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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 28, 2006

18
19

1. CALL TO ORDER

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

20
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22

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

23
24

PRESENT: Allan Tesche, Janice Shamberg, Debbie Ossiander, Dan Sullivan, Anna Fairclough, Dan Coffey, Chris Birch, Ken Stout, Paul Bauer, Dick Traini and Pamela Jennings.

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26
27

ABSENT: None.

28
29

3. PLEDGE OF ALLEGIANCE Assemblymember Tesche led the pledge.

30
31

4. MINUTES OF PREVIOUS MEETING

32

4.A. Regular Meeting – August 23, 2005.

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34
35
36

Mr. Traini moved, to approve the Regular Meeting Minutes of
Mr. Sullivan seconded, August 23, 2005,
and this motion was passed unanimously.

37
38

4.B. Special Meeting – August 30, 2005.

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41
42

Mr. Coffey moved, to approve the Special Meeting Minutes of
Mr. Traini seconded, August 30, 2005,

43
44

Ms. Jennings requested a correction of her vote, on Page 7, Line 18. She moved to amend, seconded by Mr. Coffey and this was approved without objection.

45
46

and the motion, as amended, passed unanimously.

47
48

4.C. Regular Meeting – November 22, 2005.

49
50
51
52

Mr. Coffey moved, to approve the Regular Meeting Minutes of
Mr. Traini seconded, November 22, 2005,

53
54

Ms. Jennings moved to amend, on Page 9, Lines 44 and 53, by adding "million," following \$6.4, seconded by Mr. Coffey and it was approved without objection.

55
56

and this motion, as amended, was passed unanimously.

57
58

4.D. Regular Meeting – December 13, 2005.

59

(Postponed from 2-14-06) (Motion on the Floor to approve by Mr. Coffey, seconded by Mr. Birch.)

60
61
62
63

Mr. Coffey moved, to approve the Regular Meeting Minutes of
Mr. Birch seconded, December 13, 2005, as amended,

64
65
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67

Ms. Jennings stated that her request to amend had not been followed and it had not been her intent for the highlighted area to be deleted, but to add "areas." *(Clerk's Note: With her second request to amend, the literal transcription language was instated, describing "facilities" and "arenas.")*

68
69
70

and this motion was passed unanimously,
with Chair Fairclough abstaining, with an excused absence at that Assembly Meeting.

71

4.E. Regular Meeting – December 20, 2005.

72

(Postponed from 2-14-06) (Motion on the Floor to approve by Mr. Coffey, seconded by Mr. Sullivan.)

73
74
75
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77

Mr. Coffey moved, to approve the Regular Meeting Minutes of
Mr. Sullivan seconded, December 20, 2005, as amended,
and this motion was passed unanimously.

78

4.F. Regular Meeting – January 10, 2006.

1
2 Mr. Coffey moved, to approve the Regular Meeting Minutes of
3 Mr. Traini seconded, January 10, 2006,
4

5 Ms. Jennings moved to amend on Page 15, Line 12, by adding “, except in Alaska” to Mr. Coffey's statement. Mr.
6 Coffey objected and Ms. Jennings withdrew her amendment.
7

8 and this motion was passed unanimously.
9

10 4.G. Regular Meeting – January 24, 2006.
11

12 Mr. Coffey moved, to approve the Regular Meeting Minutes of
13 Mr. Traini seconded, January 24, 2006,
14 and this motion was passed unanimously,
15 with Ms. Shamberg and Mr. Sullivan abstaining, with excused absences at that Assembly Meeting.
16

17 **5. MAYOR'S REPORT**
18

19 Deputy Municipal Manager Michael Abbott reported that Mayor Begich was attending the party for Girdwood resident
20 and snowboarder, Rosie Fletcher, at the Egan Center, celebrating her recent win of an Olympic Bronze Metal.
21

22 **6. ASSEMBLY CHAIR'S REPORT** None.
23

24 **7. COMMITTEE REPORTS**
25

26 Ms. Ossiander reported the Title 21 Committee was continuing their Wednesday meetings, 9:30 to 11:30 a.m., in the
27 Planning Department Conference Room. They were completing Chapter Two and the public was invited to participate.
28

29 Mr. Coffey announced that on Friday, March 10th, the Assembly Worksession schedule included three worksessions,
30 along with a Joint School Board/Assembly Meeting at 10:00 a.m.
31

32 Mr. Bauer reported on the School Site Selection Committee's continued discussion of new school sites. Members of
33 the School Board, the Assembly, the Planning Department and the School Administration participated. Southwest and
34 Hillside school sites were discussed and they were waiting for a School District report to discuss the Goldenview site.
35

36 **8. ADDENDUM TO AGENDA**
37

38 Chair Fairclough called for a motion and read the Addendum items. She called for additional items and AR 2006-59,
39 and AR 2005-185(S) were added to 9.B.1 and 13.C.2, respectively. With no additional items, she called for a vote to
40 incorporate the Addendum items into the Consent Agenda.
41

42 Mr. Traini moved, to approve the inclusion of the Addendum items
43 Mr. Coffey seconded, into the Consent Agenda,
44 and this motion was passed.
45

46 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
47 NAYES: None.
48

49 Chair Fairclough called for a motion on the Consent Agenda.
50

51 Mr. Tesche moved, to approve the Consent Agenda, as amended,
52 Mr. Traini seconded,
53

54 Mr. Coffey declared conflicts of interest with Agenda item 9.D.4, on matters relating to Sourdough Mining Company (*a*
55 *client*) and 35+ Singles Club (*a client*); in item 9.D.5, on matters relating to Casa Grande (*a tenant*), and; in 9.D.6,
56 matters relating to AMF Eat 40 Bowl/Gold Room Lounge (*a tenant*) and Gallo's Mexican Restaurant (*a client*). Chair
57 Fairclough ruled that Mr. Coffey did have conflicts of interest and ordered him to abstain from participation with those
58 matters.
59

60 **9. CONSENT AGENDA**

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

62 9.A.1. Resolution No. AR 2006-57, a resolution of the Anchorage Assembly recognizing and honoring the
63 **Chugiak Volunteer Fire & Rescue** Company, Inc., for achieving an improved insurance rating of
64 class 5; Chair Fairclough, Vice Chair Coffey and Assemblymembers Tesche, Shamberg, Ossiander,
65 Sullivan, Birch, Stout, Bauer, Traini and Jennings. (**Addendum**)
66

67 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (*See item 10.A.1*)
68

69 **9.B. RESOLUTIONS FOR ACTION - OTHER**

70 9.B.1. Resolution No. AR 2006-59, a resolution of the Anchorage Municipal Assembly stating its temporary
71 non objection to minor amendment of the existing conditional use permit, issuance of duplicate
72 beverage dispensary licenses and transfer of corporate ownership to **Platinum Jaxx, Inc.**, operating
73 at 901 West 6th Avenue/538 I street, original townsite, Block 55, Lots 10 & 12 A; Assemblymembers
74 Tesche and Traini. (**Laid on the Table**)
75

76 Mr. Traini moved to introduce, seconded by Mr. Tesche and Mr. Sullivan was the concurring third.
77

78 **9.C. BID AWARDS** None.
79

1 **9.D. NEW BUSINESS**

- 2 9.D.1. Assembly Memorandum No. AM 119-2006, **Housing and Neighborhood Development** Commission
3 appointment (Brian Anderson); Mayor's Office.
- 4 9.D.2. Assembly Memorandum No. AM 120-2006, **Port Commission** appointment (Stephen Saunders, John
5 Stallone); Mayor's Office.
- 6 9.D.3. Assembly Memorandum No. AM 121-2006, **Reappointment to Executive Staff** (Timothy G.
7 Middleton); Mayor's Office.
- 8 9.D.4. Assembly Memorandum No. AM 128-2006, **2006/2007 Liquor License Renewals:** Beverage
9 Dispensary- Crossroads Lounge/Dart Pub #286; Tips Bar #1142; La Cabana Mexican Restaurant
10 #629; Crazy Horse Too #1078; The Crazy Horse #3720; Latitude 61 #3165, Sourdough Mining Co.
11 #2496; Hideaway Club #512; Darwin's Theory #987; Club License – VFW Post #9978 #1203; 35+
12 Singles Club #1494; Theatrical Lounge #3443; Restaurant Eating Place – Golden Gate Restaurant
13 #3883; Guido's Pizza #2636; Downtown Deli #327; China Town Restaurant #3836; China Garden
14 #227; Alaska Salmon Chowder House #3434; (Midtown, University, Sand Lake, Northeast, Taku-
15 Campbell, Eagle River, Downtown, Spenard, Government Hill Community Councils); Clerk's Office.
- 16 9.D.5. Assembly Memorandum No. AM 129-2006, **2006/2007 Liquor License Renewals:** Beverage
17 Dispensary – **Casa Grande** #3009; (Midtown Community Council); Clerk's Office.
- 18 9.D.6. Assembly Memorandum No. AM 130-2006, **2006/2007 Liquor License Renewals:** Beverage
19 Dispensary - Sitzmark Bar #3447; Crossroads Lounge/Dart Pub #2244; Anchorage Billiard Palace
20 #2742; AMF Eat 40 Bowl/Gold Room Lounge #2289; Alyeska Prince Hotel #3445; Los Arcos
21 Restaurant #3953; La-Mex (Dimond) #3807; Indian House #0553; Hacienda Mexican Restaurant
22 #3506; Gallo's Mexican Restaurant #2833; Steve's Sports Bar & Grill #1566; River City #2988; Rice
23 Bowl #2973; Polar Bar #901; Club - Anchorage Curling Club #3187; Fraternal Order of Eagles #3439;
24 Eagle River Lions Club #1385; Package Store - The O Liquors #1626; (Midtown, Sand Lake, Fairview,
25 Northeast, Taku-Campbell, Eagle River, Eagle River Valley, Downtown, Abbott Loop, Girdwood
26 Community Councils); Clerk's Office.
- 27 9.D.7. Resolution No. AR 2006-49, a resolution of the Anchorage Municipal Assembly approving a minor
28 amendment to an existing Alcoholic Beverage[s] Conditional Use in the B-3 District for a Package
29 Store per AMC 21.40.180 D.8 for **Sam's Club** #6601, located at 8801 Old Seward Highway, Madigan
30 Place Subdivision, Commercial Tract A-1, Frag Lot K-3A, generally located on the east side of the Old
31 Seward Highway, and south of Dimond Boulevard; Planning Department.
32 a. Assembly Memorandum No. AM 139-2006.
- 33 9.D.8. Assembly Memorandum No. 123-2006, Amendment No. 4 to Purchase Order 250879 with the
34 Boniface Center, LLC, for the Leased Space for the **Women Infant Children (WIC) Clinic** for the
35 Municipality of Anchorage; Real Estate Services, (\$15,106.56); Purchasing.
- 36 9.D.9. Assembly Memorandum No. AM 133-2006, Statutory Second Injury Fund and State Administrative
37 Service Fees for **Workers' Compensation**, Operations (\$220,373); Risk Management; Purchasing.
- 38 9.D.10. Resolution No. AR 2006-52, a resolution of the Municipality of Anchorage appropriating the sum of
39 thirty one thousand two hundred seventy eight dollars (\$31,278) from the State of Alaska, Department
40 of Transportation and Public Facilities MS/CVE and one thousand one hundred ten dollars (\$1,110) as
41 a contribution from the 2006 Anchorage Police Operating Budget, Anchorage Metropolitan Police
42 Service Area Fund (151), to the State Categorical Grants Fund (231) Anchorage Police Department,
43 for this **Commercial Vehicle Inspection Grant Agreement**; Anchorage Police Department.
44 a. Assembly Memorandum No. AM 131-2006.
- 45 9.D.11. Resolution No. AR 2006-54, a resolution of the Municipality of Anchorage accepting and appropriating
46 forty two thousand five hundred thirty dollars (\$42,530) as a grant from the Alaska Department of Fish
47 and Game Southeast Sustainable Salmon Fund, to the Project Management and Engineering
48 Department within the State Categorical Grant Fund (231) for the **Water Quality Monitoring and**
49 **Education Project**; Project Management & Engineering Department (PM&E).
50 a. Assembly Memorandum AM 134-2006.
- 51 9.D.12. Resolution No. AR 2006-55, a resolution of the Anchorage Assembly adopting **recommendations**
52 to be forwarded to the Anchorage Metropolitan Area Transportation Solutions (**AMATS**) Policy
53 Committee regarding the adoption of the FFY 2006-2008 Transportation Improvement Program (TIP);
54 Traffic Department.
55 a. Assembly Memorandum AM 135-2006.

56
57 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (See item 10.D.12)

- 58
59 9.D.13. Memorandum No. AM 137-2006, Proprietary Purchase to Ecodyne MRM for furnishing a **Cooler/Heat**
60 **Exchanger** to the Municipality of Anchorage, Municipal Light and Power Utility (ML&P) (\$72,700);
61 Purchasing Department.
- 62 9.D.14. Assembly Memorandum No. AM 138-2006, Change Order No. 2 to Purchase Order 250657 with
63 Resource Data, Inc. (RDI) for **Pavement Condition Survey Data** Processing Services for the
64 Municipality of Anchorage, Project Management & Engineering Department (PM&E) (\$35,000) ;
65 Purchasing Department.

66
67 **9.E. INFORMATION AND REPORTS**

- 68 9.E.1. Information Memorandum No. AIM 19-2006, Internal Audit Report 2006-3 – **2005 Parts, Fuel and**
69 **Lubricants Inventory**; Public Transportation Department; Internal Audit Department.
- 70 9.E.2. Informational Memorandum No. AIM 20-2006, **Contracts awarded** between \$50,000 and \$100,000
71 through formal competitive processes for the month of January, 2006; Purchasing Department.
- 72 9.E.3. Informational Memorandum No. AIM 21-2006, **Sole Source Procurement Report** for the month of
73 January, 2006; Purchasing Department.

74
75 Mr. Traini requested this item be pulled for review on the Regular Agenda. (See item 10.E.3)

- 76
77 9.E.4. Informational Memorandum No. AIM 22-2006, Status of **MUSA and AWWU** Rate Filings; Anchorage
78 Water & Wastewater Utility (AWWU).

1 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (See item 10.E.4)

2
3 **9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**

4 9.F.1. Ordinance No. AO 2006-38, an ordinance amending Anchorage Municipal Code Title 25 to add a new
5 Chapter 25.75 for **Lower Fire Lake**; Assemblymember Fairclough. (Public Hearing 3-14-06)

6
7 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (See item 10.F.1)

8
9 9.F.2. Ordinance No. AO 2006-39, an ordinance amending Anchorage Municipal Code Chapters 8.25, 14.60
10 and 25.70 to comply with Alaska Statutes regarding **firearms**; Assemblymember Traini. (Public
11 Hearing 3-14-06)

12 9.F.3. Resolution No. AR 2006-43, a resolution of the Anchorage Municipal Assembly ratifying Executive
13 Order 2005-040 an executive order **re-naming Loveland Road in Girdwood** to Loveland Basin
14 Road; Municipal Clerk. (Public Hearing 3-14-06)

15 a. Assembly Memorandum No. AM 110-2006.

16 9.F.4. Ordinance No. AO 2006-40, An ordinance authorizing the Municipality of Anchorage to extinguish all
17 **unpaid tax, penalty, interest, and administrative** debt on Property Listed in Exhibit A; Real Estate
18 Services. (Public Hearing 3-14-06)

19 a. Assembly Memorandum No. AM 122-2006.

20 9.F.5. Ordinance No. AO 2006-41, an ordinance amending the zoning map and providing for the rezoning of
21 approximately three plus/minus acres from PLI (Public Land and Institutions) to R-1 (Single-Family
22 Residential District) for **Campbell Lake Outfall Subdivision**, Tract B; Generally located Southwest of
23 Campbell Lake Outfall at the west end of Cheveley Street; (Bayshore-Klatt Community Council)
24 (Planning and Zoning Commission Case 2005-137); Planning Department. (Public Hearing 3-38-06)

25 a. Assembly Memorandum No. AM 124-2006.

26 9.F.6. Ordinance No. AO 2006-42, an ordinance authorizing the disposal of a municipal interest, via
27 relinquishment of easement no longer required, over Lots 22 and 23, **Collins Subdivision**; Municipal
28 Light & Power (ML&P). (Public Hearing 3-14-06)

29 a. Assembly Memorandum No. AM 126-2006.

30 9.F.7. Ordinance No. AO 2006-43, an ordinance amending the zoning map and providing for the rezoning of
31 approximately 35 acres, from I-1 (Light Industry), 1-2 SL (Heavy Industrial with Special Limitations)
32 and PLI (Public Lands and Institutions) to B-3 SL (General Business with Special Limitations) for
33 Alaska Industrial Subdivision, Block 7, Lots 9, 10, and 16; a portion of Orah Dee Clark Junior High
34 School, Tract A; and those portions of Bureau of Land Management Lot 2; the **SW ¼ NE ¼ and the**
35 **SE ¼ NW ¼ of Section 16, T13N, R3W, S.M.**, Alaska, bounded on the South by the Glenn Highway
36 Right of Way (Project F-0242-1); on the north by Alaska Industrial Subdivision and Mt. View Drive;
37 and on the east by Orah Dee Clark Junior High School; generally located at the northeast corner of
38 the Glenn Highway and Airport Heights Drive; Planning Department, (Mountain View Community
39 Council) (Planning and Zoning Commission Case 2005-149); Planning Department.
40 (Public Hearing 3-28-06)

41 a. Assembly Memorandum No. AM 127-2006.

42 9.F.8. Resolution No. AR 2006-48, a resolution of the Municipality of Anchorage appropriating two hundred
43 thirty-three thousand dollars (\$233,000) in grant funds from the U.S. Fish and Wildlife Service to the
44 Federal Grant Fund (241), Project Management & Engineering Department, for **Chester Creek**
45 **Aquatic Restoration**, Project No. 01-05I; Office of Planning; Development & Public Works.
46 (Public Hearing 3-14-06)

47 a. Assembly Memorandum No. AM 125-2006.

48
49 Ms. Jennings requested this item be pulled for review on the Regular Agenda. (See item 10.F.8)

50
51 9.F.9. Resolution No. AR 2006-50, a resolution of the Municipality of Anchorage appropriating four hundred
52 seventy-five thousand (\$475,000) from Anticipated Unearned Revenues to the Building Safety Fund
53 (181) 2006 General Government Operating Budget to fund two new positions and third-party
54 commercial plan review contract services in the **Development Services Department**; Development
55 Services Department. (Public Hearing 3-14-06) (Worksession on 3-10-06)

56 a. Assembly Memorandum No. AM 140-2006.

57
58 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. Mr. Coffey announced there would be
59 a worksession on this matter on March 10th. Ms. Ossiander responded this was the reason that she had requested
60 this item be reviewed on the Regular Agenda and she withdrew her request.

61
62 9.F.10. Resolution No. AR 2006-51, a resolution of the Municipality of Anchorage appropriating one thousand
63 three hundred twenty two dollars (\$1,322) to the Areawide General Capital Improvement Program
64 (CIP) Fund (401), two hundred fifty nine thousand nine hundred twenty six dollars (\$259,926) to the
65 Anchorage Roads and Drainage Capital Improvement Program (CIP) Fund (441), and Drainage
66 Capital Improvement Program (CIP) Fund (465) of 2005 General Obligation Series F Bond Premium
67 for the payment of **Bond Issuance Costs**; Department of Finance. (Public Hearing 3-14-06)

68 a. Assembly Memorandum No. AM 141-2006.

69 9.F.11. Resolution No. AR 2006-56, a resolution of the Anchorage Municipal Assembly appropriating One
70 Million Two Hundred Thirty-nine thousand three hundred fifty dollars (\$1,239,350) from the Eagle
71 River-Chugiak Parks and Recreation Service Area Fund (162), Office of Economic & Community
72 Development's Eagle-River Chugiak Parks, Recreation, and Community Development Division's 2006
73 Operating Budget, as a contribution to **the Eagle River-Chugiak Parks and Recreation Service area**
74 Capital Improvement Project Fund (462) for capital improvements. (Public Hearing 3-14-06)

75 a. Assembly Memorandum No. AM 136-2006.

76 (Clerk's Note: AR 2006-56 is a duplicate of AR 2006-47. See Agenda item 14.J)

77
78 Mr. Coffey requested this item be pulled for review on the Regular Agenda. (See item 10.F.11)

- 1 9.F.12. Resolution No. AR 2006-53, a resolution of the Municipality of Anchorage, Alaska, confirming and
2 levying assessments for the Sewer Special Improvements within **Levy-Upon-Connection (LUC) Roll**
3 **05-S-6**, setting date of payment and providing for penalties and interest in the event of delinquency;
4 Anchorage Water & Wastewater Utility. (*Public Hearing 3-14-06*)
5 a. Assembly Memorandum No. AM 132-2006.
6

7 The Administration requested this item be pulled for review on the Regular Agenda. (*See item 10.F.12*)
8

- 9 9.F.13. Ordinance No. AO 2006-44, an ordinance authorizing **an exchange and sale of a parcel of**
10 **Municipal property** managed by the Anchorage School District at Clark Middle School to the
11 Anchorage Community Development Authority for fair market value plus costs; Real Estate Services.
12 (*Public Hearing 3-14-06*)
13 a. Assembly Memorandum No. AM 142-2006. (*Worksession on 3-10-06*)
14

15 Mr. Coffey announced there would be a worksession on this matter on March 10th.
16

- 17 9.F.14. Resolution No. AR 2006-58, a resolution of the Municipality of Anchorage appropriating \$570,000 from
18 the Heritage Land Bank Fund (221) to the Heritage Land Bank Capital Improvement Fund (421) for
19 approved **HLB capital projects**. (*Public Hearing 3-14-06*)
20 a. Assembly Memorandum No. AM 143-2006. (**Addendum**)
21

22 This item was passed on the Consent Agenda. Later in the evening, Ms. Ossiander requested a publication of the
23 summaries of Heritage Land Bank (*HLB*) properties. HLB Executive Director Robin Ward responded that within the
24 next couple of days, an interactive program would be available on the Municipal website, to view HLB property details.
25

26 Chair Fairclough called the Question on the remainder of Consent Agenda.
27

28 and this motion, as amended, was passed.
29

30 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
31 NAYES: None.
32 ABSTAIN: Mr. Coffey, from participation with matters concerning Sourdough Mining Company, 35+ Singles Club,
33 Casa Grande, AMF Eat 40 Bowl/Gold Room Lounge and Gallo's Mexican Restaurant, in items 9.D.4,
34 9.D.5 and 9.D.6.
35

36 The amended Consent Agenda was approved and Chair Fairclough proceeded into discussion of the pulled items.
37

38 END OF CONSENT AGENDA

41 10. REGULAR AGENDA

42 10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

- 43 10.A.1. Resolution No. AR 2006-57, a resolution of the Anchorage Assembly recognizing and honoring the
44 **Chugiak Volunteer Fire & Rescue** Company, Inc., for achieving an improved insurance rating of
45 class 5; Chair Fairclough, Vice Chair Coffey and Assemblymembers Tesche, Shamberg, Ossiander,
46 Sullivan, Birch, Stout, Bauer, Traini and Jennings. (**Addendum**)
47

48 Ms. Ossiander moved, to approve AR 2006-57,
49 Mr. Stout seconded,
50 and this was approved unanimously.
51

52 Chair Fairclough read and Ms. Ossiander presented the resolution. Fire Chief Bruce Bartley and Bill McClain, member
53 of the Board of Supervisors, accepted the resolution on behalf of the Chugiak Volunteer Fire and Rescue Company.
54 Chief Bartley stated the new rating would be helpful. He and Mr. McClain thanked the Assembly for the recognition.
55

56 Chair Fairclough stated that when the Anchorage Areawide Fire Service Area had had a change in classification, she
57 and Ms. Ossiander had lobbied community members to contact insurance companies, to request a new reduction for
58 their fire insurance rates. Mr. Tesche responded that the Assembly could assist the residents, by advising the
59 insurance companies of the lower rates in the service areas. Chair Fairclough requested the Municipal Clerk draft a
60 letter to local insurance company offices, advising them of the lower rating.
61

62 Mr. Sullivan stated that the fire departments in both Chugiak and Anchorage needed to be recognized for saving lives
63 and property and they did a great job.
64

65 Mr. Stout complemented the Chugiak Volunteers for operating without bonded indebtedness. They operated on a
66 volunteer basis, with the department paying for their equipment outright, on a cash basis.
67

68 **10.B. RESOLUTIONS FOR ACTION - OTHER** None were pulled for review.
69

70 10.D. NEW BUSINESS

- 71 10.D.12. Resolution No. AR 2006-55, a resolution of the Anchorage Assembly adopting **recommendations** to
72 be forwarded to the Anchorage Metropolitan Area Transportation Solutions (**AMATS**) Policy
73 Committee regarding the adoption of the FFY 2006-2008 Transportation Improvement Program (TIP);
74 Traffic Department.
75 a. Assembly Memorandum AM 135-2006 (*Public Hearing set for 3-28-06*)
76

77 Ms. Ossiander moved, to approve AR 2006-55 with Public Hearing scheduled
78 Mr. Coffey seconded, for March [44] 28, 2006,
79

1 Mr. Coffey stated this matter would be heard by the Planning and Zoning Commission on March 13th. Deputy
2 Municipal Manager Michael Abbott recommended the Public Hearing be set for March 28th.

3
4 Mr. Traini stated that because he would be out of town on the 14th, he would prefer the 28th.

5
6 Ms. Jennings requested a worksession on this matter, prior to Public Hearing.

7
8 Ms. Ossiander stated this was a significant reduction in the funding that had been anticipated or received historically.
9 There were many changes with the recommendations and she urged Assembly review. She and Mr. Birch requested
10 that all changes and new recommendations be turned into them, prior to AMATS Policy Committee meeting. Chair
11 Fairclough requested a presentation from the Administration during the worksession.

12
13 and the motion, as amended, was approved without objection.

14
15 **10.E. INFORMATION AND REPORTS**

16 10.E.3. Informational Memorandum No. AIM 21-2006, **Sole Source Procurement Report** for the month of
17 January, 2006; Purchasing Department.

18
19 Mr. Traini moved, to accept AIM 21-2006,
20 Ms. Shamberg seconded,

21
22 Mr. Traini asked why the rescue boat had not been purchased locally. Purchasing Officer Bart Mauldin responded the
23 apparatus was a pontoon-style boat, with a special aluminum keel, with a high capacity, a shallow draft and a large
24 diving platform to accommodate two people. This was a unique, special order and was not available locally.

25
26 and this motion was accepted without objection.

27
28 10.E.4. Informational Memorandum No. AIM 22-2006, Status of **MUSA and AWWU** Rate Filings; Anchorage
29 Water & Wastewater Utility (AWWU).

30
31 Ms. Ossiander moved, to accept AIM 22-2006,
32 Ms. Jennings seconded,

33
34 Ms. Ossiander requested the Assembly Counsel give an independent review of the Anchorage Water and Wastewater
35 Utility (AWWU) and the Municipal Utility Service Assessment (MUSA) situation. There was also a worksession
36 scheduled.

37
38 Mr. Coffey stated this was one of a number of service reports being issued by AWWU and there would be more in the
39 future. He stated there was a worksession scheduled for March 3rd.

40
41 and this was approved without objection.

42
43 **10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**

44 10.F.1. Ordinance No. AO 2006-38, an ordinance amending Anchorage Municipal Code Title 25 to add a new
45 Chapter 25.75 for **Lower Fire Lake**; Assemblymembers Fairclough and Ossiander. (*Public Hearing 3-*
46 *14-06*)

47
48 Ms. Ossiander moved, to introduce AO 2006-38, as amended,
49 Ms. Shamberg seconded,
50 and Mr. Coffey was the concurring third.

51
52 Ms. Ossiander requested to be added as a co-sponsor.

53
54 Chair Fairclough stated the safety of the Lower Fire Lake Dam had been a concern for quite some time. Local
55 homeowners had organized a group and had fixed the problem themselves. She and Ms. Ossiander had agreed to
56 sponsor a resolution to set the lake levels and the local lake homeowners would be notified of water level changes.
57 Deputy Municipal Manager Michael Abbott supported the effort.

58
59 10.F.8. Resolution No. AR 2006-48, a resolution of the Municipality of Anchorage appropriating two hundred
60 thirty-three thousand dollars (\$233,000) in grant funds from the U.S. Fish and Wildlife Service to the
61 Federal Grant Fund (241), Project Management & Engineering Department, for **Chester Creek**
62 **Aquatic Restoration**, Project No. 01-051; Office of Planning; Development & Public Works.
63 (*Public Hearing 3-14-06*)

64 a. Assembly Memorandum No. AM 125-2006.

65
66 Ms. Jennings moved, to introduce AR 2006-48,
67 Mr. Stout seconded,
68 and Mr. Coffey was the concurring third.

69
70 Ms. Jennings requested a worksession. To Chair Fairclough, no other Assemblymembers indicate their interest. She
71 requested that Ms. Jennings meet with the Administration and to notify members of the meeting time.

72
73 10.F.11. Resolution No. AR 2006-56, a resolution of the Anchorage Municipal Assembly appropriating One
74 Million Two Hundred Thirty-nine thousand three hundred fifty dollars (\$1,239,350) from the Eagle
75 River-Chugiak Parks and Recreation Service Area Fund (162), Office of Economic & Community
76 Development's Eagle-River Chugiak Parks, Recreation, and Community Development Division's 2006
77 Operating Budget, as a contribution to **the Eagle River-Chugiak Parks and Recreation Service area**
78 Capital Improvement Project Fund (462) for capital improvements. (*Public Hearing 3-14-06*)

79 a. Assembly Memorandum No. AM 136-2006.

1 (Clerk's Note: AR 2006-56 is a duplicate of AR 2006-47, Agenda item 14.J)

2
3 Mr. Coffey moved, to introduce AR 2006-56 and combine with AR 2006-47,
4 Mr. Stout seconded, Agenda item 14.J,
5 and Ms. Ossiander was the concurring third.

6
7 To Chair Fairclough, Deputy Municipal Manager Michael Abbott responded the notice requirements were satisfactory
8 and the item could be acted upon that evening without issue to the duplicate title.

9
10 (Clerk's Note: See Agenda item 14.J for details of related Assembly discussion and action.)

11
12 Mr. Coffey moved, to approve AR 2006-56,
13 Mr. Birch seconded,
14 and this passed without objection.

15
16 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
17 NAYES: None.

18
19 10.F.12. Resolution No. AR 2006-53, a resolution of the Municipality of Anchorage, Alaska, confirming and
20 levying assessments for the Sewer Special Improvements within **Levy-Upon-Connection (LUC) Roll**
21 **05-S-6**, setting date of payment and providing for penalties and interest in the event of delinquency;
22 Anchorage Water & Wastewater Utility. (*Public Hearing [3-14-06] 3-28-06*)
23 a. Assembly Memorandum No. AM 132-2006.

24
25 Mr. Coffey moved, to introduce AR 2005-53 with Public Hearing set for
26 Mr. Stout seconded, March 28th,
27 and Ms. Ossiander was the concurring third.

28
29 **11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS**

30 11.A. Assembly Memorandum No. AM 117-2006, Planning and Zoning Commission appointment (Cycelia
31 Gumennik); Mayor's Office. (*Postponed from 2-14-06*)

32
33 Mr. Coffey moved, to approve AM 117-2006,
34 Mr. Sullivan seconded,
35 and this motion was passed without objection.

36
37 Deputy Municipal Manager Michael Abbott recognized new appointee Cycelia Grumennik in the audience. Chair
38 Fairclough thanked her for her service to the community.

39
40 Mr. Coffey stated that because of the importance of this commission, the Administration should request newly
41 appointed members be present when the Assembly considered their appointments.

42
43 11.B. Information Memorandum No. AIM 10-2006, Duplicate Street Name – Timberline Drive Street Name
44 Change in Eagle River; Planning Department.
45 (*Postponed from 1-10-06*)

46
47 Chair Fairclough read the informational memorandum title and explained the history of this matter.

48
49 Mr. Coffey moved, to accept AIM 10-2006,
50 Mr. Sullivan seconded,

51
52 Ms. Shamberg stated that this item and the following item pertained to her and Mr. Birch's Girdwood constituents. To
53 Chair Fairclough, Ms. Shamberg responded that Girdwood residents had not had the opportunity to testify.

54
55 Mr. Sullivan stated the Assembly had already taken action on this matter, by failing to ratify the Executive Order to
56 change the Eagle River street name. There had been compelling evidence that supported the Assembly decision.
57 Girdwood residents had gone this long without street addresses and it would not make sense to change Assembly
58 action. He proposed to hold off on changing the street name change in Girdwood and not duplicate the effort.

59
60 Ms. Shamberg stated that Girdwood had priority on rights for the name. Girdwood's street had been established in
61 1965 and was over a mile long. Eagle River's street had been established in 1979 and was a small road.

62
63 Mr. Birch stated that duplicate street names remained. The Girdwood Timberline Drive had the stronger standing by
64 virtue of the number of homes impacted and the length time it had been established. He supported the Girdwood
65 name remaining unchanged. It was unfortunate that no one in Girdwood had been noticed for this name change.

66
67 Chair Fairclough stated that the street name change process was standard and the residents directly affected were the
68 only parties noticed. The Administration had never requested the Assembly to repeal a previous action. To her
69 question, Municipal Attorney Fred Boness responded that the AIM did not require legal action.

70
71 Ms. Ossiander stated the process had to be defined and until the Administration made a recommendation, she would
72 accept this and move forward with the resolution.

73
74 Mr. Tesche called the Question, seconded by Ms. Shamberg. There was one objection from Chair Fairclough.

75
76 and the main motion was accepted, 9-2.

77
78 AYES: Tesche, Shamberg, Sullivan, Coffey, Birch, Stout, Bauer, Traini and Jennings.
79 NAYES: Ossiander and Fairclough.

1
2 11.C. Resolution No. AR 2006-13, a resolution of the Anchorage Municipal Assembly and Mayor Mark
3 Begich to provide adequate public notice of street name changes to residents of **Timberline Drive** in
4 Girdwood; Mayor's Office. (*Postponed from 1-10-06*)
5

6 Chair Fairclough read the resolution title. Mr. Coffey explained the resolution was only providing public notice.

7
8 Mr. Coffey moved, to approve AR 2006-13,
9 Mr. Tesche seconded,

10
11 Ms. Shamberg stated this process had failed. It was not reasonable to appeal a street name change without noticing
12 the people on both sides and allowing them to present their case. She urged a YES-vote on AR 2006-13.
13

14 To Mr. Tesche, Deputy Municipal Manager Michael Abbott responded that the Administration was reviewing all
15 options, including having the Assembly consider rescission of its action on the Eagle River street. Mr. Tesche
16 proposed introducing a new ordinance by title that evening, with all residents noticed. Mr. Coffey responded that an
17 ordinance proposing a Title 21 change would first need to be heard by the Planning and Zoning Commission. Mr.
18 Sullivan proposed postponing indefinitely and he supported introducing a new ordinance by title.
19

20 Ms. Shamberg moved, to postpone indefinitely AR 2006-13,
21 Mr. Tesche seconded,
22 and this motion was approved unanimously.
23

24 Chair Fairclough announced that this issue would not be set for Public Hearing until the new title had been introduced,
25 had been reviewed by the P&Z, had been publicly noticed and was placed on the Assembly Agenda.
26

27 (*Clerk's Note: Refer to Assembly Comments, Agenda Item 18, for related Assembly discussion on this matter.*)
28

29 11.D. Ordinance No. AO 2005-179, an ordinance amending Anchorage Municipal Code Section 21.67.050
30 regarding **mechanized land clearing** of undeveloped contiguous lots; Assemblymembers Shamberg
31 and Ossiander.
32 1. Assembly Memorandum No. AM 857-2005.
33 2. Information Memorandum No. AIM 4-2006.
34 (*Public Hearing was Closed 1-31-06; Action Postponed to 2-28-06*)
35

36 Chair Fairclough read the ordinance title, gave the history and called for a motion.

37
38 Ms. Ossiander moved, to approve AO 2005-179,
39 Mr. Coffey seconded,
40

41 Ms. Ossiander stated that an unexpected situation had developed concerning multiple lots under two acres and
42 adjacent to each other, with no land clearing permit required, but with acreage totaling more than the ordinance's
43 intended allowance. She proposed an amendment, which was supported by P&Z. Ms. Shamberg concurred.
44

45 Ms. Ossiander moved, to amend AO 2005-179 on Page 1, Line 15, *by deleting*
46 Mr. Coffey seconded, [~~under the same ownership~~],
47

48 Mr. Coffey supported the intent to limit large-scale land clearing. Ms. Ossiander responded the existing language
49 required a land clearing permit, if a building permit was not required.
50

51 Mr. Sullivan stated that large, contiguous lots could have two different owners and they could coordinate land clearing
52 efforts. Mr. Weaver responded this amendment would offer clarity and was supported by P&Z.
53

54 Ms. Shamberg stated this amendment offered clarity and would prevent twisting of the intention. Mr. Coffey concurred.
55

56 Mr. Sullivan stated there may be additional ramifications involved with the change. He would support it for now, and if
57 there were concerns, it could be addressed in the future.
58

59 and the motion to amend passed without objection.
60

61 Mr. Birch did not support the ordinance. It was unreasonable and an intrusive action on private property owners.
62

63 Ms. Ossiander supported the rights of private property owners, but there had been an instance of a ten-acre, hillside
64 parcel in downtown Eagle River, which had been cleared without permits. The property owners directly below the
65 clearing were fearful that the clearing would create drainage problems that would damage their business.
66

67 Ms. Shamberg urged a YES-vote.
68

69 Mr. Coffey stated that the National Pollution Discharge Elimination System (*NPDES*) applied, with self regulation and a
70 level of standards. Language referring to these standards had originally been incorporated into the ordinance, but had
71 subsequently been deleted. Any developer would still have to meet NPDES standards. He supported the ordinance.
72

73 To Mr. Birch, Deputy Municipal Manager Michael Abbott responded a land use permit was the only building permit
74 necessary outside the building safety service area.
75

76 Chair Fairclough called the Question on the main motion.
77

78 and the main motion, as amended, was approved, 8-3.
79

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

3
4 11.E. Ordinance No. AO 2005-150(S-1), an ordinance amending Anchorage Municipal Code Section
5 21.35.020 to amend and to add definitions relating to the accessory use of **Large Domestic Animal**
6 **Facilities** and home based business; to amend Sections 21.40.020, 21.40.070, 21.40.080, 21.40.090.
7 21.40.100, 21.40.110, 21.40.115, 21.40.117; to add large domestic animal facilities and home based
8 businesses as permitted accessory or conditional uses in the R-5A Rural Residential District (Large
9 Lot), R-6 Suburban Residential District (Large Lot), R-7 Intermediate Rural Residential District, R-8
10 Rural Residential District (Large Lot), R-9 Rural Residential District, R-10 Residential Alpine/Slope
11 District, and R-11 Turnagain Arm District; to amend Chapter 21.45 to add Accessory Building
12 Standards and to establish supplementary district standards for large domestic animal facilities; and to
13 amend Chapter 21.50 to establish conditional use standards for large domestic animal facilities,
14 Assemblymembers Ossiander and Shamberg.
15 *(Amended and Approved 1-24-06; Reconsideration was Spread on the Minutes by Mr. Tesche 1-24-*
16 *06; Reconsidered 1-31-06; Postponed from 1-31-06)*

17
18 Chair Fairclough read the ordinance title and summarized the history.

19
20 Mr. Coffey moved, approve AO 2005-150(S-1),
21 Ms. Ossiander seconded,

22
23 Ms. Shamberg moved, to amend AO 2005-150(S-1) in the title on Line 9,
24 Ms. Ossiander seconded, *by correcting the spelling of "residential,"*

25
26 Chair Fairclough stated, that, by law, titles could not be amended.

27
28 and the motion was withdrawn.

29
30 Ms. Shamberg moved, to amend AO 2005-150(S-1) on Page 12, Line 2,
31 Ms. Ossiander seconded, *by adding to read Water "Conservation" District,*
32 and this was approved without objection.

33
34 Ms. Shamberg moved, to amend AO 2005-150(S-1) on Page 13, Line 5,
35 Ms. Ossiander seconded, *by removing the bracket ']' at the end of the sentence,*
36 and this was approved without objection.

37
38 Ms. Shamberg moved, to amend AO 2005-150(S-1) on Page 4, Line 13, Page 3,
39 Mr. Coffey seconded, Line 26, Page 5, Line 13, Page 6, Line 13, Page 7, Line 14,
40 and this was later withdrawn. Page 8, Line 11, Page 9, Line 6 and Page 10, Line 2, *by*
41 *adding at the end of each to read: 'Fewer than four (4) large*
42 *domestic animals, subject to conformity with the requirements*
43 *of Titles 15, 17 and 21, "or as provided for in 21.45.350C," '*

44
45 Ms. Shamberg stated this would provide clarity and reassurance for flexibility of the numbers of animals and could
46 increase with a larger lot size. To Mr. Sullivan and Mr. Coffey, she responded that this was reference already in the
47 ordinance and, while it was redundant, it was important to offer additional clarity for the allowed numbers of horses.
48 Planning and Zoning Administrator Jerry Weaver responded this was covered in the permitted section and the
49 Planning Department wished the language to remain as-is. Ms. Shamberg withdrew her amendment with the
50 concurrence of Mr. Coffey, the second.

51
52 Ms. Shamberg moved, to amend AO 2005-150(S-1) *by adding new sections* on Page
53 Ms. Ossiander seconded, 4, Line 13 (18), Page 5, Line 24 (16), Page 6, Line 25 (17),
54 and this was later withdrawn. Page 7, Line 29 (13), Page 8, Line 25 (13), Page 9, Line 16
55 (9) and on Page 10, Line 14 (21) *by adding at the end of each*
56 *to read: "Animals in excess of those established in*
57 *21.35.020B by definition of large domestic animal facility.,"*

58
59 Ms. Shamberg stated this would offer clarity for the provision allowances of the numbers of horses on an acre. Mr.
60 Weaver responded that this was redundant and only caused confusion. Provisions were already set for exceeding the
61 numbers of animals and the size of accessory structures per acreage. When allowances were exceeded, a conditional
62 use permit (CUP) was required. Ms. Shamberg withdrew her amendment with the concurrence of the second.

63
64 Ms. Shamberg moved, to amend AO 2005-150(S-1) on Page 12, Line 22, after the
65 Mr. Coffey seconded, words, 'lot coverage,' *by adding "or has a greater number of*
66 and this was amended, *large animals than specified in 21.45.350[C],"*
67 and this was approved without objection.

68
69 To Ms. Shamberg, Mr. Weaver responded that the amendment would be acceptable if the "C" was deleted. Ms.
70 Shamberg accepted this as a friendly amendment.

71
72 Ms. Shamberg moved, to amend AO 2005-150(S-1) on Page 12, Line 29, *by adding*
73 Mr. Coffey seconded, *to read: The large domestic animal facility "license must be*
74 and this was later withdrawn. *acquired within six months of the issuance of a Conditional*
75 *Use Permit (CUP), or the CUP expires. The large domestic*
76 *animal facility" shall comply with licensing and other laws ...,*

77
78 Ms. Shamberg stated her intent was to correct the confusion of a horse facility owner having to acquire a license
79 before going for a CUP. Mr. Weaver responded the clarification was not necessary because an application for a CUP

1 required a license, which could be acquired before, during or after. Applicants would not be penalized if they were
2 moving towards conformity. Ms. Shamberg withdrew her amendment, with concurrence of the second.

3
4 Ms. Shamberg moved, to amend AO 2005-150(S-1) on Page 13, Lines 19 and 26, by
5 Mr. Coffey seconded, *changing [gross floor area] to "lot coverage."*
6 and this was later withdrawn.

7
8 Ms. Shamberg stated that gross floor area was not defined in the ordinance and would apply to multiple floors in a
9 building. Mr. Weaver responded the definition applied to cumulative area, but the sentence did not have continuity
10 with the amendment. Ms. Shamberg withdrew the amendment with concurrence of the second.

11
12 Ms. Ossiander moved, to amend AO 2006-150(S-1) on Page 4, Lines 1-5, Page 5,
13 Mr. Coffey seconded, Lines 3-6, Page 6, Lines 3-7, Page 7, Lines 4-6, Page 8,
14 and this was later amended, Lines 1-4 and 39-42 and Page 9, Lines 34-38, by adding to
15 read: The outdoor harboring or keeping of dogs, animals and
16 fowl in a manner consistent with the requirements of all titles
17 of this Code. Paddocks, stables or similar structures or
18 enclosures which are utilized for the keeping of animals other
19 than dogs shall be at least 25 feet from ~~any~~ "an abutting
20 neighbor's" lot line. "Alternatively, uncovered animal
21 enclosures shall be at least seventy-five (75) feet from
22 existing residences, on abutting lots, or shall be at least ten
23 feet from the abutting neighbor's lot line if the separation area
24 is a vegetative buffer as per 21.45.125C2,"
25

26 Ms. Ossiander stated this dealt with setbacks and street frontage, fences and vegetative screening. She urged
27 support. Mr. Weaver concurred.

28
29 To Ms. Jennings, Ms. Ossiander responded that some kind of enclosure would be necessary to keep animals back
30 from the vegetative buffer landscaping, so the animals would not eat the vegetation. Ms. Jennings supported the
31 amendment.

32
33 Mr. Coffey proposed to amend by adding reference to 'residence,' as of the date of adoption of the ordinance. Ms.
34 Ossiander accepted this as a friendly amendment.

35
36 and the Ossiander motion, as amended, was approved without objection.

37
38 Ms. Ossiander moved, to amend AO 2006-150(S-1) on Page 13, Section 13, by
39 Mr. Stout seconded, *deleting Lines 15 through 27 and by substituting "A. In the R*
40 *and this was later amended, 5A, R-6, R-7, R-8, R-9, R-10 and R-11 districts, the square*
41 *footage of any one single large domestic animal facility*
42 *structure [may] "shall" not exceed ten percent of the lot size,*
43 *up to a maximum of 8,000 square feet.;" and, "B. Large*
44 *domestic animal facility structures exceeding these size*
45 *requirements are subject to conditional use approval under*
46 *section 21.15.030 and subject to the standards of section*
47 *21.50.020.;"*
48

49 Ms. Ossiander stated this was a more simplistic clarification for allowances. Mr. Weaver supported the ordinance and
50 recommended substitute language, which Ms. Ossiander accepted as a friendly amendment.

51
52 To Mr. Sullivan, Hillside resident Katie Nolan responded that she and other concerned residents supported treating
53 everyone equally. The law was set for 30% lot coverage and how the property owners chose to cover that area should
54 be up to them. She did not know of any barns that covered over 30% of a lot and thought this amendment was a very
55 good solution to a non-existent problem.

56
57 Mr. Coffey stated that this had to do with accessory use in comparison to the principal use. Ms. Nolan responded
58 there was a difference between accessory use and accessory structures.

59
60 Mr. Birch stated that it seemed the accessory structures were singling out animal facilities and it was important to treat
61 all property owners equally.

62
63 Ms. Ossiander stated it was important to provide more flexibility with accessory buildings. It was currently difficult to
64 put up larger buildings. When Title 21 was addressed, she hoped to provide language to legitimize this more broadly.

65
66 Chair Fairclough put the Question to the Ossiander Amendment.

67
68 and the Ossiander motion, as amended, was passed, 9-2.

69
70 AYES: Tesche, Shamberg, Ossiander, Fairclough, Coffey, Birch, Stout, Bauer and Jennings.

71 NAYES: Sullivan and Traini.

72
73 Chair Fairclough put the Question to the main motion.

74
75 and the main motion, as amended, was passed, 9-2.

76
77 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Stout, Bauer and Jennings.

78 NAYES: Birch and Traini.

1 Chair Fairclough thanked Ms. Ossiander for her dedication and hard work on helping to improve this matter. She also
2 thanked Ms. Shamberg and Mr. Coffey for their hard work. Ms. Ossiander responded the changes would provide
3 resolution for property owners who had been waiting for three or four years.
4

5 Mr. Birch stated that the allowable number of horses should be addressed as a separate matter. To his question, Mr.
6 Weaver responded there might be approximately 5-10 property owners who would be affected by the new ordinance.
7

8 To Mr. Sullivan, Mr. Weaver responded the new CUP standard would become affective for all property owners, except
9 for those who had non-conforming rights with required conditional use. Non-conforming rights would be established
10 for those properties in existence upon approval of the ordinance.
11

12 11.F. Ordinance No. AO 2005-124, an ordinance amending Anchorage Municipal Code Chapters 21.35,
13 21.40, 21.45 and 21.50 regarding administrative procedures, definitions for various **care, service and**
14 **living facilities**, amending zoning districts, amending supplementary district standards, conditional
15 uses and site plans, and amending Section 14.60.030 to add care facilities violations (Planning and
16 Zoning Commission Case 2003-143); Planning Department.

- 17 1. Assembly Memorandum No. AM 658-2005.
- 18 2. Ordinance No. AO 2005-124(S), an ordinance amending Anchorage Municipal Code Chapters
19 21.35, 21.40, 21.45 and 21.50 regarding administrative procedures, definitions for various
20 care, service and living facilities, amending zoning districts, amending supplementary district
21 standards, conditional uses and site plans, and amending Section 14.60.030 to add care
22 facilities violations (Planning and Zoning Commission Case 2003-143); Planning Department.
- 23 3. Assembly Memorandum No. AM 78-2006. (**Addendum**)
24 (*Postponed from 11-8-05, 12-20-05, and 1-24-06*)
25

26 Chair Fairclough read the ordinance title and gave the history. Mr. Coffey explained the changes in the Substitute
27 Version (S), which changed the allowed number of residents to six, provided the requirements of the Fire Marshall and
28 the State of Alaska were met.
29

30 Mr. Coffey moved, to approve AO 2005-124(S),
31 Mr. Birch seconded,
32

33 Mr. Coffey stated this was a complex issue, involving residential zones and assisted living. Consideration was
34 needed, balancing the well-established benefits from having the facilities located in single-family residential
35 neighborhoods. Considerations were influenced by the Federal Fair Housing Act (FHA) and the Americans for
36 Disability Act (ADA). He requested comments from the Municipal Attorney and Assembly Counsel.
37

38 Municipal Attorney Fred Boness stated that he concluded that the FHA and the ADA did not dictate any specific
39 number (of residents). Families with any numbers were allowed in areas zoned R-1 and R-2. Setting any number
40 could create a defensible argument, addressing numbers allowed in a family. It was difficult to determine whether six
41 or eight was or was not defensible. A policy decision was needed, determined by the Assembly, concerning the
42 degree of risk, deciding the number.
43

44 Assembly Counsel Julia Tucker stated that the new Substitute Version had been presented after Public Hearing was
45 closed. Public testimony on AO 2005-124 had focused on the impact to residential communities, when commercial
46 aspects of the assisted living homes were introduced. The (S)Version addressed reasonable accommodations for
47 assisted living residences at three levels, determined by an administrative review process. The (S)Version included
48 clarification to the appeal rights and minor technical corrections to make certain the administrative process was easily
49 accessible to determine occupancy levels, including persons under the FHA and the ADA.
50

51 To Mr. Tesche, Mr. Boness responded it was difficult to determine the success of defensibility of each number, if
52 challenged in a court of law. He originally thought the number eight would be more defensible, in the original AO
53 2005-124, but had since concluded there may be more legal support provided in AO 2005-124(S). Mr. Tesche stated
54 the considerations to be determined included providing residential housing and reasonable accommodations in a safe,
55 comfortable and dignified setting for the disabled and the elderly. Protecting residentially-zoned neighborhoods also
56 needed consideration.
57

58 Mayor Begich stated that he appreciated the work by Mr. Coffey, but the Administration did not support AO 2005-
59 124(S) for many reasons and supported the allowance of eight residents. He urged support of AO 2005-124.
60

61 Planning and Zoning Administrator Jerry Weaver stated there were over three hundred care facilities in the community
62 and it remained unclear where they would be legitimate, with respect to the zoning districts. After extensively
63 researching the issue, the department had approved an ordinance with reasonable accommodations for this type of
64 facility. He urged support of AO 2005-124, supporting eight residents.
65

66 Mr. Coffey stated the (S)Version incorporated reasonable accommodation of residents. The original ordinance would
67 require a CUP. Any number of residents would depend upon the accommodations provided in the system. When
68 considering state, federal and local laws, and offering the most reasonable accommodations to residents, the
69 (S)Version offered improvements in all respects.
70

71 Ms. Ossiander stated that she supported flexibility and the allowance of eight residents. Assembly Counsel Julia
72 Tucker had made improvements to the ordinance, offering more stability and flexibility. Mayor Begich responded that
73 some of the added improvements from the (S)Version could be incorporated into the original document.
74

75 Mr. Sullivan stated that he and many Assemblymembers had worked on this issue for over five years and the final
76 policies needed to be set by the local government, to best accommodate the communities and the facilities. Currently,
77 the operation of a business in a residential zone was prohibited in the city, for many reasons. He supported a lower
78 number of residents in assisted living facilities and he would support consideration of conditional use permits, to offer
79 protection to those who purchased homes in residential neighborhoods, with certain expectations.

1
2 Mr. Traini proposed postponement, to allow time for additional changes to be made. Chair Fairclough responded that
3 the ordinance was set to die that evening if action was not taken. Mr. Tesche responded that the Assembly could
4 override the deadline and allow the opportunity for the Administration to meet with Ms. Tucker. Mr. Sullivan concurred.

5
6 Mr. Tesche moved, *to postpone* AO 2005-124 and AO 2005-124(S) to
7 Mr. Sullivan seconded, March 14, 2006,
8

9 Ms. Ossiander stated postponement would not resolve some of the fundamental differences. But she supported
10 allowing the Administration the opportunity to review and make recommendations.

11
12 Ms. Shamberg stated this matter was far too important to be forced to vote on it, when there were issues that still
13 needed to be addressed. Postponement would allow the opportunity for a new, superior ordinance.

14
15 Mr. Traini requested that Mayor Begich work with the Assembly and participate with the corrections that were needed.

16
17 Mr. Coffey stated that either one of the ordinances would work. He doubted if resolution could be reached to satisfy
18 everyone. He opposed postponement.

19
20 Chair Fairclough put the Question.

21
22 and the motion to postpone passed, 6-5.

23
24 AYES: Tesche, Shamberg, Ossiander, Stout, Traini and Jennings.
25 NAYES: Sullivan, Fairclough, Coffey, Birch and Bauer.

26
27 **12. APPEARANCE REQUESTS**

28 12.A. **Theresa Nangle Obermeyer, Ph.D.**, regarding HB 316 Sunset Alaska Bar Association, June 30,
29 2006.

30
31 THERESA NANGLE OBERMEYER, PH.D. spoke of her dissatisfaction with the numbers of outside attorneys being
32 hired locally. Of the twenty attorneys working at the Alaska Legal Services, eleven were from the lower 48. An
33 attorney who had not passed the Alaska Bar Exam could not get hired. She requested an investigation on why her
34 husband was fired last year.

35
36 Mr. Coffey moved to Change the Order of the Day to take up Agenda items 14.A and 14.B, seconded by Mr. Traini and
37 there were no objections.

38
39 **13. CONTINUED PUBLIC HEARINGS**

40 13.A. Ordinance No. AO 2006-33, an ordinance submitting to the qualified voters of the Municipality of
41 Anchorage at the Regular Municipal Election on April 4, 2006, a ballot proposition amending Home
42 Rule Charter Article XXI, Section 11.02, Election Procedures, to require **run-off election** if no
43 candidate for the Office of Mayor receives more than fifty percent (50%) of the votes cast for the office.
44 To become effective for the April 7, 2009 Mayoral Election; Assemblymembers Stout and Sullivan.
45 (*Carried Over from 2-14-06*) (*Motion on the floor to approve Stout/Coffey; Stout called the Question*
46 *on the main motion.*)
47

48 Chair Fairclough explained that 13.A and 13.B were two ordinances authorizing ballot propositions. The time had
49 lapsed that would have allowed the Assembly to consider these issues for the April 4th ballot and they needed to be
50 postponed indefinitely. She opened Public Hearing and, with no one to testify, she closed Public Hearing.

51
52 Mr. Coffey moved, *to postpone indefinitely* AO 2006-33,
53 Mr. Traini seconded,
54 and this was approved without objection, 11-0.
55

56 13.B. Ordinance No. AO 2006-12, an ordinance submitting to the qualified voters of the Municipality of
57 Anchorage at the Regular Municipal Election on April 4, 2006, a ballot proposition repealing and
58 reenacting Home Rule Charter Article XXI, Section 11.02, Election Procedures, to adopt **instant run-**
59 **off voting** procedures in municipal elections; Assemblymember Birch.
60 1. Information Memorandum No. AIM 16-2006. (*Carried Over from 2-14-06*)
61

62 Chair Fairclough explained that 13.A and 13.B were two ordinances of ballot propositions. The time had lapsed that
63 would have allowed the Assembly to consider these issues for the April 4th ballot and they needed to be postponed
64 indefinitely. She opened Public Hearing and, with no one to testify, she closed Public Hearing.

65
66 Mr. Coffey moved, *to postpone indefinitely* AO 2006-12,
67 Mr. Traini seconded,
68 and this was approved without objection, 11-0.
69

70 13.C. Ordinance No. AO 2005-185, an ordinance amending Chapters 21.35, 21.40, 21.45 and 21.50 of the
71 Anchorage Municipal Code regarding zoning districts, supplementary district standards, and standards
72 for conditional uses and site plans for Child Care Facilities, and amending Anchorage Municipal Code
73 Section 14.60.030 to add **child care facility violations** to the fine schedule (Planning and Zoning
74 Commission Case 2003-143); Planning Department.
75 1. Assembly Memorandum No. AM 882-2005.
76 2. Ordinance No. AO 29005-185(S) an ordinance amending Chapters 21.35, 21.40, 21.45 and
77 21.50 of the Anchorage Municipal Code regarding zoning districts, supplementary district
78 standards, and standards for conditional uses and site plans for Child Care Facilities, and

1 amending Anchorage Municipal Code Section 14.60.030 to add child care facility violations to
2 the fine schedule. **(Addendum)**
3 *(Carried Over from 1-10-06; Continued from 1-24-06)*

4
5 Chair Fairclough read the ordinance title and opened Public Hearing. With no one to testify, she closed Public Hearing
6 and called the Question.

7
8 Mr. Coffey moved, to approve [AR 2005-185] "AR 2005-185(S)"
9 Mr. Birch seconded,
10 and this was later substituted,

11
12 To Mr. Coffey, Health and Human Services Director Beverly Wooley responded the Department Child Care Licensing
13 professionals worked with the Planning Department and Ms. Ossiander, to make a final document.

14
15 Mr. Coffey moved to substitute the (S)Version, seconded by Mr. Bauer and there were no objections.

16
17 Ms. Ossiander commended the Planning Department and the Health Department for their work on this matter. To her
18 question, Ms. Wooley responded that, by definition, a child care center was not considered a home occupation. She
19 recommended deleting the entire sentence referencing 'on-site.'

20
21 To Mr. Birch, Ms. Wooley and Ms. Ossiander responded the (S)Version offered clarity, eliminated duplication and
22 differentiated between centers in homes and facilities. Mr. Birch wanted to know how many child care operations in his
23 district would be affected. Ms. Wooley responded that by removing reference to 'on site,' the requirements would
24 revert back to the code change approved last year and most child care operations were in compliance.

25
26 and the motion to approve was passed, 11-0,
27 and this was later reconsidered.

28
29 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
30 NAYES: None.

31
32 Ms. Ossiander moved for reconsideration. Chair Fairclough urged a YES-vote. It was seconded by Mr. Tesche and
33 approved without objection.

34
35 Ms. Ossiander moved, to amend AO 2005-185(S) on Page 32, Lines 39-42, by
36 Mr. Coffey seconded, *deleting [Section M. On-site systems. Every child care and*
37 this was approved without objection. *center, supported by on-site well and wastewater disposal*
38 *systems, shall conform to the requirements of Chapter 15.65,*
39 *pertaining to wastewater disposal regulations, and shall*
40 *provide a one-time only health authority certificate],*

41
42 and the main motion, as amended, was passed, 11-0.

43
44 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
45 NAYES: None.

- 46
47 13.D. Ordinance No. AO 2005-163, an ordinance of the Municipal Assembly amending Anchorage Municipal
48 Code Chapter 21.47, **Sign Standards**, regulating nonconforming signs and other minor revisions;
49 Assemblymember Sullivan.
50 1. Information Memorandum No. AIM 3-2006.
51 2. Ordinance No. AO 2005-163(S), an ordinance of the Municipal Assembly amending
52 Anchorage Municipal Code Chapter 21.47, Sign Standards, regulating nonconforming signs
53 and other minor revisions; Assemblymember Sullivan. *(Continued from 1-10-06)*

54
55 Chair Fairclough stated the Planning and Zoning Commission would take action on this matter on March 13th.

56
57 Mr. Sullivan moved, to Continue Public Hearing on AO 2005-163 to March 28,
58 Mr. Coffey seconded, 2006, following P&Z action,
59 and this was approved without objection.

60 61 **14. NEW PUBLIC HEARINGS**

- 62 14.A. Resolution No. AR 2006-19, a resolution of the Anchorage Municipal Assembly and Mayor Mark
63 Begich renaming Conifer Park as "**Dave Rose Park**" in recognition of his outstanding contributions to
64 the Municipality of Anchorage; Mayor's Office.

65
66 Chair Fairclough read the resolution title and opened Public Hearing.

67
68 JACK RODERICK, Chair of the Naming Committee, testified in support of the park renaming and the recognition of
69 Dave Rose. Others on the Naming Committee and present that evening included Jo Antonson, Dan Fauske, Arliss
70 Sturgulewski and Assemblymember Dan Coffey. They had received unanimous support from the Russian Jack
71 Community Council and from the Parks and Recreation Commission.

72
73 THERESA NANGLE OBERMEYER opposed the naming of something after a living person. She questioned the
74 credibility of Dave Rose.

75
76 KATHLEEN PLUNKETT, Chair of the Russian Jack Community Council, testified the Council and the Naming
77 Committee had met and unanimously supported of the park naming, recognizing and honoring Dave Rose.

78
79 With no additional public testimony, Chair Fairclough closed Public Hearing and called for a motion.

- 1
2 Mr. Traini moved, to approve AR 2006-19,
3 Mr. Coffey seconded,
4
5 Mr. Coffey moved, to amend AR 2006-19 on Page 1, Line 19, *by changing*
6 Mr. Traini seconded, [~~south Mountain View~~] "Russian Jack,"
7 and this was approved without objection.
8
9 Mr. Coffey moved, to amend AR 2006-19 on Page 1, Line 26, *by changing*
10 Mr. Traini seconded, [~~is~~] "his,"
11 and this was approved without objection.
12
13 Mr. Coffey moved, to amend AR 2006-19 on Page 1, Lines 38 and 39, *by adding*
14 Ms. Jennings seconded, *to read:...*and continued to serve the Mountain View,
15 and this was approved without objection. "Russian Jack," and Government Hill areas ...,
16
17 Mr. Coffey moved, to amend AR 2006-19 on Page 1, Line 49, *by changing*
18 Mr. Traini seconded, [~~4977~~] "1978,"
19 and this was approved without objection.
20
21 Mr. Coffey moved, to amend AR 2006-19 on Page 2, Line 3, *by changing*
22 Mr. Traini seconded, [~~south Mountain View~~] "Russian Jack,"
23 and this was approved without objection.
24
25 Ms. Jennings moved, to amend AR 2006-19 on Page 1, Line 45, *by adding to read:*
26 Mr. Coffey seconded, *...and approval "of" 2,640 legislative items....*,
27 and this was approved without objection.
28

29 Mr. Coffey stated that he appreciated being involved with the process and it was appropriate to honor Dave Rose for
30 his contributions to the city and the state. He fully supported the resolution.

31
32 and the main motion, as amended, was unanimously approved.

33
34 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
35 NAYES: None.

- 36
37 14.B. Resolution No. AR 2006-23, a resolution of the Anchorage Municipal Assembly and Mayor Mark
38 Begich to rename the Anchorage Museum of History and Art to **Anchorage Museum at Rasmuson**
39 **Center**; Mayor's Office.
40

41 Chair Fairclough read the resolution title and opened Public Hearing.

42
43 CHRIS SWALLING, member of the Museum Renaming Committee, testified the committee had unanimously
44 supported the renaming of the Anchorage Museum of History and Art to Anchorage Museum at Rasmuson Center.
45 Others on the Naming Committee and present that evening included Chair Barbara Donatelli, Terry Dittman, former
46 Mayor Rick Mystrom, Susan Knowles and Karen Compton. The represented members of the Anchorage Museum
47 Association, the Anchorage Museum Foundation, the Museum Building Committee and members of the community
48 fully supported the resolution.
49

50 JOE GRIFFITH, Chair of the Anchorage Museum Association, supported the recommendation of the name change.

51
52 THERESA OBERMEYER supported the renaming and thought it was appropriate. She wondered if it was right to
53 name two different buildings in the city in honor of the same man.
54

55 With no additional public testimony, Chair Fairclough closed Public Hearing and called the Question.

- 56
57 Mr. Coffey moved, to approve AR 2006-23,
58 Mr. Traini seconded,
59

60 Mr. Coffey stated the Rasmuson family had made significant contributions to the community, including to the museum,
61 and he thanked the family. He urged a YES-vote.

62
63 and this motion was passed, 11-0.
64

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

- 67
68 14.C. Resolution No. AR 2006-32, a resolution of the Municipality of Anchorage, Alaska, confirming and
69 levying assessments for the water special improvements within **Levy Upon Connection (LUC) Roll**
70 **05-W-3**, setting date of payment and providing for penalties and interest in the event of delinquency;
71 Anchorage Water & Wastewater Utility (AWWU).
72 1 Assembly Memorandum No. AM 79-2006.
73

74 Chair Fairclough read the resolution title and opened Public Hearing. With no one to testify, she closed Public Hearing
75 and called the Question.

- 76
77 Mr. Coffey moved, to approve AR 2006-32,
78 Mr. Stout seconded,
79 and this was passed without objection.

1
2 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
3 NAYES: None.
4

- 5 14.D. Resolution No. AR 2006-37, a resolution of the Municipality of Anchorage appropriating \$477,312 from
6 the Anchorage Metropolitan Police Service Area Fund Balance (151) to the Anchorage Police
7 Department 151 Fund 2005 Operating Budget, for **settlement costs, attorney fees, court costs and**
8 **interest** related to *Welch v. MOA* and *Gilliam v. MOA*; Anchorage Police Department.
9 1. Assembly Memorandum No. AM 100-2006.

10
11 Chair Fairclough read the resolution title and opened Public Hearing. With no one to testify, she closed Public Hearing
12 and called the Question.

13
14 Mr. Coffey moved, to approve AR 2006-37,
15 Ms. Jennings seconded,
16 and this was passed without objection.

17
18 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
19 NAYES: None.
20

- 21 14.E. Resolution No. AR 2006-38, a resolution of the Municipality of Anchorage appropriating \$2,270,070
22 contribution of 2006 tax revenues approved in the 2006 General Government Operating Budget from
23 the **Chugiak, Birchwood, Eagle River Rural Road Service Area** (CBERRRSA) Fund 119 to the
24 CBERRRSA Capital Improvement Program Fund 419 for road and drainage capital improvement
25 projects within the CBERRRSA; Maintenance & Operations Department.
26 1. Assembly Memorandum No. AM 101-2006.

27
28 Chair Fairclough read the resolution title and opened Public Hearing. With no one to testify, she closed Public Hearing
29 and called the Question.

30
31 Mr. Coffey moved, to approve AR 2006-38,
32 Ms. Jennings seconded,
33 and this was passed without objection.

34
35 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
36 NAYES: None.
37

- 38 14.F. Resolution No. AR 2006-39, a resolution of the Anchorage Municipal Assembly appropriating
39 \$900,000 to Municipal Light and Power 2005 Operating Budget Fund (530) and revising the **2005**
40 **Municipal Light and Power Operating Budget**.
41 1. Assembly Memorandum No. AM 102-2006.

42
43 Chair Fairclough read the resolution title and opened Public Hearing. With no one to testify, she closed Public Hearing
44 and called the Question.

45
46 Mr. Coffey moved, to approve AR 2006-39,
47 Ms. Jennings seconded,
48 and this was passed without objection.

49
50 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
51 NAYES: None.
52

- 53 14.G. Resolution No. AR 2006-40, a resolution of the Anchorage Municipal Assembly appropriating
54 \$180,000 to the **Port of Anchorage 2006 Operating Fund** (570) and revising the 2006 Port of
55 Anchorage Operating Budget.
56 1. Assembly Memorandum No. AM 103-2006.

57
58 Chair Fairclough read the resolution title and opened Public Hearing. With no public testimony, she closed Public
59 Hearing and called the Question.

60
61 Mr. Coffey moved, to approve AR 2006-40,
62 Ms. Jennings seconded,
63 and this was passed without objection.

64
65 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
66 NAYES: None.
67

- 68 14.H. Resolution No. AR 2006-41, a resolution appropriating \$298,704 of revenue from the State of Alaska
69 Department of Transportation & Public Facilities to the State Categorical Grant Fund 231 to the Project
70 Management & Engineering Department for **National Pollutant Discharge Elimination System**
71 **(NPDES) permit services** provided in 2006; Project Management & Engineering.
72 1. Assembly Memorandum No. AM 104-2006.

73
74 Chair Fairclough read the resolution title and opened Public Hearing. With no one to testify, she closed Public Hearing
75 and called the Question.

76
77 Mr. Coffey moved, to approve AR 2006-41,
78 Mr. Traini seconded,
79 and this was passed without objection.

1
2 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
3 NAYES: None.
4

- 5 14.I. Resolution No. AR 2006-44, a resolution of the Municipality of Anchorage appropriating \$200,000 of
6 revenues from within the Areawide General Capital Improvement Fund (401), \$600,000 of revenues
7 from within the Anchorage Parks and Recreation Capital Improvement Fund (461), and \$30,000 from
8 within the Chugiak-Eagle River Parks and Recreation Service Area Capital Improvement Fund (462)
9 for **facility and equipment improvements** at the George M. Sullivan Arena, Ben Boeke and
10 Dempsey Anderson Ice Arenas and the Harry J. McDonald Memorial Center; Office of Economic &
11 Community Development.
12 1. Assembly Memorandum No. AM 115-2006.
13

14 Chair Fairclough read the resolution title and opened Public Hearing. With no one to testify, she closed Public Hearing
15 and called the Question.
16

17 Mr. Coffey moved, to approve AR 2006-44,
18 Mr. Stout seconded,
19 and this was passed without objection.
20

21 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
22 NAYES: None.
23

- 24 14.J. Resolution No. AR 2006-47, a resolution of the Anchorage Municipal Assembly appropriating
25 \$1,239,350 from the Eagle River-Chugiak Parks and Recreation Service Area Fund (162), Office of
26 Economic & Community Development's Eagle River-Chugiak Parks, Recreation, and Community
27 Development Division's 2006 Operating Budget, as a contribution to the **Eagle River-Chugiak Parks
28 and Recreation Service Area Capital Improvement Project Fund** (462) for capital improvements;
29 Office of Economic & Community Development.
30 1. Assembly Memorandum No. AM 118-2006. (*Postponed Indefinitely 2-28-06*)
31 (*Clerk's Note: AR 2006-47 is a duplicate of AR 2006-56. See Agenda item 9.F.11*)
32

33 Chair Fairclough read the resolution title and explained this was a duplicate of AR 2006-56, Agenda item 9.F.11, which
34 had been approved for introduction, with Combined Public Hearing of AR 2006-47. She opened Public Hearing and
35 with no one to testify, she closed Combined Public Hearing.
36

37 Mr. Coffey proposed to change the title number of AR 2006-47 to AR 2006-56. Acting Municipal Clerk Linda Heim
38 responded that the appropriate action would be to postpone indefinitely AR 2006-47 and take action on AR 2006-56.
39

40 Mr. Coffey moved, to postpone indefinitely AR 2006-47,
41 Mr. Stout seconded,
42 and this was approved unanimously.
43

44 (*Clerk's Note: Chair Fairclough returned the body to Agenda item 9.F.11, to complete action on AR 2006-56.*)
45

- 46 14.K. Ordinance No. AO 2006-14, an ordinance amending the zoning map and providing for the rezoning of
47 approximately 44.95 acres, from PLI (Public Lands and Institutions) and W (Watershed) Districts to R-
48 11 (Turnagain Arm) District, for US Survey 6867, Lots 1, 2 and 4 located within Section 24, T9N, R2E,
49 S.M., Alaska; US Survey 6867, Lots 3, 5 and 6 located within Section 19, T9N, R3E, S.M., Alaska; US
50 Survey 7010, Lot 1 located within Section 24, T9N, R2E, S.M., Alaska; US Survey 7010, Lot 2, located
51 within Section 19, T9N, R3E, S.M., Alaska; and US Survey 7023, Section 24, T9N, R2E, S.M., Alaska,
52 generally located in the **vicinity of Twenty Mile River** near Portage, Alaska (Portage Valley
53 Community Council) (Planning and Zoning Commission Case 2005-110); Planning Department.
54 1. Assembly Memorandum No. AM 64-2006.
55

56 Chair Fairclough read the ordinance title and opened Public Hearing. There was no one to testify and she closed
57 Public Hearing and called the Question.
58

59 Ms. Ossiander moved, to approve AO 2006-14,
60 Mr. Coffey seconded,
61

62 Ms. Ossiander stated the Alaska Railroad had objected to the ordinance, because access to the properties was across
63 the railroad tracks. To her question, Planning and Zoning Administrator Jerry Weaver responded the access issue
64 with the Alaska Railroad would have to be resolved before the property owners could get a land use permit for a
65 structure. It would not preclude the Assembly from taking an appropriate land use action.
66

67 Mr. Birch stated that a constituent had requested this action a year ago, and this would move to remedy the situation.
68 There were people residing on these parcels already and the rezone was appropriate. He urged a YES-vote.
69

70 To Mr. Sullivan, Mr. Weaver responded that he did not know how the residents were currently accessing the property.
71

72 Chair Fairclough put the Question.
73

74 and the motion was passed unanimously.
75

76 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
77 NAYES: None.
78

- 1 14.L. Ordinance No. AO 2006-15, an ordinance amending Section 21.05.030 Anchorage Municipal Code,
2 regarding the **Turnagain Arm Comprehensive Plan**, to classify U.S. Survey 6867, Lot 1 located
3 within Section 24, T9N R2E S.M., Alaska; and U.S. Survey 7023, Section 24, TN9 R2E S.M., Alaska
4 as Residential Single Family with one (1) dwelling unit per 5.0 acres on the "Portage/Twenty Mile River
5 Land Use Plan Map" (Portage Valley Community Council) (Planning and Zoning Commission Case
6 2005-116); Planning Department.
7 1. Assembly Memorandum No. AM 65-2006.
8

9 Chair Fairclough read the ordinance title and opened Public Hearing. With no one to testify, she closed Public Hearing
10 and called the Question.

11
12 Mr. Coffey moved, to approve AO 2006-15,
13 Ms. Ossiander seconded,
14 and this motion was passed, 11-0.

15
16 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.
17 NAYES: None.

- 18
19 14.M. Ordinance No. AO 2006-18, an ordinance amending the zoning map and providing for the rezoning of
20 approximately 120 acres from PLI (Public Lands and Institutions) to R-7 (Intermediate Rural
21 Residential) for the **NW ¼, NE ¼, S ½, NE ¼ of Section 10, T11N, R3W, S.M., AK** (Rabbit Creek
22 Community Council) (Planning and Zoning Commission Case 2005-139); Assemblymember Birch.
23

24 Chair Fairclough read the ordinance title. To her question, Municipal Attorney Fred Boness responded that a certified
25 petition had been filed protesting the rezone and it would require a Super Majority Vote by the Assembly.
26

27 Mr. Sullivan questioned the validity of the protest of a decision that had already been made. Mr. Weaver responded
28 this request was valid, requiring Assembly review, and would require an affirmative vote of 8 members to be approved.
29

30 Referring to exparte communication, Chair Fairclough, Ms. Ossiander, Mr. Coffey, Ms. Shamberg, Mr. Stout and Ms.
31 Jennings disclosed they had received emails and paperwork on this matter, and some had discussions with the
32 developers or their representative.
33

34 To Chair Fairclough, Assembly Counsel Julia Tucker responded that in the interest of public information and
35 disclosure, she advised Assemblymembers to share their information, which would lead to a better process.
36

37 Mr. Sullivan stated that, when dealing with rezone appeals, Assemblymembers had always been advised that they
38 served as a quasi-judicial body. Under those circumstances, he had had no contact with either side and had
39 requested all information be distributed equally through the Municipal Clerk's Office. He had always been advised in
40 the past to avoid discussions with the petitioner.
41

42 Mr. Coffey stated that the Planning and Zoning Commission (P&Z) recommended the applicant request an ordinance
43 to amend the zoning map. The Assembly needed to make the decision and members were supposed to talk to
44 constituents, concerning ordinances. Mr. Tesche concurred. Because this rezone involved nearly 120 acres, and
45 because it was not considered an appeal but a legislative matter, normal Assembly procedures applied to their
46 involvement.
47

48 Chair Fairclough summarized members' disclosures and opened Public Hearing.
49

50 TOM DREYER representing the petitioner, DAVE GRENIER with Triad Engineering, TONY HOFFMAN with Lantech,
51 and DAN YOUNG with Terrasat, supported the development and supported the R-7 rezone. Their plan proposed
52 public water and sewer, with comparable densities with surrounding areas. To Mr. Coffey, he responded they would
53 require a 30% greenbelt and would accommodate water, streams and wetlands. To Mr. Stout, Mr. Dreyer responded
54 they had agreed to provide a collector road through the property to the Potter Valley Road system, with minor
55 connections, which would provide fire safety and emergency access routes. They had staked streams and wetlands
56 and were in compliance with state regulations. To Mr. Sullivan, Mr. Grenier responded that they were still addressing
57 the road matter with the neighboring areas, determining the traffic patterns. To Mr. Sullivan, Heritage Land Bank
58 Executive Director Robin Ward responded the property to the south of the proposed development was not yet planned
59 for development. To Ms. Shamberg, Mr. Young responded that they had appealed and the P&Z short board and the
60 matter had not been resolved. To Mr. Sullivan, Mr. Young responded they were interested in underground utilities.
61

62 SUZANNE COMELLAS, with the Rabbit Creek Community Council, testified against the development. It was a poorly
63 thought out plan, as was Prominence Pointe. Using an overhead projector, she showed images of drainage concerns
64 in the area. The zoning density was too high for the steepness of the land. To Ms. Jennings, Ms. Comellas responded
65 that several of her neighbors had purchased two or three lots to responsibly accommodate house sites and driveways.
66

67 DIANNE HOLMES testified that there was no master plan and no definition of urban or rural. All proposed
68 development would impact the collectors, and she showed photos of traffic congestion. She encouraged the Assembly
69 to follow the 2020 Plan. A new collector was necessary in this area and she made location recommendations. To Ms.
70 Ossiander, Ms. Holmes used a map to show the areas with high density traffic, where collectors were needed and
71 where there were accident concentrations.
72

73 ANNE RAPPOPORT, area resident, opposed the rezoning. The R-7 zoning was in conflict with Anchorage 2020 and
74 conflicted with the natural wildlife and open spaces, which were critical to maintain. She spoke of drainage concerns.
75

76 BRAD KUTZER opposed the rezoning and spoke of the traffic concerns on Goldenview. Rezoning needed to be
77 turned down at this time.
78

1 WILL GAY, a 30-year resident of the area, opposed the rezone, and cited instances of development which had
2 stripped the land, had blasted bedrock and had caused significant changes in streams and drainage, which had
3 impacted his property drainage. Developers had caused extreme damage to surrounding areas. He urged the
4 Assembly to protect the residents and force the developers be accountable. To Ms. Ossiander, he responded he was
5 wary of the development. To Ms. Jennings, he responded the developers were the same ones who had caused
6 damage at Prominence Pointe.

7
8 BRUCE SEPPI opposed the rezone, because it would negatively impact his home and property, and he opposed
9 changes to the natural and rural character of the neighborhood. To Mr. Coffey, Mr. Seppi responded that the proposed
10 density was too high and would impact the landscape, access, traffic, drainage and septic systems. He urged the
11 Assembly to deny the petitioner the R-7 zoning.

12
13 JOHN HAGUE, area resident, opposed the development. His property had suffered disastrous glaciation and sewer
14 problems, resulting from the Prominence Pointe development. All the residents surrounding the new development had
15 suffered tremendously.

16
17 JOHN VAN FLEIN, area resident, opposed the development. He made recommendations for improving the system, to
18 make future development more accountable.

19
20 JOHN WIER, area resident and professional engineer, opposed the proposed R-7. He supported an R-6 zoning,
21 which would provide adequate open area, would be consistent with well-tested models, would allow adequate drainage
22 and minimize erosion for steep slopes. The Community Council resolution opposed the rezone.

23
24 PAT KURTH, 30-year property owner adjacent to the proposed development, opposed the R-7 zoning, which would
25 cause considerable damage to the local area. She urged Assembly consideration of R-6 zoning.

26
27 RALPH COMELLAS, 28-year resident and general contractor, opposed the R-7 zoning. Changes to this 120-acre
28 parcel would have impacts to hundreds of residents and the wildlife in the area. He used photos to show traffic
29 congestion and how land in the area had been impacted and damaged by development.

30
31 DONNA VAN FLEIN, resident of the area, opposed R-7 zoning. With photographs, she showed the current traffic
32 concerns off Goldenview Drive and recommended a collector to Potter Valley be added. She used graphic maps,
33 indicating the surrounding areas of R-6 zoning, supported by the neighbors.

34
35 LITA OPPEGARD, resident of Eagle River, opposed R-7 density and spoke of the impacts to residents and the
36 significance of the Anchorage 2020 Plan, addressing wetlands, traffic flow, and wildlife habitat. The concerns of
37 neighboring residents were not being addressed.

38
39 PETER JOHNSON, 30-year resident and hydrologist with a Masters Degree in Geology, opposed the R-7 zoning and
40 recommended this have a site plan review, prior to a rezone. Roads, wetlands, shallow bedrock and improper
41 drainage were significant concerns which needed to be addressed. He used a map, showing the wetlands, which Ms.
42 Jennings requested be made available to the Assembly.

43
44 CAROL FREEZE, former Rabbit Creek Community Council President and involved with the transportation study for
45 this area, testified against the R-7 zoning. Residents had been negatively impacted from development, including
46 effects from changes to roads, altered topography and flow of ground and surface water, resulting in failed septic
47 systems and wells, creating drainage and glaciation problems. The local roads would be impacted with increased
48 traffic. P&Z found the developer had not provided sufficient information to demonstrate that the zoning request was
49 appropriate. The case needed to be addressed by the Assembly through a Hillside District Plan and developments
50 such as this one being proposed were premature.

51
52 KIE HOLLAND, former Rabbit Creek Community Council President, opposed and testified the R-7 rezone would not be
53 in the best interest of the area and the local residents. The cumulative effects of the proposed development would be
54 dire to this particular area. He encouraged that a Hillside District Plan, a sub-area circulation plan and hydrological
55 study be considered and the area be developed responsibly.

56
57 WAYNE SKIDMORE, 15-year resident and adjacent property owner, opposed the appeal. The proposed R-7
58 development would be a serious mistake and would be in conflict with the surrounding R-6 neighborhood and would
59 not resemble a rural setting. The development would cause significant long term impacts to the area and adjacent
60 areas in Potter Marsh and the wildlife refuge. All homeowners who had been contacted had signed a petition,
61 opposing the rezone. He urged the Assembly to follow the recommendation of the P&Z and deny the rezone request.

62
63 ART WEINER, area resident, opposed the R-7 rezone. This property had shallow bedrock, supported wildlife and a
64 habitat corridor, contained wetlands and streams and was a critically important watershed for Potter Marsh. The
65 collective impact of development would devastate the parcel. He urged a site plan review.

66
67 MIGUEL ADAMS, area resident, opposed the project as it was proposed. He urged the Assembly to follow a master
68 plan for the area and review all aspects of this development. Residents unanimously opposed the rezone request.

69
70 With no additional public testimony, Chair Fairclough closed Public Hearing.

71
72 Mr. Coffey stated that there was ten minutes left in the Assembly Meeting.

73
74 Mr. Coffey moved, *to postpone* AO 2006-18 to March 14, 2006,
75 Ms. Ossiander seconded,
76 and this was approved without objection.

77
78 **15. SPECIAL ORDERS** None.

79

1 **16. UNFINISHED AGENDA** None.

2
3 **17. AUDIENCE PARTICIPATION**

4
5 EMORY COUPLES, 88-year resident, spoke about the dangerous, icy conditions on sidewalks near his residence,
6 close to Delaney Park, where he had witnessed a person fall and had been injured. He had unsuccessfully addressed
7 this safety concern with Public Works and he urged the Assembly to create an ordinance to take care of this problem.
8 To Mr. Sullivan, Mayor Begich responded that he understood the problems created by the recent weather changes.
9 Mr. Tesche stated that one of the concerns with 'winter cities' was dealing with icy conditions and he urged the
10 Municipality to address this specific area. Ms. Jennings stated that there were other areas in the city that were also
11 very icy, including sidewalks next to the Museum, on 7th Avenue. Mayor Begich responded that icy conditions were
12 always a concern and he would have the Public Works Department address the area.

13
14 **18. ASSEMBLY COMMENTS**

15
16 Ms. Ossiander again requested a review on the Cooperative Services Budget. Deputy Municipal Manager Michael
17 Abbott responded that a review would be scheduled.

18
19 Deputy Municipal Manager Michael Abbott recognized the newly appointed board and commission members present
20 that evening, including John Stallone and Stephen Saunders with the Port Commission and Brian Anderson with the
21 Housing and Neighborhood Development Commission. Mr. Stallone and Mr. Anderson thanked the Administration for
22 the opportunity to serve the community. Chair Fairclough thanked them for their service.

23
24 To Ms. Jennings, Mr. Tesche responded, referring to the duplicate Timberline Drive Street names, that a new
25 resolution would be prepared and reviewed by both the Assembly Counsel and the Municipal Attorney and would be
26 brought before the Assembly at a later date.

27
28 **19. EXECUTIVE SESSIONS** None.

29
30 **20. ADJOURNMENT**

31
32 Chair Fairclough called for a motion to adjourn the meeting.

33
34 Mr. Sullivan moved, to adjourn the Regular Assembly Meeting,
35 Ms. Jennings seconded,
36 and this motion was passed without objection.

37
38 AYES: Tesche, Shamberg, Ossiander, Sullivan, Fairclough, Coffey, Birch, Stout, Bauer, Traini and Jennings.

39 NAYES: None.

40
41 The Regular Assembly Meeting was adjourned at 11:00 p.m.

42
43
44
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48 _____
49 ANNA FAIRCLOUGH, Assembly Chair

50 ATTEST:

51
52
53
54
55 _____
56 LINDA HEIM, Acting Municipal Clerk
57 Date Minutes Approved: March 28, 2006.
58 MC/BG

59
60
61 *(Copies of Approved Meeting Minutes are available from the Municipal Clerk's Office, 632 West 6th Avenue, Suite 250, Anchorage,*
62 *Alaska, (907)343-4505, or on the Municipal Web Site, www.muni.org ~Assembly~Minutes~year~month~day)*
63
64
65