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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 September 9, 2008

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1. CALL TO ORDER

The Assembly Meeting of September 9, 2008 was convened by Chair Claman at 5:00 p.m. in Assembly Chambers, Room 108 of the Loussac Library, 3600 Denali Street in Anchorage, Alaska.

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

PRESENT: William Starr, Mike Gutierrez, Elvi Gray-Jackson, Chris Birch, Matt Claman, Sheila Selkregg, Harriet Drummond, Debbie Ossiander, Patrick Flynn, Jennifer Johnston and Dan Coffey.

ABSENT: None.

3. PLEDGE OF ALLEGIANCE Assemblymember Gray-Jackson led the pledge.

4. MINUTES OF PREVIOUS MEETINGS There were none.

5. MAYOR'S REPORT There was none.

6. ASSEMBLY CHAIR'S REPORT

Chair Claman stated that he joined all Assemblymembers, congratulating Governor Palin on being named the Republican Vice President nominee. This would allow Alaska to get notice on a national stage, which was long overdue.

7. COMMITTEE REPORTS

Mr. Coffey reported the Energy Committee met on September 3rd and held a worksession on September 5th and all Committee questions had been answered. A substitute version of AO 2008-90, creating the Municipal Power Authority would be laid on the table that evening.

Ms. Ossiander reported that the Title 21 Committee would meet on Thursday, September 11, 2008 from 9:30 to 11:30 a.m. in the Planning and Zoning Conference Room, to discuss amendments to Chapter 6.

Ms. Drummond reported there had been a Joint Assembly-School Board Meeting on September 5th, with a productive discussion on many items. The Education Committee would continue that discussion at a Committee meeting scheduled for Thursday, September 25th, from 1:30 to 3:30 p.m.

Dr. Selkregg reported the Energy Workgroup would report on community energy issues to the Community and Economic Development Committee, which would create a resolution and schedule an Assembly worksession. She met with the Housing and Neighborhood Workgroup, which was addressing community issues. The Community and Economic Development Committee had initiated a new Resilient and Successful Children Workgroup, with Ms. Drummond as Chair. Dr. Selkregg reported she would meet with Bill Popp and Planning Director Tom Nelson, who continued to work on developing industrial districts.

Ms. Gray-Jackson reported that she and Office of Management and Budget Director Wanda Phillips had met with all Municipal departments to review the budgets. The Budget and Finance Committee would provide a summary memorandum to the Assembly identifying improving efficiencies. She urged members to submit their input on budget items to her, prior to Mayor Begich releasing the Budget on October 1st. She met with Chief Fiscal Officer Sharon Weddleton to discuss the Cooperative Services Authority (CSA) and she would be drafting a memorandum for the Assembly in a week. The Assembly had received preliminary budget information and the Committee was scheduled to meet on September 18th. She reminded members the Assembly's role was to appropriate the funds for the budgets and to propose changes, if necessary. She continued to review other cities' methods of operations and maintenance.

Mr. Gutierrez reported that the Energy Workgroup would be addressing the extraordinary energy issues that the city would face in the future. To Mr. Starr, Mr. Gutierrez responded that the Public Safety Committee would hold a public

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1 forum to address urban bears. The Committee would meet the next day to discuss state laws involving selling vehicles
2 and transferring titles. The Committee would be addressing dangerous domestic animals in the future.

3
4 Mr. Starr reported that the Audit Committee had addressed the upcoming Audit and had made no recommendations.
5 The Committee would soon be preparing the requests for proposals (RFPs) for the next audit cycle.

6
7 **8. ADDENDUM TO AGENDA**

8
9 Chair Claman called for a motion and read the Addendum items. He called for additional items and AM 584-2008 was
10 added and assigned Agenda Number 9.D.14. AO 2008-90(S) was assigned 14.A.2. There were no additional items
11 and Chair Claman called for a vote to incorporate the Addendum items into the Consent Agenda.

12 Ms. Ossiander moved, to approve the inclusion of the Addendum items
13 Mr. Flynn seconded, into the Consent Agenda.
14 and this motion was passed, 11-0.

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16
17 AYES: Starr, Gutierrez, Gray-Jackson, Birch, Claman, Selkregg, Drummond, Ossiander, Flynn, Johnston
18 and Coffey.

19 NAYS: None.

20
21 Chair Claman called for a motion on the Consent Agenda.

22
23 Mr. Flynn moved, to approve the Consent Agenda.
24 Mr. Gutierrez seconded,

25
26 Chair Claman called for Assemblymembers to request items be pulled and moved to the Regular Agenda for
27 discussion.

28
29 **9. CONSENT AGENDA**

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

31 9.A.1. Resolution No. AR 2008-180, a resolution of the Anchorage Municipal Assembly recognizing **Mayor's**
32 **Diversity Month**, September 1st through September 30th, Mayor Begich and Assemblymembers Birch,
33 Claman, Coffey, Drummond, Flynn, Gray-Jackson, Gutierrez, Johnston, Ossiander, Selkregg, and
34 Starr.

35
36 Mr. Gutierrez requested this item be pulled for review on the Regular Agenda. (10.A.1)

37
38 9.A.2. Resolution No. AR 2008-187, a resolution recognizing and thanking the **Laureate Donors** to the
39 Anchorage Library Renewal Initiative for major contributions to the betterment of the Anchorage Public
40 Library.

41
42 Ms. Ossiander requested this item be pulled for review on the Regular Agenda. (10.A.2)

43
44 9.A.3. Resolution No. AR 2008-189, a resolution of the Anchorage Municipal Assembly recognizing
45 September 9, 2008 as "**John and Jane Hall Day**", Mayor Begich and Assemblymembers Birch,
46 Claman, Coffey, Drummond, Flynn, Gray-Jackson, Gutierrez, Johnston, Ossiander, Selkregg, and
47 Starr.

48
49 Ms. Drummond requested this item be pulled for review on the Regular Agenda. (10.A.3)

50
51 **9.B. RESOLUTIONS FOR ACTION - OTHER**

52 9.B.1. Resolution No. AR 2008-181, a resolution of the Anchorage Municipal Assembly affirming the
53 Municipality of Anchorage's support and partnership with the **2010 Census**, Mayor Begich.

54
55 Mr. Coffey requested this item be pulled for review on the Regular Agenda. (10.B.1)

56
57 9.B.2. Resolution No. AR 2008-182, a resolution of the Municipality of Anchorage appropriating \$15,000 from
58 the Skyranch Estates LRSA Fund Balance (Fund 114) to the **Skyranch Estates LRSA BP2008**
59 **Operating Budget** (Fund 114), Maintenance and Operations Department, for summer work program.
60 a. Assembly Memorandum No. AM 549-2008.

61 9.B.3. Resolution No. AR 2008-188, a resolution of the Municipality of Anchorage accepting and appropriating
62 \$100,000 as a grant from the State of Alaska Division of Parks & Outdoor Recreation, Alaska Trails
63 Initiative Grant Program, to the Girdwood Valley Service Area (406) Project Management and
64 Engineering, for the **Girdwood Trail Pedestrian Bridge Repair Project**.
65 a. Assembly Memorandum No. AM 565-2008.

66 9.B.4. Resolution No. AR 2008-190, a resolution of the Municipality of Anchorage appropriating \$89 as a
67 grant from the State of Alaska, Department of Military and Veterans Affairs, Division of Homeland
68 Security and Emergency Management and appropriating \$1 as a contribution from the 2008
69 Anchorage Police Operating Budget, Anchorage Metropolitan Police Service Area Fund (151) to the
70 State Categorical Grants Fund (231), Anchorage Police Department, for the purchase of **terrorism**
71 **response and prevention equipment**.
72 a. Assembly Memorandum No. AM 568-2008. (Addendum)

73
74 Mr. Gutierrez requested this item be pulled for review on the Regular Agenda. (10.B.4)

75
76 **9.C. BID AWARDS**

- 1 9.C.1. Assembly Memorandum No. AM 567-2008, recommendation of award to Alaska Interstate
2 Construction, LLC for the **48th Avenue/Boniface Parkway Extension, Tudor Road to Elmore Road**
3 for the Municipality of Anchorage, Project Management & Engineering Department (ITB 28-C059)
4 (\$24,204,811.80), Purchasing.
5

6 Dr. Selkregg requested this item be pulled for review on the Regular Agenda. (10.C.1)
7

8 **9.D. NEW BUSINESS**

- 9 9.D.1. Assembly Memorandum No. AM 547-2008, **Assembly Meeting Schedule** (January - December 009),
10 Assembly Chair Claman.
11

12 Ms. Drummond requested this item be pulled for review on the Regular Agenda. (10.D.1)
13

- 14 9.D.2. Assembly Memorandum No. AM 561-2008, Change Order No. 1 to Vendor Contract No. 28ERD183
15 with Jim Jose LLC for providing **organizational development services** for the Municipality of
16 Anchorage, Employee Relations Department (\$80,000), Purchasing.
17 9.D.3. Assembly Memorandum No. AM 553-2008, proprietary vendor contract to Northwest Circuit Breakers,
18 Inc. for **retrofitting Federal Pacific Electric (FPE) switchgear** for the Municipality of Anchorage,
19 Municipal Light and Power Utility (ML&P) (\$100,000), Purchasing.
20 9.D.4. Assembly Memorandum No. AM 554-2008, grant award to the Anchorage Urban League for funding of
21 a **Revolving Electric Utility Deposit Program** for the Municipality of Anchorage, Municipal Light and
22 Power (ML&P) (\$60,000), Purchasing.
23

24 Mr. Starr requested this item be pulled for review on the Regular Agenda. (10.D.4)
25

- 26 9.D.5. Assembly Memorandum No. AM 555-2008, Change Order No. 1 to Vendor Contract No. 28MLP042
27 with Alaska Valve & Fitting Company for furnishing **turbine valves and fittings** for the Municipality of
28 Anchorage, Municipal Light & Power Utility (ML&P) (\$20,000), Purchasing.
29 9.D.6. Assembly Memorandum No. AM 564-2008, proprietary purchase of a continuing two-year **technical**
30 **support agreement** with Alcatel-Lucent for the Municipality of Anchorage, Municipal Light & Power
31 (\$35,400), Purchasing.
32 9.D.7. Assembly Memorandum No. AM 556-2008, approval to enter into a six month grant agreement for
33 recreation program operation at the **Mountain View Community Recreation Center** Not To Exceed
34 the amount of \$175,125, Anchorage Parks and Recreation Department.
35 9.D.8. Assembly Memorandum No. AM 557-2008, Amendment No. 2 to professional services contract with
36 DOWL Engineers for the **48th Avenue/Boniface Parkway Extension, Tudor Road to Bragaw Street**,
37 Project No. 05-30 (\$693,000), Project Management & Engineering.
38 9.D.9. Assembly Memorandum No. AM 558-2008, authorization to enter into a reimbursable agreement with
39 the Alaska Railroad Corporation (ARRC) as part of the **Chester Creek Aquatic Ecosystem**
40 **Restoration**, Project No. 01-05 (NTE \$443,000), Project Management & Engineering.
41

42 Mr. Flynn requested this item be pulled for review on the Regular Agenda. (10.D.9)
43

- 44 9.D.10. Assembly Memorandum No. AM 559-2008, Amendment No. 1 to professional services contract with
45 VEI Consultants, **Marston Drive/Foraker Drive RID/LID/WID**, Project No. 04-12 (\$238,376.70),
46 Project Management & Engineering.
47 9.D.11. Assembly Memorandum No. AM 562-2008, proprietary purchase of **Sternberg lighting and LUMEC**
48 **poles and luminaries** from Arctic Sales, Inc. for the Municipality of Anchorage, Maintenance &
49 Operations Department (M&O) (\$84,400), Purchasing.
50 9.D.12. Assembly Memorandum No. AM 566-2008, Change Order No. 1 to Purchase Order No. 261516 for
51 **communication upgrades to the Anchorage Wide Area Radio Network** from Motorola, Inc. for the
52 Municipality of Anchorage, Traffic Engineering Department, Communications Division (\$1,456,389),
53 Purchasing.
54 9.D.13. Assembly Memorandum No. AM 569-2008, Change Order No. 7 to Purchase Order No. 231254 with
55 Magellan Behavioral Health, Inc. for providing **Employee Assistance Program services** to the
56 Municipality of Anchorage, Employee Relations Department (\$131,000), Purchasing. (*Addendum*)
57 9.D.14. Assembly Memorandum No. AM 584-2008, Chugiak, Birchwood, Eagle River Rural Road Service Area
58 **(CBERRSA) Board of Supervisors** Appointments (*Anthony Vita and Bobbi Wells*). (*Laid on the*
59 *Table*)
60

61 **9.E. INFORMATION AND REPORTS**

- 62 9.E.1. Information Memorandum No. AIM 75-2008, Notice of Pending Contract Amendment, Utility
63 Relocation Agreement with Chugach Electric Association, Inc. (CEA), **Raspberry Road**
64 **Improvements, Minnesota Drive to Arctic Boulevard**, Project No. 02-13, Project Management &
65 Engineering.
66 9.E.2. Information Memorandum No. AIM 76-2008, Notice of Award for Invitation to Bid 28-B050 for the **sale**
67 **of five (5) non-transferable general taxicab permits** from the Municipality of Anchorage,
68 Transportation Inspection Department.
69

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

- 71 9.F.1. Ordinance No. AO 2008-99, an ordinance authorizing the disposal of a municipal interest in land to
72 relinquish a drainage easement located within the **East 5 Feet of Lot 22Q, Block Q, Woodland Park**
73 **Addition Subdivision** (Tax Parcel ID 010-033-27), Project Management and Engineering. P.H. 9-30-
74 08.
75 a. Assembly Memorandum No. AM 552-2008.

- 1 9.F.2. Ordinance No. AO 2008-100, an ordinance amending Anchorage Municipal Code Sections 3.87.020,
2 3.87.050, 3.87.060 and 3.87.070, to provide a **Retiree Medical Funding Program** for certain police
3 officers and fire fighters, Finance. P.H. 10-28-08.
4 a. Assembly Memorandum No. AM 560-2008.
5

6 Mr. Birch requested this item be pulled for review on the Regular Agenda. (10.F.2)

- 7
8 9.F.3. Resolution No. AR 2008-185, a resolution of the Anchorage Municipal Assembly supporting the
9 approval of an increase in the employer contribution to the **Police and Fire Retirees Medical**
10 **Benefits**, Finance. P.H. 10-28-08.
11

12 Mr. Birch requested this item be pulled for review on the Regular Agenda. (10.F.3)

- 13
14 9.F.4. Resolution No. AR 2008-183, a resolution of the Municipality of Anchorage appropriating \$169,500
15 from the Alaska Department of Health and Social Services to the State Categorical Grants Fund (231),
16 for provision of **HIV Prevention Work** in the Department of Health and Human Services. P.H. 9-30-
17 08.
18 a. Assembly Memorandum No. AM 550-2008.
19 9.F.5. Resolution No. AR 2008-184, a resolution of the Municipality of Anchorage appropriating \$230,000 from
20 the Girdwood Valley Service Area (SA) Fund Balance (Fund 106) to the **Girdwood Valley SA BP2008**
21 **Operating Budget** (Fund 106), Maintenance and Operations Department, for year round road
22 maintenance. P.H. 9-30-08.
23 a. Assembly Memorandum No. AM 551-2008.
24 9.F.6. Regular No. AR 2008-186, a resolution ratifying a five year collective bargaining agreement between
25 the Municipality of Anchorage and the **International Union of Operating Engineers, Local 302**,
26 Employee Relations Department. P.H. 10-14-08.
27 a. Assembly Memorandum No. AM 563-2008.
28

29 Chair Claman called for a vote on the Consent Agenda.

30 and the main motion, as amended, was passed.

31
32
33 AYES: Starr, Gutierrez, Gray-Jackson, Birch, Claman, Selkregg, Drummond, Ossiander, Flynn, Johnston and
34 Coffey.
35 NAYS: None.
36

37 The amended Consent Agenda was approved and Chair Claman led the body into discussion of the pulled items.

38 END OF CONSENT AGENDA

39 10. REGULAR AGENDA

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

- 41
42 10.A.1. Resolution No. AR 2008-180, a resolution of the Anchorage Municipal Assembly recognizing **Mayor's**
43 **Diversity Month**, September 1st through September 30th, Mayor Begich and Assemblymembers Birch,
44 Claman, Coffey, Drummond, Flynn, Gray-Jackson, Gutierrez, Johnston, Ossiander, Selkregg, and
45 Starr.
46

47
48 Mr. Gutierrez moved, to approve AR 2008-180,
49 Mr. Coffey seconded,
50 and the motion was approved, 11-0.
51

52 Mr. Gutierrez read and Ms. Gray-Jackson presented the resolution, recognizing Mayor's Diversity Month, September
53 1st through September 30th. Accepting the resolution were Diversity Council Chair Madeline Holdorf and members
54 Guadalupe Marroquin, Diversity Advisory Committee Chair, and Celeste Hodge, Office of Equal Opportunity Director.
55 Mr. Gutierrez, Dr. Selkregg, Ms. Gray-Jackson and Chair Claman thanked them for their work.
56

- 57 10.A.2. Resolution No. AR 2008-187, a resolution recognizing and thanking the **Laureate Donors** to the
58 Anchorage Library Renewal Initiative for major contributions to the betterment of the Anchorage Public
59 Library.
60

61 Ms. Ossiander moved, to approve AR 2008-187,
62 Mr. Flynn seconded,
63 and the motion was approved, 11-0.
64

65 Mr. Flynn read and Ms. Ossiander presented the resolution recognizing and thanking the Laureate Donors for their
66 donations to the Anchorage Library Renewal Initiative, for major contributions to the Anchorage Public Libraries. Donors
67 included the Rasmuson Foundation, the State of Alaska, the Denali Commission, BP Alaska, the Gottstein Family, the
68 Atwood Foundation, the Girdwood Community, Paul D. and Betty J. Crews and Chugiak-Eagle River Foundation. Mr.
69 Flynn stated that the Marston family was also a contributor to the Anchorage Public Libraries.
70

- 71 10.A.3. Resolution No. AR 2008-189, a resolution of the Anchorage Municipal Assembly recognizing
72 September 9, 2008 as "**John and Jane Hall Day**", Mayor Begich and Assemblymembers Birch,
73 Claman, Coffey, Drummond, Flynn, Gray-Jackson, Gutierrez, Johnston, Ossiander, Selkregg, and
74 Starr.
75

76 Ms. Drummond moved, to approve AR 2008-189,

1 Mr. Coffey seconded,
2 and this was approved, 11-0.

3
4 Ms. Drummond read and Dr. Selkregg presented the resolution recognizing September 9, 2008 as "John and Jane Hall
5 Day" for their four-month national bicycle tour around the boundaries of the United States to raise money for cancer
6 support, research and awareness. Ms. Hall, a cancer survivor, participated by driving a vehicle behind her husband
7 who rode a bicycle. Dr. Hall stated they enjoyed the ride and were pleased with their involvement to raise money and
8 promote cancer awareness. Mayor Begich, Dr. Selkregg and Chair Claman thanked them for their efforts.

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

11 10.B.1. Resolution No. AR 2008-181, a resolution of the Anchorage Municipal Assembly affirming the
12 Municipality of Anchorage's support and partnership with the **2010 Census**, Mayor Begich.

13
14 Mr. Coffey moved, to approve AR 2008-181,
15 Ms. Ossiander seconded,
16 and this without objection, 11-0.

17
18 Mr. Coffey read and Ms. Johnston presented the resolution to Chuck McGee with the United States Census Bureau,
19 affirming the Municipality's support and partnership with the 2010 Census. Mr. McGill responded to questions from Mr.
20 Gutierrez, Dr. Selkregg and Ms. Gray-Jackson, concerning the upcoming state census process.

21
22 10.B.4. Resolution No. AR 2008-190, a resolution of the Municipality of Anchorage appropriating \$89 as a
23 grant from the State of Alaska, Department of Military and Veterans Affairs, Division of Homeland
24 Security and Emergency Management and appropriating \$1 as a contribution from the 2008
25 Anchorage Police Operating Budget, Anchorage Metropolitan Police Service Area Fund (151) to the
26 State Categorical Grants Fund (231), Anchorage Police Department, for the purchase of **terrorism**
27 **response and prevention equipment**.

28 a. Assembly Memorandum No. AM 568-2008. (*Addendum*)

29
30 Mr. Gutierrez moved, to approve AR 2008-190,
31 Ms. Gray-Jackson seconded,

32
33 Mr. Gutierrez questioned putting an appropriation for \$90 on the Assembly Agenda for approval. An Anchorage Police
34 Officer and Deputy Municipal Manager Heather Handyside responded the appropriation involved Homeland Security
35 Division grant money and the administrative tracking would help ensure continued funding.

36
37 and the motion passed, 11-0.

38
39 **10.C. BID AWARDS**

40 10.C.1. Assembly Memorandum No. AM 567-2008, recommendation of award to Alaska Interstate
41 Construction, LLC for the **48th Avenue/Boniface Parkway Extension, Tudor Road to Elmore Road**
42 for the Municipality of Anchorage, Project Management & Engineering Department (ITB 28-C059)
43 (\$24,204,811.80), Purchasing.

44
45 Dr. Selkregg moved, to approve AM 567-2008,
46 Mr. Coffey seconded,

47
48 Dr. Selkregg stated that the State of Alaska needed to complete construction and upgrades to Tudor, including 48th
49 Avenue and the Elmore turn lane. Municipal Manager Michael Abbott responded the State of Alaska had indicated
50 there would be improved functionality this year.

51
52 Mr. Gutierrez stated the bid was significantly higher than the engineer's estimate. Mr. Abbott responded that the bid
53 could be rejected and the project re-bid, but the bids were within a tight pattern and appeared to be accurate.
54 Purchasing Officer Bart Mauldin responded that construction would begin upon signing the award and work would be
55 completed within 465 days.

56
57 Mr. Coffey stated the bids were a within few thousand (*dollars*) of each other and this would be as good a price as
58 possible.

59
60 Mr. Birch stated the top bids were very close and he commended the Purchasing Office and the Engineering Office for
61 the bid preparation.

62
63 and this was approved without objection, 11-0.

64
65 **10.D. NEW BUSINESS**

66 10.D.1. Assembly Memorandum No. AM 547-2008, Assembly Meeting Schedule (January - December 009),
67 Assembly Chair Claman.

68
69 Ms. Drummond moved, to approve AM 547-2008,
70 Ms. Ossiander seconded,

71
72 To Ms. Drummond, Chair Claman responded the Assembly Meeting Schedule was carefully planned around the
73 Municipal Election, addressing the budget, holidays and other events.

74
75 and this was approved without objection, 11-0.

76

1 (Clerk's Note: Chair Claman moved the body to take up Agenda item 11.A, concerning Title 21.05, as was publicly
2 noticed. Upon completion of item 14.A. Chair Claman returned the body to take up the remainder of the Agenda,
3 beginning with item 10.D.4)

4
5 10.D.4. Assembly Memorandum No. AM 554-2008, grant award to the Anchorage Urban League for funding of
6 a **Revolving Electric Utility Deposit Program** for the Municipality of Anchorage, Municipal Light and
7 Power (ML&P) (\$60,000), Purchasing.

8
9 Mr. Starr moved, to approve AM 554-2008,
10 Mr. Coffey seconded,

11
12 Mr. Starr stated that he supported alleviating the burden of security deposits to the military folks. Municipal Light &
13 Power (ML&P) General Manager Jim Posey responded that ML&P would need a change in tariff unless a third party
14 like the Urban League helped establish qualifying entities that could participate, including active military and nonprofits
15 like the YMCA. Mr. Starr stated that it was appropriate and he commended Mr. Posey's efforts and urged approval of
16 the memorandum.

17
18 To Mr. Coffey, Mr. Posey responded that ML&P was not allowed to give away electricity, but a third party could be
19 involved to assist.

20
21 Chair Claman stated that the utility required a deposit, which was paid back when the service was turned off. Mr.
22 Posey responded this was a revolving fund used for security deposits that was continually changing when people
23 moved.

24
25 and this was approved without objection, 11-0.

26
27 10.D.9. Assembly Memorandum No. AM 558-2008, authorization to enter into a reimbursable agreement with
28 the Alaska Railroad Corporation (ARRC) as part of the **Chester Creek Aquatic Ecosystem**
29 **Restoration**, Project No. 01-05 (NTE \$443,000), Project Management & Engineering.

30
31 Mr. Coffey moved, to approve AM 558-2008,
32 Ms. Ossiander seconded,

33
34 Mr. Flynn declared a possible conflict of interest with the matter because the beneficiary of this agreement was his
35 employer, the Alaska Railroad. Chair Claman questioned Mr. Flynn whether he had a direct financial interest. Mr.
36 Flynn responded NO. Chair Claman questioned Mr. Flynn whether his work with the railroad was such that he could
37 not put it aside and act in the best public interest. Mr. Flynn responded NO. Chair Claman ruled that Mr. Flynn did not
38 have a conflict of interest and ordered that he participate. There were no objections.

39
40 and this passed without objection, 11-0.

41
42 **10.E. INFORMATION AND REPORTS** None were pulled for review.

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

45 10.F.2. Ordinance No. AO 2008-100, an ordinance amending Anchorage Municipal Code Sections 3.87.020,
46 3.87.050, 3.87.060 and 3.87.070, to provide a **Retiree Medical Funding Program** for certain police
47 officers and fire fighters, Finance. P.H. 10-28-08.

48 a. Assembly Memorandum No. AM 560-2008.

49
50 Mr. Flynn moved, to introduce AO 2008-100 with Public Hearing
51 Mr. Coffey seconded, on October 28, 2008,
52 Dr. Selkregg was the concurring third.

53
54 Mr. Birch stated that he had discussed the matter with Chief Fiscal Officer Sharon Weddleton and had requested
55 additional information. There would be a worksession on September 12th to discuss the details of the agreements and
56 the cash distribution.

57
58 Mr. Coffey requested that the Assembly be informed of the status of the litigation and receive an explanation of the
59 anticipated risk.

60
61 Chair Claman stated this matter and the Police and Fire Retirees Medical Benefits were being introduced and by time
62 they were taken up by the Assembly on October 28th, there would be information available about the status of the
63 current lawsuit.

64
65 10.F.3. Resolution No. AR 2008-185, a resolution of the Anchorage Municipal Assembly supporting the
66 approval of an increase in the employer contribution to the **Police and Fire Retirees Medical**
67 **Benefits**, Finance. P.H. 10-28-08.

68
69 Dr. Selkregg moved, to introduce AR 2008-185 with Public Hearing set
70 Mr. Flynn seconded, for October 28, 2008,
71 Mr. Coffey was the concurring third.

72
73 Mr. Birch stated that 10.F.2 and 10.F.3 were similar and the Assembly would get more information and clarification at
74 the worksession on Friday.

75
76 (Clerk's Note: Chair Claman moved the body to take up Agenda item 13.A.)
77

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

11.A. Ordinance No. AO 2008-49, an ordinance of the Anchorage Municipal Assembly to provisionally adopt a new Chapter 21.05, **Use Regulations**, amending Anchorage Municipal Code Title 21 subject to concurrent final passage and approval of all provisionally adopted chapters of Title 21, Assembly Vice-Chair Ossiander.

1. Information Memorandum No. AIM 63-2008. (*Public Hearing was closed 7-29-08; Action Postponed from 7-29-08; Amended 8-19-08; Carried Over from 8-19-08*)

(Clerk's Note: AO 2008-49, adopting a new Chapter 5, amending AMC Title 21 was taken up by the Assembly on June 10th, July 29th, August 19th, September 9th and September 16th. For details and clarification of subsequent changes, refer to the final version of Chapter 5, attached to the Assembly Meeting Minutes of September 16th, when the Assembly provisionally adopted the revised Chapter 21.05.)

Chair Claman reported that the Assembly would consider additional amendments to Title 21.05. Public Hearing was closed and there was a motion on the floor to approve AO 2008-49 and a motion on the floor to approve Attachment A. Ms. Ossiander reported that the Assembly had amended and approved Attachments B and C and would consider proposed amendments from Attachments D, E and personal amendments, amending Attachment A that evening.

Ms. Ossiander moved,
Mr. Coffey seconded,

to amend Attachment A on Pages ~~[31]~~ 34, Lines ~~[39-40]~~ 10-15, Section 21.05.040A.3.c, by adding Attachment D, Amendment Number 3 (*green*) as amended, to read:

c. Vegetated Open Space

A minimum of 15 percent (~~25 percent in the RO district~~) of the lot shall remain as a planted open area, landscaped area, or natural vegetation area, to exclude buildings, driveways, parking areas, sidewalks, etc., unless the decision-making body [Director] determines that retention of less than 15 percent (~~25 percent in the RO district~~) allows for sufficient buffering of adjacent uses."

And, to amend Attachment A on Page ~~[32]~~ 33, after Line 2, 21.05.040A.3.d, by adding Attachment D, Amendment Number 4 (*green*), to read:

d. Parking and Setbacks In residential zoning districts, no parking or loading areas shall be placed in any setback, except in approved driveways. And, by renumbering the following sections.

Ms. Ossiander stated that Numbers 3 and 4 dealt with adult care centers with greater than nine residents.

Dr. Selkregg supported the amendments.

To Chair Claman, Planning Director Tom Nelson responded that Planning had no objection to Number 3, which dealt with an open space requirement. But, Planning did not support Number 4. Loading and parking should not be allowed in driveways of the larger institutions located in residential districts. Ms. Ossiander stated that the Title 21 Committee felt that parking in the driveway would be appropriate.

To Mr. Flynn, Ms. Ossiander responded that the Title 21 Committee supported the allowances.

and this motion passed, 10-1.

AYES: Starr, Gray-Jackson, Birch, Claman, Selkregg, Drummond, Ossiander, Flynn, Johnston and Coffey.

NAYS: Gutierrez.

Ms. Ossiander moved,
Mr. Coffey seconded,

to amend Attachment A on Pages 36, after Lines ~~[40]~~ 37-39, Section 21.05.040B.1.b, by adding Attachment D, Amendment Number 5 (*green*) to read: iv. In residential zoning districts, no parking or loading areas shall be placed in any setback, except in approved driveways. (And, by renumbering the following sections).

To Mr. Gutierrez, Ms. Ossiander stated this addressed the same issue as was addressed with Numbers 3 and 4.

Dr. Selkregg stated that Mr. Flynn had suggested deletion of 'and loading areas' and she requested Assembly discussion on the matter.

Mr. Starr stated that the Title 21 Committee amendment was appropriate, which would help get traffic out into the street. Loading docks were not defined, especially in residential areas and those activities may need to be moved to a designated area. The setbacks were often utilized for that type of activity. He would support the green language.

Mr. Gutierrez stated that the Planning staff had a great deal of expertise and their recommendations were being discounted. More discussion was needed from staff. Mr. Coffey responded that the Title 21 Committee had thoroughly addressed the issues involving land use and there was no harm with the proposed amendment, which allowed more flexibility for the land use and was supported by the Planning and Zoning Commission (P&Z). The Committee felt it was a more appropriate use.

1 Ms. Ossiander stated that making changes to Title 21 was an involved and lengthy process and she invited Mr.
2 Gutierrez to join the Committee and participate.

3
4 Chair Claman stated that the Title 21 Committee was qualified and knew much about the matters and had great
5 commitment. He had great confidence when the Title 21 Committee supported changes unanimously.

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7 and this was passed without opposition, 11-0.

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9 Ms. Ossiander moved,
10 Mr. Coffey seconded,
11 and this passed without opposition, 11-0.

to amend Attachment A on Page [37] 39, [after Line 6] Lines
42-44, Section 21.05.040C.2.b, by adding Attachment D,
Amendment Number 7 (green), to read:

12 "vi. Parking and Setbacks
13 In residential zoning districts, no parking or loading areas
14 shall be placed in any setback, except in approved
15 driveways." And, by renumbering the remaining.

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17 Ms. Ossiander moved,
18 Mr. Coffey seconded,
19 and this passed without objection, 11-0.

to amend Attachment A on Page [38] 41, Lines [9-49] 10-14,
Section 21.05.040C.7.a, by adding Attachment D,
Amendment Number 8 (green), to read: A building or
20 structure or group of buildings or structures, intended
21 primarily for the conducting of organized religious services.
22 Accessory uses may include, "but are not limited to" [without
23 limitation], parsonages, meeting rooms, and child care
24 provided for persons while they are attending religious
25 functions.

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27 To Mr. Gutierrez, Ms. Ossiander responded that Planning would oppose moving the entire Attachment D en masse
28 without the opportunity for discussion. Planning Director Tom Nelson concurred. Ms. Ossiander stated that
29 Amendment 9, dealing with schools, would be addressed in Attachment E. Mr. Nelson responded that Amendment 10
30 remained unresolved and he requested a placeholder be put on this matter, so it could be addressed in the future. Mr.
31 Coffey stated that in the past a reserved status had been placed on matters like this. Ms. Ossiander stated that she
32 and Planning had conferred on the matter and she proposed a motion.

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34 Ms. Ossiander moved,
35 Mr. Coffey seconded,

to amend Attachment A on Page [43] 47, Lines [21-24]
36 36-39, Section 21.05040.G.2.a, by deleting Attachment D,
37 Amendment Number 10, to read:

38 ~~[2. Parks and Open Space, Public or Private~~
39 ~~a. Definition A non-commercial, not for profit facility or~~
40 ~~area designed to serve the recreation needs of the~~
41 ~~residents of the community. Such facilities or areas~~
42 ~~include, but are not limited to, playfields, playgrounds,~~
43 ~~and open space.]; And by adding "RESERVED"~~

44 Dr. Selkregg, Mr. Nelson and Ms. Gray-Jackson concurred.

45
46 and this was passed without objection.

47
48 Ms. Ossiander stated that additional discussion was needed concerning antennas in 21.05. The Title 21 Committee
49 had decided to put this matter on hold and she moved to put the existing language back in the Chapter until the matter
50 could be addressed in the future.

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52 Ms. Ossiander moved,
53 Mr. Coffey seconded,

to amend Attachment A, on Pages [45-54] 50-59, by adding
Attachment D, Amendment Number 11 (green), to read:

54 K. Telecommunication Facilities

55 Telecommunication facilities transmit signals between or
56 among points using electromagnetic waves. The facilities
57 may include towers, antennas, buildings, transformers,
58 transmitters, receivers, equipment cabinets, and parking
59 areas.

60 1. Definitions

61 a. Type 1 Tower

62 A freestanding vertical support structure of cylindrical,
63 conical, or rectangular cross section constructed of
64 composite, wood, concrete, or metal employed
65 primarily for the purpose of supporting an antenna
66 array and commonly called a monopole.

67 b. Type 2 Tower

68 A freestanding vertical support structure of open
69 frame skeletal design employed primarily for the
70 purpose of supporting an antenna array and
71 commonly called a lattice tower. This tower type
72 includes lateral arrays.

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- c. **Type 3 Tower**
A guyed vertical support structure of open frame, skeletal design, or solid pole design employed primarily for the purpose of supporting an antenna array and commonly called a guyed tower.

- d. **Type 4 Tower**
A support structure, such as an existing building, steeple, spire, or utility pole that is not a type 1, 2, or 3 and is used for supporting a disguised, camouflaged, or hidden antenna array so that its principal or secondary function as an antenna and antenna support structure is imperceptible to an uneducated eye. The antennas are mounted on the support structure so that they are located and designed to minimize visual and aesthetic impacts to surrounding land uses and structures and shall, to the greatest extent practical, blend into the existing environment. This definition shall include any antenna or antenna array complying with the objective of definition whether it is mounted on tower structure or not.

2. Use-Specific Standards

- a. **Setbacks**
 - i. The minimum distance from any lot line to the vertical axis of the tower structure shall be as follows:
 - (A) Types 1 [and 4]: equal to or greater than the setbacks of the underlying zoning district.
 - (B) Type 2: ~~equal to or greater than the distance measured from grade to the first transition [from the street frontage, the setback shall be equal to the distance measured from grade to the first taper transition, or 100 feet, whichever is greater. Setbacks from any side and rear lot lines adjacent to a residential district shall be 100 feet. If the tower is in a residential district, the setback shall be 100 feet from all lot lines].~~
 - (C) Type 3: equal to or greater than the distance measured from the tower structure axis to the outermost guy wire anchor. The guy wire levels and anchor radius must match manufacturer's criteria for the proposed application.
 - ii. ~~[For type 3 towers, t]~~ That portion of guy wire anchor structure that is above grade shall be set back from any property line in accordance with the following:
 - (A) Guy wire with a nominal diameter of 0.25 inches or less--25 feet, provided the setback may be reduced to 0 feet if the anchor structure is enclosed within a sight obscuring fence.
 - (B) Guy wire with a nominal diameter greater than 0.25 inches but less than 0.625 inches--25 feet, provided the setback may be reduced to five [5] feet if the anchor structure is enclosed within a sight obscuring fence.
 - (C) Guy wire with a nominal diameter equal to or greater than 0.625 inches--25 feet.
- b. **Minimum Separation Distance From Protected Land Uses**
 - i. The minimum separation distance between the base of the tower and any principal structure on PLI or residentially-zoned land, or any school or licensed child care center, shall be two times the allowable tower height.
 - ii. After giving due consideration to the comments of the applicant, the property owner, and the local community council, the director may reduce or

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~~eliminate the minimum separation distance set forth in the paragraph iv.(A) above.~~

c. Tower Structure Height

- i. Height for a tower structure directly fixed to the ground shall be determined by measurement from grade to the highest point on the tower structure, including any installed antennas and lighting and supporting structures.
- ii. ~~Height for a tower structure not directly affixed to the ground shall be determined by measurement from the grade of the building to the highest point on the tower structure, including any installed antennas and lighting and supporting structures. At no time shall the height of a tower installed on a building as measured from grade to the highest point on the tower structure as set forth above exceed the height of the building multiplied by two or the base height, whichever is greater. Tower structures shall not exceed the height limits set forth in subsection 21.04.060C. of this title nor interfere with Federal Aviation Administration Regulations on airport approaches.~~

iii. Base height shall be as set forth below:

- (A) Residential districts--65 feet
- (B) Commercial and Mixed-Use districts--130 feet
- (C) Industrial districts--150 feet
- (D) AF district--200 feet
- (E) All other districts--100 feet

~~[At no time shall the height of a tower installed on a building be more than either two times the height of the existing building, or more than the allowable tower height as set by the zoning district, excluding the building, whichever is greater. The height calculations include any installed antennas and lighting and supporting structures. Tower structures shall not exceed the height limits set forth in subsection 21.04.060c. Of this title nor interfere with federal aviation administration regulations on airport approaches.]~~

- iv. Co-location ~~[collocation]~~ shall grant an additional 15 feet above the base height for each qualifying antenna to a maximum of 30 feet of additional height. Increases in tower structure height by operation of this paragraph shall not reclassify a tower structure from a local interest tower to a community interest tower.

~~[If any community interest tower on a site exceeds 200 feet in height, the tower site shall be separated from any other principal or conditional use community interest tower site with tower(s) exceeding 200 feet in height by at least 5,280 feet (one mile).]~~

~~[Any tower or antenna seeking to exceed the height limitations of this section may apply for a conditional use permit.]~~

d. Residential Zoning Districts, RO District and AF District

- i. In all residential district and in the RO District, t
~~[Type 1, 2,] and 3 towers, antennas without tower structures and type 4 tower structures and antennas are permitted as a secondary and subordinate use with a permitted non-residential use. [In residential districts shall only be located on a lot with an existing non-residential use or a lot with a multifamily~~

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~~residential use. Type 4 towers in residential districts are permitted on any residentially-zoned lot, subject to section 21.05.040k.2.k.]~~

ii In the R-3, R-4, R-4A, R-5, and RO districts, type 1 and 3 towers, antennas without tower structures, and type 4 tower structures are also permitted as a secondary and subordinate use of six dwelling units or more.

iii In the AF district, three towers per lot are permitted. More than three towers per lot require conditional use approval.

e. **Notice of Site Selection and Site Plan Review**

i. **B-1A and Watershed Zoning Districts**

(A) Prior to issuance of a building or land use permit for a type 1, 2, or 3 Tower structures within B-1A and W zoning districts, property owners of residential-zoned land within 500 feet of the selected tower site and the local community council shall be notified in writing of the issuance of a building or land use permit. The effective date of the permit shall be no earlier than 30 days after the date of mailing of the notification.

(B) A decision to issue a building or land use permit is final unless appealed within the 30 day notice period to the planning and zoning commission. An appeal may be filed by the applicant or by a petition of at least one-third of the owners (excluding rights-of-way) of the privately owned land within 500 feet of the outer boundary of the tower site. In the event of appeal, the planning and zoning commission shall hold a public hearing at its next available meeting and apply the standards of this section. An appeal from a decision of the planning and zoning commission may be brought in accordance with section 21.03.050A.

ii **PLI and Residential Districts**

All type 1, 2, and 3 tower structures within a residential district as allowed by table 21.05-1 or PLI district shall be subject to a site plan review as set forth in this section except when a conditional use permit is required.

iii **Other Zoning Districts**

All zoning districts not referenced in d.i or d.ii above are exempt from the notification requirements, the minimum separation distances from protected land uses, and the site plan review set forth in this chapter.

f. **Co-locations [Collocation]**

i. The co-location [Collocation] tower structure, pole, monopole or any other similar facility, must be designed to accommodate no less than the following communications equipment: 12 antennas with a flat plate wind loading of not less than four [4] square feet per antenna; a standard mounting structure, stand off arms, platform or other similar structure that is sufficient to hold the antennas; cable ports at the base and antenna levels of the tower structure; and, sufficient room within or on the tower structure for 12 runs of 7/8" coaxial cable from the base of the tower structure to the antennas. [If the proposed co-location [collocation] design does not meet the standards for the 12 antennas, but still provides for co-location [collocation], the director may apply a lesser co-location [collocation] standard if it meets the intent of promoting co-location [collocation]. The applicant must provide evidence that the design will be built to the strength necessary to accommodate potential collocating antennas, and must show that

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~~the site is large enough for all potential equipment, such as equipment sheds, to support the collocating antennas.]~~

- ii. Applicants for co-location [~~collocation~~] shall provide proof in a form found acceptable to the municipal attorney that more than one service provider can locate in the co-location [~~collocation~~] facility.
- iii. All community and local interest towers shall, for a reasonable compensation, be made available for use by as many other licensed carriers as can be technically collocated thereon when the use will not result in substantial injury to the owner, or in substantial detriment to the service to the customers of the owners. All licensed carriers shall cooperate with each other in collocating additional facilities upon such towers. All licensed carriers shall exercise good faith in collocating with other licensed carriers and in the sharing of towers, including the sharing of technical information to evaluate the feasibility of co-location [~~collocation~~]. Reasonable compensation shall be the usual and customary rates commonly applied at the time of application [as indicated in the municipality at the time of the request for collocation, subject to proof by the petitioner].

~~[Any request by a licensed carrier to a tower owner for co-location [collocation] shall be either approved or denied within six months of the date of the request.]~~

g. General Standards

~~**[Parking]**
Off street parking space is not required, however if it is provided, parking spaces may be shared with other principal uses on the site. The parking spaces shall be paved with concrete or asphalt compound or shall be covered with a layer of crushed rock of no more than one inch in diameter to a minimum depth of three inches. Parking space illumination shall be provided only to extent that the area is illuminated when the parking space is in use. The illumination shall be the lowest possible intensity level to provide parking space lighting for safe working conditions.]~~

~~**[Security]**
The tower structure and support structures shall be secured to prevent unauthorized access.]~~

- i. **Installation**
All transmitting antennas shall be installed in a manner as set forth by the manufacturer and by the Federal Communications Commission (FCC) as meeting the current American National Standards Institute (ANSI) standard for nonionizing electromagnetic radiation (NIER).

- ii. **Tower Lighting**
Tower structures shall not be lighted unless the Federal Aviation Administration requires or recommends that obstruction lighting be installed. To prevent direct light reflection on other property, tower structure lighting shall be shielded to the extent permitted by the Federal Aviation Administration.

- iii. **Tower Color**
The tower structure and any other structure(s) directly related to the operation of any antenna mounted on the tower structure shall be neutral in color and, to the extent possible, shall be compatible with the appearance and character of the neighborhood or location unless obstruction marking is required by the Federal Aviation Administration.

- iv. **Notice and interference**

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An operator proposing to install or modify an antenna shall provide notice to all property owners within 500 feet of the date of activation of the new or modified antenna. Within 90 days of activation the antenna, the operator shall resolve all reported occurrences of interference.

v. **Identification Placard**

An identification placard shall be attached to the tower structure or the security fencing in a location clearly visible at eye level. The placard shall provide the following information:

- (A) The name and address of the tower structure owner;
- (B) The name and address of the tower structure manager, if different from the owner;
- (C) The date of erection of the tower structure; and
- (D) The owner's name and address of each antenna on the tower structure.

h. **Administrative Permit Required**

An administrative permit shall be obtained from the director. The application shall identify the antenna(s) on the tower, ~~and include the dimensional design of the tower/antenna(s),~~ the legal description of the site, its zoning and its street address, if any ~~and a site plan with the exact location of the tower and/or antennas marked~~. This permit shall certify that, when granted, the antenna, or tower structure was in compliance with this section. This permit shall remain valid so long as that antenna or tower structure remains in continuous operation or is revoked according to this title.

i. **Administration Permit Revocation**

Unless cured, and administrative tower permit shall be revoked after notice and the opportunity to cure, for any to the following:

- A. Constructions maintenance, and/or operation of a tower at an unauthorized location.
- B. Construction or operation of a tower in violation of any of the terms and conditions of this chapter or the conditions attached to the permit.
- C. Material misrepresentation by or on behalf of an applicant or permittee in any application or written statement upon which the administrative official substantially relies in making the decision to grant, review, or amend any permit pursuant to this section and which materially changes the application of the standards of approval of the permit.
- D. Abandonment of a tower as set forth in this section, or
- E. Failure to relocate or remove facilities as required in this section.

[Tower Permit Revocation]

ii. After having a tower permit revoked, no tower shall be re-permitted for that property or by that tower owner on any property within the municipality for a period of one year except through a conditional use permit. This subsection shall apply only with respect to community and local interest tower revocations pursuant to this title after the effective date of this ordinance.

j. **Annual Inventory**

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By January 31 of each year, each tower owner who is regulated by this section shall provide the municipality with an inventory of all additions and deletions of said provider's existing towers or approved sites for such facilities that are either within the municipality or within one mile of the boarder thereof as of December 31 of the previous year, or as a condition of any requested administrative site plan or conditional use. The information to be provided for such facilities shall be to an ~~fcc [faa]-2c~~ standard]. The first inventory from each provider shall be a comprehensive current list of their existing towers and approved sites.

k. **Time Period for Construction**

Construction of a tower shall commence within one year from the date of the permit's approval, with opportunity for a six-month extension. If not used within one year, or within the extension period, the permit shall become null and void.

l. **Administrative Site Plan Review**

i. **Applicability**

When an administrative site plan is required by tables 21.05-1 or 21.05-2, this subsection shall apply. A site plan review is required of all such towers since they have aesthetic and visual impacts on their neighbors, and the public interest is best served by allowing these neighbors and the public at large a chance to comment on and provide input concerning the location and design of these towers. All such towers shall conform to the requirements of this section and to the requirements of the zoning district in which the tower is located.

ii. **General**

(A) In approving a site plan, the director may impose conditions to the extent that he or she concludes are necessary to minimize any adverse effect of the proposed tower structure, including all associated structures and landscaping, on adjoining properties.

(B) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

iii. **Submittal Information**

Applicants for an administrative site plan review for a tower structure shall submit the information required in the user's guide.

~~[Minimum separation distance from protected land uses~~

~~(A) The minimum separation distance between the base of the tower and any principal structure on PLL or residentially-zoned land, or any school or licensed child care center, shall be two times the tower height.~~

~~(B) After giving due consideration to the comments of the applicant, the property owner, and the local community council, the director may reduce the minimum separation distance set forth in the paragraph iv.(a) above by no more than one-half.]~~

iv. **Public Participation Process**

Notwithstanding table 21.03-1, at least 35 [21] days before acting on a tower site plan application under this section, the director shall publish notice of the application in a newspaper of general circulation in the municipality. The notice shall state the name(s) of the applicant(s), a clear and concise description of the project, the street address, if any, and the legal

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description of the land subject to the application. The notice, including a map of the vicinity, shall also be provided to any officially recognized community council whose boundary encompasses the tower site and to owners of property within 500 feet of the proposed site. The applicant shall reimburse the municipality for the expense of advertising and mailing such notice. The applicant shall also post the property with a notice pursuant to subsection 21.03.020H.5. Following notice of the site plan, the community council has 35 [24] days from the date of the letter to respond.

v. *Approval Period*

The director shall take action on the site plan within 45 days of the site plan application submittal. Upon action, the applicant will mail to all addressees on the original notice list, the written action of the director. The applicant shall document their public process including a list of who was notified, with what, and when as part of their application process.

vi. *Factors Considered In Granting Site Plan Approval For Tower Structures*

In addition to the general standards for site plan approval at subsection 21.03.190E., the director shall also consider the factors for conditional uses for tower structures in subsection p.iii., below.

[Height

~~Unless clearly specified by conditions of approval, the approved tower height is that of the allowed tower height in the district, plus additional height allowed with co-location [collocation], if co-location [collocation] is provided for. The petitioner must show that there is capacity for the height and enough space for equipment cabinets on their ground lease to accommodate the height and any collocated antennas.]~~

vii. *Appeals*

Notwithstanding section 21.03.050, A decision of the director under the authority set forth in this subsection is final unless appealed within 15 days to the planning and zoning commission. An appeal may be filed by the applicant or by a petition of at least one-third of the owners (excluding rights-of-way) of the privately owned land within 500 feet of the tower site. In the event of appeal, the planning and zoning commission shall hold a public hearing at its next available meeting and apply the standards of this section. An appeal from a decision of the planning and zoning commission may be brought in Superior Court.

m. *Qualification of Type 4 Tower Structure and Antenna*

Each type 4 tower structure and antenna shall be qualified as meeting the design standard by the planning and zoning commission, [subject to design review and approval by the director.] A proponent of a type 4 tower structure and antenna design shall provide the commission with evidence in the form of construction drawings, photographs, renderings, or other data sufficient for the commission [director] to find the design standard is satisfied [appropriately meets the definition of a type 4 tower as it relates to the specific proposed site]. At completion of the construction of the first tower structure and antenna under a new qualified design, it shall be reviewed by the commission [director] to confirm the installation complies with the design standards. If the installation fails to comply, subsequent [the] tower structure and antenna design and installation shall be amended or redesigned as directed by the commission [director].

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- n. **Community Interest and Local Interest Towers**
Community interest and local interest towers as a permitted principal use shall be subject to the following:
 - i. **Parking**
Off-street parking space is not required, however if it is provided, parking spaces may be shared with other principal uses on the site. The parking spaces shall be paved with concrete or asphalt compound or shall be covered with a layer of crushed rock of no more than one inch in diameter to a minimum depth of three inches. Parking space illumination shall be provided only to extent that the area is illuminated when the parking space is in use. The illumination shall be the lowest possible intensity level to provide parking space lighting for safe working conditions.
 - ii. **Security**
The tower structure and support structures shall be secured to prevent unauthorized access.
 - iii. **Separation Distance**
If any community interest tower on a site exceeds 200 feet in height, the tower site shall be separated from any other principal or conditional use community interest or local interest tower site with tower(s) exceeding 200 feet in height by at least 5,280 feet (one mile).
- o. **Abandonment**
Any antenna or tower structure that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower structure shall remove the same within 180 days of receipt of notice from the director notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower structure within said 180 days shall be grounds for the municipality to remove the tower structure or antenna at the owner's expense. If there are two or more users of a single tower structure, then this provision shall not become effective until all users cease using the tower structure.
- p. **Conditional Use Standards**
 - i. **General and Applicability of Conditional Use Requirement**
~~[Applications for conditional use permits under this section shall be subject to the general conditional use procedures of subsection 21.03.080B, but not the approval criteria of subsection 21.03.080C. Applications for conditional use permits under this section shall comply with the standards contained in this section.]~~ The following provisions shall govern the issuance of conditional use permits for tower structures or antennas by the planning and zoning commission:
 - (A) If the community interest or local interest tower or antenna fails to meet the conditions of subsections 2.a through 2.o above, then a conditional use permit shall be required for the construction of a tower structure or the placement of an antenna.
 - (B) Applications for conditional use permits under this section shall be subject to the conditional use procedures and general standards, except as modified in this section.
 - (A) (C) In granting a conditional use permit, the planning and zoning commission may impose conditions to the extent the commission concludes such conditions are necessary to minimize any adverse effect of the proposed

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tower structure or antenna on adjoining properties.

~~(B)~~ (D) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

ii. *Submittal Information*

Applicants for conditional use for a tower structure shall submit the information required in the user's guide and a non-refundable fee to reimburse the municipality for the costs of reviewing the application.

iii. *Factors Considered in Granting Conditional Use Permits for Antennas and Tower Structures.*

In addition to the general standards for a conditional use in subsection 21.03.080C, [F]The planning and zoning commission shall consider the following factors in determining whether to issue a conditional use permit, although the commission may waive or reduce the burden on the applicant of one or more of these criteria if the commission concludes that the goals of this ordinance are better served thereby:

(A) Height of the proposed tower structure;

(B) Proximity of the tower structure to residential structures and residential district boundaries;

(C) Nature of uses on adjacent and nearby properties;

(D) Surrounding topography;

(E) Surrounding tree coverage and foliage;

(F) Design of the tower structure, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(G) Proposed ingress and egress; and

(H) Availability of suitable existing tower structures, other structures, or alternative technologies not requiring the use of tower structures or structures~~[-, or the availability of said structures or technology to cover the service area gap within the licensed service area.]~~

iv. *Availability of Suitable Existing Tower Structures, Other Structures, or Alternative Technology*

No new tower structure shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the planning and zoning commission that no existing tower structure, structure, or alternative technology that does not require the use of tower structures, or alternative technology can accommodate or replace the applicant's proposed antenna. An applicant shall submit any additional information requested by the planning and zoning commission related to the availability of suitable existing tower structures, other structures, or alternative technology. Evidence submitted to demonstrate that no existing tower structure, structure, or alternative technology can accommodate the applicant's proposed antenna, or is not able to cover the service area gap within the licensed service area, will consist of the following:

(A) No existing tower structures or structures are located within the geographic area which meets applicant's engineering requirements.

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(B) Existing tower structures or structures are not of sufficient height to meet applicant's engineering requirements.

(C) Existing tower structures or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(D) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing tower structures or structures, or the antenna on the existing tower structures or structures would cause interference with the applicant's proposed antenna.

(E) The fees, costs, or contractual provisions required by the owner in order to share an existing tower structure or structure or to adapt an existing tower structure or structure for sharing are unreasonable. Costs exceeding new tower structure development are presumed to be unreasonable.

(F) The applicant demonstrates that there are other limiting factors that render existing tower structures and structures unsuitable.

(G) The applicant demonstrates that an alternative technology that does not require the use of tower structures or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower structure or antenna development shall not be presumed to render the technology unsuitable.

v. **Modifications**

Standards for modifications to community interest and local interest towers allowed as a conditional use are as follows:

(A) Repairs and maintenance to the tower structure may be performed consistent with subsection 21.12.040F.

(B) The replacement, repair or addition of antennas, dishes and other transmitting or receiving devices to a tower shall not be considered a modification of final approval as set forth in subsection 21.03.080D. and shall be considered a use contemplated within the original approved or de facto conditional use where the replacement, repair, or addition of antennas, dishes, and other transmitting or receiving devices:

(1) Will serve the same user or successor entity under the original conditional use;

(2) Will serve the same general purpose as was served under the original conditional use;

(3) Is consistent with the original conditional use.

q. **Amateur Radio Stations And Receive Only Antennas**

i. Amateur radio stations are exempt from the location, tower type, and height limitations contained in this title provided:

(A) The antenna and tower structure are part of a federally-licensed amateur radio station, and

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(B) In residential zoning districts there is no use of the tower structure by a third party commercial antenna operator.

ii. The following are exempt from this title:

(A) Installation and use of antenna(s) for use by a dwelling unit occupant for personal, home occupation, or utility telemetry purposes, or by an electric or gas utility on an existing power pole or cabinet to monitor or control equipment thereon; and

(B) Noncommercial receive only antennas.

iii. Notwithstanding the above, any antenna or tower structure that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower structure shall remove the same within 180 days of receipt of notice from the director notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower structure within said 180 days shall be grounds for the municipality to remove the tower structure or antenna at the owner's expense.

iv. Any antenna or tower structure erected under this subsection 2.n. shall not exceed the height limits set forth in subsection 21.04.080C [Chapter 21.06 of this title] nor interfere with Federal Aviation Administration Regulations on airport approaches.

Mr. Coffey stated the subject of towers had received a substantial amount of review and discussion over a lengthy period of time and had been recently adopted. The Title 21 Committee had addressed the amendments, but the work had grown. The matter would be addressed again in the future and it was decided to leave the original language. There were technical changes incorporated into the section on Pages 17-30, but the substance was not changed. Mr. Coffey urged support for Amendment Number 11.

Dr. Selkregg supported the amendment. There were requests to consider new standards for new technologies that were complex, when meeting federal requirements. The Assembly would be able to address additional changes with the industry needs in the future.

To Mr. Starr, Mr. Nelson responded that appeals from the P&Z were heard by the Board of Adjustment.

and the motion passed without objection, 11-0.

Ms. Ossiander stated that the next amendment related to kennels in animal care facilities. The Title 21 Committee thought that exercise runs could be outside, which was not supported by Planning or P&Z.

Ms. Ossiander moved,
Mr. Coffey seconded,

to amend Attachment A on Page ~~55~~ 63, Section 21.05.050B.1.b.i, Lines ~~[45-48]~~ 20-27, by adding Attachment D, Amendment Number 12 (green), to read:

i. General; Standards when Use is within 100 feet of adjacent to Residential or Mixed-Use District
All facilities, including all treatment rooms, cages, pens, kennels, and training rooms ~~[and exercise runs,]~~ shall be maintained within a completely enclosed ~~[, soundproof]~~ building. Areas for the care of large animals that are associated with veterinary clinics are exempt from this requirement, but shall meet the setback standards of subsection 21.05.050B.3.b.iv.

Mr. Nelson stated that Planning did not support the amendment. Outdoor runs should not be in residential or mixed use districts because the noise would be unattractive to the surrounding neighborhood and generate complaints. Planning proposed that kennels located within 100 feet or less of a residential district have indoor exercise runs.

Mr. Coffey stated that the Title 21 Committee had discussed this matter in depth, including the location and the noise impacting adjacent properties. There were already ordinances that would regulate and provide enforcement for noise.

Mr. Flynn stated that the existing ordinances were unenforceable due to lack of staff or timing issues. An ounce of prevention may be worth a pound of cure and this may be one of those instances.

Mr. Nelson stated that Planning was trying to avoid circumstances of enforcement complaints. Municipal Manager Michael Abbott stated that the Noise Code was the most difficult to enforce. Allowing outdoor exercise runs within 100 feet of a residential area would fail.

1 Ms. Ossiander stated this would affect dog boarding kennels, and also veterinarian hospitals, pet shops and other
2 places that properly took care of animals. The Title 21 Committee felt that keeping animals inside was not healthy.

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4 Ms. Drummond stated that she had not supported the Title 21 Committee (*green*) Amendment, but had supported the
5 Planning Department's amendment (*red*). These would not be requirements for existing facilities, but for new
6 development.

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8 Mr. Coffey stated that a new facility would need to comply with newer requirements, but if there was a remodel to an
9 existing facility, the facility may be required to conform. He understood the problems with barking dogs.

10
11 Dr. Selkregg agreed with the Planning Amendment. She received a lot of calls on barking dogs and noise.

12
13 Chair Claman stated that he supported the Title 21 Committee Amendment which allowed exercise runs outdoors.

14
15 and this motion passed, 6-5.

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17 AYES: Starr, Birch, Claman, Ossiander, Johnston and Coffey.

18 NAYS: Gutierrez, Gray-Jackson, Selkregg, Drummond and Flynn.

19
20 Ms. Ossiander stated the Title 21 Committee was not ready to take action on the next matter, which dealt with large
21 animals.

22
23 Dr. Selkregg requested that Amendment Number 13 be reserved to be taken up at a later date. Mr. Nelson responded
24 that Planning had recommended going back to (*requiring*) the 25-foot setback.

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26 Mr. Coffey stated that the Assembly had previously addressed this matter and passed a resolution, after much public
27 testimony and debate. Changing existing regulations would need to involve those who had testified. He supported
28 placing the matter in reserved status.

29
30 Dr. Selkregg moved,
31 Ms. Drummond seconded,

to amend Attachment A on Page [56] 63, by deleting [Lines
26-30] beginning on Line 42, Section 21.05.050B.3.b.ii,
Attachment D, Amendment Number 13, **Large Domestic
Animal Facilities Principal Use**, to read:

32
33 ~~[ii. Lot Coverage—Lot coverage shall be that of the underlying~~
34 ~~zoning district except that the planning and zoning~~
35 ~~commission may allow up to 10 (ten) percent [10%] additional~~
36 ~~lot coverage above the maximum allowed in the district.]~~
37 And, by adding **RESERVED**

38
39 And, by amending Attachment A, Section 21.05.050B.3.b.iv
40 on Lines 38-44, by deleting to read:

41
42 ~~[iv. Setbacks—Notwithstanding the setbacks of the~~
43 ~~underlying zoning district, covered structures associated with~~
44 ~~a large domestic animal facility, such as a stable or barn,~~
45 ~~shall be set back at least [twenty-five (25)] feet from any~~
46 ~~abutting lot line, not including interior lot lines between lots in~~
47 ~~common ownership. Uncovered enclosures shall meet one of~~
48 ~~the following setback options:~~

- 49
50 (A) Seventy-five (75) feet from residences existing on
51 February 28, 2006, not including any residence in
52 common ownership with the large domestic animal
53 facility; or
54 (B) Ten (10) feet from any abutting lot line, not including
55 interior lot lines between lots in common ownership, if the
56 separation area is vegetated with level 3 buffer
57 landscaping.] And, by adding **RESERVED**

58
59 Ms. Ossiander opposed the reserved status. There were conflicting views with much public participation,
60 consideration and discussion. A reserved status would discourage the public who had been actively involved. There
61 were profound economic consequences to many constituents with animals, who had already made significant changes
62 to their properties. She encouraged that this be moved forward. Reserved status would not change existing Code.

63
64 Mr. Nelson concurred.

65
66 Ms. Drummond stated the P&Z recommendation was supported by Planning and the Advisory Control Advisory Board,
67 with a minor change to setback footage. She supported reserving the matter and addressing it in the near future.

68
69 Dr. Selkregg stated a compromise was needed, which would not happen that evening. She urged support to place the
70 matter into reserved status, to allow time for further discussion and to hear from the public.

71
72 Ms. Johnston supported Ms. Ossiander and the Title 21 Committee's recommendation. She and Mr. Birch had many
73 constituents in their district that had been actively involved with the matter and would be affected with the change.
74 Placing this matter in reserved status would have a detrimental effect on the progress that had already been made
75 dealing with large animals.

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77 To Mr. Gutierrez, Mr. Nelson responded the new Title 21 would not take affect until a reserved matter was resolved.
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To Mr. Coffey, Ms. Ossiander responded that she had addressed this matter for years, with much difficulty. Many irate people had been involved in the community meetings. She did not want to revisit the matter.

To Dr. Selkregg, Mr. Nelson responded that it would take time to make the changes, which would have to involve public process again. The current Code would remain in affect if this were to be put in reserved status.

Chair Claman stated that there was no reason to put a matter into reserved status if current Code was already in affect. Mr. Coffey concurred.

To Dr. Selkregg, Mr. Nelson responded the most effective way to address the matter would be leaving the existing language and making the necessary changes in the future. It could be addressed separately from the Title 21 Rewrite. Dr. Selkregg urged a NO-vote on her motion.

and the motion failed unanimously, 0-11.

Ms. Gray-Jackson moved, to Change the Order of the Day to take up 14.A,
Mr. Gutierrez seconded,

Ms. Gray-Jackson proposed to take up other time-sensitive items in the Agenda and return to the matter. Ms. Ossiander opposed. Mr. Coffey opposed and stated that the Administration was completing an amendment for 14.A. Municipal Manager Michael Abbott requested an additional one-half hour to complete the amendment language. Ms. Gray-Jackson concurred.

and the motion failed unanimously, 0-11.

Ms. Ossiander moved, to amend Attachment A on Page [60] 68, Lines [35-37]40-44,
Mr. Coffey seconded, Section 21.05.050D.b.i. by adding Attachment D, Amendment
and the motion passed, 10-0. Number 14 (green), as amended to read: All facilities
adjacent to a residential district shall be maintained with a
completely enclosed[,-soundproof] building, and shall be
sufficiently insulated so that the standards of AMC section
15.70.080A are met [no-unreasonable noise can be detected
off-premises].

(Clerk's Note: Mr. Starr was temporarily out of Chambers at the time of the vote.)

Ms. Ossiander moved, to amend Attachment A on Page [69] 77, after Line 23,
Mr. Coffey seconded, Section 21.05.070, by adding Attachment D, Amendment
Number 15 (green) to read:
b. Use-Specific Standards
i. Vehicle service bays facing a rear or side setback shall be screened from adjacent residential properties by a screening fence of at least six feet in height. Required landscaping shall be between the fence and the property line.
ii. Noise generating equipment shall meet the noise control standards of AMC section 15.70. And, by renumbering the remaining.

Mr. Nelson stated that Planning was trying to address issues with adjoining properties, but relying on the Noise Ordinance made it problematic for enforcement. Planning recommended a distance of separation for things that generate noise from residential properties. It would help to establish a distance so property developers could address the matter when the site was planned.

Dr. Selkregg stated she would support the Title 21 Committee Amendment.

Mr. Flynn stated that there were benefits to creating anticipated standards. Ms. Ossiander responded the Title 21 Committee had reviewed the matter in depth and felt that the screening and noise standards were sufficient. Mr. Coffey responded the Committee had also discussed requiring a site plan review. The existing Noise Ordinance addressed the allowances.

Ms. Drummond stated that she had the experience of living next to a vacuum business and car wash. The Noise Ordinance had made a difference, which was helpful in a situation like this one. She would support the amendment.

and the motion passed without objection.

Ms. Ossiander moved, to amend Attachment A on Page [68,] 77, Lines [37-38] 21-
Mr. Coffey seconded, 23, Section 21.05.050I.8.b.ii by adding Attachment D,
and the motion passed, 11-0. Amendment Number 16 (green) to read:
iii. Noise generating equipment shall meet the noise control standards of AMC section 15.70. [Outdoor vacuuming facilities shall be inaudible at the property line of a residential district.]

Ms. Ossiander moved, to amend Attachment A on Page [400,] 111, Lines [49-24] 19-

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Mr. Coffey seconded,

21. Section 21.05.070D.1.b.iii.(G).(1).(a), by adding Attachment D, Amendment Number 19 (green), to read:
(a) A permit application for an ADU is submitted to the building safety division within six months of (effective date) (the effective date of the new Title 21) (September 30, 2003).

Ms. Ossiander stated that this applied to the effective date for permit applications for accessory dwelling units (ADU).

To Dr. Selkregg, Senior Planner Erika McConnell responded that the original language was an amnesty provision for illegal ADUs that was created before ADUs were allowed. This amendment would allow another amnesty period.

and the motion passed, 8-3.

AYES: Starr, Gray-Jackson, Birch, Claman, Drummond, Ossiander, Johnston and Coffey.

NAYS: Gutierrez, Selkregg and Flynn.

Ms. Ossiander moved,
Mr. Coffey seconded,
and this was later amended,

to amend Attachment A on Page [403] 114, Lines [41-24] 22-39, Section 21.05.050D.[7]6.a, by adding Attachment D, Amendment Number 20 (green), as amended, to read:
ii. Impact on Adjacent Uses
(A) A drive-through that abuts a residential or NMU zoned property shall be located, sized, and designed to minimize traffic, noise, air emissions, and glare impacts on surrounding properties, based on the findings of an administrative site plan review.
(B) No drive-through queuing [stacking] spaces shall be located directly between the building and an abutting right-of-way unless otherwise allowed by the director.
(C) When a drive-through service facility [use] abuts a residential or NMU zoned lot [in a residential district], a six-foot high screen fence or wall [L2-buffer landscaping] shall be provided along that lot line between the drive-through facility and required perimeter landscaping.
(D) [The noise generated on the site by talk boxes shall be inaudible at the property line.] To the maximum extent feasible, talk boxes shall be located so that the principal structure on the site is between the talk box and any abutting residential zoning district[-], and shall meet the noise control standards in AMC Section 15.70.

To Chair Claman, Mr. Nelson responded that Planning supported A, B and C, but opposed Section D. Vague language would affect a permit review. It would be easier to eliminate potential conflicts with a drive-in facility if a developer would select appropriate locations for noise-generating equipment during the site design phase.

Dr. Selkregg responded that the Noise Ordinance would apply and she would support the amendment.

To Mr. Flynn, Chair Claman and Mr. Coffey responded that some Assemblymembers were comfortable with allowing the Noise Ordinance to make the restrictions.

Ms. Ossiander stated an administrative site plan review would be sufficient notice to the applicant about the restrictions on talk boxes. The Noise Ordinance could be cited and included in the language.

Mr. Coffey stated that an administrative site plan review would be required when a facility abuts a residentially zoned property.

Dr. Selkregg proposed to add language specific to meeting the standards of AMC 15.70. Mr. Gutierrez concurred.

Dr. Selkregg moved,
Mr. Coffey seconded
and this passed without objection, 11-0.

to amend the Ossiander Amendment by adding to the last sentence in D, to read: "and shall meet the noise control Standards in AMC Section 15.70."

and the main motion, as amended, passed without objection.

Ms. Ossiander moved,
Mr. Coffey seconded,

to amend Attachment A on Page [409-440] 121-122, Lines [27-45 and 4-42] 8-42, Section 21.05.070I.C.[46]15 by adding Attachment D, Amendment Number 22 (green), as amended, to read:

15. Outdoor Storage Accessory to a Commercial Use
a. Definition

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Outdoor storage, but not display for sale, of goods, equipment, and/or materials accessory to a commercial principal use. Merchandise in outdoor storage shall not be directly available to the consumer without the assistance of an employee.

b. Use-Specific Standards

Except in industrial districts and except for outdoor storage associated with a large commercial establishment which is governed by subsection 21.07.120E.10., outdoor storage of goods, equipment, and/or materials accessory to a commercial principal use shall be allowed subject to the following standards:

- i. Each outdoor storage area shall not be located closer to the front property line than the front facade [plane] of the principal building.
- ii. Goods stored in an approved outdoor storage area shall be limited to those sold or used on the premises as part of an associated primary use.
- iii. Equipment stored in an approved outdoor storage area shall be limited to equipment used for property maintenance, such as snow removal equipment. The number of pieces of equipment shall not exceed three. Such equipment storage is only allowed on lots of three acres or greater.
- ~~iii~~iv. Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence or wall between six and eight feet in height that incorporates at least one of the predominant materials used in the principal structure. The fence or wall may exceed eight feet in height where the difference in grade between the right-of-way and the outdoor storage area makes a taller fence or wall necessary to effectively screen the area. Materials may not be stored higher than the height of the principal structure. The outer perimeter of the fence or wall shall be landscaped with L2 visual enhancement landscaping. A landscaped earth berm may be used instead of or in combination with a required fence or wall, provided it meets the same height requirements.
- iv]y. If the outdoor storage area is covered, then the covering shall include at least one of the predominant roofing materials and exposed roofing colors on the principal structure.
- v]vi. Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.
- vi]vii. No goods, equipment, and/or materials may be stored in areas intended for vehicular or pedestrian circulation or parking.

Ms. Ossiander stated this would deal with outside storage.

To Mr. Gutierrez, Mr. Nelson responded that Planning opposed the amendment because, while it may apply to an Eagle River operator, it should not be an areawide allowance. Ms. Ossiander stated the amendment was intended to apply to all of Anchorage and would allow businesses in commercial zones with proper screening and storage that had equipment for snow removal on the property, to store that equipment on their property. This was not intended to benefit only one Eagle River operation and would benefit many businesses in all of Anchorage. Mr. Gutierrez stated that it would be appropriate to have more discussion on this matter and to take it up at a later time.

Dr. Selkregg concurred with Planning and opposed storing equipment in close proximity to a residential area.

Ms. Gray-Jackson supported most Title 21 Committee recommendations, but, based on Planning's opposition she strongly opposed this proposed amendment.

Mr. Gutierrez stated that he would rather support the amendment's being postponed, than voting NO.

1 Mr. Coffey stated this was for snow removal and was limited to large lots, where storage was possible. It was a
2 financial consideration for small business owners and was appropriate and was good for the economy. A three-acre
3 commercial lot was a large lot.

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5 Ms. Ossiander stated the storage area would be completely hidden and the amendment would allow small businesses
6 more flexibility to store equipment that was used to maintain the property. It would allow a business more opportunity
7 to meet the standards, including keeping sidewalks clear. She urged support

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9 Dr. Selkregg stated that snow removal equipment parked in the back of the properties would affect her neighborhood.
10 She would oppose the Title 21 Committee amendment and support Planning.

11
12 Mr. Coffey stated this was not perfect, but allowances should be permissible for large commercial lots. There were
13 restrictions so there would not be any negative visual impacts to adjacent properties.

14
15 Mr. Starr stated that the Sports Authority kept snow removal equipment on-site. Mr. Nelson responded that most
16 businesses contract to have snow plowing or sweeping. Other businesses typically kept equipment enclosed in the
17 building. Planning wanted to keep commercial zoning less cluttered with unnecessary storage of equipment. Mr. Starr
18 stated that three acres would be a large enough property to store equipment and it would be burdensome to business
19 owners to have to move the equipment every time for lawn mowing or changing lights or removing snow. He would
20 support the amendment.

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22 Dr. Selkregg stated that after consideration of the convenience she also would support the amendment. Mr. Nelson
23 responded the amendment may also lead to abuse, in the case of a commercial property leasing a portion of the site to
24 another business to store its equipment.

25
26 To Mr. Gutierrez, Mr. Abbott responded the Administration supported the recommendations from P&Z and Planning,
27 understanding the amendment could allow unintended consequences.

28
29 Mr. Coffey stated that businesses did not often store equipment in various places around town due to the risk of
30 vandalism. The language describing equipment was limited to property maintenance, such as snow removal. There
31 may be an enforcement issue, but this would not be abused by commercial businesses.

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33 Ms. Ossiander stated the amendment would allow three pieces of equipment on large lots. Mr. Abbott responded that
34 there was question whether a property owner would lease space to store equipment that was used on other properties.

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36 Dr. Selkregg stated the Title 21 Committee had addressed the matter for the best interest of the public. She would
37 support the Ossiander Amendment, but she would support further research to find out commercial practices and
38 revisiting the matter in the future.

39
40 Chair Claman stated that commercial businesses would not want to give up parking space for equipment storage. He
41 was skeptical that businesses would create storage areas for equipment. He would support the amendment. He
42 called for a vote.

43
44 and this was passed, 9-2.

45
46 AYES: Starr, Birch, Claman, Selkregg, Drummond, Ossiander, Flynn, Johnston and Coffey.
47 NAYS: Gutierrez and Gray-Jackson.

48
49 Ms. Ossiander stated that she would not address Attachment D, Number 23 and 24, because Mr. Coffey would
50 address connexes later in the meeting. The Title 21 Committee supported Number 25.

51
52 Ms. Ossiander moved,
53 Mr. Coffey seconded,
54 and this passed unanimously, 11-0.

to amend Attachment A on Page [445] 125, Lines [22-26] 35-40 Section 21.05.050C.1 *by adding* Attachment D, Amendment Number 25 (*green*), to read:

- 55
56 1. **Fabric Structures [CLOTH GARAGES]**
57 Frame-supported, ~~or~~ arch-supported, or inflated tension fabric or membrane structures, fabricated off-site and assembled on-site, and typically used for garages, sheds, warehouses, or temporary or permanent shelters for automobile, boats, or other items, shall be allowed for 30 days within a 12 month period ~~[prohibited]~~ in all residential districts.

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64 Ms. Ossiander moved,
65 Mr. Coffey seconded,

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67 to amend Attachment A on Page [445] 126, Lines [17-19] 8-10, Section 21.05.080D.3, *by deleting* Attachment D, Amendment Number 26 (*green*), to read: ~~[D-3 Permanent alterations to the site, including site grading and installation of underground utilities are prohibited, unless specifically authorized under an approved temporary use permit.];~~ And, *by renumbering* the remaining.

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72 Ms. Ossiander stated that this would allow Planning to be involved in the review, to support the permitting and to allow infrastructure requirements. Mr. Nelson responded temporary uses were meant to be temporary.

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75 To Dr. Selkregg, Mr. Nelson responded that temporary uses were to be just that and a more extensive review was required for permanent development. Temporary uses generally did not allow site grading or undergrounding utilities to make sure there would be no impacts to drainage or buffering.

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2 Ms. Ossianderr stated that a site could be adjusted to accommodate a temporary use, like the Bear Paw Festival. This
3 would allow Developmental Services and the Planning staff reviews. Planning staff wanted to be involved.
4

5 To Dr. Selkregg, Mr. Nelson responded that it was recommended there be oversight from either the Traffic Engineer or
6 the Municipal Engineer, who would review any alterations, to protect specific areas. Other than the Bear Paw Festival,
7 there were other more sensitive areas that needed to be protected.
8

9 and this motion was passed, 10-1.
10

11 AYES: Starr, Gray-Jackson, Birch, Claman, Selkregg, Drummond, Ossiander, Flynn, Johnston and Coffey.

12 NAYS: Gutierrez.
13

14 Ms. Ossiander moved,
15 Dr. Selkregg seconded,
16 and this was passed without objection.
17

to amend Attachment A, by adding **Technical Edits and Clarifications**, to noted locations throughout the chapter, listed in Attachment D on Pages 14-16, Amendment Numbers 1-11, to read:

- 18 1. Throughout the chapter, change ~~(date of passage)~~ to effective date.
- 19 2. Page 9, Table 21.05-2, heading, 3rd Line: For uses allowed in the A[D] and TA districts, see section 21.04.050[060].
- 20 3. Page 27, Section 21.05.030A.8.b.viii.(A) Line 43: "...8.b.vii., Streets and Drainage Facilities [8.b.vii., Water and Sewage Systems]..."
- 21 4. Page 32, Section 21.05.040A.4.a., Lines 28-29: These uses shall meet the [any] use-specific standards above in addition to any requirements imposed by a conditional use approval.
- 22 5. Page 33, Section 21.05.040B.1.a, Line 31: Operation of a child care center is not a home occupation pursuant to subsection 21.05.070D.12.
- 23 6. Page 46, Section 21.05.040K.1, after Line 8: Insert the following illustration of tower types: *(Clerk's Note: The illustration includes Type 1, Type 2 and Type 3 towers, showing height comparisons and First Taper Transition areas of each.)*
- 24 7. Page 55, Section 21.05.50B.1.b.ii, Line 19: Standards When Use is Not within 100 Feet of [adjacent-to] a Residential or Mixed-Use District.
- 25 8. Page 68, Section 21.0505081.a, Line 28: ...car washing [seasonal] tire shops; and detailing and polishing.
- 26 9. Page 72, Section 21.050.080B.3.a, Lines 46-48: Examples include, but are not limited to: refining or initial processing of raw materials; rolling, drawing, or extruding of metals; asphalt batching plants and hot-mix plants and RAP storage and processing; sawmills;...
- 27 10. Page 80, Section 21.05.060D.5.a., Lines 35-37: Any lot or portion of a lot that is used for the sole purpose of the outdoor storage of fully operable motor vehicles;[-] construction equipment;[-] construction materials;[-] sand, gravel, topsoil, or the like; or other tangible materials and equipment.
- 28 11. Page 91, Section 21.05.070B.2.a., Lines 23-24: In [if] the case of any conflict...

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57 Chair Claman called for a motion to Change the Order of the Day to take up 14.A, concerning the Power Authority.

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59 Ms. Gray-Jackson moved,
60 Mr. Gutierrez seconded,
61 and this passed without objection.
62

to Change the Order of the Day to take up 14.A, concerning the Power Authority,
63

64 *(Clerk's Note: The body moved to take up 14.A and completed action on the time-sensitive Agenda items. Following completion of 14.H, Chair Claman returned the body to continue 11.A, item AO 2008-49.)*
65

66 Ms. Ossiander stated that in response to the Public Hearing, the Chair had requested that those issues that needed more discussion be readdressed by the Title 21 Committee and Attachment E included additional proposed changes to Chapter 21.05 that would help resolve issues for citizens, including property owners who had chickens.
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70 Ms. Ossiander moved,
71 Dr. Selkregg seconded,
72 and this passed without objection.
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to amend Attachment A on Page [72] 80, Lines [45] 7-11, Section 21.05.060A.3.a, by adding Attachment E, Amendment Number 1, to read:
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3. General Industrial Service

- a. Establishments engaged in the repair or servicing of agricultural, industrial, business or consumer machinery, equipment, products, or by-products.

Examples include: welding shops; machine shops; tools repair; electric motor repair; ~~repair of scientific or professional instruments;~~ repair of heavy machinery; heavy truck servicing and repair; aircraft servicing and repair; tire retreading or recapping; exterminators; and vending machine sales and service.

Ms. Ossiander stated that Attachment E, Amendment Numbers 2 through 5 would be included in one motion.

Ms. Ossiander moved,
Dr. Selkregg seconded,
and this was approved without objection.

to amend Attachment A on Page [77] 80, Lines [14-13] 24-25, Section 21.05.060D.3.b, by adding Attachment E, Amendment Number 2, to read:

b. Use-Specific Standards

- i. Loading, parking, and maneuvering space shall be entirely on private property[-], which includes private leasehold of public property.

And, to amend Attachment A on Page [90] 100, Lines [12-13] 6-8, Section 21.05.060E.7.a, by adding Attachment E, Amendment Number 3, to read:

[7] 8. Snow Disposal Site

a. Definition

An area used for the concentrated storage and disposal of snow transported to that site from other locations. For the purposes of this section, an entire Airport Management District is considered a single location.

And, to amend Attachment A on Page [24] 36, Lines [16-26] 18-36, Section 21.05.030A.8.a, by adding Attachment E, Amendment Number 4, to read:

iii. Vegetated Open Space

In zoning districts where a child care center requires conditional use approval, a minimum of 25 percent of the lot shall remain as planted open area, landscaped area, or natural vegetation area, to exclude buildings, driveways, parking areas, sidewalks, etc., unless the planning and zoning commission determines that retention of less than 25 percent allows for sufficient buffering of adjacent uses. In all other zoning districts where a child care center is allowed, [except for the r-1, r-1a, r-2a, r-2d, and i-1,] a minimum of 15 percent of the lot area shall remain as required above [planted open area, landscaped area, or natural vegetation area, to exclude buildings, driveways, parking areas, sidewalks, etc.], unless the decision-making body [director] determines that retention of less than 15 percent allows for sufficient buffering of adjacent uses. [in the r-1, r-1a, r-2a, r-2d, and i-1, a minimum of 25 percent of the lot shall remain as required above, unless the planning and zoning commission determines that retention of less than 25 percent allows for sufficient buffering of adjacent uses.]

And, to amend Attachment A on Page [83] 92, Lines [25-30] 37-43, Section 21.05.060E.1.b.i, by adding Attachment E, Amendment Number 5, to read:

c. Use-Specific Standards

- i. Any composting storage area of a c[G]omposting facility[ies] shall be set back at least 200 [660] feet from any lot line abutting a residential district, [or and] mixed-use district, or [and] any residential use (except a residential use occupied by the owner, operator or any employee of such composting facility) that [as such zone districts or residential uses] exists at the time of the establishment of the composting facility.

Ms. Ossiander moved,
Mr. Flynn seconded,
and this was approved without objection.

to amend Attachment A on Page [95] 105, Table 21.05-5, **Table of Accessory Uses**, by adding Attachment E, Amendment Number 6, under Drive-through service, adding an "S" in the CMU column.

And, to amend Attachment A on Page [109-110] 113-114, Lines [31-24 and 3-6] 38-41 and 1-2, Section 21.05.070D.14.b.iii.A, by adding Attachment E, Amendment Number 7, to read:

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Ms. Ossiander moved,
Mr. Coffey seconded,

iii. The following standards apply to the outdoor keeping of all animals except for dogs, domestic cats, and large domestic animals:

(A) On lots of 40,000 square feet [one-acre] or greater, structures [~~or enclosures~~] for the outdoor keeping of animals shall not encroach into the setbacks of the zoning district and shall be at least 10 [25] feet from any lot line.

to amend Attachment A on Pages [39-41] ~~42-44~~, Lines [36-41, ~~42-38 and 4-15~~] ~~39-41~~, 1-15 and 1-9, Section 21.05.040E.3 and E.4, 5.b.i.A., *by adding* Attachment D, Amendment Number 9 (*red*), as amended with Attachment E, Number 13, to read:

3. Elementary or Middle School

a. Definition

A public, private, parochial, or charter school offering academic instruction during the majority of the days of the week for students typically between the kindergarten and eighth [sixth] grade levels, but not higher than the ninth [seventh] grade. This classification includes the terms "junior high school" and "intermediate school." Pre-schools that are associated and co-located with elementary, middle, or high schools are considered to be part of the elementary, middle, or high school. Pre-schools without such association and co-location are [is not included and is] categorized in this title as "child care facility."

b. Use-Specific Standards (also apply to "Boarding School" and "[Middle and] High School")

i. Purpose

The standards of this subsection are intended to ensure the compatibility of schools with surrounding neighborhoods and to minimize the impacts of school uses on adjacent properties.

[Applicability]

~~[The standards of this subsection shall only apply to schools with capacity for 100 students or more.]~~

ii. Site Size [Public Schools]

Except where established site size criteria are approved by local or state governmental authority, minimum lot size in residential districts for schools with capacity of 100 or more students shall be one acre per 100 students. ~~[Public schools are subject to the facility standards of the Anchorage School District, in addition to the requirements of this title for the zoning district in which they are located. For issues in which the Anchorage School District site development and design criteria are more stringent than the standards of this section, the school district standards shall control.]~~

iii. Setbacks [Minimum Lot Dimensions and Setbacks]

(A) In residential districts, setbacks for schools with capacity for 25 or more students shall be as follows:

- (1) The front setback of the underlying district shall apply.
- (2) Any structure or portion of structure equal to or less than 15 feet high and equal to or less than 50 feet in length shall be set back at least 15 feet from any side or rear lot line. Any portion of such structure longer than 50 feet in length shall be set back at least 20 feet from any side or rear lot line.

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(3) Any structure or portion of structure that is greater than 15 feet (or greater) in height shall be set back at least 25 feet from any side or rear lot line.

(B) In nonresidential districts, the setbacks of the underlying district shall apply.

[All schools are subject to the following standards:

1. School buildings in residential districts shall:

a. Cover not more than 35 percent of their site area; and

b. Provide 50-foot side and rear setbacks.

2. Minimum lot requirements in all districts shall be as follows:

a. Elementary: one acre per 100 students;

b. Middle, high, and boarding: one and one-half acres per 100 students.]

iv. Outdoor Play Space for Elementary and Middle Schools

(A) Elementary and middle schools with capacity for 50 [25] or more students, where students remain for more than four consecutive hours, shall provide two square feet of outdoor open space play area for every one square foot of total combined classroom space.

(B) The minimum dimension of any required outdoor open space play area is 20 feet.

(C) If the school is in close proximity to a park with usable open space, the park may count as the required outdoor open space play area. The decision-making body shall determine whether the nearby park is appropriate in terms of play space and access, using the following conditions as a guide:

(1) The park is between an eighth and a quarter mile from the school.

(2) The school and park are not separated by a street of arterial classification or greater on the OSHP.

v. Vehicle and Pedestrian Access

(A) In all residential districts, all middle and high schools, and schools without an Anchorage School District attendance boundary shall have at least 100 feet of frontage on a collector or greater classification street, if such schools have capacity of 100 or more students.

(B) In all districts, all schools with capacity for 100 or more students shall provide adequate on-site student pick-up and drop-off area to the satisfaction of the decision-making body.

(C) Paved pedestrian walkways and trails, exclusive of driveways, shall be provided between the principal buildings and each abutting public right-of-way or trail.

vi. Temporary Structures for School Expansion Space (Relocatables)

Temporary structures serving as expansion space for schools are allowed in all districts in which schools are allowed, subject to the following standards:

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(A) Temporary structures shall not be placed in traffic circulation routes, in required parking, or in required landscaping areas.

(B) The temporary structures are exempt from the general requirements for all temporary uses contained in section 21.05.080, *Temporary Uses and Structures*.

The decision-making body may grant relief from these standards on a case-by-case basis.

vii. *Landscaping*
L2 visual enhancement landscaping is required along all property lines where the school site abuts a residential use in a residential zone.

4. High School [OR MIDDLE SCHOOL]

a. *Definition*

A public, private, parochial, or charter school offering academic instruction for students typically in the ninth [seventh] through twelfth grades, but may include lower grades. [~~This classification includes the terms "middle school" and "junior high school."~~]

b. *Use-Specific Standards*

High schools [~~and middle schools~~] shall comply with the applicable use-specific standards set forth for elementary or middle school above.

Mr. Coffey stated that Title 21 Committee had dealt with schools sequentially, after much debate and public testimony and everyone was in agreement with the final amendment. Mr. Nelson concurred.

To Ms. Drummond, Ms. McConnell responded that Attachment D, Number 9 (*red*) amended Attachment E, Number 13, amending Attachment A..

and the motion, as amended, was approved without objection, 11-0.

To Ms. Ossiander, Ms. McConnell responded that Attachment E, Amendment Numbers 14 and 15 dealt with large animals. Ms. Ossiander stated that all issues about large animals would be addressed separately in the future. Amendment Number 16 were administrative technical corrections.

Ms. Ossiander moved,
Mr. Coffey seconded,
and this passed without objection.

to amend Attachment A *by adding* all Technical Corrections listed in Attachment E, Number 16, to read:

- On Page 18, Section b.ii - change [i.v.(A)] to b.i. in last line;
- On Page 20, Section e.iii. – change [d-i] or [d-ii] to e.i or e.ii in first line;
- On Page 25, Section 1.v.ii – un-capitalize [A decision] in first line and change [of] to or in forth line;
- On Page 26, Section p.i.(A.) – "If the community interest or local interest tower or antenna fails to meet the conditions of subsections 2.a through 2.c and or 2.e through 2.c above...
- Page 95 of Attachment A, remove [4] from Drive through service row of accessory use table;
- Page 7 of Attachment C, amend to read: Elementary or Middle School and High School [~~or Middle School~~].

Mr. Starr questioned the 4000-meter reference to the incinerator distance, point number 13 in the contractor's letter. Ms. McConnell responded that Planning carried forward current Code provisions, which included changes to use of metric measurements.

Ms. Ossiander moved,
Mr. Coffey seconded,

to amend Attachment A on Page 24, Line 32, Section 21.05.030A.8.b.vi.B, Manufactured Home Community (MHC), *by adding* Ossiander Amendment Number 1 to read:

(B) *Minimum Size*

In manufactured home communities created after [effective date], a[A]ll single mobile home or manufactured home spaces shall have a minimum of [3,500] 3,000 square feet of land area[.–A] and all duplex mobile home or manufactured home space shall have a minimum of 5,000 square feet of land area.

1 Ms. Ossiander stated that the Title 21 revisions included higher standards for manufactured homes. Keeping the
2 current square footage size allowances for lots would continue incentives to allow mobile homes.

3
4 To Dr. Selkregg, Mr. Nelson responded that the manufactured homes that were currently built were larger and that
5 more open space within mobile home communities was desirable. He responded that under the Fair Housing Act,
6 manufactured homes could not be discriminated against, but they can be required to meet certain design standards.
7 He responded this provision applied only to manufactured home communities, which were referred to as mobile home
8 parks.

9
10 Chair Claman stated that this requirement only applied to new manufactured homes and the current homes were
11 grandfathered in. Ms. Ossiander and Mr. Nelson concurred.

12
13 and this was passed, 6-5,
14 and this was later reconsidered.

15
16 AYES: Starr, Gray-Jackson, Birch, Ossiander, Johnston and Coffey.
17 NAYS: Gutierrez, Claman, Selkregg, Drummond and Flynn.

18
19 Mr. Coffey moved, to extend the Assembly Meeting for the sole purpose of
20 Ms. Ossiander seconded, taking up the Ossiander Amendments to Chapter 5.

21
22 Dr. Selkregg and Ms. Gray-Jackson opposed.

23
24 To Ms. Gray-Jackson, Ms. Ossiander responded that all of the Title 21 Committed had discussed all proposed
25 amendments, but there was not consensus. Ms. Gray-Jackson stated that she wanted to change her vote on the last
26 matter, concerning manufactured home space size.

27
28 Mr. Starr stated that he had an amendment for Chapter 5, relating to Public Safety, that he could present at the next
29 meeting.

30
31 and the motion to extend failed, 4-7.

32
33 AYES: Starr, Claman, Drummond and Ossiander.
34 NAYS: Gutierrez, Gray-Jackson, Birch, Selkregg, Flynn, Johnston and Coffey.

35
36 Ms. Gray-Jackson moved, to reconsider the Ossiander Amendment Number 1,
37 Mr. Flynn seconded, concerning manufactured home communities.

38
39 Ms. Gray-Jackson stated that she wanted to fix her vote because he had made an error.

40
41 Mr. Starr stated the issue addressed affordable housing in an effective way and should not be reconsidered and he
42 urged a NO-vote.

43
44 Ms. Gray-Jackson urged a YES-vote.

45
46 Dr. Selkregg stated that this was not just to support affordable housing. She supported reconsideration and urged a
47 YES-vote.

48
49 and the motion to reconsider passed, 7-4.

50
51 AYES: Gutierrez, Gray-Jackson, Claman, Selkregg, Drummond, Ossiander and Flynn.
52 NAYS: Starr, Birch, Johnston and Coffey.

53
54 Ms. Ossiander had moved, *(reconsidered)* to amend Attachment A on Page [24] 25.
55 Mr. Coffey had seconded, Lines [32-37] 28-32, Section 21.05.030A.8 b.vi.B,
56 Manufactured Home Community (MHC), by adding Ossiander
57 Amendment Number 1 to read:

58 **(B) Minimum Size**

59 In manufactured home communities created after
60 [effective date], a[A]ll single mobile home or
61 manufactured home spaces shall have a minimum of
62 [3,500] 3,000 square feet of land area[A] and all duplex
63 mobile home or manufactured home space shall have a
64 minimum of 5,000 square feet of land area.
65

66 Mr. Coffey stated that residential property was approaching \$10 per square foot. Increasing the (lot) size requirements
67 for manufactured homes could include an increase of \$5,000 for the land alone, which was a problem for affordable
68 housing. Small lots in subdivisions worked fine. Increases would be a burden to people trying to be homeowners. He
69 opposed the amendment.

70
71 Dr. Selkregg stated that there were many resources for funds to secure affordable housing. People in low income
72 housing also had a right to a good place to live and this was structured to actually improve those places.

73
74 Mr. Starr stated houses were double stacked and offered no quality of life. The city needed to offer quality affordable
75 housing and a smaller lot was an appropriate means. An increased cost would cause people to miss the opportunity.
76

1 Mr. Coffey stated there was public financing, but it should not be the only solution. Increasing the lot size would drive
2 up the cost and would make a difference in being affordable.

3
4 Ms. Ossiander stated mobile home parks were disappearing because land was too expensive for them to exist. Her
5 intent was to help reduce costs, to allow more alternatives for low income housing.

6
7 Dr. Selkregg invited Mr. Coffey to her side of town to see the mobile home parks, which were already too small.

8
9 and this motion passed, 6-5,
10 and this was again reconsidered.

11 AYES: Starr, Birch, Drummond, Ossiander, Johnston and Coffey.

12 NAYS: Gutierrez, Gray-Jackson, Claman, Selkregg and Flynn.

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15 Dr. Selkregg stated that a member had indicated that her vote had not been what she had intended. She requested a
16 re-vote.

17
18 To Chair Claman, Deputy Municipal Attorney Rhonda Westover and Municipal Clerk Barbara Gruenstein responded
19 the matter could be reconsidered.

20
21 Ms. Drummond moved, to again reconsider the Ossiander Amendment Number 1,
22 Dr. Selkregg seconded, concerning manufactured home communities.
23 and this passed, 6-5.

24
25 AYES: Gutierrez, Gray-Jackson, Claman, Selkregg, Drummond and Flynn.

26 NAYS: Starr, Birch, Ossiander, Johnston and Coffey.

27
28 Ms. Ossiander had moved, (2nd reconsideration) to amend Attachment A on Page 24,
29 Mr. Coffey had seconded, Line 32, Section 21.05.030A.8.b.vi.B, Manufactured Home
30 and the motion failed, 5-6. Community (MHC), by adding Ossiander Amendment

Number 1 to read:

(C) Minimum Size

In manufactured home communities created after
[effective date], a[A]ll single mobile home or
manufactured home spaces shall have a minimum of
[3,500] 3,000 square feet of land area[.A] and all duplex
mobile home or manufactured home space shall have a
minimum of 5,000 square feet of land area.

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40 AYES: Starr, Birch, Ossiander, Johnston and Coffey.

41 NAYS: Gutierrez, Gray-Jackson, Claman, Selkregg, Drummond and Flynn.

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43 (Clerk's Note: There was no time left in the meeting and Chair Claman called for a motion to adjourn. See Agenda
44 item 20.)

45
46 12. APPEARANCE REQUESTS There were none.

47
48 13. CONTINUED PUBLIC HEARINGS

49 13.A. Ordinance No. AO 2008-50, an ordinance of the Anchorage Municipal Assembly to provisionally adopt
50 a new Chapter 21.06, **Dimensional Standards and Measurements**, amending Anchorage Municipal
51 Code Title 21 subject to concurrent final passage and approval of all provisionally adopted chapters of
52 Title 21, Assembly Vice-Chair Ossiander. (Continued from 6-24-08)

53
54 Chair Claman read the ordinance title and opened Public Hearing. There was no one to testify. Ms. Ossiander stated
55 it was her intent to continue Public Hearing to September 30th.

56
57 Ms. Ossiander moved, to continue AO 2008-50 Public Hearing to September 30th.
58 Mr. Coffey seconded,
59 and the motion passed, 10-0.

60
61 AYES: Starr, Gutierrez, Gray-Jackson, Birch, Claman, Selkregg, Drummond, Ossiander, Johnston and Coffey.

62 NAYS: None.

63 (Clerk's Note: Mr. Flynn was temporarily out of Chambers during Assembly action on AO 2008-50.)

64
65 13.B. Ordinance No. AO 2008-80, an ordinance amending Anchorage Municipal Code Section 21.35.020 to
66 establish land use definitions for **Public Health and Safety Laboratories, Public Safety Facilities**
67 **and Outdoor Shooting Ranges**, amending Section 21.40.020 to permit these as uses in the PLI
68 District, and adding a new Section 21.50.410 to provide conditional use standards for outdoor shooting
69 ranges, Planning Department. (Carried Over from 7-29-08; Continued from 8-12-08)

70 1. Assembly Memorandum No. AM 414-2008.

71 2. Ordinance No. AO 2008-80(S), an ordinance amending Anchorage Municipal Code Section
72 21.35.020 to establish land use definitions for Public Health and Safety Laboratories, Public
73 Safety Facilities and Outdoor Shooting Ranges, amending Section 21.40.020 to permit these
74 as uses in the PLI District, and adding a new Section 21.50.410 to provide conditional use
75 standards for outdoor shooting ranges, Planning Department. (Laid on the Table)

76
77 (Clerk's Note: Due to a lack of time AO 2008-80 was Carried Over to September 16, 2008.)

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2 13.C. Ordinance No. AO 2008-86, an ordinance amending Anchorage Municipal Code Section 8.15.010 to
3 raise the minimum value of property in the crime of theft by **shoplifting**; amending Section 8.75.160 to
4 raise the value threshold and add a civil violation alternative remedy; and amending Section 14.60.030
5 to establish a fine and confer jurisdiction on the Administrative Hearing Officer, Department of Law.
6 1. Assembly Memorandum No. AM 450-2008. (*Continued from 8-12-08*)
7

8 (*Clerk's Note: Due to a lack of time AO 2008-86 was Carried Over to September 16, 2008.*)
9

10 **14. NEW PUBLIC HEARINGS**

- 11 14.A. Ordinance No. AO 2008-90, an ordinance amending Anchorage Municipal Code to add a new Title 32
12 for the **Municipal Power Authority** and enacting Section 4.80.030, amending Chapter 26.30 and
13 Sections 3.20.070, 3.70.060, 4.50.020, 4.70.010, and 26.10.025, and repealing Section 4.70.030 to
14 provide for consistency with new Title 32.
15 1. Assembly Memorandum No. AM 476-2008.
16 2. Ordinance No. AO 2008-90(S), an ordinance amending Anchorage Municipal Code to add a
17 new Title 32 for the Municipal Power Authority and enacting Section 4.80.030, amending
18 Chapter 26.30 and Sections 3.20.070, 3.70.060, 4.50.020, 4.70.010, and 26.10.025, and
19 repealing Section 4.70.030 to provide for consistency with new Title 32, Municipal Light &
20 Power. (**Addendum**)
21

22 Chair Claman read the ordinance title and opened Public Hearing.

23
24 BOB MAIER testified that he had concerns with Title 32 and the creation of the Municipal Light and Power (ML&P)
25 Board of Directors. He summarized the changes which had created an Anchorage Water and Wastewater Utility
26 (AWWU) Board of Directors, established to deregulate the utility, which had been disastrous to utility ratepayers. He
27 urged the Assembly to not create an ML&P Authority Board. To Ms. Ossiander, Mr. Maier responded that his
28 concerns with establishing the board would be the same as with AWWU.
29

30 RUSS NOGG, ML&P Advisory Commission Chair, testified the commission supported ML&P becoming an
31 independent authority because it would benefit the ratepayers and the utility. He urged support for the ordinance. To
32 Mr. Birch and Ms. Ossiander, Mr. Nogg responded to questions about increases to salaries and compensations of
33 ML&P employees and collective bargaining agreements. Manger Jim Posey responded that ML&P was most
34 concerned with changes that would affect employees who were not under a collective bargaining agreement and he
35 would get a list of those employees who would be affected.
36

37 There was no additional public testimony and Chair Claman closed Public Hearing and called for a motion.

38
39 Mr. Gutierrez moved, to approve AO 2008-90(S),
40 Ms. Gray-Jackson seconded,
41

42 To Dr. Selkregg, Municipal Manager Michael Abbott explained the classes of ML&P employees and what changes
43 would be expected when creating an Authority Board. Salary and benefit changes would be overseen by the
44 Assembly, which was the process followed by AWWU. Mr. Abbott explained the process of selecting board members,
45 which was included in the S-version. He explained the process and interaction between the board, the Mayor and the
46 Assembly. Final approval was with the Assembly.
47

48 Mr. Gutierrez stated that the issue was about removing those positions from serving at the pleasure of the Mayor, with
49 an effect that would remove the utility from political gain or purpose. Adding this layer of protection, along with the
50 regulations from the Regulatory Commission of Alaska and the oversight of the Assembly would protect the utility and
51 consumers. It was a wise idea and he would support the ordinance.
52

53 To Mr. Birch, Mr. Abbott responded that it was expected to have a salary increase not over 3% for 2009. There would
54 not be a different policy that would affect long term salary increases. The current Code would limit MUSA increases.
55

56 Mr. Coffey moved, to amend AO 2008-90(S), Section 1 on Page 7, Section
57 Mr. Gutierrez seconded, 32.20, by changing to read:
58 and this was approved without objection. **32.20.030 Rates, fees, and charges.**
59

- 60 A. The board shall recommend tariff rates, fees and charges
61 for the utility's products and services to the assembly for
62 approval, and prior to seeking regulatory approvals
63 required under municipal, state and federal law.
64
65 B. The board shall establish in its bylaws the procedures for
66 setting the rates, fees, and charges of the utility. The
67 procedures shall include a public hearing for each new or
68 changed rate, fee, charge, rule, regulation, or other tariff
69 provision, and the opportunity for one or more consumer
70 advocates representing ratepayer interests to participate.
71 These procedures "**generally**" shall follow [**generally**]
72 electric utility industry standard practices for "**public**"
73 [**municipal-owned**] utilities "**providing the same utility**
74 **service.**"
75

76 And to amend AO 2008-90(S), Section 10, subsection C. on
77 Page 20, by changing to read:

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Mr. Coffey moved,
Mr. Gutierrez seconded,
and this was approved without objection.

1. Sections 32.30.010A, "~~32.30.010C~~," and 32.30.030 shall become effective on January 1, 2009; and
2. Section "~~32.30.010B~~" [~~32.20.040B~~] shall become effective on January 1, 2010.

to amend AO 2008-90(S), Page 2, Lines 7-39, by changing to read: **32.20.020 Governing Body**

A. The Municipal "~~Light &~~" Power "~~Utility~~" [~~Authority~~] shall be governed by a board of directors consisting of "~~seven (7)~~" [~~seven (7)~~] members, appointed by the mayor, subject to confirmation by the assembly. All directors shall be citizens of the United States, and residents of and registered voters in the Municipality of Anchorage" but are not required to be a resident of or owner of property in the area served by the utility. Board members shall be qualified as follows" with preference given to persons with experience in utility matters."

1. "~~Two~~" [~~One~~] members shall be [a] members in good standing of the Alaska Bar [~~with experience in utility matters~~];
2. "~~Two~~" [~~One~~] members shall be [a] registered professional engineers in Alaska [~~with experience in utility matters~~];
3. "~~Two~~" [~~One~~] members shall have experience in finance, accounting or business administration [~~with experience in utility matters~~];
4. One member shall be a municipal employee; and
5. "~~Two~~" [~~Three~~] members shall be at large.

B. Directors shall serve staggered terms. The first term lengths shall be as follows:

| | |
|---|---------|
| Seats 1 " and 2 " | 1 year |
| Seat " 3 " [2] | 2 years |
| Seat " 4 " [3] | 2 years |
| Seats " 5 " " and 6 " | 3 years |
| Seat " 7 " [5] | 4 years |
| Seat " 8 " [6] | 5 years |
| Seat " 9 " [7] | 5 years |

And, Section 32.10.030 on Page 2, Lines 10-21, by changing to read:

A. The "~~power~~" [~~authority~~] "~~to~~" [~~shall~~] operate and manage the Municipal Light & Power Utility "shall be vested in the board."

Mr. Coffey stated that this would change the body from seven members to nine and it would add definitions of qualifications.

Mr. Flynn stated that he supported finding board members with utility experience and professional expertise. He would cautiously support the amendment.

Dr. Selkregg reviewed the profiles of added board members, with a decrease in "at large" members. Mr. Abbott responded the expertise and professional balance was appropriate and the diversity was important. Preference would be given with knowledge of utilities.

Ms. Gray-Jackson supported the floor amendment, and approved of the flexible language. She would be a YES-vote.

Mr. Coffey stated the amendment made the process fool-proof, with the Assembly reviewing and approving all applicants and their levels of expertise.

Chair Claman stated that Mr. Premo had supported the board's structure increasing from seven to nine members, which would make the board function more effectively. He supported the amendment.

Dr. Selkregg stated that there were benefits of having members-at-large on a board. Mr. Flynn responded that the Committee had deliberated on that issue and thought the balance of professionals and members-at-large was a good approach. Chair Claman concurred that having members-at-large was effective, helping the board to think differently and helped curb special interests. He was confident that increasing the number from seven to nine would be an improvement.

and this passed without objection, 11-0.

Mr. Coffey moved,
Mr. Gutierrez seconded,

to amend AO 2008-90(S) Section 10 on Page 20, Lines 7-11, by changing to read:

1 and this passed without objection, 11-0.

- 2
3 D. Chapter 32.40, as set forth in Section 1 above, shall
become effective "on January 1, 2009" [immediately upon
passage and approval of this ordinance].
4 E. Sections 2, 3, 5, 6, 7, 8 and 9, as set forth above, shall
5 become effective "on January 1, 2009" [immediately upon
6 passage and approval of this ordinance].
7

8 Mr. Gutierrez stated that a lot of hard work went into this and he thanked Mr. Coffey and the Committee and the
9 Administration. It was a good move for the utility.

10
11 Ms. Ossiander stated that she was skeptical that the change would be an improvement with the board of directors
12 dealing with oversight. The public had not shown an interest or concern. She was reassured that the intent was not to
13 deregulate the utility. In general, she supported an independent authority board. Mr. Abbott responded that the
14 Administration had successfully remained neutral on the matter of deregulating the utility.

15
16 Mr. Flynn stated he had served on the Committee with Ms. Johnston, Mr. Gutierrez and Mr. Coffey as Chair. He
17 stated the board would be focused and the community would be well served, including possible future Railbelt effects.
18 He would support the board changes, which would help the utility bloom.

19
20 Mr. Coffey stated that he appreciated Mr. Gutierrez's involvement and that there was more work to be done. He was
21 not fearful of deregulation. The professional authority board was capable of managing the utility better than the
22 Administration and would help make it non-political. He would support the changes.

23
24 Mayor Begich thanked the Committee for their work and stated that this was the right time to make the changes, which
25 were supported by the Administration. This would be a step to integrate more partnership in the Railbelt and the new
26 process would benefit the ratepayers, which was the ultimate goal.

27
28 Chair Claman stated this was a positive step and would serve the community and the city well.

29
30 and the main motion, as amended, passed, 10-1.

31
32 AYES: Starr, Gutierrez, Gray-Jackson, Birch, Claman, Selkregg, Drummond, Flynn, Johnston and Coffey.
33 NAYS: Ossiander.

34
35 Dr. Selkregg moved, to Change the Order of the Day to complete the remainder of
36 Mr. Gutierrez seconded, the Consent Agenda and take up "13.A.," 14.B, 14.C, 14.F
37 and 14.G.

38
39 Mr. Coffey requested that the Assembly also address 13.A, dealing with Chapter 6, which was to be continued to a
40 later date. Dr. Selkregg and Mr. Gutierrez concurred.

41
42 To Ms. Ossiander, Chair Claman responded that the Assembly could quickly complete the items and then resume with
43 AO 2008-49, Title 21, Chapter 5, item 11.A.

44
45 and the motion, as amended, was passed, 10-1.

46
47 AYES: Starr, Gutierrez, Gray-Jackson, Birch, Claman, Selkregg, Drummond, Flynn, Johnston and Coffey.
48 NAYS: Ossiander.

49
50 *(Clerk's Note: Chair Claman move the body to Agenda item 9.D.4)*

- 51
52 14.B. Resolution No. AR 2008-177, a resolution of the Municipality of Anchorage appropriating \$914,989
53 from the State of Alaska, Department of Health and Social Services and \$270,000 from the 2008
54 General Government Operating Budget, Department of Health and Human Services Areawide General
55 Fund (101) to the State Categorical Grants Fund (231), to fund the **Human Services Community**
56 **Matching Grant Program** in the Department of Health and Human Services.
57 1. Assembly Memorandum No. AM 545-2008.

58
59 Chair Claman read the resolution title and opened Public Hearing. There was no one to testify and he closed Public
60 Hearing and called for a motion.

61
62 Ms. Ossiander moved, to approve AR 2008-177,
63 Mr. Coffey seconded,
64 and this was approved without objection, 11-0.

65
66 AYES: Starr, Gutierrez, Gray-Jackson, Birch, Claman, Selkregg, Drummond, Ossiander, Flynn, Johnston and
67 Coffey.
68 NAYS: None.

- 69
70 14.C. Ordinance No. AO 2008-95, an ordinance of the Municipality of Anchorage creating **Special**
71 **Assessment District 08-55** for the Reconstruction of Cliffside Drive and Eastridge Drive, and
72 determining to proceed with proposed improvements therein, Project Management and Engineering.
73 1. Assembly Memorandum No. AM 511-2008.

74
75 Chair Claman read the ordinance title and opened Public Hearing. There was no one to testify and he closed Public
76 Hearing and called for a motion.

77

1 Dr. Selkregg moved, to approve AO 2008-177.
2 Ms. Johnston seconded,
3 and this was approved without objection, 11-0.
4

5 AYES: Starr, Gutierrez, Gray-Jackson, Birch, Claman, Selkregg, Drummond, Ossiander, Flynn, Johnston and
6 Coffey.
7 NAYS: None.
8

9 14.D. Resolution No. AR 2008-168, a resolution of the Municipality of Anchorage appropriating \$1,430,000
10 from the **Federal Seized and Forfeited Monies Police Investigation Fund (257) Other Fines and**
11 **Forfeitures to the Police Investigation Fund (257) for use by the Anchorage Police Department.**
12 1. Assembly Memorandum No. AM 513-2008.
13

14 (Clerk's Note: Due to a lack of time AR 2008-168 was Carried Over to September 16, 2008.)
15

16 14.E. Ordinance No. AO 2008-92, an ordinance amending Anchorage Municipal Code Sections 3.97.025B.
17 and 3.97.030A. to **add service area boards**, Assemblymember Johnston and Mayor Begich.
18 1. Assembly Memorandum No. AM 494-2008.
19

20 (Clerk's Note: Due to a lack of time AO 2008-92 was Carried Over to September 16, 2008.)
21

22 14.F. Ordinance No. AO 2008-98, an ordinance authorizing **acquisition of two lot portions located at**
23 **West 27th Avenue and Spenard Road**, for an amount Not To Exceed \$850,000, plus closing costs,
24 from the Anchorage Roads and Drainage Service Area Fund (441) for right of way improvements,
25 Project Management & Engineering.
26 1. Assembly Memorandum No. AM 546-2008.
27

28 Chair Claman read the ordinance title and opened Public Hearing.
29

30 JED WHITTAKER questioned whether both lots would be purchased. Chair Claman responded that all the property
31 for both lots would be involved with the acquisition.
32

33 BOB HAAG, business owner on Spenard Road, supported his property being purchased by the Heritage Land Bank
34 (HLB). He and his wife hired a broker, who had determined a price for the property and the costs for relocating his
35 business.
36

37 MARK BUTLER, with the Spenard Community Council and Road Committee Chair, testified that the Council and North
38 Starr Community Council had endorsed the land purchase for safety improvements to Spenard Road.
39

40 There was no additional public testimony and Chair Claman closed Public Hearing and called for a motion.
41

42 Ms. Drummond moved, to approve AO 2008-98,
43 Dr. Selkregg seconded,
44

45 To Ms. Ossiander, HLB Director Bill Mehner responded that the two lots were appraised for \$650,000, which did not
46 include any business value existing on the property. Relocation costs and a 9.5% inflation factor had been allowed
47 and the property was valued at \$850,000. Ms. Ossiander stated that she hesitated to pay over the appraisal. Mr.
48 Mehner responded that commercial property in the city continued to increase in value and the relocation costs had
49 been determined by a consultant, which the owner had paid.
50

51 Mr. Flynn stated this action would correct a traffic issue and was a positive step for the neighborhood. There would not
52 be any other changes to Spenard Road other than to the one intersection.
53

54 To Mr. Coffey, Mr. Mehner responded that the assessed value had included the value of land and the structure, but
55 had not calculated the square footage of the structure. He responded the costs of relocation for the four businesses
56 did not include lost wages for the business owner moving.
57

58 To Mr. Birch, Mr. Mehner responded the assessed values of the lots were \$79,000 and \$301,100. This acquisition
59 would allow demolition of the building and aligning the road at the intersection.
60

61 To Ms. Ossiander, Mr. Mehner described each lot and the value of each, with a total value of \$380,000 and included
62 the land and the building. Ms. Ossiander stated appraisal was \$650,000 and the city was paying \$850,000. Mr.
63 Mehner responded that land assessments were generally less than the market values.
64

65 Chair Claman stated that improvements were needed to that portion of Spenard Road. Owners of Alaska
66 Mountaineering and Hiking were comfortable with the acquisition and move. He frequently used that intersection and
67 could attest to the dangers of the street not aligning and he supported the acquisition.
68

69 and the motion passed, 9-2.
70

71 AYES: Gutierrez, Gray-Jackson, Birch, Claman, Selkregg, Drummond, Flynn, Johnston and Coffey.
72 NAYS: Starr and Ossiander.
73

74 14.G. Ordinance No. AO 2008-97, an ordinance authorizing the **purchase of six lots located in Mountain**
75 **View** in Anchorage, from Habitat for Humanity, with an appropriation from the Heritage Land Bank
76 Fund Balance (221) to the Heritage Land Bank Capital Fund (421) for \$27,786 plus closing costs.
77 1. Assembly Memorandum No. AM 544-2008.

1
2 Chair Claman read the ordinance title and opened Public Hearing.

3
4 JIM FREDERICK, Habitat for Humanity Executive Director, testified in support of the acquisition. He had submitted a
5 memorandum that summarized the history of the lots, which included their building on one lot.

6
7 There was no additional public testimony and Chair Claman closed Public Hearing and called for a motion.

8
9 Dr. Selkregg moved, to approve AO 2008-97,
10 Mr. Flynn seconded,

11
12 Ms. Ossiander stated that it was not appropriate to use city taxpayer's dollars to acquire these lots. There had been
13 no Heritage Land Band (HLB) funds for putting a library or police station in Eagle River. While she supported the work
14 of Habitat for Humanity, she questioned the city's purchasing unbuildable land and supporting Habitat for Humanity
15 and not municipal needs. She had not heard any response from anyone, including from the school district or any
16 agency that had funds to maintain a bike path on that property. She urged a NO-vote.

17
18 Dr. Selkregg stated she supported the acquisition, which provided needed open space for the neighborhood and offer
19 opportunities for possible future development, including for schools, parks or open space. This was an appropriate
20 use of HLB land.

21
22 Ms. Johnston stated that she had spend some time with Mr. Mehner and understood there were no immediate plans
23 for the lots. There were entities that had expressed interest, but had not offered a plan with funding. The school
24 district was not interested. She was not comfortable with supporting the acquisition.

25
26 Mr. Birch stated that while he supported Habitat for Humanity, it was not an appropriate role of the HLB to make this
27 type of investment. There was no community benefit.

28
29 Mr. Flynn stated that he would support the opportunity of the acquisition. The land was being purchased for less than
30 market value and it would benefit the entire community with many possible uses. It was appropriate for the Assembly
31 to support Habitat for Humanity, which played an active role in affordable housing in the city. He urged support.

32
33 Mr. Coffey stated he supported Habitat for Humanity. But, this property would still be available in six months. He
34 would prefer waiting, which would allow time to get a better plan for the land.

35
36 To Mr. Starr, Mayor Begich responded the purchased land could be used as additional open space or to augment the
37 school grounds and to help buffer the neighborhood. There were no immediate plans to justify the purchase, but it was
38 a good opportunity to get the land.

39
40 Chair Claman stated that this acquisition was below market value and it was an investment and would be a benefit to
41 the city. It was a wise investment and he would support the purchase.

42
43 and the motion passed, 7-4.

44
45 AYES: Starr, Gutierrez, Gray-Jackson, Claman, Selkregg, Drummond and Flynn.

46 NAYS: Birch, Ossiander, Johnston and Coffey.

47
48 14.H. Resolution No. AR 2008-179, a resolution of the Anchorage Municipal Assembly approving an
49 alcoholic beverages conditional use in the B-3 (General Business District) for a package store use and
50 license per AMC 21.40.180 D.8 for **Wal-Mart Super Store #2188**, located at 18600 Eagle River Road,
51 within Eaglewood Subdivision, Tract A, generally located on the southeast corner of Eagle River Road
52 and Eagle River Loop Road (Eagle River Valley Community Council) (Case 2008-120), Planning
53 Department.

54 1. Assembly Memorandum No. AM 548-2008.

55
56 Chair Claman stated that the Assembly intended to continue this matter to September 30th. Mr. Starr stated the local
57 community council would hold Public Hearing on the matter. Ms. Ossiander stated that the Alcohol Beverage Control
58 (ABC) Board had set a timeline and the applicant had requested that the Assembly write a letter to the board,
59 requesting a month's delay to allow input from the community councils. Chair Claman stated that he would open
60 Public Hearing to accommodate those present that evening who wished to testify and the matter would be continued to
61 September 30th. Dr. Selkregg stated that those testifying that evening would not be allowed to testify again. Chair
62 Claman read the resolution title and opened Public Hearing.

63
64 JED WHITTAKER testified that there was no benefit to allowing more alcohol in the community and Wal-Mart generally
65 did not benefit the community. He objected to the process and compared this type of permitting with that of
66 Washington State. Dr. Selkregg stated that the Assembly was not taking action on the matter because the Public
67 Hearing would be postponed in order to hear from the community councils. Ms. Ossiander stated that the Eagle River
68 Community Council had not met all summer and would be hearing the matter the following week. There were people
69 who had concerns with the liquor license. The application would expire in October. The Assembly would request the
70 Municipal Clerk to write a letter to the ABC Board, requesting additional time for the community council input. Mr.
71 Birch stated this matter could have been heard over the summer by the councils.

72
73 There was no additional public testimony and Chair Claman called for a motion.

74
75 Ms. Johnston moved, to continue AR 2008-179 Public Hearing to
76 Dr. Selkregg seconded, September 30, 2008,
77 and this was passed without objection, 11-0.

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Mr. Birch moved, to request that the Municipal Clerk direct a letter to the
Ms. Ossiander seconded, ABC Board, explaining the matter was under deliberation
and this was passed without objection, 11-0. and requesting an extension of the timeline,

Mr. Coffey stated that he would assist the Municipal Clerk with the letter to the ABC Board. To Ms. Ossiander, Mr. Coffey responded that he would communicate directly with the ABC Board Executive Director explaining the request for delay.

To Dr. Selkregg, Mr. Starr responded that if the ABC Board did not approve the extension the Assembly would have to take action by September 30th, otherwise the application would default on September 31st.

and the motion to direct a letter to the ABC Board was approved without objection.

(Clerk's Note: Chair Claman returned the body to continue 11.A, concerning Title 21, Chapter 5.)

- 14.I. Resolution No. AR 2008-169, a resolution of the Municipality of Anchorage appropriating \$114,332 from the U.S. Environmental Protection Agency to the Federal Categorical Grants Fund (241) for the Air Quality Program to conduct **air quality monitoring for benzene** in the Department of Health and Human Services.
1. Assembly Memorandum No. AM 514-2008.

(Clerk's Note: Due to a lack of time AR 2008-169 was Carried Over to September 16, 2008.)

- 14.J. Resolution No. AR 2008-170, a resolution appropriating \$1,000,000 from a State of Alaska Department of Environmental Conservation (ADEC) grant agreement with the Municipality of Anchorage, to the Anchorage Roads and Drainage Service Area (ARDSA) Capital Improvement Fund (441) for the **South Fork of Chester Creek Channel Restoration**, Project Management & Engineering.
1. Assembly Memorandum No. AM 515-2008.

(Clerk's Note: Due to a lack of time AR 2008-170 was Carried Over to September 16, 2008.)

15. **SPECIAL ORDERS** None.
16. **UNFINISHED AGENDA** None.
17. **AUDIENCE PARTICIPATION** None.
18. **ASSEMBLY COMMENTS** None.
19. **EXECUTIVE SESSIONS** None.
20. **ADJOURNMENT**

Mr. Coffey moved, to adjourn the Regular Meeting,
Mr. Birch seconded,
and there were no objections.

The meeting was adjourned at 11:00 p.m.



MATT CLAMAN, Assembly Chair

ATTEST:



BARBARA GRUENSTEIN, Municipal Clerk
Date Minutes Approved: December 2, 2008.
MC/BG

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