLY COMMENTS** None.

2
3 **19. EXECUTIVE SESSIONS**

4 19.A. **Privatization of utility systems at Elmendorf Air Force Base** (AM 671-2004).
5 *(Clerk's Note: Refer to Agenda Item 10.D.17 for related discussion and action.)*

6
7 On September 7, 2004 Ms. Ossiander requested an Executive Session to discuss AM 671-2004, Agenda Item 9.D.17.
8 Chair Traini scheduled the meeting to be held on September 8, 2004 at 6:00 p.m. in the Loussac Assembly
9 Conference Room.

10
11 The Executive Session convened at 6:10 p.m. on September 8, 2004, following Chair Traini's Call To Order of the
12 continuation of the Regular Meeting of September 7, 2004. He summarized there was a motion for AM 671-2004 on
13 the floor, and the Executive Session had been requested by Ms. Ossiander.

14
15 Ms. Ossiander moved, to hold an Executive Session to discuss AM 671-2004,
16 Mr. Tremaine seconded, involving the utility systems of Elmendorf Air Force Base,
17 and there were no objections, involving Anchorage Water and Wastewater and Municipal
18 Light and Power, with the potential to significantly impact the
19 financial status of the city.
20

21 Assemblymembers and members of the Administration met in the Assembly Conference Room to discuss the issue.
22 Following the Executive Session, the Assembly continued the meeting and Chair Traini called for a motion to maintain
23 confidentiality of all communications of the session for four years after any contracts expire, which were contemplated
24 in the procurement.

25
26 Mr. Tesche moved, to maintain confidentiality of information shared in the
27 Mr. Sullivan seconded, Executive Session held on September 8, 2004 for a period of
28 and there were no objections, four years after any related contracts expire.
29

30 *(Clerk's Note: Refer to Agenda Item 10.D.17 for final discussion and action of AM 671-2004.)*

31
32 **20. ADJOURNMENT**

33
34 The Regular Meeting ended at twelve o'clock a.m. on September 7, 2004, to be continued the following day at 6:00
35 p.m.

36
37 Chair Traini called for a motion to adjourn the Regular Meeting, continued to September 8, 2004.

38
39 Mr. Tremaine moved, to adjourn the Assembly Meeting of September 8, 2004.
40 Mr. Sullivan seconded,
41 and there were no objections,
42

43 *(Clerk's Note: The meeting was adjourned at 11:50 p.m. on September 8, 2004.)*

44
45
46
47
48
49
50 _____
51 DICK TRAINI, Assembly Chair

52 ATTEST:

53
54
55
56
57 _____
58 BARBARA GRUENSTEIN, Municipal Clerk
59 Date Minutes Approved: November 9, 2004
60 MC/BG
61
62
63