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MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

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

Minutes for Regular Meeting of February 1, 2005, as amended

1. CALL TO ORDER

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

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

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

ABSENT: None.

3. PLEDGE OF ALLEGIANCE Anchorage Fire Department Chief Mark Hall led the pledge.

4. MINUTES OF PREVIOUS MEETINGS None.

5. MAYOR'S REPORT None.

6. ASSEMBLY CHAIR'S REPORT None.

(Chair Traini allowed the Tsunami Relief Team to speak at the beginning of the Assembly Meeting. See Agenda item 12.A, for details of the testimony of their relief efforts following the disastrous earthquake and tidal wave.)

7. COMMITTEE REPORTS None.

8. ADDENDUM TO AGENDA

Chair Traini called for a motion and read the Addendum items. He called for additional items and AO 2005-22, AO 2005-23, AO 2005-24, AO 2005-25, AO 2005-26, AR 2005-25, AIM 14-2005 and AO 2004-177(S) were added. He assigned to these items Agenda Numbers 9.F.7, 9.F.8, 9.F.9, 9.F.10, 9.F.11, 9.F.12, 9.F.5.b and 13.A.1, respectively. He called for additional items, and there being none, he called for a vote to incorporate the Addendum items into the Regular Agenda. Mr. Coffey declared that he had a conflict of interest with 9.D.3 because his law firm represented the client. Chair Traini ruled that he had a conflict and directed him to abstain.

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

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

NAYES: None.

Chair Traini called for a motion on the Consent Agenda.

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

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

9. CONSENT AGENDA

9.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

9.A.1. Resolution No. AR 2005-17, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Mikel Fortuny** for his 31 years with the Anchorage Police Department; Mayor Begich, Assemblymembers Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche, Traini, Tremaine and Whittle.

9.A.2. Resolution No. AR 2005-18, a resolution of the Anchorage Municipal Assembly recognizing and honoring Community Service Officer **Mary Ann Johnson** for her 29 years of service with the Anchorage Police Department; Mayor Begich, Assemblymembers Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche, Traini, Tremaine and Whittle.

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

- 1 9.A.3. Resolution No. AR 2005-19, a resolution of the Anchorage Municipal Assembly recognizing and
2 honoring Senior Patrol Officer **Richard Stevens Jr.** for his 28 years of service with the Anchorage
3 Police Department; Mayor Begich; Assemblymembers Coffey, Fairclough, Jennings, Ossiander,
4 Shamberg, Stout, Sullivan, Tesche, Traini, Tremaine and Whittle.
- 5 9.A.4. Resolution No. AR 2005-20, a resolution of the Anchorage Municipal Assembly recognizing and
6 honoring **Tracy Akin** for her 26 years of service with the Anchorage Police Department; Mayor
7 Begich, Assemblymembers Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan,
8 Tesche, Traini, Tremaine and Whittle.
- 9 9.A.5. Resolution No. AR 2005-22, a resolution of the Anchorage Municipal Assembly recognizing and
10 proclaiming February 2005 as **Black History Month**; Assembly Chair Traini, Mayor Begich,
11 Assemblymembers Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche,
12 Tremaine and Whittle. **(Addendum)**

13
14 Ms. Fairclough requested this item be pulled for review on the Regular Agenda. (See item 10.A.5)

15
16 **9.B. RESOLUTIONS FOR ACTION - OTHER**

- 17 9.B.1. Resolution No. AR 2005-23, a resolution of the Anchorage Municipal Assembly approving common
18 **federal legislative priorities** between the Municipality of Anchorage and the Matanuska-Susitna
19 Borough; Assembly Chair Traini, Assemblymembers Coffey, Fairclough, Jennings, Ossiander,
20 Shamberg, Sullivan, Stout, Tesche, Tremaine and Whittle. **(Addendum)**
- 21 9.B.2. Resolution No. AR 2005-24, a resolution of the Anchorage Municipal Assembly approving common
22 **State legislative priorities** between the Municipality of Anchorage and the Matanuska-Susitna
23 Borough for the Year 2005; Assembly Chair Traini; Assemblymembers Coffey, Fairclough, Jennings,
24 Ossiander, Shamberg, Sullivan, Stout, Tesche, Tremaine and Whittle. **(Addendum)**

25
26 **9.C. BID AWARDS**

- 27 9.C.1. Resolution No. AR 2005-23, a resolution of the Anchorage Municipal Assembly approving common
28 **federal legislative priorities** between the Municipality of Anchorage and the Matanuska-Susitna
29 Borough; Assembly Chair Traini; Assemblymembers Coffey, Fairclough, Jennings, Ossiander,
30 Shamberg, Sullivan, Stout, Tesche, Tremaine and Whittle. **(Addendum)**
- 31 9.C.2. Resolution No. AR 2005-24, a resolution of the Anchorage Municipal Assembly approving common
32 **State legislative priorities** between the Municipality of Anchorage and the Matanuska-Susitna
33 Borough for the Year 2005; Assembly Chair Traini; Assemblymembers Coffey, Fairclough, Jennings,
34 Ossiander, Shamberg, Sullivan, Stout, Tesche, Tremaine and Whittle. **(Addendum)**

35
36 **9.D. NEW BUSINESS**

- 37 9.D.1. Assembly Memorandum No. AM 52-2005, proprietary purchase to Chugach Electric Association
38 (CEA) for electrical service for the **Well 13 Upgrade Project** for the Municipality of Anchorage,
39 Anchorage Water & Wastewater Utility (\$64,993.42); Purchasing.
- 40 9.D.2. Assembly Memorandum No. AM 53-2005, request for authorization of Department of Health and
41 Human Services to enter into an agreement with the State of Alaska, Department of Public Safety to
42 establish a DHHS-funded **DNA analyst position** within the State's Crime Lab (\$225,000).
- 43 9.D.3. Assembly Memorandum No. AM 54-2005, Amendment No. 3 to the professional services contract with
44 the Law Office of Ungaretti & Harris (**K-Mart Bankruptcy**) (\$5,496.48); Legal Department.

45
46 Mr. Coffey declared a conflict of interest because his law firm represented the client. Chair Traini ruled that Mr. Coffey
47 did have a conflict of interest and directed him not to participate on this item.

- 48
49 9.D.4. Assembly Memorandum No. AM 55-2005, proprietary contract award to the Law Office of William E.
50 Pierson, Jr. PC to provide **litigation services** on behalf of Municipal Light & Power and the Office of
51 the Municipal Attorney (\$100,000); Purchasing.
- 52 9.D.5. Assembly Memorandum No. AM 56-2005, proprietary purchase with Robertson, Monagle & Eastaugh
53 (RM&E) for **lobbying services** for the Municipality of Anchorage, Municipal Light & Power
54 (\$49,000/yr.); Purchasing.
- 55 9.D.6. Assembly Memorandum No. AM 57-2005, sole source membership with **Electric Power Research**
56 **Institute** for the Municipality of Anchorage, Municipal Light & Power (\$33,908); Purchasing.
- 57 9.D.7. Assembly Memorandum No. AM 65-2005, proposed adjustment to contract with Alaska Construction &
58 Paving, Inc., **Turpin Street Upgrade, Glenn Highway to DeBarr Road**, Project No. 01-13
59 (\$582,382.14); Project Management & Engineering.

60
61 Mr. Stout requested this item be pulled for review on the Regular Agenda. (See item 10.D.7)

- 62
63 9.D.8. Assembly Memorandum No. AM 58-2005, recommendation of award to CRW Engineering Group, LLC
64 for providing professional engineering services for the **Independence Drive Pavement Surface**
65 **Rehabilitation** (Project B) and USKH for **Campbell Creek at Greenhill Way Water Quality**
66 **Enhancement** (Project C) to the Municipality of Anchorage, Project Management & Engineering (RFP
67 24-P031) (\$222,318); Purchasing.
- 68 9.D.9. Assembly Memorandum No. AM 59-2005, Amendment No. 1 to professional services contract with
69 mMense Architects for the **Anchorage Skateboard and BMX Park**, Project No. 01-48 (\$25,000);
70 Project Management & Engineering.
- 71 9.D.10. Assembly Memorandum No. AM 60-2005, cooperative purchase agreements for the acquisition of
72 **computer equipment, peripheral equipment, software and related services** from Hewlett Packard
73 Company (HP), Dell Marketing L.P. (Dell) and International Business Machines Corporation (IBM) for
74 the Municipality of Anchorage; Purchasing Department (\$2,055,600).
- 75 9.D.11. Assembly Memorandum No. AM 61-2005, Amendment No. 1 to Kumin Associates, Inc. contract (P.O.
76 No. 240788) increasing the contract by [~~\$50,000~~] \$60,000 for a contract amendment amount Not-To-

1 Exceed (NTE) \$219,646 for construction administration services for **Performing Arts Center Roof**
2 **Replacement Phase 2 Project**; Maintenance & Operations Department.

3
4 The Administration requested this item be pulled for review on the Regular Agenda. (See item 10.D.11)

5
6 9.D.12. Assembly Memorandum No. AM 62-2005, 2005 grant agreement with **Greater Anchorage, Inc.** to
7 support the Fur Rendezvous Winter Festival (\$83,867); Office of Economic & Community
8 Development.

9
10 Mr. Stout requested this item be pulled for review on the Regular Agenda. (See item 10.D.12)

11
12 9.D.13. Assembly Memorandum No. AM 67-2005, grant agreement – **Federation of Community Councils**
13 (\$108,000); Assembly Chair Traini. **(Addendum)**

14
15 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (See item 10.D.13)

16
17 9.D.14. Assembly Memorandum No. AM 68-2005, sole source contract with Groh Eggers, LLC – **Board of**
18 **Adjustment cases** (\$30,000); Assembly Chair Traini. **(Addendum)**

19
20 This item was originally approved on the Consent Agenda and was pulled for immediate reconsideration by Ms.
21 Fairclough. (See item 10.D.14)

22
23 9.D.15. Assembly Memorandum No. AM 69-2005, proprietary purchase of **library information services** from
24 OCLC, Inc. for the Municipality of Anchorage, Office of Community & Economic Development, Library
25 Division (\$46,000); Purchasing. **(Addendum)**

26
27 The Administration requested this item be pulled for review on the Regular Agenda. (See item 10.D.15)

28
29 **9.E. INFORMATION AND REPORTS**

30 9.E.1. Information Memorandum No. AIM 9-2005, **Board of Equalization Report**; Municipal Clerk.

31 9.E.2. Information Memorandum No. AIM 10-2005, Summary of the **Engine Block Heater Program**
32 conducted this winter; Health and Human Services.

33 9.E.3. Information Memorandum No. AIM 11-2005, **contract awarded between \$50,000 and \$100,000**
34 **through formal competitive processes** for the month of December 2004; Purchasing.

35 9.E.4. Information Memorandum No. AIM 12-2005, **Sole Source Procurement Report** for the month of
36 December 2004; Purchasing.

37
38 **9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**

39 9.F.1. Ordinance No. AO 2005-14, an ordinance amending Anchorage Municipal Code Section 21.30.030 to
40 correct the number of days for an appeal from the final, appealable decision of a lower administrative
41 body to the **Board of Adjustment**; Legal Department. (Public Hearing set for 2-15-05)

42 a. Assembly Memorandum No. AM 63-2005.

43 9.F.2. Resolution No. AR 2005-15, a resolution amending Anchorage Municipal Code of Regulations
44 Sections 21.10.304, 21.11.304 and 21.13.340 to conform to the Anchorage Municipal Code **timelines**
45 **for appeals and allegations of new evidence or changed circumstances**. (Public Hearing set for
46 2-15-05)

47 a. Assembly Memorandum No. AM 63-2005.

48 9.F.3. Resolution No. AR 2005-16, a resolution of the Municipality of Anchorage authorizing the acceptance
49 of a Federal Transit Administration Section 5307 grant and appropriating \$4,453,140 from the Federal
50 Transit Administration to the Public Transportation Capital Improvement Fund (485) for the purchase
51 of capital items and \$288,000 from the Federal Transit Administration along with \$72,000 for local
52 matching funds from the Public Transportation Department's 2004 Operating Budget as a contribution
53 to the Federal Categorical Grants Fund (241) for the **Americans with Disabilities Act (ADA)**
54 **operating assistance and short range transit planning**. (Public Hearing set for 2-15-05)

55 a. Assembly Memorandum No. AM 64-2005.

56 9.F.4. Ordinance No. AO 2005-16, an ordinance of the Anchorage Municipal Assembly submitting to the
57 qualified voters residing in the **Girdwood Valley Service Area (GVSA)** at the Regular Election on
58 April 5, 2005, a ballot proposition establishing the maximum attainable mill levy rate for the GVSA and
59 amending Anchorage Municipal Code Section 27.30.020 upon voter approval of the ballot proposition;
60 Assemblymembers Tremaine and Shamberg. (Public Hearing set for 2-15-05)

61 a. Assembly Memorandum No. AM 66-2005. **(Addendum)**

62 9.F.5. Ordinance No. AO 2005-17, an ordinance submitting to the qualified voters of the Municipality of
63 Anchorage a ballot proposition amending the Anchorage Municipal Charter to prohibit use of property
64 tax revenues for construction or operation of a **convention center**, to adopt a four percent (4%) tax to
65 support issuance of revenue bonds to finance a convention center and renovation of the Egan Civic
66 and Convention Center, and to provide for approval by a majority (fifty percent plus one) of qualified
67 voters voting on the question; Office of Economic & Community Development. (Public Hearing set for
68 2-15-05) **(Addendum)**

69 a. Assembly Memorandum No. AM 71-2005.

70 b. Assembly Information Memorandum No. AIM 14-2005. **(Laid on the Table)**

71
72 (Clerk's Note: The Public Hearing on this item was combined with AO 2005-23, item 9.F.8. See item 10.F.8)

73
74 9.F.6. Ordinance No. AO 2005-18, an ordinance of the Anchorage Municipal Assembly amending Anchorage
75 Municipal Code Section 21.20.002, **Schedule of Fees – Zoning**; Assembly Chair Traini. (Public
76 Hearing set for 2-15-05) **(Addendum)**

1 9.F.7. Ordinance No. AO 2005-22, an ordinance submitting to the qualified voters residing in the **Chugiak**
2 **Fire Service Area** a ballot proposition to impose a maximum tax levy rate of 1.25 mills for the Chugiak
3 Fire Service Area, effective retroactively as of January 1, 2005 and amending Anchorage Municipal
4 Code 27.30.060B, Office of Management and Budget; Assemblymember Fairclough. (*Public Hearing*
5 *set for 2-15-05*) (**Laid on the Table**)

6
7 Ms. Fairclough moved, *to introduce* AO 2005-22, with Public Hearing set
8 Ms. Ossiander seconded, for February 15, 2005.
9 Ms. Shamberg was the concurring third,
10 and there were no objections,

11
12 9.F.8. Ordinances No. AO 2005-23, an ordinance of the Anchorage Assembly submitting to the qualified
13 voters of the Municipality of Anchorage a ballot proposition amending the Anchorage Municipal
14 Charter to **prohibit use of property tax revenues** for construction or operation of a convention center
15 and to adopt a four percent (4%) tax to support issuance of revenue bonds to finance a convention
16 center and renovation of the Egan Civic and Convention Center; Assemblymember Ossiander, Coffey
17 and Fairclough. (*Public Hearing set for 2-15-05*) (**Laid on the Table**)

18
19 Mr. Tesche requested this item be pulled for review on the Regular Agenda. (*See item 10.F.8*)

20
21 9.F.9 Ordinance No. AO 2005-24, an ordinance authorizing disposal by **sale of approximately eight (8)**
22 **acres** of Municipality of Anchorage real property located in Tract Three (3), the Alaska Village
23 Subdivision, at less than, or up to, fair market value to the Salvation Army, a non-profit corporation, for
24 a community/recreation center and library; Chair Traini, Assemblymembers Stout and Whittle. (*Public*
25 *Hearing set for 2-15-05*) (**Laid on the Table**)
26 a. Assembly Memorandum No. AM 75-2005.

27
28 Ms. Fairclough requested this item be pulled for review on the Regular Agenda. (*See item 10.F.9*)

29
30 9.F.10. Ordinance No. AO 2005-25, an ordinance of the Municipal Assembly submitting a ballot proposition to
31 the qualified voters of the Municipality of Anchorage at the Regular Election of April 5, 2005, to repeal
32 in its entirety Anchorage Municipal Charter Article XXI, Municipal **Vehicle Code Enforcement**
33 **Standards**; Assemblymember Dan Coffey. (*Public Hearing set for 2-15-05*) (**Laid on the Table**)

34
35 Mr. Coffey moved, *to introduce* AO 2005-25, with Public Hearing combined with
36 Mr. Tremaine seconded, AO 2005-26, 9.F.11, set for February 15, 2005.
37 Ms. Ossiander was the concurring third,
38 and there were no objections,

39
40 9.F.11. Ordinance No. AO 2005-26, an ordinance of the Anchorage Municipal Assembly amending
41 **Anchorage Municipal Vehicle and Traffic Code** Section 9.04.010, definitions, to repeal Parking
42 Enforcement Officer, define a Peace Officer, and to include Parking Enforcement by Police Officers
43 together with Traffic Enforcement; and amending Section 9.30.240, Enforcement Officers, to include a
44 Peace Officer for violations of Chapters 9.30, 9.32, and 9.34, and prohibiting photo radar;
45 Assemblymember Dan Coffey. (*Public Hearing set for 2-15-05*) (**Laid on the Table**)

46
47 Mr. Coffey moved, *to introduce* AO 2005-26, with Public Hearing combined with
48 Mr. Stout seconded, AO 2005-25, set for February 15, 2005.
49 Ms. Ossiander was the concurring third,
50 and there were no objections,

51
52 9.F.12. Ordinance No. AR 2005-25, a resolution of the Municipality of Anchorage appropriating an amount not
53 to exceed two hundred twelve thousands seven hundred dollars (\$212,700) as a contribution from the
54 Chugiak Fire Service Fund (104) Balance, to the Chugiak Fire Service Area Capital Improvement
55 (404) Fund to provide for the purchase of a **new emergency response fire apparatus** for use by the
56 Chugiak Volunteer Fire Department. (*Public Hearing set for 2-15-05*) (**Laid on the Table**)

57
58 Mr. Abbott moved, *to introduce* AO 2005-26, with Public Hearing set
59 Mr. Coffey seconded, for February 15, 2005.
60 Ms. Ossiander was the concurring third,
61 and there were no objections,

62
63 Chair Traini called for a motion to approve the remainder of Consent Agenda.

64
65 Mr. Tesche moved, to approve the Consent Agenda, as amended.
66 Mr. Sullivan seconded,
67 and this motion was passed,
68 with Mr. Coffey abstaining on item 9.D.3, due to a conflict of interest,

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

72
73 Chair Traini announced the unanimous approval of the amended Consent Agenda, with the exception of the pulled
74 items and proceeded into discussion of those items.

75
76 **END OF CONSENT AGENDA**
77

1
2 **10. REGULAR AGENDA**

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

4 10.A.2. Resolution No. AR 2005-18, a resolution of the Anchorage Municipal Assembly recognizing and
5 honoring Community Service Officer **Mary Ann Johnson** for her 29 years of service with the
6 Anchorage Police Department; Mayor Begich, Assemblymembers Coffey, Fairclough, Jennings,
7 Ossiander, Shamberg, Stout, Sullivan, Tesche, Traini, Tremaine and Whittle.

8
9 Chair Traini read this resolution title and called for a motion.

10
11 Ms. Jennings moved, to approve AR 2005-18.
12 Ms. Shamberg seconded,
13 and this passed with no objections,
14

15 Mr. Stout read the resolution and Ms. Jennings presented the recognition to Ms. Mary Ann Johnson, acknowledging
16 her twenty-nine years of service with the Anchorage Police Department. Ms. Johnson accepted her award and stated
17 that she had enjoyed her years with the department and the Municipality.
18

19 10.A.5. Resolution No. AR 2005-22, a resolution of the Anchorage Municipal Assembly recognizing and
20 proclaiming February 2005 as **Black History Month**; Assembly Chair Traini, Mayor Begich,
21 Assemblymembers Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche,
22 Tremaine and Whittle. (**Addendum**)
23

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

25
26 Ms. Fairclough moved, to approve AR 2005-22.
27 Mr. Whittle seconded,
28 and this passed with no objections,
29

30 Ms. Fairclough read the resolution and Chair Traini presented the recognition, acknowledging Black History Month,
31 celebrated on February 2, 2005. The Reverend Dr. William Greene thanked the Assembly and accepted the resolution
32 on behalf of the National Association for the Advancement of Colored People (NAACP) and the community, working
33 together to enhance the quality of life.
34

35 **10.B. RESOLUTIONS FOR ACTION - OTHER** None were pulled for review.

36 **10.C. BID AWARDS** None were pulled for review.

37 **10.D. NEW BUSINESS**

38
39 10.D.7. Assembly Memorandum No. AM 65-2005, proposed adjustment to contract with Alaska Construction &
40 Paving, Inc., **Turpin Street Upgrade, Glenn Highway to DeBarr Road**, Project No. 01-13
41 (\$582,382.14); Project Management & Engineering.
42
43

44 Chair Traini read this memorandum title and called for a motion.

45
46 Mr. Stout moved, to approve AM 65-2005.
47 Mr. Tesche seconded,
48

49 To Mr. Stout, Municipal Project Management and Engineering Administrator Jerry [~~Hansen~~] Hansen responded the
50 project was substantially completed, with some deficiencies remaining. The landscaping would be completed in the
51 spring and the road was now fully opened and functioning. The Department was working with the contractor to resolve
52 of the deficiencies.
53

54 To Mr. Whittle, Mr. Hansen responded they would complete the improvements in the spring which would resolve the
55 conflicts with the neighborhood.
56

57 To Mr. Tremaine, Deputy Municipal Manager Michael Abbott responded that the Administration would determine if the
58 Turpin Street Upgrade was named in the bond project.
59

60 and this passed with no objections,
61

62 10.D.11. Assembly Memorandum No. AM 61-2005, Amendment No. 1 to Kumin Associates, Inc. contract (P.O.
63 No. 240788) increasing the contract by [~~\$50,000~~] \$60,000 for a contract amendment amount Not-To-
64 Exceed (NTE) \$219,646 for construction administration services for **Performing Arts Center Roof**
65 **Replacement Phase 2 Project**; Maintenance & Operations Department.
66

67 Chair Traini read this memorandum title and called for a motion. Deputy Municipal Manager Michael Abbott stated this
68 was a sixty thousand dollar contract and it had appeared on the Agenda as a fifty thousand dollar item. He urged for
69 Assembly approval.
70

71 Mr. Sullivan moved, to approve AM 61-2005.
72 Ms. Fairclough seconded,
73 and this passed with no objections,
74

75 10.D.12. Assembly Memorandum No. AM 62-2005, 2005 grant agreement with **Greater Anchorage, Inc.** to
76 support the Fur Rendezvous Winter Festival (\$83,867); Office of Economic & Community
77 Development.

1
2 Chair Traini read this memorandum title and called for a motion.

3
4 Mr. Stout moved, to approve AM 62-2005.
5 Mr. Whittle seconded,

6
7 To Mr. Stout, Fur Rendezvous Executive Director Mary Pignalberi responded they had an increase in expenses over
8 last year. She responded they were concerned the dog sled races might be cancelled due to a lack of snow, but that
9 everything else was going well for their upcoming annual events, celebrating the 70th Fur Rendezvous Festival. She
10 thanked the Assembly for all their support.

11
12 and this was passed with no objections,

13
14 10.D.13. Assembly Memorandum No. AM 67-2005, grant agreement – **Federation of Community Councils**
15 (\$108,000); Assembly Chair Traini. (**Addendum**)

16
17 Chair Traini read this memorandum title and called for a motion.

18
19 Ms. Ossiander moved, to approve AM 67-2005.
20 Mr. Coffey seconded,

21
22 To Ms. Ossiander, Assembly Utility Analyst Mike Gutierrez responded that the changes in this new grant agreement
23 included added accountability from the Federation of Community Councils (FCC) to the Assembly, requiring an annual
24 report and a mid-year report, including a past year summary and a projection of following year's budget. To Ms.
25 Ossiander, Merten Bangemann-Johnson responded that the grant involved four payments, paid on contingency of
26 achieved criteria and each would require Assembly approval.

27
28 To Ms. Ossiander, Chair Traini responded that this had been the most fundamental change in the FCC in decades. He
29 urged the Assembly to approve the memorandum, allowing the FCC to begin service to the community councils right away.
30 He stated that additional worksessions could be scheduled to address the Assembly concerns that remained. Chair Traini
31 stated this memorandum would allocate \$27,000, with the next payment schedule in May.

32
33 Ms. Fairclough moved, to amend AM 67-2005 on Page 1, Line 7. *by changing to*
34 Mr. Coffey seconded, read: ...the Assembly [~~appropriated~~] "approve a budget and this
35 was approved without objection, of" \$108,000 to be used...

36
37 Ms. Fairclough moved, to amend AM 67-2005 on Page 1, Lines 19-21, *by deleting*
38 Mr. Coffey seconded, [~~\$27,000~~] for April, July and October.

39
40 Ms. Fairclough stated the language of the current memorandum would allow quarterly payments and did not allow for
41 Assembly control of expected mandates. She wanted authorization of the first payment only. Mr. Coffey concurred.

42
43 To Mr. Tremaine, Mr. Bangemann-Johnson responded that if the Assembly authorized the first payment, they had planned
44 to hire a full-time office person, whose first priority was to update the Federation web site.

45
46 To Mr. Sullivan, Assembly Legislative Budget Director Elvi Gray-Jackson responded that the amendment might not be
47 necessary because the memorandum also outlined the \$27,000 authorizations would require Assembly approval. Mr.
48 Sullivan concurred that the payments schedule would allow the Assembly time for review to see that terms had been met.

49
50 Mr. Tesche concurred. He stated that micromanagement should be avoided and he would not support the Fairclough
51 Amendment.

52
53 Ms. Fairclough stated that just because the Assembly approved the budget, it did not mean the funds would
54 automatically be appropriated. As the memorandum was currently written, there was no request for the FCC to report
55 to the Assembly.

56
57 Mr. Coffey stated that the resolution, appropriating money, qualified as a plan, but Assemblymembers had just
58 received the memorandum and he wanted time to review it before he voted on the \$108,000.

59
60 and this motion failed,

61
62 AYES: Fairclough, Stout, Ossiander and Coffey.

63 NAYES: Whittle, Tremaine, Sullivan Traini, Tesche, Jennings and Shamberg.

64
65 Chair Traini thanked Mr. Sullivan and Ms. Shamberg for their leadership, monitoring the situation, being involved with
66 the councils and assisting with modifying and improving the FCC.

67
68 To Mr. Whittle, Mr. Bangemann-Johnson responded that he would provide the Assembly with a report any time they
69 wanted a review.

70
71 To Ms. Jennings, Mr. Bangemann-Johnson responded that the job description of maintaining the web was included in
72 the document. They understood the web site was a key tool in getting information to constituents and had proposed
73 the addition of a web content management system, allowing community councils to update their sections.

74
75 Mr. Coffey stated that many Assemblymembers had not received copies of the agreement and he would not vote on a
76 \$108,000 appropriation without first reviewing it. Mr. Sullivan recommended postponement. Mr. Coffey so moved.

77

1 Mr. Coffey moved, *to postpone* AM 67-2005 until February 15, 2005.
2 Mr. Stout seconded,

3
4 Ms. Fairclough concurred, but had been informed by the Legislative Office that this would be treated like a grant, which
5 would call for oversight and disbursement. Ms. Gray-Jackson responded that there would be a dedicated Contract
6 Administrator who would be overseeing these appropriations.

7
8 To Mr. Tesche, Mr. Bangemann-Johnson responded that they were operating under the assumption that the
9 organization was fully funded and scheduled to begin on Monday. Mr. Tesche stated he would not support
10 postponement.

11
12 Mr. Sullivan proposed to amend the Coffey Amendment for postponement until later in the evening. This was
13 accepted as a friendly amendment by Mr. Coffey and Mr. Stout.

14
15 Mr. Coffey moved, amend the Coffey Amendment *to postpone* AM 67-2005 *by*
16 Mr. Stout seconded, *changing*; until [~~February 15, 2005~~] to "9:00 p.m. this
17 and this was approved without objection, evening."

18
19 Ms. Ossiander moved, to amend AM 67-2005 *by including* a statement indicating
20 Ms. Jennings seconded, the primary function of the Federation of Community Councils
21 and this was approved without objection, was to support the individual community councils.

22
23 Ms. Ossiander recommended that AM 67-2005 include language specifying the primary function was to support the
24 individual community councils. Mr. Coffey stated that he had assurances that the FCC function was understood and
25 he would be a YES-vote.

26
27 Chair Traini called the Question.

28
29 Ms. Ossiander moved, to approve AM 67-2005, as amended.
30 Mr. Coffey seconded,
31 and this was unanimously passed,

32
33 10.D.14. Assembly Memorandum No. AM 68-2005, sole source contract with Groh Eggers, LLC – **Board of**
34 **Adjustment cases** [~~(\$30,000)~~] "(\$35,000);" Assembly Chair Traini. (**Addendum**)

35
36 Chair Traini explained this item had been passed on the Consent Agenda, but the Administration had requested an
37 amendment to correct the contract amount.

38
39 Ms. Fairclough moved, *for immediate reconsideration* of AM 68-2005.
40 Mr. Tremaine seconded,
41 and there were no objections,

42
43 Ms. Fairclough moved, to approve AM 68-2005, as amended, *by changing*
44 Mr. Tremaine seconded, [~~\$30,000~~] "\$35,000."
45 and this passed with no objections,

46
47 10.D.15. Assembly Memorandum No. AM 69-2005, proprietary purchase of **library information services** from
48 OCLC, Inc. for the Municipality of Anchorage, Office of Community & Economic Development, Library
49 Division (\$46,000); Purchasing. (**Addendum**)

50
51 Chair Traini read this memorandum title. The Administration requested for this item to be postponed indefinitely.

52
53 Mr. Coffey moved, *to postpone indefinitely* AM 69-2005.
54 Mr. Tesche seconded,
55 and this passed with no objections,

56
57 **10.E. INFORMATION AND REPORTS** None were pulled for review.

58
59 **10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**

60 10.F.8. Ordinances No. AO 2005-23, an ordinance of the Anchorage Assembly submitting to the qualified
61 voters of the Municipality of Anchorage a ballot proposition amending the Anchorage Municipal
62 Charter to **prohibit use of property tax revenues** for construction or operation of a convention center
63 and to adopt a four percent (4%) tax to support issuance of revenue bonds to finance a convention
64 center and renovation of the Egan Civic and Convention Center; Assemblymember Ossiander, Coffey
65 and Fairclough. (*Public Hearing set for 2-15-05*) (**Laid on the Table**)

66
67 Chair Traini read this ordinance title and called for a motion to introduce.

68
69 Ms. Ossiander moved, *to introduce* AO 2005-23, with Public Hearing set for
70 Mr. Coffey seconded, February 15, 2005, with **combined Public Hearing on**
71 Ms. Fairclough was the concurring third, **AO 2005-17, Agenda item 9.F.5.**
72 and there were no objections,

73
74 Mr. Tesche proposed that the Public Hearings be combined on the ordinances which dealt with convention centers.
75 Ms. Ossiander concurred and accepted the change as a friendly amendment. Mr. Coffey concurred.

76

- 1 10.F.9 Ordinance No. AO 2005-24, an ordinance authorizing disposal by **sale of approximately eight (8)**
2 **acres** of Municipality of Anchorage real property located in Tract Three(2), the Alaska Village
3 Subdivision, at less than, or up to, fair market value to the Salvation Army, a non-profit corporation, for
4 a community/recreation center and library; Chair Traini, Assemblymembers Stout and Whittle. (*Public*
5 *Hearing set for 2-15-05*) (**Laid on the Table**)
6 a. Assembly Memorandum No. AM 75-2005.

7
8 Chair Traini read this ordinance title and called for a motion to introduce.

9
10 Ms. Fairclough moved, *to introduce* AO 2005-24, with Public Hearing set
11 Mr. Whittle seconded, *for February 15, 2005.*
12 Ms. Ossiander was the concurring third,
13 and this was unanimously approved,
14

15 Ms. Fairclough was concerned with the language of asking for "less than, or up to, fair market value" of the land. She
16 stated it had been decided that the property would be sold at fair market value. Mayor Begich responded that it was
17 their intent to sell at fair market value or more.
18

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

20 **12. APPEARANCE REQUESTS**

21 **12.A. AFD Tsunami Relief Team.**

22
23 Anchorage Fire Department (AFD) Chief Mark Hall reported on the Anchorage Tsunami Relief Team, which had
24 recently traveled to Indonesia to assist with relief efforts, following the disastrous earthquake and tsunami. He
25 introduced team members AFD Battalion Chief Chris Bushue, Firefighter Reno Romero, Firefighter Billy Yellington,
26 Captain Tony Schwam, Captain Alan Kara, Firefighter Kevin Woolsey and Air Force Major Russell Wilmont. The team
27 flew to Thailand on New Year's Day with a volunteer translator and spent two weeks in two rural, heavily damaged
28 Thai fishing villages where they recovered bodies, helped to clean up debris and assisted citizens. Chief Bushue
29 explained they set up a first aid station serving the injured. Battalion Chief Hall explained they found a recipient for the
30 collection of local Anchorage donations of \$11,000, which assisted fifty homeless locals by purchasing two
31 refrigerators, 300 pounds of rice, three stoves, cooking utensils and oil. The relief team found the local people were
32 grateful for their help and found the experience heartwarming. On behalf of the team, Chief Hall offered thanks to
33 Mayor Begich, Municipal Manager Denis LeBlanc, Fire Chief Fullenwider and Battalion Chief Bushue for helping to
34 make their trip possible.
35
36

37 **12.B. Marianne Burke**, Chair of the Board of Equalization.

38
39 Ms. Marianne Burke, Chair of the Board of Equalization, presented a 2004 summary report on the Board of
40 Equalization. She stated that of there were 14 new members. They began with 479 outstanding appeals, with 218
41 from prior years and the board upheld 388 appraisals, 89 appeals were adjusted downward and one was adjusted
42 upward. She stated there were only two real property appraisals and 15 personal property appraisals remaining to
43 resolve. She felt the board abided by Municipal Code and their new process allowed more time for cases to be heard.
44 Chair Traini and Assemblymembers Tesche, Coffey, Fairclough, Tremaine, Jennings and Mayor Begich thanked Ms.
45 Burke, the Board and the Municipal Assessor for all their had work, setting new precedence of resolving property tax
46 assessments.
47

48 **12.C. Roxanna Strom**, regarding limited places to move mobile homes.

49
50 Ms. Roxanna Strom requested Assembly assistance in finding new locations for her double-wide trailer and for the 75
51 remaining trailers in the Plaza 36 Trailer Park, which was closing. Community Development Division Manager Carma
52 Reed explained that her department had a fund to help set up trailers once they were moved, but did not help find new
53 property locations. To Ms. Ossiander, Ms. Strom responded that for two years she had failed to find a location for her
54 trailer. Mr. Tesche stated that this topic could be discussed at the upcoming Board of Realtors Meeting. Mr. Stout
55 thought assistance should be offered to accommodate trailers which had been forced to move. Mr. Whittle stated that
56 everyone should be working together to resolve the problem. To Ms. Jennings, Heritage Land Bank Executive Director
57 Robin Ward responded that the Development Authority would be addressing cooperatives which would offer land
58 ownership. Referring to the displacement of trailers from private property, Ms. Fairclough stated for the record that
59 private property owners had rights and the Assembly had complied with the law when approving to rezone their
60 property.
61

62 Chair Traini called for a motion to Change the Order of the Day to take up 14.A. Mr. Tesche so moved, it was
63 seconded by Mr. Coffey and approved with no objections.
64

65 **13. CONTINUED PUBLIC HEARINGS**

66 **13.A. Ordinance No. AO 2004-177**, an ordinance of the Anchorage Municipal Assembly amending
67 Anchorage Municipal Code Section 3.30.005, Definitions, to add "**Veteran**", to amend Section
68 3.30.031, General Policy, to provide veterans with an opportunity to interview for employment, and to
69 amend Section 3.30.159, Military Leave, to include active military duty; Assembly Chair Traini;
70 Assemblymembers Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche,
71 Tremaine and Whittle. (*Continued from 1-25-05*)

- 72 1. Ordinance No. AO 2004-177(S), an ordinance of the Anchorage Municipal Assembly
73 amending Anchorage Municipal Code Section 3.30.005, Definitions, to add "Veteran", to
74 amend Section 3.30.031, General Policy, to provide veterans with an opportunity to interview
75 for employment, and to amend Section 3.30.159, Military Leave, to include active military duty,
76 Employee Relations. (**Laid on the Table**)
77

1 Chair Traini read this ordinance title, explained there was a Substitute Version and opened Public Hearing.

2
3 C.W. FLOYD stated it was important that the word Veteran be defined. To Chair Traini, Mr. Floyd responded that he
4 supported the amendment to Line 41, changing the time served from 24 months to 12 months.

5
6 With no additional public testimony, Chair Traini closed Public Hearing and called for a motion.

7
8 Ms. Fairclough moved, to approve AO 2004-177(S).
9 Mr. Tremaine seconded,

10 Chair Traini declared a possible conflict of interest because he was a Veteran. Ms. Fairclough put the Question and
11 urged a NO-vote. Mr. Coffey concurred.

12
13
14 Ms. Fairclough moved, "Does Chair Traini have a conflict of interest
15 Mr. Coffey seconded, with AO 2004-177(S)?"
16 and this motion failed unanimously,
17

18 AYES: None.

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

20 ABSTAIN: Traini.

21
22 To Mr. Stout, Chair Traini ruled that he did not have a conflict of interest and ordered him to participate. Mr. Stout was
23 pleased with the improvements in the S-Version, but thought it was still unclear if the Municipality would hold positions
24 for persons on active military duty. Chair Traini responded that it was federal law that all positions be held indefinitely
25 for the volunteers serving. C.W. Floyd concurred, and stated that this provision was addressed in U.S. Title 38, which
26 defined employers' responsibilities.

27
28 Mr. Tremaine moved, to amend AO 2004-177(S) on Page 1, Line 20 *by changing*
29 Mr. Coffey seconded, *[24] 12* months.

30
31 To Ms. Ossiander, Mr. Floyd responded AO 2004-177(S) was in line with the State of Alaska definition of Veteran,
32 except for the proposed change from 24 months to 12 months. He did not see any conflict with the change.

33
34 Mr. Coffey moved, to amend AO 2004-177(S) on Page 1, Line 23, *by deleting*
35 Mr. Stout seconded, *to read: Veteran is a person who has received an honorable*
36 *[or general] discharge ...*
37

38 Mr. Traini stated this would ensure that the Municipality offer this to individuals who were honorably discharged. He
39 stated that individuals who had received general discharges had often done something offensive and did not think they
40 deserved preference.

41
42 Mr. Stout concurred with Mr. Traini and urged a YES-vote.

43
44 To Ms. Fairclough, Mr. Traini responded that, in general, all honorably discharged veterans had job skills. He
45 responded that deleting the general discharge requirement was in line with federal law. Municipal Attorney Fred
46 Boness responded the deletion of the general discharge definition was not prohibited by state or federal law.

47
48 To Mr. Sullivan, Mr. Traini responded the Coffey Amendment would be considered a preference. Mr. Traini added that
49 general discharges were given for severe infractions, including spousal abuse or drug use.

50
51 and the Coffey Amendment was passed unanimously,
52

53 To Ms. Jennings, Municipal Employee Relations Director David Otto responded there was no substantial cost
54 associated with this preference, and there were about thirty individuals who currently met the qualifications.

55
56 Chair Tesche called the Question on AO 2004-177(S), as amended.

57
58 and this motion was passed unanimously,
59

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

61 NAYES: None.

62
63 13.B. Ordinance No. AO 2004-176, an ordinance of the Anchorage Municipal Assembly amending
64 provisions of Title 28, **Elections**, Assemblymembers Tesche and Coffey.

65 1. Assembly Memorandum No. AM 919-2004.

66 (*Carried Over from 1-11-05 and 1-18-05 (Special Meeting); Continued from 1-25-05*)
67

68 Chair Traini read this ordinance title and opened Public Hearing.

69
70 VICKY CANTRELL supported the ordinance. She made several recommendations for improving elections, including
71 defining different types of ballots; requiring proof of residency for certain precincts; using the mail service for elections
72 of road service areas and those elections be held at a different time than the main election and having the Election
73 Commission review the code, including definitions of poll operations. To Ms. Ossiander, Municipal Clerk Barbara
74 Gruenstein responded that the Municipality was trying to come closer to state law when addressing the 30-day
75 residency verification. Assembly Attorney Michael Gatti responded that the determination of residency would remain
76 showing proof of address. To Ms. Ossiander, Ms. Cantrell responded the mailing of road service area ballots was

1 currently allowed and addressed in code, but was not used. To Mr. Coffey, Ms. Cantrell responded that she had
2 addressed all of these concerns to the Municipal Clerk's Office.

3
4 With no additional public testimony, Chair Traini closed Public Hearing and called for a motion.

5
6 Mr. Tesche moved, to approve AO 2004-176.
7 Mr. Coffey seconded,

8
9 Mr. Tesche stated that the Municipal Clerk had issued a memorandum, dated January 18, 2005 and he proposed
10 amendments based on those recommendations.

11
12 Mr. Tesche moved, to amend AO 2004-176, Section 7 on Page 5, Line 27,
13 Mr. Coffey seconded, by changing Citation [~~28.55~~] to "28.110."
14 and this was approved with no objections,

15
16 Mr. Tesche moved, to amend AO 2004-176, Section 11 on Page 7, Lines 11 and
17 Mr. Coffey seconded, 15, Citation 28.90.050, by changing [~~Board~~] to "Commission."
18 and this was approved with no objections,

19
20 Mr. Tesche moved, to amend AO 2004-176, Section 14, Page 12, Line 20 by
21 Mr. Coffey seconded, adding new language to read: "All remaining sections of this
22 and this was approved with no objections, ordinance shall also become effective on the date the United
23 State[s] Department of Justice issues its nonobjection or the
24 date by which the United States Department of Justice must
25 object if no objection is issued within the objection period, but
26 no earlier than June 1, 2005."
27

28 Mr. Tesche stated that mail-in ballots could be addressed in the future. He urged a YES-vote.

29
30 Ms. Ossiander moved, to amend AO 2004-176 Section 13, Page 8, by changing
31 Mr. Sullivan seconded, Section 28.110.005, pertaining to mail-in ballots for elections.

32
33 Mr. Tesche opposed the Ossiander Amendments because they had not been addressed by Legal.

34
35 Mr. Coffey stated that a mail-in election would have to begin with incremental steps, beginning with service areas. He
36 found Section 28.110.010 currently allowed mail-in ballots for service areas.

37
38 Mr. Tremaine stated that mail-in ballot elections were conducted all across the nation, and he thought it should be tried
39 on a road service area first. He opposed the Ossiander Amendment.

40
41 Ms. Ossiander stated that she was only deleting language, was not introducing new language, and was complying with
42 current code.

43
44 and this motion failed,

45
46 AYES: Sullivan, Stout and Ossiander.

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

48
49 To Mr. Sullivan, Municipal Clerk Barbara Gruenstein responded that the Elections Commissions had not been formally
50 notified of the proposed changes. Mr. Sullivan stated any proposed change needed to be reviewed by the
51 Commission before a final vote.

52
53 Mr. Sullivan moved, to postpone AO 2004-176, to allow the Elections Commission
54 Ms. Ossiander seconded, time to formally review all proposed changes to the election
55 procedures before Assembly action.

56
57 Chair Traini stated that approval required six votes. Municipal Attorney Fred Boness responded that it was not a duty
58 of the Elections Commission to review proposed changes to election procedures, as defined by code.

59
60 Mr. Sullivan stated that it was good policy to have changes in election procedures reviewed by the Commission.

61
62 Mr. Tesche did not see any problem with postponing. Assembly Attorney Michael Gatti responded that Anchorage
63 Municipal Code 28.120.060 set forth the duties of the Elections Commission, including reviewing new procedures. He
64 added that a delay may conflict with the Municipal Clerk filing preclearance requests with the Department of Justice,
65 which was a 60-day requirement.

66
67 Ms. Jennings stated that the passage of this ordinance would allow the Municipal Clerk to appoint the alternates to the
68 Elections Commission, and she opposed postponement.

69
70 Chair Traini called the Question on postponement.

71
72 and this motion failed,

73
74 AYES: Sullivan, Ossiander, Shamberg and Coffey.

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

76
77 Chair Traini called the Question on the AO 2004-176, as amended.

1
2 and this motion was passed,
3

4 AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Shamberg and Coffey.
5 NAYES: Ossiander.
6

7 Mr. Tesche moved for immediate reconsideration and urged a NO-vote.
8

9 Mr. Tesche moved, *for immediate reconsideration of AO 2004-177, as amended.*
10 Mr. Coffey seconded,
11 and this motion failed,
12

13 AYES: Ossiander and Shamberg.
14 NAYES: Tremaine, Sullivan, Traini, Tesche, Stout, Jennings and Coffey.
15 *(Clerk's Note: Fairclough and Whittle were temporarily out of Chambers at the time of the vote.)*
16

17 Mr. Sullivan requested that the Municipal Clerk send this ordinance to the Elections Commission and request their
18 comments in a timely manner. Mr. Stout concurred. Chair Traini responded that Ms. Gruenstein would see to it.
19

20 14. NEW PUBLIC HEARINGS

- 21 14.A. Ordinance No. AO 2005-5, an ordinance submitting a ballot proposition to the qualified voters of the
22 Municipality at the Regular Municipal Election on April 5, 2005 to accept a gift of \$50,000,000 from the
23 Anchorage Museum Foundation and \$25,000,000 in State and Federal grants for **expansion of the**
24 **Anchorage Museum** and approving the use of new tax revenues, not to exceed \$1,250,000
25 beginning in 2006, to pay for operation of the Museum, Office of Economic & Community
26 Development.
27 1. Assembly Memorandum No. AM 27-2005.
28

29 Chair Traini read this ordinance title and opened Public Hearing.
30

31 MOIRA PADDOCK, community volunteer, current board member and past Imaginarium Board Chair, supported the
32 museum expansion. She requested members of the audience stand to show their support. She explained that the
33 Imaginarium was a strong, non-profit organization which supported art, history, science and learning experiences and
34 they had the opportunity to be combined with the Anchorage Museum with this expansion.
35

36 TODD BELL, father of two young boys and current Imaginarium Board President, testified that including the
37 Imaginarium in the museum expansion would be an asset to the city. He stated the museum was currently limited to
38 displaying only ten percent of its collections and expansion was the answer to the growth of both of these operations.
39 He urged for Assembly approval. Ms. Fairclough stated that voters in her district were opposed to raising the tax cap.
40 Mr. Bell responded that the cost of the proposed expansion was a small price to pay to have a world-class facility and
41 thought it was well worth the money.
42

43 JOHN REEDER, Chair of the Anchorage Historical and Fine Arts Commission, spoke in support of expansion. He
44 explained that one-half of the museum budget was supplied annually by the city and the other half was raised from
45 membership fees, community funds, municipal grants, the Museum Foundation and various other sources. The
46 expansion would double the total operating budget and the purpose of the ballot proposition was to ensure that the
47 additional \$1.25 million would be dedicated to the museum's operating budget. The Commission believed the
48 community would support the increased level of operating expense, as it had done in the past. To Mr. Coffey, Mr.
49 Reeder responded there was an organized group of professionals preparing to inform and educate the public, to
50 ensure the proposition would be understood and approved.
51

52 BRIAN DAVIES, Chair of the Museum Building Committee, reported on the expansion project over the past six years.
53 He described the design and the 70,000 square foot expansion that would allow areas to display Alaskan artifacts,
54 temporary and traveling exhibits, an expanded library and archive, a new museum shop and café, storage space and
55 the Imaginarium. He described the expansion and the new plaza to be a significant contribution to downtown and he
56 urged Assembly support. If the ballot proposition was approved by the voters, construction would begin in 2006 and
57 be completed in 2009 and 2010. To Mr. Tremaine, Mr. Davies responded the needed funding secured through raising
58 the tax cap was their choice, instead of accepting annual appropriations from the Assembly, because they did not want
59 citizens to think they were taking appropriations away from other city functions. Ms. Fairclough stated that 70% of her
60 constituents did not support raising the tax cap. Mr. Davies explained they already had the money to build but were
61 looking for additional moneys to achieve a sustainable plan. To Mr. Coffey, Mr. Davies responded that if, for some
62 reason, the public does not approve the \$1.25 million, the fifty and the twenty-five would not go away but we would not
63 be able to build the project we currently have designs for because there would not be sufficient moneys available to
64 both build the building and to operate it. Mr. Davies stated the seventy five million was still there, but it could not be
65 used without having the purpose for which they were proposing.
66

67 JOE GRIFFITH, Volunteer Chair of Anchorage Incorporated, urged for support of the museum expansion. To Mr.
68 Sullivan, he responded that they were confident that there would be support from the community.
69

70 CARL LOERBS spoke in opposition. He stated the city voters had recently rejected many revenue bonds, including
71 repairs to the Performing Arts Center and the Sullivan Arena. He opposed breaching the tax cap to fund this project
72 and recommended delaying the project for two or three years, while rebuilding voter trust, and allowing the city's
73 revenue funds to regain stability. Ms. Shamberg stated that the only decision before the Assembly was to allow it on
74 the ballot. Mr. Loerbs stated there was another expensive and controversial issue on the ballot and the voters might
75 reject both of them.
76

1 RICK MYSTROM, member of the Museum Board, stated that while he was Mayor of Anchorage his administration had
2 attempted to keep expenses below the tax cap and he explained how the tax cap worked. He spoke in support of the
3 expansion and stated that two-thirds of the operating costs were already secured. He thought museum expansion
4 would improve the quality of life. Ms. Fairclough responded there were many citizens who were uncertain of the
5 expansion. While she supported allowing this item on the ballot, she thought educating the public was critical. Mr.
6 Mystrom responded that they were addressing the issue. Ms. Shamburg agreed that the public needed to better
7 understand the tax cap. To Mr. Tesche, Mr. Mystrom responded that the ballot proposition should be the taxpayers'
8 choice, rather than an ordinance from the Assembly to raise the tax cap. Mr. Whittle supported museum expansion
9 and thought it was a good investment.

10 DON SMITH stated that he understood the tax cap more clearly and now supported the museum expansion.

11 DAVID DITTMAN reported their polls found a large percent of citizens in support of the museum expansion. Their job
12 was to help the public understand that the project was worth the costs. To Mr. Tesche, Mr. Dittman responded that the
13 benefits of the museum included education, science, history, art, cultural exposure and it was currently free to children.
14 The museum was considered an asset and they would continue their promotion. Ms. Fairclough responded that the
15 poll from her district indicated they did not support it. To Mr. Sullivan, Mr. Dittman agreed with Mr. Sullivan's proposed
16 new language for the ballot proposition.
17

18 BERNADINE NYBORER, Imaginarium Board member, proposed to change Mr. Sullivan's amendment to begin with "In
19 as much as the gift has been given, we shall accept..."

20 With no additional testimony, Chair Traini closed Public Hearing, called for a motion and set debate for one hour.

21 Mr. Tesche moved, to approve AO 2005-5.
22 Mr. Whittle seconded,

23 Mr. Sullivan stated that his amendment would not be offered. Ms. Fairclough responded that without change to the
24 ballot language, the proposition would leave the taxpayers wondering why the city was asking for an appropriation
25 when it was not needed.

26 Mr. Coffey stated that the proposition would be on the ballot and the public could vote on it, making the decision.

27 Ms. Jennings stated that she appreciated the generosity and passion of the group who had worked on the project,
28 especially the Rasmuson Foundation for their \$75 million gift. She was in support.

29 Mr. Sullivan stated he appreciated all the work of those who had been involved with this project. He stated the
30 museum would be a great facility, increasing the vitality of downtown Anchorage.

31 Mayor Begich stated the Administration had worked with the museum on this project. He stated that once the
32 community understood this proposal, they would approve the expansion.

33 Mr. Tesche stated that this issue involved the leadership of the Administration, the Museum Board and the
34 Commission, creating a plan that would work. He thought that the Assembly had the responsibility to allow the voters
35 to make the decision. He urged a YES-vote.

36 Chair Traini stated that he supported the expansion and appreciated the generous Rasmuson Foundation donation.
37 He looked forward to a world-class museum in Anchorage.

38 Ms. Shamberg called the Question on AO 2005-5.

39 and this motion was unanimously passed,

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

42 Mr. Tesche moved for immediate reconsideration and urged a NO-vote.

43 Mr. Tesche moved, for immediate reconsideration of AO 2005-05.
44 Mr. Coffey seconded,
45 and this motion unanimously failed,

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

- 48 14.B. Resolution No. AR 2005-3, a resolution of the Municipality of Anchorage, Alaska, confirming and
49 levying assessments for the water special improvements within **Levy Upon Connection (LUC) Roll**
50 **04-W-3**, setting date of payment and providing for penalties and interest in the event of delinquency;
51 Anchorage Water & Wastewater Utility.
52 1. Assembly Memorandum No. AM 20-2005.

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

55 Mr. Coffey moved, to approve AR 2005-3.
56 Ms. Shamberg seconded,

1 Mr. Tremaine moved, to amend AR 2005-3 on Line 20, *by adding*
2 Mr. Coffey seconded, "February 1, 2005."
3 and this was unanimously approved,
4

5 Chair Traini called the Question on AR 2005-3, as amended.
6

7 and this motion was passed,
8

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

10 NAYES: None.

11 (Clerk's Note: Fairclough, Whittle and Tesche were temporarily out of Chambers at the time of the vote.)
12

- 13 14.C. Resolution No. AR 2005-12, a resolution of the Municipality of Anchorage accepting and appropriating
14 \$411,600 as a grant from the Alaska Department of Military and Veterans Affairs, Division of
15 Homeland Security and Emergency Management, to the Miscellaneous Capital Pass-Thru Fund (409)
16 for the **Lower Fire Lake Dam Rehabilitation Project**; Project Management & Engineering.
17 1. Assembly Memorandum No. AM 44-2005.
18

19 Chair Traini read this resolution title and opened Public Hearing. With no public testimony, he closed Public Hearing
20 and called for a motion.
21

22 Ms. Ossiander moved, to approve AR 2005-12.
23 Mr. Tremaine seconded,
24

25 Mr. Tesche stated the dam was apparently not stable and the Municipality of Anchorage (MOA) had taken over
26 responsibility, accepting ownership in 1999. Deputy Municipal Manager Michael Abbott responded the decision of
27 ownership happened during a former administration and the current Administration did not have access to the details.
28

29 To Mr. Tesche, Ms. Fairclough responded that it came as a surprise to residents of the Eagle River/Chugiak area and
30 could not recall any explanation from the city, accepting responsibility of the dam in its current condition. She
31 responded that there was a new multi-family housing development downstream from the dam. Ms. Ossiander recalled
32 that the city had accepted the responsibility and the state promised funding. She stated the immediate dangers were
33 to the Glenn Highway and to a significant number of homes and residents.
34

35 To Mr. Tesche, Municipal Attorney Fred Boness responded that a more in-depth analysis was needed before a legal
36 opinion could address liability, if dam failure occurred. Deputy Municipal Manager Michael Abbott responded that it
37 was expected that the federal grant, described in the resolution, would cover the costs of repairing the dam, with
38 construction scheduled to begin the summer of 2005.
39

40 To Mr. Tesche, Mr. Abbott thought there was time to delay Assembly action for two weeks to allow a worksession.
41

42 Ms. Ossiander recalled that there was a \$150,000 grant already appropriated for this project from the State of Alaska.
43 She stated for the record that this was an issue of high urgency for the Eagle River/Chugiak community and
44 appreciated the issue being addressed as quickly as possible.
45

46 To Chair Traini and Mr. Coffey, Mr. Abbott responded that the Administration would compile a project budget, including
47 details on the funding sources. Chair Traini requested details on the history of the multi-family residences that were
48 allowed to be constructed in the foot print of the dam, and the numbers of lives that were at risk.
49

50 Mr. Tesche stated it was important to discuss this issue before any action was taken, and he so moved.
51

52 Mr. Tesche moved, to *postpone* AR 2005-12 until February 15, 2005, with a
53 Mr. Tremaine seconded, worksession scheduled for February 11th.
54

55 Ms. Fairclough stated that this resolution was simply an appropriation of federal grant money, and it did not address
56 liability. She did not support postponement and urged a NO-vote.
57

58 Mr. Coffey concurred with Ms. Fairclough, that the resolution was only the acceptance of a federal grant.
59

60 Mr. Sullivan concurred with Ms. Fairclough and Mr. Coffey and would not support postponement.
61

62 Mr. Tremaine stated that he would feel more comfortable waiting for the worksession and supported postponement.
63

64 Chair Traini called the Question on postponement.
65

66 and this motion failed,
67

68 AYES: Whittle, Tremaine, Traini and Tesche.

69 NAYES: Fairclough, Sullivan, Stout, Jennings, Ossiander, Shamberg and Coffey.
70

71 With no further discussion, Chair Traini called the Question on the main motion.
72

73 and this motion was passed,
74

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

76 NAYES: Traini.
77

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

2
3 Ms. Fairclough moved, *for immediate reconsideration of AR 2005-12.*
4 Mr. Coffey seconded,
5 and this motion failed,

6
7 AYES: Traini and Tesche.

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

- 9
10 14.D. Ordinance No. AO 2005-3, an ordinance amending the zoning map and providing for the rezoning of
11 **Lot 3A, Arlon Subdivision** from R-0 SL (Residential Office with Special Limitations) to B-3 SL
12 (General Business with Special Limitations), generally located on the north side of Abbott Road,
13 between Golovin Street and Arlon Street (Abbott Loop Community Council) (Planning and Zoning
14 Commission Case 2004-157); Planning Department.
15 1. Assembly Memorandum No. AM 21-2005.

16
17 Chair Traini read the ordinance title and opened Public Hearing.

18
19 STEVE AGNI, representing the applicant, testified that the city was requiring rezoning of some older R-5 lots. He
20 urged Assembly approval of this rezone, which had been approved by Planning and Zoning, to expand the property
21 uses to meet the needs of the city. Mr. Tremaine agreed that the uses for this area had changed over the years with
22 the development of Abbott Road, but he was concerned with the broad limitations of B-3 SL (*special limitations*). Mr.
23 Agni responded that a description of the properties within the town center would be appropriate and his client would
24 accept future changes. To Ms. Ossiander, Mr. Agni responded that the subject building was conforming to the town
25 center concept. To Mr. Coffey, Mr. Agni responded that he wanted to resolve the issues of the ten-foot buffer and the
26 fence.

27
28 Chair Traini stated that it was late in the evening and there were Agenda items that needed to be taken up. He called
29 for a motion to extend the meeting until midnight and explained it would take a vote of nine to pass. Mr. Tremaine so
30 moved, it was seconded by Mr. Coffey and it was passed with one opposing vote from Ms. Fairclough.

31
32 To Ms. Ossiander, Planning and Zoning Administrator Jerry Weaver responded that this property was unique because
33 it was developed with special limitations, and the Commission was concerned about the redevelopment and how it
34 would blend in with a future town center concept.

35
36 Mr. Coffey stated that SLs were designed for specific circumstances, and thought it would work perfectly for this
37 property.

38
39 To Ms. Jennings, Mr. Agni responded the required eight-foot fence and ten-foot buffer were required.

40
41 Acting Chair Tesche called for additional testimony and there being none, he closed Public Hearing and called for a
42 motion.

43
44 Ms. Jennings moved, to approve AO 2005-3.
45 Mr. Coffey seconded,

46
47 Mr. Coffey moved, to amend AO 2005-3 on Page 2, Line 7 *by adding* paragraph
48 Ms. Jennings seconded, 7 to Section 2, Paragraph A on Page 2, Line 4 to read: "The
49 existing 10-foot buffer on the north property line which was
50 appropriated in the R.O. zoning is approved for this site with
51 this zoning. No variance is required."

52
53 Mr. Coffey stated that his amendment was appropriate and had been cleared with the legal staff and with Mr. Weaver
54 before he submitted it.

55
56 and the Coffey Amendment was approved with no objections,

57
58 Chair Traini called the Question on the main motion to approve AO 2005-3, as amended.

59
60 and this was unanimously passed,

61
62 AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
63 NAYES: None.

- 64
65 14.E. Ordinance No. AO 2005-2, an ordinance of the Anchorage Municipal Assembly amending Anchorage
66 Municipal Code Chapter 21.90, **Utility Distribution Facilities**, Section 21.90.030, Variances, Section
67 21.90.060, Designation of Target Areas, to provide a five-year plan designating target areas, and
68 Section 21.90.070, Nonconforming Overhead Lines, to authorize the Director of the Planning
69 Department to grant variances, to require a utility owning poles to expend at least two percent of its
70 gross annual retail revenues from sales within the Municipality of Anchorage, to remove poles
71 supporting nonconforming overhead utility lines and place the lines underground, and to require
72 placement of new service lines underground; Assemblymember Shamberg.
73 1. Assembly Memorandum No. AM 2-2005.

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

76

1 JOHN WEDDLETON, President of Mid-Hillside Community Council, presented a resolution from the council in
2 unanimous support. He testified that undergrounding of the utility lines was important to the area residents.
3

4 BILL STRICKLER, with the Alaska Department of Transportation, urged for consideration of costs associated with
5 burying utilities. To Mr. Tremaine, Mr. Strickler responded that he was familiar with state 1% rule. To Ms. Ossiander,
6 Mr. Strickler responded that undergrounding often required property acquisition because it was more cost effective to
7 install lines in new ground, rather than tapping into the existing utilities, which might lead to damaging the other buried
8 lines. There would always be additional costs when placing new utilities into an existing road system and
9 undergrounding was about three times as expensive as overhead utilities. To Mayor Begich, Mr. Strickler responded
10 the Dowling Road construction was \$12 million and the undergrounding of utilities had been \$7.7 million.
11

12 PHIL [~~STYER~~] STEYER, with Chugach Electric Company, testified that Chugach supported the ordinance. He clarified
13 that this was a revision of an existing ordinance. The changes made it clearer and gave the control to the utility
14 professionals, who made decisions based on many criteria, not just consumer demands. To Mr. Coffey, he did not
15 know how the Municipality would enforce their requests. To Mr. Sullivan, he responded that the money would be
16 recovered after the construction was completed.
17

18 JOHN [~~BERGGERON~~] BERGGREN, thirty-year resident and contractor, testified in support of the ordinance and
19 wanted all utilities to be buried. He stated that overhead utilities interfered with electronics and cell phones and it was
20 esthetically unpleasant. He thanked the Assembly for taking action on this issue. To Mr. Tremaine, he responded
21 there was no question that undergrounding utilities definitely increased property value.
22

23 DIANNE HOLMES, representing Rabbit Creek Community Council, spoke in favor of burying utilities. The council had
24 unanimously supported the ordinance. Ms. Holmes stated that undergrounding made sense and would protect the
25 lines from wind damage, be esthetically pleasing and would comply with the majority of the 2020 Plan.
26

27 With no additional testimony Chair Traini closed Public Hearing.
28

29 **15. SPECIAL ORDERS** None.

30 **16. UNFINISHED AGENDA** None.

31 **17. AUDIENCE PARTICIPATION** None.

32 **18. ASSEMBLY COMMENTS**

33 Ms. Fairclough acknowledged the support the Assembly and Administration had given to the Fur Rendezvous and
34 hoped they would be as generous when Eagle River and Chugach held their annual Bear Paw Festival. Mayor Begich
35 noted her request.
36

37 **19. EXECUTIVE SESSIONS** None.

38 **20. ADJOURNMENT**

39 Chair Traini called for a motion to adjourn the meeting.
40

41 Mr. Tremaine moved, to adjourn the Regular Assembly Meeting.
42 Mr. Tesche seconded,
43 and this motion was unanimously passed,
44

45 The Regular Assembly Meeting was adjourned at 11:40 p.m.
46
47
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50

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59 _____
60 DICK TRAINI, Assembly Chair

61 ATTEST:
62
63
64
65
66

67 _____
68 BARBARA GRUENSTEIN, Municipal Clerk
69 Date Minutes Approved: March 29, 2005.
70 MC/BG

71 *(Approved Meeting Minutes are available in the Municipal Clerk's Office, 632 West 6th Avenue, Suite 250, Anchorage, Alaska,*
72 *telephone (907)343-4505, or on the Municipal Web Site at www.Muni.org)*
73

74 Agenda Published in the ALASKA JOURNAL OF COMMERCE P.O. 515-05
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