

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

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

Minutes for Regular Meeting of May 3, 2005

1. CALL TO ORDER

The Assembly Meeting was convened by Chair Fairclough at 6:00 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: Allan Tesche, Janice Shamberg, Debbie Ossiander, Dan Sullivan, Anna Fairclough, Dan Coffey, Chris Birch, Ken Stout, Paul Bauer, Dick Traini and Pamela Jennings.

ABSENT: None.

3. PLEDGE OF ALLEGIANCE

Assemblymember Coffey led the pledge and the National Anthem was sung by Anchorage Fire Inspector James Gray.

4. MINUTES OF PREVIOUS MEETINGS

4.A. Regular Meeting – March 29, 2005.

Mr. Coffey moved, to approve the Regular Meeting Minutes of
Ms. Ossiander seconded, March 29, 2005.
and this motion was passed unanimously,
with Mr. Bauer and Mr. Birch abstaining,

5. MAYOR'S REPORT

Mayor Begich introduced new appointment, Charles Borg, to the Human Resources Advisory Commission and thanked him for being willing to serve.

6. ASSEMBLY CHAIR'S REPORT None.

7. COMMITTEE REPORTS

Ms. Jennings reported on a recent Annual Planning Retreat for members of the Anchorage Convention and Visitors Bureau. Mr. Stout reported that possible management plans of center were also discussed.

Ms. Ossiander reported on the worksession on the sign code ordinance. She recommended consideration of this be postponed until the end of the month because there were a number of amendments in progress, following a Title 21 report.

Mr. Sullivan stated that Mr. Stout and Chair Fairclough would join him, traveling to the state capital on Friday, for the last few days of the session.

Mr. Coffey reported on his trip to Juneau, as the Capital Budget was being considered. He stated it was important for Assemblymembers to participate, lending a voice for Anchorage priorities.

8. ADDENDUM TO AGENDA

Chair Fairclough called for a motion. She called for additional items and AR 2005-100, AR 2005-101 were Laid on the Table, and assigned Agenda Numbers 9.A.3 and 9.B.4, respectively. She then called for additional items, and there being none, called for a vote to incorporate the Addendum items into the Regular Agenda.

Mr. Sullivan moved, to approve the inclusion of the Addendum items
Ms. Ossiander seconded, into the Regular Agenda.
and this was passed without objection,

Mr. Traini moved, *for immediate reconsideration* of the Addendum.
Mr. Coffey seconded,

Chair Fairclough read the titles of the Addendum items for the record.

and this was approved without objection,

Chair Fairclough called the Question on the Consent Agenda.

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

Chair Fairclough called for Assemblymembers to request items be pulled from the Consent Agenda 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 2005-91, a resolution of the Anchorage Municipal Assembly recognizing May 13, 2005, as "**Police Memorial Day**", and remembering and honoring those who have given their lives in the line of duty; Mayor Begich; Assemblymembers Bauer, Birch, Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini.

Mr. Tesche pulled this item for review on the Regular Agenda. (*See item 10.A.1*)

- 9.A.2. Resolution No. AR 2005-92, a resolution of the Anchorage Municipal Assembly applauding and supporting the **National Association of Letter Carriers (NALC) 13th Annual National Food Drive** on May 14, 2005; Mayor Begich; Assemblymembers Bauer, Birch, Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini.

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

- 9.A.3. Resolution No. AR 2005-100; a resolution of the Anchorage Municipal Assembly recognizing and honoring **Diana Pearcy** for her 17 years of service with the Municipality of Anchorage; Mayor Begich; Assemblymembers Bauer, Birch, Fairclough, Coffey, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini. (**Laid on the Table**)

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

9.B. RESOLUTIONS FOR ACTION - OTHER

- 9.B.1. Resolution No. AR 2005-93, a resolution of the Municipality of Anchorage (MOA) appropriating \$40,000 from Glen Alps Service Area Fund Balance (Fund 105) as a contribution to the MOA Miscellaneous Capital/Pass-Thru Fund (Fund 409) for Glen Alps Service Area **road and drainage improvement projects within the Glen Alps Service Area**; Maintenance & Operations Department.
a. Assembly Memorandum No. AM 294-2005.
- 9.B.2. Resolution No. AR 2005-94, a resolution of the Municipality of Anchorage authorizing the acceptance of Federal Transit Administration Section 5309 Grant and appropriating \$94,975 from the Federal Transit Administration through State of Alaska, Department of Public Transportation and Facilities, to the Public Transportation Capital Improvement Fund (485) for the purchase of **maintenance equipment and vehicle parts**; Public Transportation Department.
a. Assembly Memorandum No. AM 295-2005.
- 9.B.3. Resolution No. AR 2005-95, a resolution authorizing the Municipality of Anchorage, Public Transportation Department, to enter into a Transfer of Responsibilities Agreement (TORA) in the amount of \$17,000 with the State of Alaska, Department of Transportation and Public Facilities, for financing the Year 2005 **Alaska Bus and Van Rodeo** and appropriating these funds to the State Categorical Grants Fund (231).
a. Assembly Memorandum No. AM 296-2005.
- 9.B.4. Resolution No. AR 2005-101, as amended, A resolution of the Anchorage Municipal Assembly supporting the proposed Legislation by the State of Alaska to use the **Amerada Hess settlement** earning to improve the state's and communities' transportation systems and other capital improvements; Assemblymember Sullivan, Coffey and Traini. (**Laid on the Table**)

Mr. Coffey and Mr. Traini requested to be added as cosponsors. Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (*See item 10.B.4*)

9.C. BID AWARDS

- 9.C.1. Assembly Memorandum No. AM 281-2005, recommendation of awards to Univar USA and to Quadra Chemicals for furnishing **water treatment chemicals** to the Municipality of Anchorage, Anchorage Water & Wastewater Utility (ITB 25-B015) (Univar \$245,320) (Quadra \$123,600); Purchasing.
- 9.C.2. Assembly Memorandum No. AM 282-2005, recommendation of award to Aurora Power Resources, Inc. for furnishing **natural gas** to the Municipality of Anchorage, Operations & Maintenance Department (ITB 25-B018) (\$3,000,000); Purchasing.

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

- 9.C.3. Assembly Memorandum No. AM 283-2005, recommendation of award to Twin Peaks Construction, Inc. for providing **paving and concrete patch services** for the Municipality of Anchorage, Municipal Light and Power (ITB 25-C011) (\$250,000); Purchasing.
- 9.C.4. Assembly Memorandum No. AM 284-2005, recommendation of award to NC Machinery Co. for furnishing an **LGP crawler tractor** to the Municipality of Anchorage, Solid Waste Services Department (ITB 25-B021) (\$315,168); Purchasing.
- 9.C.5. Assembly Memorandum No. AM 301-2005, recommendation of award to Kanag'Iq Construction for **Arctic Boulevard and 19th Avenue Easement Sewer Upgrade** for the Municipality of Anchorage; Anchorage Water and Wastewater Utility (ITB 25-C008) (\$294,202.32); Purchasing. (**Addendum**)

9.D. NEW BUSINESS

- 1 9.D.1. Assembly Memorandum No. AM 288-2005, **Community Development Authority Board of Directors**
2 appointment (Hubert Gellert, Jeff Sinz, William Smith, Joelle Hall, Jana Hayenga, Mary Jane Michael,
3 Louise Lazur, Joanne Zito-Brause, Michael Zoske); Mayor's Office.
4

5 Mr. Coffey requested this item be pulled for review on the Regular Agenda. (See item 10.D.1)
6

- 7 9.D.2. Assembly Memorandum No. AM 289-2005, **Emergency Medical Service Board** appointments
8 (Peggy Jones, Jan Veasart); Mayor's Office.
9 9.D.3. Assembly Memorandum No. AM 290-2005, **Human Resources Advisory Board** appointment
10 (Charles Borg); Mayor's Office.
11 9.D.4. Assembly Memorandum No. AM 291-2005, **Glen Alps Limited Road Service Area Board of**
12 **Supervisors** appointments (Judith Burtner, David Doolen, Sarah Woolley); Mayor's Office.
13 9.D.5. Assembly Memorandum No. AM 292-2005, **Sequoia Estates Limited Road Service Area Board of**
14 **Supervisors** appointments (Mark Lindsey, Robert Valantas); Mayor's Office.
15 9.D.6. Assembly Memorandum No. AM 293-2005, **SRW Homeowners' Limited Road Service Area Board**
16 **of Supervisors** appointments (Steve Dombrowski, Joe Lepley); Mayor's Office.
17 9.D.7. Assembly Memorandum No. AM 285-2005, proprietary purchase from Portable Computer Systems,
18 Inc. for forty (40) **Panasonic CF29 Touchbook wireless laptop computers with accessories** for the
19 Municipality of Anchorage, Anchorage Police Department (APD) (\$163,240); Purchasing.
20

21 Mr. Coffey requested this item be pulled for review on the Regular Agenda. (See item 9.D.7)
22

- 23 9.D.8. Assembly Memorandum No. AM 286-2005, cooperative purchase agreement with Bering Marine
24 Corporation for providing **sodium chloride** for the Municipality of Anchorage, Street Maintenance
25 Department (\$52,580); Purchasing.
26 9.D.9. Assembly Memorandum No. AM 287-2005, Amendment No. 3 to Alaska Pollution Control contract
27 (P.O. No. 240119) increasing the contract by \$50,000 for a contract amount Not-To-Exceed (NTE)
28 \$290,000 for year round road maintenance/repair services within the **Glen Alps Service Area (SA)**;
29 Maintenance & Operations Department.
30

31 **9.E. INFORMATION AND REPORTS**

- 32 9.E.1. Information Memorandum No. AIM 28-2005, Internal Audit Report 2005-6 – **Cash Controls of**
33 **Parking Garage Revenue, Anchorage Community Development Authority**; Internal Audit.
34

35 Mr. Sullivan requested this item be pulled for review on the Regular Agenda. (See item 10.E.1)
36

- 37 9.E.2. Information Memorandum No. AIM 29-2005, Internal Audit Report 2005-7 – **2004 Parts, Fuel and**
38 **Lubricants Inventory, Public Transportation Department**; Internal Audit.
39

40 **9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**

- 41 9.F.1. Resolution No. AR 2005-96, a resolution approving construction of the **Eagle Lot 18A (W05-010)**
42 **Water Line Extension**, and providing for the eventual assessment against benefited property;
43 Anchorage Water & Wastewater Utility. (Public Hearing 5-17-05)
44 a. Assembly Memorandum No. AM 297-2005.
45 9.F.2. Resolution No. AR 2005-97, a resolution approving construction of the **Eagle Lot 18A (S05-010)**
46 **Sanitary Sewer Line Extension**, and providing for the eventual assessment against benefited
47 property; Anchorage Water & Wastewater Utility. (Public Hearing 5-17-05)
48 a. Assembly Memorandum No. AM 298-2005.
49 9.F.3. Resolution No. AR 2005-99, a resolution of the Municipality of Anchorage accepting when tendered
50 \$4,655,000 from the Federal Aviation Administration Airport Improvement Program Grant, and
51 \$122,500 from the State of Alaska Department of Transportation and Public Facilities Grant; and
52 appropriating said grants and \$122,500 from Airport Unrestricted Net Assets to Merrill Field's Capital
53 Improvement Fund for the **2005 Merrill Field Runway Rehabilitation, Taxiway, and Security**
54 **Improvements** and revising the 2005 Merrill Field Capital Improvement Budget (581); Merrill Field
55 Airport. (Public Hearing 5-17-05)
56 a. Assembly Memorandum No. AM 300-2005. (Addendum)
57

58 Chair Fairclough put the Question to approve the remainder of Consent Agenda.
59

60 Mr. Tesche moved, to approve the amended Consent Agenda.
61 Ms. Ossiander seconded,
62 and this motion was passed,
63

64 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
65 NAYES: None.
66

67 Chair Fairclough announced the unanimous approval of the amended Consent Agenda, with the exception of the
68 pulled items and proceeded into discussion of those items.
69

70 **END OF CONSENT AGENDA**
71

72 **10. REGULAR AGENDA**

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

- 74 10.A.1. Resolution No. AR 2005-91, a resolution of the Anchorage Municipal Assembly recognizing May 13,
75 2005, as "**Police Memorial Day**", and remembering and honoring those who have given their lives in
76 the line of duty; Mayor Begich; Assemblymembers Bauer, Birch, Coffey, Fairclough, Jennings,
77 Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini.
78

1 Mr. Tesche moved, to approve AR 2005-91.
2 Mr. Sullivan seconded,
3 and this was approved without objection,
4

5 Mr. Tesche read the proclamation and Ms. Jennings presented the resolution, recognizing May 13th as Police
6 Memorial Day, honoring the brave officers who had given their lives in the line of duty. Chief Monegan accepted the
7 award on behalf of the officers and their families. Mr. Tesche urged everyone to attend the memorial service.
8

9 10.A.2. Resolution No. AR 2005-92, a resolution of the Anchorage Municipal Assembly applauding and
10 supporting the **National Association of Letter Carriers (NALC) 13th Annual National Food Drive**
11 on May 14, 2005; Mayor Begich; Assemblymembers Bauer, Birch, Coffey, Fairclough, Jennings,
12 Ossiander, Shamberg, Stout, Sullivan, Tesche and Traini.
13

14 Ms. Ossiander moved, to approve AR 2005-92.
15 Ms. Jennings seconded,
16 and this was approved unanimously,
17

18 Ms. Ossiander read the proclamation and Mr. Coffey presented the resolution, recognizing and supporting the National
19 Association of Letter Carriers (NALC) 13th National Food Drive on May 14th, celebrating the largest, most successful
20 food drive in the United States. An NALC representative thanked the Assembly for the recognition and reported the
21 2004 Food Drive had collected 60,000 pounds of food and they hoped to exceed that amount this year. She
22 encouraged all residents to participate.
23

24 10.A.3. Resolution No. AR 2005-100; a resolution of the Anchorage Municipal Assembly recognizing and
25 honoring **Diana Pearcy** for her 17 years of service with the Municipality of Anchorage; Mayor Begich;
26 Assemblymembers Bauer, Birch, Fairclough, Coffey, Jennings, Ossiander, Shamberg, Stout, Sullivan,
27 Tesche and Traini. (**Laid on the Table**)
28

29 Ms. Shamberg moved, to approve AR 2005-100.
30 Mr. Tesche seconded,
31 and this was approved unanimously,
32

33 Mr. Bauer read the resolution and Ms. Shamberg presented the award, recognizing and honoring Diana Pearcy for her
34 17 years of financial expertise and service to many municipal departments. Ms. Pearcy thanked the Assembly for the
35 recognition and stated that she had been honored to be the Office of Budget and Management Director. To Mr.
36 Sullivan, Ms. Pearcy responded that she and her husband were retiring to Oregon. Mr. Sullivan, Mr. Coffey, Ms.
37 Jennings and Mayor Begich thanked her for her years of service. Mayor Begich introduced the new OMB Director,
38 Janet Mitson.
39

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

41 10.B.2. Resolution No. AR 2005-94, a resolution of the Municipality of Anchorage authorizing the acceptance
42 of Federal Transit Administration Section 5309 Grant and appropriating \$94,975 from the Federal
43 Transit Administration through State of Alaska, Department of Public Transportation and Facilities, to
44 the Public Transportation Capital Improvement Fund (485) for the purchase of **maintenance**
45 **equipment and vehicle parts**; Public Transportation Department.
46 a. Assembly Memorandum No. AM 295-2005.
47

48 Mr. Coffey moved, to approve AR 2005-94.
49 Mr. Sullivan seconded,
50 and this passed without objection,
51

52 10.B.4. Resolution No. AR 2005-101, as amended, A resolution of the Anchorage Municipal Assembly
53 supporting the proposed legislation by the State of Alaska to use the **Amerada Hess settlement**
54 **earnings** to improve the state's and communities' transportation systems and other capital
55 improvements; Assemblymembers Sullivan, Coffey and Traini. (**Laid on the Table**)
56

57 Ms. Ossiander moved, to introduce AR 2005-101.
58 Mr. Sullivan seconded,
59 Mr. Traini was the concurring third,
60

61 Mr. Sullivan reported on a recent worksession on the Amerada Hess settlement earnings, proposed to be used for
62 capital project financing. This resolution had originated from Governor Murkowski and the Legislature. Mr. Sullivan
63 urged support.
64

65 Mr. Sullivan moved, to approve AR 2005-101.
66 Mr. Traini seconded,
67

68 Ms. Ossiander stated there remained a lack of clarity of this funding source. Questions remained if these earnings
69 were tax exempt. She recommended additional wording and Ms. Shamberg concurred. Mr. Sullivan accepted this as
70 a friendly amendment.
71

72 Ms. Ossiander moved, to amend AR 2005-101 on Page 1, Line 41, after the words
73 Ms. Shamberg seconded, "support legislation," by adding, "examining multiple
74 and this was approved without objection, approaches, [that would leverage] including leveraging"
75 the Amerada Hess settlement earnings...
76

77 Deputy Municipal Manager Michael Abbott stated the Senate was not proposing to use this revenue stream to finance
78 bonds, but rather spend the earnings for capital projects, including Dowling Road.

and the main motion, as amended, was unanimously carried,

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

10.C. BID AWARDS

10.C.2. Assembly Memorandum No. AM 282-2005, recommendation of award to Aurora Power Resources, Inc. for furnishing **natural gas** to the Municipality of Anchorage, Operations & Maintenance Department (ITB 25-B018) (\$3,000,000); Purchasing.

Mr. Coffey moved, to approve AM 282-2005.
Mr. Sullivan seconded,

Mr. Coffey reported on the recent presentation at the worksession with the Matanuska-Susitna Borough, describing the declining natural gas reserves in Cook Inlet. He urged everyone to be informed of the future natural gas situation.

and this motion was unanimously carried,

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

10.D. NEW BUSINESS

10.D.1. Assembly Memorandum No. AM 288-2005, **Community Development Authority Board of Directors** appointment (Hubert Gellert, Jeff Sinz, William Smith, Joelle Hall, Jana Hayenga, Mary Jane Michael, Louise Lazur, Joanne Zito-Brause, Michael Zoske); Mayor's Office.

Deputy Municipal Manager Michael Abbott requested this item be postponed, to permit a 10-day public comment period pursuant to Anchorage Municipal Code.

Mr. Coffey moved, to postpone AM 288-2005 until May 17, 2005.
Mr. Sullivan seconded,
and this was approved without objection,

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

10.D.7. Assembly Memorandum No. AM 285-2005, proprietary purchase from Portable Computer Systems, Inc. for forty (40) **Panasonic CF29 Touchbook wireless laptop computers with accessories** for the Municipality of Anchorage, Anchorage Police Department (APD) (\$163,240); Purchasing.

Ms. Ossiander moved, to approve AM 285-2005.
Mr. Tesche seconded,

Ms. Ossiander stated the calculated total price of the computers was \$30,000 less than the purchase award. Municipal Purchasing Officer Bart Mauldin responded the additional money would buy accessories and supplemental computer parts. He added that Panasonic had top-of-the-line products.

Mr. Birch commended the Purchasing Department for this computer selection and the excellent prices.

and this motion was carried unanimously,

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

10.E. INFORMATION AND REPORTS

10.E.1. Information Memorandum No. AIM 28-2005, Internal Audit Report 2005-6 – **Cash Controls of Parking Garage Revenue, Anchorage Community Development Authority**; Internal Audit.

Mr. Sullivan moved, to accept AIM 28-2005.
Ms. Ossiander seconded,

To Mr. Sullivan, Parking Authority Director Kevin Kenney responded that while they had had a very good security history at the parking garages, they were trying to change procedures for cash handling, to minimize future risks. Security cameras, with monitoring stations, would be included as future capital expenses for parking garages.

To Ms. Jennings, Mr. Kenney responded there would be new policies considered by the board within the next few weeks.

and this motion was carried unanimously,

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

10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION None were pulled for review.

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

12. **APPEARANCE REQUESTS**

- 12.A. **Silvia Villamides**, Executive Director-CHARR, to request participation and support of the *Off the Road* program.

SILVIA VILLAMIDES and JOHN PATTEE' appeared to introduce the new *Off the Road* Program administered by Anchorage Cabaret, Hotel, Restaurant and Retailers Association (*CHARR*). CHARR Executive Director Ms. Villamides explained this program was designed to take inebriated patrons and their vehicles safely home and was available from Rabbit Creek to Elmendorf. It involved two taxi cab drivers and one cab, to transport the patron and deliver the patron's vehicle. CHARR Board Member Mr. Pattee' requested support from the Anchorage Police Department to not ticket those cabs who were assisting and who had to leave their cabs where a patron was picked up. Ms. Ossiander concurred with Mr. Tesche's idea of a worksession to support and educate others on the program. Mr. Sullivan stated the response to this program had been very positive. To Ms. Jennings, Mr. Pattee' responded program sponsors included K&L Distributors, Alaska Distributors, Odom Distributors, the Alaska Highway Safety Patrol, Darwin's Theory and Miller Brewing Company. To Mr. Traini, Mr. Pattee' responded they had full endorsement from the military bases. To Mr. Bauer, Ms. Villamides responded CHARR would monitor and collect data on repeat offenders. Mr. Coffey stated this was one in a long line of positive efforts the industry had accomplished to eliminate DUIs in our community. To Ms. Shamberg, Mr. Pattee' responded this program was provided at no cost to the customer. Funding came from the liquor establishments, sponsors and the program's budget. Ms. Villamides thanked the Assembly and the Mayor for their support and urged consideration of the program funding being included in the 2006 Budget.

13. **CONTINUED PUBLIC HEARINGS** None.

14. **NEW PUBLIC HEARINGS**

- 14.A. Ordinance No. AO 2005-64, an ordinance of the Anchorage Municipal Assembly authorizing the long term lease between the Municipality of Anchorage as lessor and A & W Services, an Alaska General Partnership, as lessee of **Lot 3, Block 4, Merrill Field Replat**, located between Runway 06/24 and Merrill Field Drive.
1. Assembly Memorandum No. AM 277-2005.

Chair Fairclough read this ordinance title and opened Public Hearing. With no one to testify, she closed Public Hearing and called for a motion.

Mr. Coffey moved, to approve AO 2005-64.
Ms. Jennings seconded,

To Mr. Coffey, Merrill Field Airport General Manager David Lundebj responded the estimated investment involved \$400,000 for the addition and renovation work on the existing building. The improvements were to be completed in the first three years of the lease.

and this motion was passed,

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

- 14.B. Ordinance No. AO 2005-60, an ordinance authorizing the third renewal option of the lease of **Lot 7-B, Port of Anchorage Subdivision**, totaling 380,559 square feet, to Tesoro Alaska Company.
1. Assembly Memorandum No. AM 249-2005.

Chair Fairclough read this ordinance title and opened Public Hearing. With no one to testify, she closed Public Hearing and called for a motion.

Mr. Tesche moved, to approve AO 2005-60.
Ms. Ossiander seconded,
and this motion was passed,

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

- 14.C. Ordinance No. AO 2005-65, an ordinance authorizing **transfer of ownership of Trestle 3C**, constructed at the Port of Anchorage Municipal Dock by Totem Ocean Trailer Express, Inc., to the Municipality of Anchorage, and authorizing the Municipality to lease Trestle 3C to Totem Ocean Trailer Express, Inc.; Port of Anchorage.
1. Assembly Memorandum No. AM 278-2005.

Chair Fairclough read this ordinance title and opened Public Hearing. With no one to testify, she closed Public Hearing and called for a motion.

Mr. Tesche moved, to approve AO 2005-65.
Ms. Jennings seconded,

To Ms. Jennings, Port of Anchorage Director Edward Leon responded that construction had been completed at the Port and it had been in operation for two and one-half years. The resolution involved maintenance and insurance. To Mr. Birch, Mr. Leon responded the current expansion did not involve extended leases, and when the current leases came due this year, they would be reviewed again.

and this motion was passed,

1 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
2 NAYES: None.

3
4 Mr. Coffey moved, to Change the Order of the Day to take up 14.F to 14.K.
5 Mr. Sullivan seconded,
6 and this motion carried without objection,
7

8 14.D. Ordinance No. AO 2005-38, an ordinance of the Anchorage Municipal Assembly amending Anchorage
9 Municipal Code Section 15.75 regarding **Pesticide Control** to modify drift protection and public notice
10 for commercial pesticide application and application by the Municipality of Anchorage;
11 Assemblymembers Coffey, Ossiander, Fairclough, Stout, Sullivan and Traini. **(Public Hearing**
12 **Closed 5-03-05, Continued to 5-17-05)**

- 13 1. Assembly Memorandum No. AM 153-2005.
- 14 2. Ordinance No. AO 2005-38(S), an ordinance of the Anchorage Municipal Assembly amending
15 Anchorage Municipal Code Section 15.75 regarding Pesticide Control to modify drift protection
16 and public notice for commercial pesticide application and application by the Municipality of
17 Anchorage; Assemblymembers Coffey and Ossiander.
- 18 3. Ordinance No. AO 2005-38(S-1), an ordinance of the Anchorage Municipal Assembly
19 amending Anchorage Municipal Code Section 15.75 regarding Pesticide Control to modify drift
20 protection and public notice for commercial pesticide application and application by the
21 Municipality of Anchorage; Assemblymember Tesche.
- 22 4. Ordinance No. AO 2005-38(S-2), an ordinance of the Anchorage Municipal Assembly
23 amending Anchorage Municipal Code Section 15.75 regarding Pesticide Control to modify drift
24 protection and public notice for commercial pesticide application and application by the
25 Municipality of Anchorage.
- 26 5. ordinance No, AO 2005-38(S-3), an ordinance of the Anchorage Municipal Assembly
27 amending Anchorage Municipal Code Section 15.75 regarding Pesticide Control to modify drift
28 protection and public notice for commercial pesticide application and application by the
29 Municipality of Anchorage; Assemblymember Ossiander.

30
31 Chair Fairclough stated there was a 3rd substitute version of the Pesticide Ordinance (S-3) being introduced that
32 evening. She opened Public Hearing.
33

34 KEN PERRY, owner of Paratex Pied Piper Pest Control, supported the S-3 Version and urged consideration for
35 changes to the notification requirement. He disagreed with the language describing the dangers. To Mr. Sullivan, Mr.
36 Perry responded he did not see a health risk when a pesticide was applied close to a neighbor and did not agree with
37 the notification policy. Of all the versions to the ordinance, he most supported the first, S-1 Version. To Mr. Coffey,
38 Mr. Perry responded that he approved of a 24-hour instead of a 48-hour notification, when making an application to
39 multi-tenant buildings. To Ms. Jennings, Mr. Perry responded he would accept the S-3 Version if it was amended.
40

41 JAY EVENSON, owner of the Bug People, opposed the notification requirements and stated the spray was not
42 endangering the neighbors. He approved of the Assembly's intent to protect citizens. To Mr. Birch, Mr. Evenson
43 responded that the pesticides used by professionals were available everywhere. He never sprayed trees or when the
44 wind was blowing. He sprayed specifically for carpenter ants and often had to spray in high areas. To Mr. Sullivan he
45 responded the ordinances were limiting professional applicators' ability to use the chemicals in an effective fashion.
46

47 SCOTT BALLIN praised the Assembly for attempting to increase safety and awareness. He most supported the S-3
48 Version and recommended to leave teeth and backbone in the document rather than favoring the industry.
49

50 MARYELLEN OMAN opposed the use of chemicals because of health risks and supported notification requirements.

51 LIZ DEAR, an asthma sufferer, opposed chemical use because of health risks and supported the public's right to
52 know.
53

54 LIBBY RODERIC supported the tighter rules. Her niece had been born with birth defects, due to chemical exposure.
55 Only 3% of chemicals had been tested on human reproduction and unborn fetuses.
56

57 ANDRE CAMERA opposed the new changes, supported the pre-notification requirements in the original ordinance,
58 and was concerned with safety and health risks, specifically to children.
59

60 EVERETT WALTON, American Pest Management, responded to Mr. Sullivan by stating they were already using the
61 most restricted chemical application rules in the nation. He stated they notified when necessary. In his 20-years in the
62 industry there had never been one complaint filed against a pest control business.
63

64 KAREN BUTTON was disappointed that the issue was being addressed again, and stated the Assembly was being
65 influenced by the pesticide industry. People were concerned with the safety and health risks, because there were
66 increased occurrences of cancers, mental and physical illnesses and birth defects. To Mr. Birch, she responded that
67 she supported the original ordinance with the pre-notification requirements.
68

69 REGINA MANTEUFEL opposed the use of chemicals. She had a brother whose health had been affected by pesticides.
70

71 DEBORAH WILLIAMS opposed any changes to the original ordinance with the pre-notification requirement. Her
72 father, an entomologist, had died of brain cancer, caused by handling pesticides. She opposed the Coffey
73 amendments. To Mr. Birch, she responded that spraying was a major consideration, but she also opposed granules or
74 brush application on the ground where children would be exposed. To Mr. Stout, she responded the application
75 restrictions should also apply to local residents.
76

1 DR. LARRY WEISS, a retired UA Public Health Professor, spoke of the severe health risks of chemicals and stated
2 that people had the right to be notified, to regulate their environment. To Mr. Tesche, he responded that local
3 regulation was necessary because federal requirements for labels were often political compromises.

4
5 Mr. Coffey called a point of personal privilege, to address the issue of Hillcrest Subdivision, Agenda item 14.E. To Mr.
6 Traini, Chair Fairclough responded that she wanted to finish Public Hearing on Pesticides, and the Hillcrest
7 Subdivision ordinance would be carried over to May 17th, and those present for that issue could go home.

8
9 MARK GIRDLER opposed free use of insecticides and supported the pre-notification requirements.

10
11 KAY BROWN, a victim of breast cancer, was now an advocate against the use of chemicals. She supported pre-
12 notification requirements and made recommendations on additional corrections for applications. She opposed many of
13 the Coffey amendments.

14
15 TOM ATKINSON opposed the new ordinances, but preferred the Ossiander S-3 Version and opposed the Coffey
16 amendments. He supported the 48-hour pre-notification and post-notification requirements and stated that children
17 needed to be protected.

18
19 ALAN SMITH supported the original, unchanged ordinance and if the Assembly wanted changes, he would support the
20 Ossiander S-3 Version.

21
22 SHELIA HOWE supported the first ordinance with the pre-notification requirements for chemical application.

23
24 RANDY VIRGIN, Director of the Alaska Center for the Environment, supported protection from chemicals and wanted
25 informed choices with full notification. Ms. Jennings concurred that this was not so much of an environmental issue,
26 but was much more of a health issue.

27
28 DR. BIRGET LINGER, a naturopathic physician, supported the original ordinance approved in January. Her primary
29 goal was to preserve health in her patients. She supported avoidance of exposure to chemicals and supported pre-
30 notification. She spoke of the susceptibilities of children, where chemicals would do more damage. To Mr. Sullivan,
31 she responded the state laws were similar with pre-notification and post-notification requirements. To Mr. Birch, Dr.
32 Linger there were many alternatives to insect repellent. There were considerations for insect repellent use because of
33 the health risks of the West Nile Virus, carried by mosquitoes, which would eventually be in Alaska.

34
35 GEORGE DONART opposed the use of pesticides and approved pre-notification requirements.

36
37 CALVIN SWEENEY opposed the use of chemicals and supported caution when applying pesticides.

38
39 BRIAN WHITTLE supported pre-notification requirements and introduced Ms. Massengale to testify.

40
41 BETH MASSENGALE testified of her experiences with chemical exposure. She now carried an "Epi" (*anaphylactic*
42 *shock*) kit for protection from her life-threatening reactions to chemicals.

43
44 ALLISON BUTLER, UA biology teacher, opposed the use of chemical pesticides. She supported the pre-notification
45 requirement and did not want compromise. The full extent of safe chemical use was unknown.

46
47 SARAH GOTTSTEIN, a student at the University of Alaska, opposed the spraying of chemicals.

48
49 MEGAN WAGGONER, a middle school student, supported responsible application and the right for people to know.

50
51 SHANNON KUHN, West High School student, urged the Assembly to protect citizens. She stated residents had the
52 right to know when and where pesticides were sprayed and she urged the Assembly to keep the law as it was.

53
54 DERRICIA WALTON, a Bartlett High School sophomore, supported the S-3 ordinance because there was notification.

55
56 EBONY FRANKLIN strongly disagreed with the changes in the new ordinance and believed in the right to know.

57
58 KAYLYN BREWER opposed changes to the pesticide ordinance and supported the notification requirement.

59
60 BARBARA KARL opposed changes to the original ordinance and supported the notification requirement. She urged
61 consideration of additional, advanced notification, including from neighbors.

62
63 POLLY CARR supported the original pesticide ordinance, and if changes were to be made, she supported Ms.
64 Ossiander's S-3 Version. She urged the Assembly to maintain a strong policy and urged consideration of making
65 notification requirements mandatory for everyone, not just the industry.

66
67 KAY ROLLISON supported the original ordinance, with the notification. This was a health issue, and it should expand
68 to cover notification for all application, including residents.

69
70 ELAYNE HUNTER supported pre-notification and thought the 48-hour notification was not enough time. She thought
71 the public needed to be informed. Her immune system had been weakened and thought it may have to do with having
72 been exposed to DDT when she was a child. To Birch, she responded the more notification the better.

73
74 MATT STICHICK supported the original ordinance and requested reasonable notification, taking precautions, as
75 necessary.

76

ALAN COLTER had a friend who had died from chemical poisoning. All use of pesticides should require a notification requirement, and he viewed this as a health issue. He agreed with the original ordinance. To Mr. Coffey, he responded that neighbors should also use pre-notification and Mr. Coffey agreed it should be considered,

PAMELA MILLER supported the original ordinance with the pre-notification, which was fair. If changes were considered, she supported the S-3 Version. Effects of chemicals had not been studied enough and she believed in the right to know. To Mr. Tesche, Ms. Miller responded that other communities had already banned chemicals, including lawn chemicals, for residents use.

FRANK VON HIPPEL, University of Alaska, Anchorage biology professor, spoke of chemical effects to fish and game. He urged consideration of rules to apply to all chemical application. To Mr. Birch, he stated he had sympathy for third world countries where they used harsh chemicals.

Mr. Coffey stated Planning and Zoning Administrator Jerry Weaver had requested that a time-sensitive ordinance be introduced that evening. Mr. Coffey also requested to read a letter from Mayor Begich into the record. Chair Fairclough called for a motion to move to Special Orders, Agenda item number 15.

Mr. Coffey moved, to change the order of the day to take up 15. Special
Mr. Sullivan seconded, Orders.
and this was carried without objection,

(Clerk's Note: See Agenda Item 15, Special Orders)

Mr. Traini moved, to extend the Regular Assembly Meeting past eleven
Mr. Bauer seconded, o'clock, to finish Public Hearing on the Pesticide Control
and this motion was carried, ordinance.
with Mr. Tesche and Mr. Traini opposing,

LEILA WISE testified against the use of chemicals. She spoke of her sister's death caused by ant pesticides. Ms. Jennings thanked her for her testimony

MICHELLE PAMER testified of her exposure to chemicals that had affected her health. She now had to wear a health tag with a warning to avoid chemical exposure. She supported the original ordinance and urged tighter restrictions.

PIXIE SIEBE supported the original ordinance and agreed with the S-3 Version. She agreed with the notification requirements and also thought neighbors should notify neighbors.

PATRICIA ROLFE spoke in favor of the pre-notification requirement. She supported the original ordinance.

DON SMITH agreed this was a complex issue and thought everyone needed to work together for resolution.

Chair Fairclough call for additional testimony and there being none, she closed Public Hearing.

(Clerk's Note: AO 2005-38 was Continued to May 17, 2005)

14.E. Ordinance No. AO 2005-66, an ordinance amending the zoning map and providing for the rezoning consisting of approximately 5.5 acres from R-3 (Multiple-Family Residential District) and R-5 (Rural Residential District) to R-O SL (Residential-Office District with Special Limitations) or any other zoning, for **Hillcrest Subdivision**, Block 1, Lots 1 and 2, and Block 5, Lots 1 through 6, and Hillcrest Park Subdivision Number 1, Tracts C and D; generally located on the east side of Old Seward Highway and the west side of Short Street, south of Abbott Road and north of Lakewood Court (Bayshore/Klatt Community Council) (Planning and Zoning Commission Case 2004-151); Assemblymembers Coffey, Sullivan, Traini, Birch, Bauer, Stout and Shamberg. ***(Carried Over to May 17, 2005)***

14.F. Resolution No. AR 2005-87, a resolution of the Anchorage Municipal Assembly approving an alcoholic beverages conditional use in the I-1 District for a new beverage dispensary – duplicate use per AMC 21.40.200 B.1.k. for the **New Peanut Farm Restaurant**; located on Tract K Campbell Creek Commercial Park; site address 5200 Old Seward Highway; generally located on the southeast corner of the Old Seward Highway and International Airport Road (Campbell Park Community Council) (Case 2005-045); Planning Department.

1. Assembly Memorandum No. AM 268-2005.
2. Assembly Memorandum No. AM 269-2005, The New Peanut Farm Sports Grill – New Duplicate Beverage Dispensary Liquor License and Restaurant Designation (Taku/Campbell Community Council); Clerk's Office. ***(Postponed from 4-19-05)***

Chair Fairclough read the resolution title and opened Public Hearing. There being no one to testify, she closed Public Hearing.

Mr. Coffey declared a conflict of interest. Chair Fairclough ruled that he did have a conflict of interest and directed him to abstain because his law firm represented the Peanut Farm.

Mr. Traini moved, to approve AR 2005-87.
Mr. Sullivan seconded,

Mr. Sullivan approved of the new facility, with operators who had a long-standing record of good business in the community and who were taking into consideration the natural setting with their construction. He urged approval.

Mr. Traini stated this new construction was a welcomed change, replacing a blighted corner. The neighbors were pleased and he urged approval.

and this motion carried without objection,

AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Birch, Stout, Bauer, Traini, and Jennings.

NAYES: None.

ABSTAIN: Coffey.

Mr. Traini moved, to approve AM 269-2005.

Mr. Sullivan seconded,

Mr. Tesche moved, to amend AM 269-2005, by ~~[protesting]~~ approving the new
Mr. Traini seconded, beverage dispensary license.

Mr. Tesche stated the conditional use permit was in place and the protest could be removed.

Mr. Traini urged unanimous consent.

and the main motion, as amended, carried without objection,
with Mr. Coffey abstaining,

14.G. Ordinance No. AO 2005-34, an ordinance of the Anchorage Municipal Assembly amending
AO 2004-126(S), As Amended, pertaining to procedures for **Municipal Boards and Commissions**, to
add a section providing that the new procedures apply prospectively to matters filed after December 7,
2004; Assemblymember Sullivan.

1. Assembly Memorandum No. AM 112-2005.

Mr. Sullivan requested to take up items 14.G. and 14.H as combined Public Hearing and there were no objections.
Chair Fairclough read the ordinance titles and opened combined Public Hearing. There being no one to testify, she
closed combined Public Hearing.

Mr. Sullivan moved, to approve AO 2005-34.

Mr. Stout seconded,

Mr. Sullivan explained this was a technical change to a document that was approved by the Assembly in 2004, which
had denied people the right to file an appeal because of a new time deadline. He urged approval.

To Mr. Tesche, Jerry Weaver responded this would affect two cases that had gone to the Board of Adjustment (BOA)
and had been remanded back to the Platting Board. Mr. Tesche stated this action would allow cases to continue to
bounce back and forth between the two boards. Deputy Municipal Attorney Rhonda Fehlen-Westover responded the
changes had not eliminated appeal rights, but had limited the time frame for them to submit motions for new evidence
of changed circumstances. One case had been given an opportunity to have new evidence considered.

Mayor Begich stated that he did not support the ordinance. He and the Administration had made improvements in the
appeal process and this was a step backwards. He added that the BOA also opposed this ordinance.

Mr. Tesche stated that the Assembly had already addressed and taken action on improving the appeals process, and
wanted to continue to move forward. He recommended a NO-vote.

Mr. Coffey also opposed. The Assembly had corrected a procedural problem in the old process that had allowed
endless and repetitive assertions of new information, with no resolution of an appeal. This proposed action would
begin another cycle of continuing and endless new information and debate. A court of law would not allow it, and he
urged a NO-vote.

Mr. Sullivan responded the ultimate goal was fairness and there were two cases that had been caught in the timeline.
It was only right that these two cases be allowed a rightful process for appeal.

To Mr. Birch, the Mayor responded that these cases had been given the opportunity for appeal. Requesting to submit
new evidence was a tactic used to delay an answer and there would never be finality. The appellant could still go to
court. Mr. Coffey concurred and stated their rights would not be affected. This ordinance would only apply to the Sand
Lake appellants to continue the process for appeal and thought the cases needed to be resolved.

Mr. Traini stated that approving AO 2004-126(S) had been a good move, helping to resolve the issue of the Sand Lake
gravel pits, which had remained unresolved forever. He urged a NO-vote on the amendment.

Mr. Sullivan stated this remained an issue of procedure and fairness. The appeal process was extremely important to
small neighborhoods, to have the ability to respond to a very intimidating process. The amendment would allow the
two cases to submit new evidence, which could be accepted or rejected by the BOA. In the case of the Sand Lake
gravel pit, the Assembly had requested a third-party study, completed by UAA, which had contradicted previous
studies, describing the water table in their neighborhood. This study had not been allowed to be submitted as new
evidence because of the change in procedures and the new timeline.

Mr. Tesche stated there had been loopholes in the process and the ordinance approved in December had corrected
those problems.

Mayor Begich stated that the UAA water study had been submitted as new evidence.

and this motion failed,

1 AYES: Sullivan, Fairclough and Jennings.
2 NAYES: Tesche, Shamberg, Ossiander, Coffey, Birch, Stout, Bauer and Traini.

3
4 Mr. Coffey moved for immediate reconsideration and urged a NO-vote.

5
6 Mr. Coffey moved, *immediate reconsideration of AO 2005-34.*
7 Mr. Tesche seconded,
8 and this motion failed,

9
10 AYES: Shamberg, Sullivan, Fairclough and Jennings.
11 NAYES: Tesche, Ossiander, Coffey, Birch, Stout, Bauer and Traini.

12
13 14.H. Resolution No. AR 2005-40, a resolution of the Anchorage Municipal Assembly amending
14 AR 2004-215(S), As Amended, pertaining to procedures for **Municipal Boards and Commissions**, to
15 add a section providing that new procedures apply prospectively to matters filed after December 7,
16 2004; Assemblymember Sullivan.
17 1. Assembly Memorandum No. AM 112-2005.

18
19 *(Clerk's Note: See item 14.G for combined Public Hearing and related Assembly discussion.)*

20
21 Mr. Sullivan moved, to approve AR 2005-40.
22 Ms. Jennings seconded,

23
24 Mr. Coffey stated the arguments remained the same as the previously discussed ordinance and urged a NO-vote.

25
26 Mr. Sullivan stated that if an appeal that had been rejected by a board on November 1st and the appellants had filed an
27 appeal on December 8th, the new evidence would have been denied. These documents would have corrected the
28 process and made it fair, as it pertained to the one or two cases.

29
30 and this motion failed,

31
32 AYES: Sullivan, Fairclough and Jennings.
33 NAYES: Tesche, Shamberg, Ossiander, Coffey, Birch, Stout, Bauer and Traini.

34
35 Mr. Traini moved for immediate reconsideration. He urged a NO-vote.

36
37 Mr. Tesche urged a NO-vote.

38
39 Mr. Traini moved, *immediate reconsideration of AR 2005-40.*
40 Mr. Tesche seconded,
41 and this motion failed,

42
43 AYES: Shamberg, Sullivan, Fairclough and Jennings.
44 NAYES: Tesche, Ossiander, Coffey, Birch, Stout, Bauer and Traini.

45
46 14.I. Ordinance No. AO 2005-43, an ordinance of the Anchorage Municipal Assembly repealing Anchorage
47 Municipal Code Section 4.40.131, Section 21.10.030, and Chapter 21.30, Part I, pertaining to the
48 Board of Adjustment, and amending Sections 21.15.125, 21.30.180, and 21.30.190 providing for
49 **judicial appeal** of final decisions of the Planning and Zoning Commission, the Platting Board, the
50 Urban Design Commission, or a Hearing Officer for approval or disapproval of plats or variances from
51 the provisions of Chapters 21.80 and 21.85 or decisions regarding applications for concept or final
52 approval of conditional uses; Assemblymembers Tesche, Traini and Coffey.
53 1. Assembly Memorandum No. AM 169-2005.

54
55 Chair Fairclough read the ordinance title and opened Public Hearing. With no public testimony, she closed Public
56 Hearing and called the Question.

57
58 Mr. Tesche moved, *to postpone indefinitely AO 2005-43.*
59 Mr. Coffey seconded,

60
61 Mr. Tesche stated that the Assembly had previously created a board to handle appeals, originally heard before the
62 body. The Board of Adjustment (BOA) had proven to be successful, reviewing and resolving many cases before they
63 were forwarded on to Superior Court. Because of the efficiency and effectiveness of the BOA, the judicial appeal
64 board should not be abolished. He urged a YES-vote on postponing indefinitely.

65
66 Mr. Coffey stated the BOA provided a valuable service and should not be abolished. He supported Mr. Tesche's
67 motion.

68
69 and this motion was unanimously carried,

70
71 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
72 NAYES: None.

73
74 14.J. Ordinance No. AO 2005-37, an ordinance amending the zoning map and providing for the rezoning of
75 approximately 2.8 acres, from R-1A (Single-Family Residential District) to R-O SL (Residential-Office
76 District with Special Limitations) for **Lot 1, Block 3, Highlands Subdivision**, and a portion of Tract
77 D2, Atwood Subdivision, generally located at 2000 Atwood Drive (Turnagain and South Addition

Community Councils) (Planning and Zoning Commission Case 2004-174); Planning Department.
(Public Hearing Closed 5-03-05; Postponed to 5-17-05)

1. Assembly Memorandum No. AM 147-2005.

Chair Fairclough read this ordinance title and opened Public Hearing.

SANDRA WICKS, representing the Bob Atwood Living Trust, spoke in support of the rezone. She described the Atwood property and mansion, now being used as a headquarters of the Atwood Foundation, a charitable organization. The mansion would be used to hold functions and activities. To Mr. Sullivan, she explained there was one full-time employee and one part-time assistant. There were functions throughout the year and the property had 37 off-street parking places. To Mr. Coffey, she responded they were not interested in a conditional use permit to limit numbers of functions because they would only host 6-12 events per year. To Mr. Birch, Ms. Wicks responded they were planning residential development for the surrounding property, and they had a great interest in maintaining the integrity of the neighborhood.

BOB REEVES, President of the Atwood Foundation, stated the Foundation's intent was to have charitable events throughout the year. There were only a very few activities planned, which were limited to friends and supporters of the Foundation. To Mr. Sullivan, he responded that there were no plans for additions or expansion to the mansion. To Mr. Coffey, Mr. Reeves responded the Foundation's purpose was not to entertain, but to contribute to the community, maintaining a tribute to the Atwoods. To Ms. Jennings, Ms. Wicks responded the parking had been a concern in the past and they had created additional off-street parking. Mr. Reeves pledged to assist by encouraging guests to park at West High School and providing shuttle service.

DAVID BATES, a 21-year resident of the neighborhood, supported the Atwood Foundation, but was concerned with traffic and opposed the rezone.

JON ISAACS, Turnagain Community Council (TCC) Subcommittee President, reported they supported the rezone, with four conditions to ensure enforcement of traffic and noise disturbances. To Mr. Sullivan, he responded the local community council had referred this issue to the subcommittee, and had supported their recommendations.

VIVIAN MURRAY, neighbor and also on the TCC Subcommittee, stated they supported the Atwood Foundation and their causes. The majority of the neighborhood was also in support of the rezone, but they wanted protection if anything happened to the Foundation, with future consequences. To Mr. Sullivan, Planning and Zoning Administrator Jerry Weaver responded future consequences with new property owners was problematic unless enforcement was stipulated in the ordinance and recommended special limitations.

JIM YARMON, a neighbor to the Atwood property and friend of the Atwoods, supported the rezone.

STEVE BRAUND, a member of the TCC Subcommittee, stated the rezone could be allowed, but special limitations were necessary.

BONNIE GODFRED, a neighbor to the Atwood property, was concerned with the parking problem and allowing a commercial property in a residential area. She urged consideration of restrictions with the rezone.

DARLENE HOLDT, a neighbor to the Atwood property, was concerned with the traffic and parking problems.

MITCHELL GODFRED, a neighbor to the Atwood property, stated the events held at the mansion were not all charitable events and compared the activities to a country club. He opposed the rezone.

NEIL SHUCKEROW, a neighbor to the Atwood property, was concerned with the parking. While he supported the Foundation, he urged consideration of restrictions of the events and enforcement to eliminate future potential problems.

KAY ROLLISON, a former neighbor to the Atwood property, spoke in support of the Atwood Foundation, but was concerned with setting precedence of future, possibly untrustworthy property owners, once the rezone was approved.

There being no additional testimony, Chair Fairclough closed Public Hearing and called the Question.

Mr. Sullivan moved, to approve AO 2005-37.
Ms. Ossiander seconded,

To Mr. Sullivan, Ms. Wicks and Mr. Reeve responded they would agree with postponement until the 17th.

Mr. Coffey moved, to postpone AO 2005-37 until May 17, 2005.
Mr. Stout seconded
and this motion carried without objection,

14.K. Ordinance No. AO 2005-61, an ordinance amending Anchorage Municipal Code Chapter 21.47 regarding **Sign Standards**, Maximum Luminance Standards and Regulations, Nonconforming Internally Illuminated Signs, Changeable Copy Interval for Certain Non-Residential Signs, Measurement Standards for Non-Residential Signs In Residential Zoning Districts, and other minor revisions to clarify code provisions; Planning Department. **(Public Hearing opened 5-3-05; Continued to 5-31-05)**

1. Assembly Memorandum No. AM 250-2005.

Chair Fairclough opened Public Hearing. Ms. Ossiander reported it was her intent to postpone until the end of the month, and there would be an opportunity to testify at that time. There may be changes, following a Title 21 report.

Mr. Coffey moved, *to Continue Public Hearing on AO 2005-61*
Mr. Stout seconded, *to May 31, 2005.*
and this motion carried without objection,

15. SPECIAL ORDERS

15.A. Ordinance No. AO 2005-67, an ordinance amending Anchorage Municipal Code Section 21.55.020 regarding **nonconforming lots of record**; Assemblymember Coffey. *(Laid on the Table)*

Mr. Coffey moved, *to introduce AO 2005-67, with Public Hearing*
Mr. Sullivan seconded, *set for June 14, 2005.*
Ms. Jennings was the concurring third,

Mr. Coffey requested to introduce a letter from Mayor Begich, addressed to Assembly Chair Fairclough, dated May 3, 2005. He read it for the record. It concerned AMC Chapter 3.97, establishing a means of recognizing and honoring persons who had substantially contributed to the Municipality of Anchorage, by naming Municipal Buildings, other fixed facilities and public places after such persons. The Mayor listed his new appointments who would serve on this panel for naming an east Anchorage facility or public place, including Sheila Selkregg, Brian Whittle, Roger Shaw, Bill Wielechowski and Assemblymember Ken Stout. It was signed by the Mayor.

To Chair Fairclough, Mayor Begich responded it was a legal requirement to get Assembly approval, to set up the committee.

Mr. Coffey moved, *to accept Mayor Begich’s letter to Assembly Chair Fairclough,*
Mr. Tesche seconded, *dated May 3, 2005.*

Mr. Tesche urged unanimous approval.

Upon request from Chair Fairclough, Municipal Clerk Barbara Gruenstein conducted a voice-vote.

and this letter was accepted unanimously,

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

16. UNFINISHED AGENDA None.

17. AUDIENCE PARTICIPATION None.

18. ASSEMBLY COMMENTS None.

19. EXECUTIVE SESSIONS None.

20. ADJOURNMENT

Chair Fairclough called the Question.

Mr. Sullivan moved, *to adjourn the Regular Assembly Meeting.*
Mr. Coffey seconded,
and this motion was passed,

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

The Regular Assembly Meeting was adjourned at 11:10 p.m.

ANNA FAIRCLOUGH, Assembly Chair

ATTEST:

BARBARA GRUENSTEIN, Municipal Clerk
Date Minutes Approved: May 31, 2005.
MC/BG

(Approved Meeting Minutes are available in the Municipal Clerk’s Office, 632 West 6th Avenue, Suite 250, Anchorage, Alaska, telephone (907)343-4505, or on the Municipal Web Site at www.Muni.org~Assembly~Minutes~year~month/day)

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