

**MUNICIPALITY OF ANCHORAGE**  
**ANCHORAGE ASSEMBLY**

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

**Minutes for Regular Meeting of May 23, 2006**

**1. CALL TO ORDER**

The Assembly Meeting was convened by Chair Sullivan at 5:04 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: Janice Shamberg, Paul Bauer, Anna Fairclough, Dan Sullivan, Debbie Ossiander, Chris Birch, Dan Coffey, Ken Stout, Dick Traini and Pamela Jennings.

ABSENT: Allan Tesche, excused.

**3. PLEDGE OF ALLEGIANCE** Assemblymember Shamberg led the pledge.

**4. MINUTES OF PREVIOUS MEETINGS**

4.A. Regular Meeting – May 2, 2006

Ms. Fairclough moved, to approve the Regular Meeting Minutes of  
Ms. Ossiander seconded, May 2, 2006,  
and this motion was passed unanimously,  
with Mr. Stout abstaining, having had an excused absence for that meeting.

**5. MAYOR'S REPORT** None.

**6. ASSEMBLY CHAIR'S REPORT**

Chair Sullivan requested a moment of silence, to send thoughts and prayers to Assemblymember Allan Tesche, who was recuperating from heart surgery.

**7. COMMITTEE REPORTS**

Mr. Stout reported that a meeting had been scheduled for the Ethics Committee and Municipal Attorney Fred Boness, to address matters in the Ethic Code rewrite that applied to Municipal employees. The meeting was set for Friday, May 26, 2006 and would be held in Room 240 in City Hall, from 3:00 to 4:30 p.m.

Mr. Birch reported that the Audit Committee had rescheduled their June 2<sup>nd</sup> meeting to noon on Tuesday, June 13<sup>th</sup>.

Ms. Ossiander reported that the Title 21 Committee would change their weekly meetings to Wednesdays at the Planning and Zoning Conference Room and would meet from 9:30 to 11:30 a.m.

**8. ADDENDUM TO AGENDA**

Chair Sullivan called for a motion and read the Addendum items. He called for additional items and AR 2006-141, AO 2006-89 and AO 2006-90 were added and assigned to Agenda Numbers 9.B.7, 9.F.12 and 9.F.13, respectively. He then called for additional Addendum items and there being none, he called for a vote to incorporate the Addendum items into the Consent Agenda.

Ms. Fairclough moved, to approve the inclusion of the Addendum items  
Ms. Ossiander seconded, into the Consent Agenda,  
and this motion was passed, 10-0.

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

NAYES: None.

ABSENT: Tesche, excused.

Chair Sullivan called the Question on the Consent Agenda.

Ms. Fairclough moved, to approve the Consent Agenda,  
Ms. Ossiander seconded,

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

**9. CONSENT AGENDA**

**9.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS** There were none.

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

- 9.B.1. Resolution No. AR 2006-129, a resolution of the Municipality of Anchorage (MOA) appropriating \$55,000 from Alaska Housing Finance Corporation (AHFC) to state Categorical Grants Fund (231), Department of Health and Human Services for the purpose of providing a two year cooperative service agreement allowing AHFC and other AHFC approved agencies outside of the MOA access to the MOA hosted web based **Homeless Management Information System (HMIS)**; Health and Human Services.  
a. Assembly Memorandum No. AM 375-2006.
- 9.B.2. Resolution No. AR 2006-130, a resolution of the Municipality of Anchorage providing for the appropriation of \$1,200 from Budget Year 2006 donations from the Anchorage Library Foundation and \$577 from numerous citizen donations to the Miscellaneous Operational Grant Fund (261), Office of Economic and Community Development, for the purchase of **library books and materials**.  
a. Assembly Memorandum No. AM 376-2006.
- 9.B.3. Resolution No. AR 2006-131, a resolution of the Municipality of Anchorage providing for the appropriation of \$715 from numerous 2005 citizen donations to the Miscellaneous Operational Grant Fund (261), Office of Economic and Community Development, for the purchase of **library books and materials**.  
a. Assembly Memorandum No. AM 377-2006.
- 9.B.4. Resolution No. AR 2006-132, a resolution of the Municipality of Anchorage appropriating \$18,000 from the Raven Woods/Bubbling Brook Limited Road Service Area (LRSA) Fund Balance (Fund 116) to the Raven Woods/Bubbling Brook LRSA by 2006 Operating Budget (Fund 116) for year round road maintenance service within the **Raven Woods/Bubbling Brook LRSA**; Maintenance & Operations Department.  
a. Assembly Memorandum No. AM 378-2006.
- 9.B.5. Resolution No. AR 2006-138, a resolution of support by the Anchorage Municipal Assembly to reopen the 1991 civil settlement from the **Exxon Valdez Spill** and claim the full \$100 million for restoration of natural resources suffering unanticipated injury; Assemblymember Jennings.
- 9.B.6. Resolution No. AR 2006-136, a resolution of the Anchorage Municipal Assembly urging the Governor of Alaska to support the State Legislature's recognition of the needs of local governments, including the Municipality of Anchorage, through substantial appropriations for capital improvements and operating costs, and reaffirming the Assembly's commitment to provide the citizens of Anchorage with **property tax relief**; Assemblymember Fairclough. **(Addendum)**

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

- 9.B.7. Resolution No. AR 2006-141, a resolution of the Anchorage Municipal Assembly clarifying the intent of Assembly Memorandum 267-2006 regarding transfer of ownership of a beverage dispensary liquor license to **Caldron Corporation**; Assemblymember Traini. **(Laid on the Table)**

Mr. Traini moved to incorporate into the Addendum, seconded by Mr. Stout and there were no objections.

**9.C. BID AWARDS**

- 9.C.1. Assembly Memorandum No. AM 358-2006, recommendation of award to Construction Unlimited, Inc. for the **Cache Bartlett Water Upgrade Project** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (ITB 26-C019) (\$475,524); Purchasing.
- 9.C.2. Assembly Memorandum No. AM 359-2006, recommendation of award to Anchorage Sand & Gravel to furnish **asphalt concrete hot-mix** to the Municipality of Anchorage, Maintenance & Operations Department (ITB 26-B027) (\$838,000); Purchasing.
- 9.C.3. Assembly Memorandum No. AM 360-2006, recommendation of awards to **Anchorage Sand & Gravel (AS&G) and Central Paving Products (CPP)** for various aggregates to the Municipality of Anchorage, Maintenance & Operations Department (ITB 26-B024) (AS&G \$167,440) (CPP \$120,900); Purchasing.
- 9.C.4. Assembly Memorandum No. AM 361-2006, recommendation of award to A.T. Publishing & Printing for providing **duplicating services** to the Municipality of Anchorage, Purchasing Department (ITB 26-B010) (\$113,003); Purchasing.
- 9.C.5. Assembly Memorandum No. AM 389-2006, recommendation of award to Tam Construction, Inc. for the **Girdwood Manhole Rehabilitation, Phase III Project** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (ITB 26-C024) (\$800,480); Purchasing. **(Addendum)**
- 9.C.6. Assembly Memorandum No. AM 390-2006, recommendation of award to GMG General, Inc. for the **2006/2007 Miscellaneous Concrete Construction Services Project** for the Municipality of Anchorage, Maintenance and Operations Department (ITB 26-C026) (\$500,000); Purchasing. **(Addendum)**
- 9.C.7. Assembly Memorandum No. AM 391-2006, recommendation of award to Mantech Mechanical, Inc. for **Sullivan Arena Restroom Renovations** for the Municipality of Anchorage, Maintenance and Operations Department (ITB 26-C020) (\$270,100); Purchasing. **(Addendum)**
- 9.C.8. Assembly Memorandum No. AM 392-2006, recommendation of award to **Baxter Excavating** for furnishing various aggregates to the Municipality of Anchorage, Maintenance & Operations Department (ITB 26-B031) (Baxter \$164,400; Purchasing. **(Addendum)**

**9.D. NEW BUSINESS**

- 1 9.D.1. Assembly Memorandum No. AM 372-2006, Applebee's #3948 – Transfer of a Beverage Dispensary  
2 Liquor License and Restaurant Designation Permit (Midtown Community Council); Clerk's Office.  
3

4 Mr. Coffey declared a conflict of interest with this item because of his association with Applebee's. (See item 10.D.1)  
5

- 6 9.D.2. Assembly Memorandum No. AM 373-2006, Applebee's II #4173 – Transfer of a Beverage Dispensary  
7 Liquor License and Restaurant Designation Permit (Northeast Community Council); Clerk's Office.  
8

9 Mr. Coffey declared a conflict of interest with this item due to his association with Applebee's. (See item 10.D.2)  
10

- 11 9.D.3. Assembly Memorandum No. AM 374-2006, Anchorage Outback #3753 – Transfer of a Beverage  
12 Dispensary Liquor License and Application for a Restaurant Designation Permit (Midtown Community  
13 Council); Clerk's Office.

- 14 9.D.4. Assembly Memorandum No. AM 362-2006, AWWU Authority Transition Plan.  
15

16 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (See item 10.D.4)  
17

- 18 9.D.5. Assembly Memorandum No. AM 363-2006, Amendment No. 2 to the professional services agreement  
19 with R&M Consultants, Inc., 2004 - 2006 term contract for civil engineering services (\$100,000);  
20 Anchorage Water & Wastewater Utility.

- 21 9.D.6. Assembly Memorandum No. AM 364-2006, proprietary purchase of fire apparatus parts and  
22 services on an "as needed" basis from Meridian Hughes Fire Equipment Inc. for the Municipality of  
23 Anchorage, Anchorage Fire Department (AFD) (\$65,000); Purchasing.

- 24 9.D.7. Assembly Memorandum No. AM 366-2006, Amendment No. 2 to professional legal services contract  
25 with the Law Firm of Delisio Moran Geraghty & Zobel regarding construction claim services  
26 (\$100,000); Legal Department.

- 27 9.D.8. Assembly Memorandum No. AM 367-2006, approval of Amendment No. 4 to GLS, LLC contract (PO  
28 No. 250030) increasing the amount by \$18,000 to NTE \$64,500 for BY2006 Summer Work and Year  
29 Round Road Maintenance within the Raven Woods/Bubbling Brook LRSA; Maintenance and  
30 Operations Department.

- 31 9.D.9. Assembly Memorandum No. AM 368-2006, Change Order No. 2 to Contract No. 250711 with Hotwire  
32 Electric, Inc. for Merrill Field Security Improvements for the Municipality of Anchorage; Merrill Field  
33 Airport (\$288,544.10).

- 34 9.D.10. Assembly Memorandum No. AM 369-2006, proprietary purchase of original equipment manufactured  
35 parts from New Flyer Industries Limited for the Municipality of Anchorage, Public Transportation  
36 Department (\$300,000); Purchasing.

- 37 9.D.11. Assembly Memorandum No. AM 370-2006, Amendment No. 3 to Contract 25ASC060 for the purchase  
38 of office supplies from Corporate Express, Inc. for the Municipality of Anchorage; Purchasing  
39 Department (\$150,000).

- 40 9.D.12. Assembly Memorandum No. AM 371-2006, recommendation of award to Dimond Center LTD. for  
41 providing leased space for the Samson-Dimond Branch Library for the Municipality of Anchorage,  
42 Real Estate Services (RFP 26-P015) (\$390,303); Purchasing.

- 43 9.D.13. Assembly Memorandum No. AM 386-2006, Change Order No. 2 to Purchase Order No. 250742 with  
44 Fuels Reduction of Alaska for providing wildland fire fuel treatment services to the Municipality of  
45 Anchorage, Anchorage Fire Department (\$190,000); Purchasing. (Addendum)  
46

#### 47 9.E. INFORMATION AND REPORTS

- 48 9.E.1. Information Memorandum No. AIM 64-2006, Debt Management Report - Final Version; Finance.  
49

50 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (See item 10.E.1)  
51

- 52 9.E.2. Information Memorandum No. AIM 65-2006, an update to the Assembly of the sponsorship of the  
53 Mountain View Neighborhood Plan; Department of Neighborhoods.  
54

#### 55 9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

- 56 9.F.1. Ordinance No. AO 2006-80, an ordinance amending Anchorage Municipal Code Section 14.60.030 for  
57 consistency with AO 2005-83(S) As Amended; Legal Department. (Public Hearing 6-6-06)

- 58 9.F.2. Ordinance No. AO 2006-81, an ordinance authorizing an electrical easement across municipal  
59 property to Chugach Electric Association, Inc., at Tract A, GAAB Service Hanshew High School Site  
60 Subdivision, Plat No. 69-159, within SE ¼ of Section 10, T12N, R3W, S.M. Alaska, located at the  
61 Service High School site near Abbott Road, Tax #015-021-02; Project Management & Engineering.  
62 (Public Hearing 6-6-06)

- 63 a. Assembly Memorandum No. AM 381-2006.

- 64 9.F.3. Ordinance No. AO 2006-82, an ordinance authorizing an equal value trade of municipally owned  
65 property, commonly described as Tract Three "B" (3B), C/G Warehouse Subdivision, comprising  
66 approximately 16.78 acres, in exchange for a privately owned parcel described as Lot 2, Herring  
67 Subdivision, comprising approximately 42,000 sq. ft. and located at 1601 East Tudor Road; Heritage  
68 Land Bank and Real Estate Services. (Public Hearing 6-6-06)

- 69 a. Assembly Memorandum No. AM 382-2006.

- 70 9.F.4. Ordinance No. AO 2006-83, an ordinance authorizing acquisition of real property described as Tract  
71 7A, Westpark Subdivision, for fair market value not to exceed \$2,500,000; Real Estate Services.  
72 (Public Hearing 6-6-06)

- 73 a. Assembly Memorandum No. AM 383-2006.  
74

75 Chair Sullivan announced that this ordinance would be opened for Public Hearing on June 6<sup>th</sup> and continued to June  
76 12<sup>th</sup>, to allow the Sand Lake Community Council to participate with the matter. Mr. Coffey requested that a more  
77 detailed map be prepared to accompany this ordinance for the next Assembly Meeting.

- 1  
2 9.F.5. Ordinance No. AO 2006-84, an ordinance approving the purchase and acquisition of real property  
3 legally described as **Lot 3, Muldoon Estates Subdivision**, for fair market value not to exceed  
4 \$1,308,000; Real Estate Services. (*Public Hearing 6-6-06*)  
5 a. Assembly Memorandum No. AM 384-2006.  
6 9.F.6. Resolution No. AR 2006-133, a resolution approving and ratifying a four and one-half year collective  
7 bargaining agreement between the Municipality of Anchorage and the **Plumbers and Pipefitters**  
8 **Union, Local 367**; Employee Relations. (*Public Hearing 6-6-06*)  
9 a. Assembly Memorandum No. AM 379-2006.  
10 9.F.7. Resolution No. AR 2006-134, a resolution of the Municipality of Anchorage appropriating the sum of  
11 \$135,195 from the U.S. Environmental Protection Agency to the Federal Categorical Grants Fund  
12 (241) and \$323,000 as a contribution from the 2006 Department of Health and Human Services  
13 General Government Operating Budget Fund (101) to the Federal Categorical Grants Fund (241),  
14 Department of Health and Human Services for **air quality monitoring, enforcement and planning**.  
15 (*Public Hearing 6-6-06*)  
16 a. Assembly Memorandum No. AM 380-2006.  
17 9.F.8. Resolution No. AR 2006-137, a resolution of the Anchorage Municipal Assembly amending Anchorage  
18 Municipal Code of Regulations Section 21.20.007 to **exempt temporary banners, balloons,**  
19 **pennants, ribbons and streamers from bonding requirements**; Assemblymember Sullivan. (*Public*  
20 *Hearing 6-6-06*)  
21 9.F.9. Ordinance No. AO 2006-86, an ordinance of the Anchorage Municipal Assembly repealing and  
22 reenacting Anchorage Municipal Code Chapter 16.65, Prohibition of Smoking in Public Places, to  
23 extend **secondhand smoke control**; Assemblymembers Traini and Coffey. (*Public Hearing 6-6-06*)  
24 (**Addendum**)  
25 a. Assembly Memorandum No. AM 365-2006.  
26

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

- 29 9.F.10. Ordinance No. AO 2006-87, an ordinance of the Anchorage Municipal Assembly amending Anchorage  
30 Municipal Code Section 21.45.080, **Off-Street Parking Requirements**, to clarify off-street parking  
31 standards and amend provisions for joint use of a single parking area; Assemblymembers Coffey and  
32 Traini. (*Public Hearing 7-11-06*) (**Addendum**)  
33

34 Following approval of the Consent Agenda, Mr. Traini requested for this item be reconsidered and pulled for review on  
35 the Consent Agenda. Chair Sullivan called for objections and there were none. (*See item 10.F.10*)  
36

- 37 9.F.11. Ordinance No. AO 2006-88, an ordinance of the Municipality of Anchorage, Alaska, approving  
38 submission by the Anchorage Water & Wastewater Utility on behalf of the Anchorage Wastewater  
39 Utility (ASU) of **proposed rate changes** to the Regulatory Commission of Alaska; Anchorage Water &  
40 Wastewater Utility. (*Public Hearing 6-6-06*) (**Addendum**)  
41 a. Assembly Memorandum No. AM 393-2006.  
42

43 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (*See item 10.F.11*)  
44

- 45 9.F.12. Ordinance No. AO 2006-89, an ordinance of the Anchorage Municipal Assembly amending Anchorage  
46 Municipal Code Section 9.28.026, **Impoundment and Forfeiture of Vehicle**, to make impoundment  
47 of a vehicle for citation or arrest for certain serious traffic violations mandatory excepting proof of  
48 insurance violations; amending AMC 9.28.030, Insurance or Other Security Required to clarify the  
49 criminal offense and provide a minimum monetary penalty of \$1,000 for each conviction;  
50 Assemblymember Bauer (*Public Hearing 6-06-06*) (**Laid on the Table**)  
51

52 Mr. Bauer moved to introduce, seconded by Mr. Coffey and Mr. Traini was the concurring third. Public Hearing was  
53 set for June 6, 2006.  
54

- 55 9.F.13. Ordinance No. AO 2006-90, an ordinance of the Anchorage Municipal Assembly amending Anchorage  
56 Municipal Code Section 21.25.030, approval of **site plans and conditional uses**; Planning  
57 Department. (*Public Hearing 6-06-06*) (**Laid on the Table**)  
58

59 Mr. Coffey moved to introduce, seconded by Mr. Traini and Mr. Bauer was the concurring third. Mr. Coffey requested  
60 this matter be included in the worksessions scheduled on June 2, 2006. Municipal Clerk Barbara Gruenstein  
61 concurred. Public Hearing was set for June 6, 2006.  
62

63 Chair Sullivan put the Question on the remainder of Consent Agenda.  
64

65 and this motion, as amended, was passed,  
66 with Mr. Coffey abstaining on items 9.D.1 and 9.D.2, due to conflicts of interest.  
67

68 AYES: Shamberg, Bauer, Fairclough, Sullivan, Ossiander, Birch, Coffey, Stout, Traini and Jennings.  
69 NAYES: None.  
70 ABSENT: Tesche, excused.  
71 ABSTAIN: Coffey, on 9.D.1 and 9.D.2.  
72

73 The amended Consent Agenda was approved and Chair Sullivan proceeded into discussion of the pulled items.  
74  
75  
76  
77

**END OF CONSENT AGENDA**

**10. REGULAR AGENDA**

**10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS** There were none.

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

10.B.6. Resolution No. AR 2006-136, a resolution of the Anchorage Municipal Assembly urging the Governor of Alaska to support the State Legislature's recognition of the needs of local governments, including the Municipality of Anchorage, through substantial appropriations for capital improvements and operating costs, and reaffirming the Assembly's commitment to provide the citizens of Anchorage with **property tax relief**; Assemblymembers Fairclough, Bauer, Sullivan, Ossiander, Birch, Coffey, Stout, Traini, Tesche and Jennings. **(Addendum)**

Ms. Fairclough moved, to approve AR 2006-135,  
Mr. Coffey seconded,

Ms. Fairclough invited additional sponsors to be added to this resolution. All members requested to be added as co-sponsors. Ms. Fairclough requested this resolution be forwarded to the Governor's Office. Municipal Clerk Barbara Gruenstein responded that it would be sent the following day.

and this motion, as amended, was passed unanimously.

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

**10.D. NEW BUSINESS**

10.D.1. Assembly Memorandum No. AM 372-2006, **Applebee's #3948** – Transfer of a Beverage Dispensary Liquor License and Restaurant Designation Permit (Midtown Community Council); Clerk's Office.

Mr. Coffey declared a conflict of interest with this AM 372-2006, due to a conflict of interest because of his association with Applebee's. Ms. Ossiander moved, seconded by Mr. Stout, that he did have a conflict of interest. Chair Sullivan ruled that Mr. Coffey did have a conflict of interest and ordered him to abstain from participation on this item. AM 372-2006 was approved without objection.

10.D.2. Assembly Memorandum No. AM 373-2006, **Applebee's II #4173** – Transfer of a Beverage Dispensary Liquor License and Restaurant Designation Permit (Northeast Community Council); Clerk's Office.

Mr. Coffey declared a conflict of interest AM 373-2006, due to a conflict of interest because of his association with Applebee's. Ms. Ossiander moved, seconded by Ms. Ossiander, that Mr. Coffey had a conflict of interest. Chair Sullivan ruled that Mr. Coffey did have a conflict of interest and ordered him to abstain from participation on this item. AM 373-2006 was approved without objection.

10.D.4. Assembly Memorandum No. AM 362-2006, **AWWU Authority Transition Plan**.

Ms. Ossiander moved, to approve AM 362-2006,  
Ms. Fairclough seconded,

Ms. Ossiander stated that, on Page 2, this transition plan called for a reduction of approximately \$800,000 in the IGCs that AWWU currently paid to the city. To her question, Chief Fiscal Officer Jeff Sinz responded the costs of General Government would not increase because of this change.

To Chair Sullivan, AWWU Authority Board member Patricia Curl summarized the transition plan. The AWWU Board of Directors was established in September, 2005. It was required within 180 days to develop a transition plan to provide an orderly separation of AWWU functions from the Municipality. The AWWU Board recommended a plan to divide the services into four main categories. Under Title 31, a report on the transition was required. There would be a net cost-savings for the AWWU and the city.

and this motion was passed without objection.

**10.E. INFORMATION AND REPORTS**

10.E.1. Information Memorandum No. AIM 64-2006, **Debt Management Report** - Final Version; Finance.

Ms. Ossiander moved, to accept AIM 64-2006,  
Ms. Fairclough seconded,

Ms. Ossiander urged Assemblymembers to review the recommendations listed on Page 37 on the memorandum, including an approach to debt-rate policy and the lease and possible purchase of City Hall. She requested current information as the Administration proceeded with these matters. Chief Fiscal Officer Jeff Sinz concurred.

Ms. Fairclough stated this was a continuing process and she requested a worksession, to bring this forward to the Anchorage School District (ASD), to determine how the debt-ratio affected the ASD and the Municipality. She thanked Mr. Sinz for the report.

and this motion was approved without objection.

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

10.F.9. Ordinance No. AO 2006-86, an ordinance of the Anchorage Municipal Assembly repealing and reenacting Anchorage Municipal Code Chapter 16.65, Prohibition of Smoking in Public Places, to extend **secondhand smoke control**; Assemblymembers Traini, Coffey, Shamberg, Jennings and Stout. **(Public Hearing [6-6-06] 7-11-06)** **(Addendum)**

a. Assembly Memorandum No. AM 365-2006.

Mr. Traini moved, *to introduce* AO 2006-86, with Public Hearing  
Mr. Coffey seconded, set for ~~[June 6]~~ July 11, 2006,  
and Ms. Jennings was the concurring third.

Ms. Shamberg, Ms. Jennings and Mr. Stout requested to be added as cosponsors.

Ms. Fairclough requested a summary of economic effects be added to the document.

Mr. Birch requested past Assembly action and history, when this matter had been addressed in the past. Ms. Fairclough responded that she had been involved with this issue in the past and would meet with Mr. Birch to update him on the matter.

10.F.10. Ordinance No. AO 2006-87, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 21.45.080, **Off-Street Parking Requirements**, to clarify off-street parking standards and amend provisions for joint use of a single parking area; Assemblymembers Coffey and Traini. (*Public Hearing ~~[7-11-06]~~ 6-6-~~[06]~~ "20"*) (**Addendum**)

Mr. Traini moved, *to introduce* AO 2006-87, with Public Hearing set  
Mr. Coffey seconded, for ~~[July 11]~~ June ~~[6]~~ "20", 2006,  
and Ms. Fairclough was the concurring third.

To Ms. Fairclough, Deputy Municipal Manager Michael Abbott responded this schedule would not allow Planning and Zoning time to review the matter. Mr. Traini confirmed his request for the June 6<sup>th</sup> Public Hearing date. Chair Sullivan requested that the Administration advise them if additional time was needed to allow Planning and Zoning to review the matter.

10.F.11. Ordinance No. AO 2006-88, an ordinance of the Municipality of Anchorage, Alaska, approving submission by the Anchorage Water & Wastewater Utility on behalf of the Anchorage Wastewater Utility (ASU) of **proposed rate changes** to the Regulatory Commission of Alaska; Anchorage Water & Wastewater Utility. (*Public Hearing 6-06-06*) (**Addendum**)

a. Assembly Memorandum No. AM 393-2006.

Ms. Ossiander moved, *to introduce* AO 2006-88, with Public Hearing set  
Mr. Coffey seconded, for June 6, 2006,  
and Ms. Jennings was the concurring third.

Ms. Ossiander requested that the Administration review this matter more thoroughly. She was most concerned with the increased fees for septic haulers and thought the rates were not equally fair to small businesses.

To Ms. Ossiander, AWWU General Manager Mark Premo responded there would be no increase in revenues to the utility. There was an increase to septic haulers, dependent on the truck size. AWWU was improving the septic receiving stations, and would be including a new design plan in the 2007 budget, which would eventually charge trucks per haul, instead of a monthly fee. The studies were completed and had been reviewed and approved by the AWWU Board. The Regulatory Commission of Alaska (RCA) required the final plan to be filed by June 26, 2006. (*Clerk's Note: AWWU confirmed that the report was due to the RCA by June 27, 2006.*) Ms. Ossiander responded the calculations were still confusing and she hoped to continue addressing it in the future. Ms. Fairclough concurred.

To Ms. Fairclough and Ms. Ossiander, Mr. Premo responded the rate changes would not go into effect until the plan was approved by the RCA. Ms. Fairclough that she and other Assemblymembers had been contacted by septic haulers that would be affected.

To Ms. Jennings, Mr. Premo responded this proposed rate change was revenue-neutral, with respect to AWWU.

Mr. Coffey responded this matter was simply being introduced and in-depth discussion could be addressed in the future. Mr. Premo responded this was revenue neutral and was cost-fair.

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

12. **APPEARANCE REQUESTS** None.

13. **CONTINUED PUBLIC HEARINGS** None.

14. **NEW PUBLIC HEARINGS**

14.A. Ordinance No. AO 2006-73, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 4.70.040 to **rename the Solid Waste Commission** to Solid Waste and Recycling Advisory Commission, and to update the mission statement; Assemblymember Jennings.

1. Assembly Memorandum No. AM 319-2006.

Chair Sullivan read the ordinance title and opened Public Hearing. With no one to testify, he closed Public Hearing and called the Question.

Ms. Jennings moved, *to approve* AO 2006-73,  
Mr. Coffey seconded,

Ms. Jennings stated the Solid Waste and Recycling Commission were in the process of making some changes and she was reporting those changes to the body.

and this motion was passed, 10-0.

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

NAYES: None.

ABSENT: Tesche, excused.

- 14.B. Ordinance No. AO 2006-65, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 9.28.026, **Impoundment and Forfeiture of Vehicle**, to make impoundment of a vehicle for citation or arrest for certain serious traffic violations mandatory excepting proof of insurance violations; amending AMC 9.28.030, Insurance or Other Security Required, and AMC 9.48.130, relating to fines for vehicular offenses, to make proof of insurance violations correctible and dismissible offenses and increasing the fine to \$250 if not corrected; Assemblymember Bauer.
1. Assembly Memorandum No. AM 320-2006.

Chair Sullivan read the ordinance title and opened Public Hearing.

TOM McGRATH testified that a large percentage of Alaskan vehicle owners did not have insurance for their vehicles. When a vehicle was seized, the fee was only \$100 and this encouraged violators to continue not to maintain their insurance requirement, saving many years of paying for insurance. Many states already had higher fines and confiscated vehicles that were in violation. He requested consideration of changing the fee to \$1000 and changing ordinance language, from "may" to "will" confiscate the car. Alaskans who pay for insurance subsidize those who do not in the amount of \$125,000,000 per year.

Mr. Traini agreed that the State of Alaska needed to address this matter. He thanked Mr. McGrath for addressing this matter.

Mr. Birch stated that a business owner had lost a vehicle because one of his employees had lost his license, even though he diligently checked his employees' licenses. Mr. McGrath responded the Assembly could add language to the document to make exceptions with such matters.

Mr. Stout supported Mr. Bauer's ordinance on this matter.

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

Mr. Bauer stated that this ordinance addressed the first offense and the newly introduced AO 2006-89 included the \$1000 fee. To Chair Sullivan, he responded that the new ordinance would be the preferred ordinance.

Mr. Bauer moved, *to postpone indefinitely* AO 2006-65,  
Ms. Fairclough seconded,

Mr. Traini requested a legal opinion from the Legal Department and an opinion from Anchorage Police Chief Monegan on the new AR 2006-89. Chair Sullivan concurred.

and this motion was passed, 10-0.

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

NAYES: None.

ABSENT: Tesche, excused.

- 14.C. Ordinance No. AO 2006-72, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 12.05.055, **Appeals to Board of Equalization**, to provide for a filing deposit that is refundable if the appellant appears for the hearing, regardless of outcome; Assemblymembers Birch and Sullivan.
1. Assembly Memorandum No. AM 318-2006.
  2. Information Memorandum No. AIM 58-2006.
  3. Ordinance No. AO 2006-72(S), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 12.05.055, Appeals to Board of Equalization, to provide for a filing deposit that is refundable if the appellant appears for the hearing, regardless of outcome; Assemblymembers Birch and Sullivan.
  4. Information Memorandum No. AIM 66-2006.
  5. Ordinance No. AO 2006-72(S-1), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 12.05.055, Appeals to Board of Equalization, to provide for a filing deposit that is refundable if the appellant appears for the hearing, regardless of outcome; Assemblymembers Birch, Sullivan, Shamberg, Bauer, Fairclough, Ossiander, Birch, Coffey and Jennings. **(Laid on the Table)**

Chair Sullivan read the ordinance title and opened Public Hearing.

MARIANNE BURKE, a private citizen and the Board of Equalization (BOE) Chair, testified that many people file appeals, with no intentions of following through with the process. The board still needed to prepare for the appeal, paperwork needed to be completed and the case still needed to be heard. She made recommendations to improve the system. Mr. Traini responded that the system had been vastly improved over the past years. To Ms. Shamberg, Ms. Burke responded that using the tax appeal fee only as a deposit and allowing a refund would damage the system. Ms. Ossiander made sure that Ms. Burke received a copy of the S-1, Revised Version. Mr. Birch thanked her for her

service on the board and stated that he and the Assembly were proposing modifications that would improve the process.

EVA LOKEN, BOE board member and tax payer, recommended a provision that if the appellant worked with the Assessor's Office and provided all requested items prior to the appeal, the fee would be refunded. If they showed up at the appeal unprepared and without evidence, they should not get their money back. Mr. Birch concurred. Ms. Ossiander thanked her for her recommendations and stated that she and Mr. Coffey were writing up an amendment to deal with that situation. Chair Sullivan stated there were appropriate changes in the S-1 Revised Version.

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

Mr. Birch moved, to approve AO 2006-72(S-1, Revised),  
Mr. Coffey seconded,

Mr. Birch moved, to amend AO 2006-72(S-1, Revised) on Page 1, Line 26,  
Mr. Coffey seconded, *by adding* to read: The filing deposit [FEE] shall be refunded  
and this was approved without objection. regardless of outcome if the appeal is resolved prior to  
hearing, or if the appellant or the appellant's agent appears  
before the board of equalization at the time and place  
scheduled for the hearing ", **and actively participates in the  
proceeding after providing required data and access to  
the assessor's office.**" If the appeal is not resolved prior to  
hearing and the appellant or the appellant's agent fails to  
appear "**and actively participate in the proceeding,**" the  
deposit shall be forfeited.;

Mr. Birch stated that this was reasonable and addressed the concerns.

To Ms. Shamberg, Municipal Assessor Marty McGee responded that the amended version was leading towards resolving some of the problems and it was substantial progress.

Ms. Shamberg, Mr. Bauer, Ms. Fairclough, Ms. Ossiander, Mr. Birch, Mr. Coffey and Ms. Jennings requested to be added as co-sponsors.

Chair Sullivan thanked Mr. Birch for sponsoring the ordinance.

and the main motion, as amended, was passed, 10-0.

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

NAYES: Traini.

ABSENT: Tesche, excused.

14.D. Ordinance No. AO 2006-61, an ordinance amending Anchorage Municipal Code Sections 2.30.120 and 21.15.030 to provide for expiration of a **conditional use for an alcohol license** after cessation of the business; Assemblymember Jennings.

1. Assembly Memorandum No. AM 266-2006.
2. Information Memorandum No. AIM 60-2006.

Chair Sullivan read the ordinance title. Ms. Jennings responded that it was the intention of the body to open Public Hearing that evening and continue Public Hearing to June 6<sup>th</sup>. Chair Sullivan opened Public Hearing.

JOHN PERRY, part owner of the Woodshed Lounge, testified that while the ordinance did not directly affect his establishment, he made recommendations that would improve the document. If an establishment were to shut down for 60 days for any reason their conditional use permit would be lost. There were justified reasons for an establishment to temporarily close, including to complete remodeling or to make necessary renovations following a fire. Ms. Ossiander urged Mr. Perry to attend the scheduled worksession, when they would discuss three ordinances which related to conditional uses and alcohol. Chair Sullivan stated the worksession was scheduled for June 2<sup>nd</sup>, from 1:00 to 2:00 p.m. in the Assembly Conference Room at City Hall. To Mr. Traini, Mr. Perry responded that he recommended including language, specifying justified remodeling or repairing damage, with notification to the city. Mr. Coffey stated that the current law provided that, unless the license was transferred from the premise, even if the establishment were closed for the winter, the conditional use permit continued. Mr. Perry concurred.

With no additional public testimony, he closed Public Hearing and called the Question.

Ms. Jennings moved, to Continue AO 2006-61 to June 6, 2006,  
Mr. Coffey seconded,  
and this was approved unanimously.

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

NAYES: None.

ABSENT: Tesche, excused.

15. SPECIAL ORDERS None.

16. UNFINISHED AGENDA None.

17. AUDIENCE PARTICIPATION None.



**18. ASSEMBLY COMMENTS**

Mr. Traini announced that his daughter, Katrina, had given birth to her third son, his 13<sup>th</sup> grandchild, the previous week.

Chair Sullivan announced that Ms. Shamberg and her husband had celebrated their anniversary last week. He and his wife had also celebrated their anniversary the previous week.

Mr. Coffey announced that the Anchorage Aces Hockey Team had prevailed through the season and was playing in the National Champion finals. It was the first time Anchorage had hosted a professional sports championship, which would begin the following night.

**19. EXECUTIVE SESSIONS** None.

**20. ADJOURNMENT**

Chair Sullivan called for a motion to adjourn the meeting.

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

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

NAYES: None.

ABSENT: Tesche, excused.

The Regular Assembly Meeting was adjourned at 7:10 p.m.

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DAN SULLIVAN, Assembly Chair

ATTEST:

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BARBARA GRUENSTEIN, Municipal Clerk  
Date Minutes Amended and Approved: June 20, 2006.  
MC/BG

*(Copies of Approved Meeting Minutes are available from the Municipal Clerk's Office, 632 West 6<sup>th</sup> Avenue, Suite 250, Anchorage, Alaska, (907)343-4505, or on the Municipal Web Site, [www.muni.org](http://www.muni.org) ~Assembly~Minutes~year~month~day)*