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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 16, 2008

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1. CALL TO ORDER

The Assembly Meeting of September 16, 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 Assemblymembers present.

PRESENT: Mike Gutierrez, Elvi Gray-Jackson, Chris Birch, Matt Claman, Sheila Selkregg, Harriet Drummond, Debbie Ossiander, Patrick Flynn (*participating telephonically in noted portions of the meeting*), Jennifer Johnston and Dan Coffey.

ABSENT: William Starr and Patrick Flynn (*absent in noted portions of the meeting*), each excused.

3. PLEDGE OF ALLEGIANCE Assemblymember Gutierrez led the pledge.

4. MINUTES OF PREVIOUS MEETINGS

4.A. Regular Meeting – July 29, 2008.

Mr. Birch moved, to approve the Meeting Minutes of July 29, 2008,

Ms. Drummond seconded,

Ms. Drummond moved, to amend the Minutes on Page 10, Line 6, *by changing* to
Ms. Gray-Jackson seconded, read: BARBARA [PENTUK] "PEPEK," with North Star
and this was passed without objection. Community Council who raised vegetables, testified in
support of chickens and other animals. Safety was important
when dealing with [gewning] "growing" food.

and the main motion, as amended, was passed, 10-0,
with Mr. Starr as an excused absence.

5. MAYOR'S REPORT

To Mayor Begich, Park Foundation Board Member Kristin Sholton summarized the park improvements and 2009 priority list. She reported that AIM 77-2008 outlined the funds raised and the expenditures. Since 2004 the Foundation had raised \$14.5 million and continued to encourage public dollars, volunteer opportunities and more community participation. Mayor Begich thanked Ms. Sholton and the Park Foundation for doing an exceptional job. Chair Claman thanked them for their hard work, which made a positive change to the community.

6. ASSEMBLY CHAIR'S REPORT

Chair Claman recognized Municipal Clerk's Office employees Mary Croxton and Guadalupe Marroquin for their five years of service to the Municipality. Vice Chair Selkregg presented five-year pins to the women and, on behalf of the entire Assembly, Chair Claman thanked them for their work. Chair Claman reported on the Assembly retreat, held on September 12th. Chair Claman reported that he had been warmly welcomed when he traveled to the Anchorage's sister city, Chitose, Japan, to represent Anchorage at the celebration of Chitose's 50th anniversary of being an incorporated city.

7. COMMITTEE REPORTS

Dr. Selkregg reported the Energy Committee would participate in an Assembly worksession in November to present an overview of critical energy issues and recommendations for Assembly action. The Energy Committee would be working with the Community and Economic Development Committee and the Power Generation and Energy Committee before the matter was reviewed by the Assembly. She reported that the Community and Economic Development Committee would establish a committee in October to address community development issues.

Ms. Ossiander reported the Title 21 Committee continued to meet Thursday mornings at the Planning and Zoning Conference Room, from 9:00 to 11:30 a.m. The final draft of Chapter 6 would be reviewed on September 18th.

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2 Mr. Coffey reported that the Power Generation and Energy Committee would be addressing generation transmission
3 and distribution. He and Mr. Flynn were preparing to address Legislative Priorities and he encouraged all members to
4 submit issues of interest for consideration in Juneau.

5
6 Ms. Gray-Jackson reported a Budget and Finance Committee Meeting would be held on Thursday, September 18th
7 from noon until 1:00 p.m. in the Mayor's Conference Room. She encouraged members' input, prior to Mayor Begich
8 submitting the 2009 Budget on September 30th. ~~[She had addressed the 2009 Budget with the Administration and~~
9 ~~would address the vacancy factor. Labor contracts would be addressed once contract negotiations had ended.]~~ "She
10 advised the body that the Committee agenda would include the 2009 budget process and discussion on the new
11 method for calculating the vacancy factor. She also reminded the body that the resolution regarding policy guidelines
12 for labor negotiations cannot be revised until negotiations have ended and the committee would look at revisions at
13 that point."

14
15 Mr. Gutierrez reported the Public Safety Committee would hold a Special Meeting and Public Forum on Thursday,
16 September 25th from 6:00 to 8:00 p.m. in Assembly Chambers to discuss urban bears. He reported that the Public
17 Safety Meeting on September 5th had addressed state law and the resale of automobiles by private citizens in the city.

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19 **8. ADDENDUM TO AGENDA**

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21 Chair Claman called for a motion and read the Addendum items. There were no additional items and he called for a
22 vote to incorporate the Addendum items into the Consent Agenda.

23
24 Ms. Ossiander moved, to approve the inclusion of the Addendum items
25 Dr. Selkregg seconded, into the Consent Agenda,
26 and this motion was passed, 10-0.

27
28 AYES: Gutierrez, Gray-Jackson, Birch, Claman, Selkregg, Drummond, Ossiander, Flynn (*participating*
29 *telephonically*), Johnston and Coffey.

30 NAYS: None.

31 ABSENT: Starr, excused.

32
33 Chair Claman called for a motion on the Consent Agenda.

34
35 Dr. Selkregg moved, to approve the Consent Agenda,
36 Ms. Ossiander seconded,

37
38 Chair Claman called for Assemblymembers to request items be pulled for discussion on the Regular Agenda.

39
40 **9. CONSENT AGENDA**

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

42
43 **9.B. RESOLUTIONS FOR ACTION - OTHER**

44 **9.B.1. Resolution No. AR 2008-197**, a resolution of the Anchorage Municipal Assembly supporting passage
45 of federal legislation in S. 777 and H.R. 1023 to repeal the 3% withholding requirement in the **Tax**
46 **Increase Prevention and Reconciliation Act of 2005**, Assemblymember Johnston.

47
48 (*Clerks Note: Following the completion of Agenda item 11.A, Ms. Johnston moved to reconsider item 9.B.1, previously*
49 *approved on the Consent Agenda. See item 10.B.1)*

50
51 **9.B.2. Resolution No. AR 2008-199**, a resolution of the Municipality of Anchorage providing for \$31,750 from
52 the State of Alaska, Department of Education, Division of State Libraries to the Office of Economic and
53 Community Development, State Grants Fund (231), and an operating budget match from the
54 Economic and Community Development, Areawide General Fund (101) of \$35,000 to the **Public**
55 **Library Assistance Grant**.

56 a. Assembly Memorandum No. AM 586-2008. (*Addendum*)

57 **9.B.3. Resolution No. AR 2008-200**, a resolution of the Municipality of Anchorage providing for the
58 appropriation of \$64,957, from the State of Alaska, Department of Education, Division of State
59 Libraries to the Office of Economic and Community Development, State Grants Fund (231), for **800#**
60 **Interlibrary Loan and Reference Backup Services** for the Library.

61 a. Assembly Memorandum No. AM 587-2008. (*Addendum*)

62 **9.B.4. Resolution No. AR 2008-201**, a resolution of the Municipality of Anchorage appropriating \$25,225 from
63 the Department of Military and Veterans' Affairs, Division of Homeland Security and Emergency
64 Management and contribution of \$510 from Anchorage Fire Service Area Operating Fund (131) Fire
65 Department 2008 Operating Budget to the State Categorical Grants Fund (231) for support of **Local**
66 **Emergency Planning Committee (LEPC) activities** in the Municipal Manager Department, Office of
67 Emergency Management.

68 a. Assembly Memorandum No. AM 588-2008. (*Addendum*)

69 **9.B.5. Resolution No. AR 2008-198**, a resolution of the Anchorage Municipal Assembly **withdrawing**
70 **support for Knik Arm Crossing Transportation Project** and requesting that the Anchorage
71 Metropolitan Area Transportation Solutions (AMATS) Policy Committee begin the process to remove
72 Knik Arm Crossing from the 2025 Long Range Transportation Plan with 2027 revisions,
73 Assemblymember Flynn, Assembly Vice Chair Selkregg.

74 a. Assembly Memorandum No. AM 585-2008. (*Addendum*)

75
76 Mr. Birch requested this item be pulled for review on the Regular Agenda. (*See item 10.B.5*)

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9.C. **BID AWARDS** There were none.

9.D. **NEW BUSINESS**

- 9.D.1. Assembly Memorandum No. AM 570-2008, Amendment No. 2 Reimbursable Services Agreement with the Department of Transportation and Public Facilities (DOT&PF) for **Tudor Road and Lake Otis Parkway, Intersection Improvements**, Project No. 04-35 (\$50,000), Project Management & Engineering.
- 9.D.2. Assembly Memorandum No. AM 578-2008, **Stars of Gold LLC #4825** – Application for the Transfer of Ownership and Location with Restaurant Designation Permit of a Beverage Dispensary Liquor License (Spenard Community Council), Clerk's Office.
- 9.D.3. Assembly Memorandum No. AM 579-2008, **Thai Chinese Cuisine #4824** – Application for a New Restaurant Eating Place Liquor License and Restaurant Designation Permit (Spenard Community Council), Clerk's Office.
- 9.D.4. Assembly Memorandum No. AM 580-2008, **Blues Central/Chef's Inn #217** – Restaurant Designation Permit for a Beverage Dispensary Liquor License (Spenard Community Council), Clerk's Office.

Mr. Birch reported there were typographical errors in the form letters included with the memorandums for liquor licenses in 9.D.4, 9.D.5, 9.D.6 and 9.D.7. Chair Claman requested that the Clerk's Office make the corrections.

- 9.D.5. Assembly Memorandum No. AM 581-2008, **Sea Galley #1666** – Restaurant Designation Permit for a Beverage Dispensary Liquor License (Midtown Community Council), Clerk's Office.
- 9.D.6. Assembly Memorandum No. AM 582-2008, **Pepper Mill #3599** – Restaurant Designation Permit for a Beverage Dispensary Liquor License (Midtown Community Council), Clerk's Office.
- 9.D.7. Assembly Memorandum No. AM 583-2008, **Stormy's Bar & Grill #598** – Restaurant Designation Permit for a Beverage Dispensary Liquor License (Fairview Community Council), Clerk's Office.
- 9.D.8. Assembly Memorandum No. AM 589-2008, Proposed Contract Amendment No. 1 to the construction contract with Sea Coast Construction Co., Inc. (Sea Coast), for the **Yosemite Drive Road, Pedestrian, and Drainage Improvements**, Project No. 05-21, Contract No. C-270708 (\$136,493.12), Project Management & Engineering. (*Addendum*)

9.E. **INFORMATION AND REPORTS**

- 9.E.1. Information Memorandum No. AIM 77-2008, **Bi-annual Anchorage Park Foundation Board Report on Park Investments**.

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

- 9.F.1. Ordinance No. AO 2008-101, an ordinance authorizing **long term leases** between the Municipality of Anchorage as lessor and State of Alaska as lessee of Lot 1C and Lot 8C; Flight Safety Alaska Inc as lessee of Lot 2C; Slipstream Hangars Condominium Association as lessee of Lot 3C; Federal Aviation Administration as lessee of Lot 5C; Ramak Inc as lessee of Lot 9C; Chugach Hangars Owners Association as lessee of Lot 10C; and North Edge LLC as lessee of Lot 11C; all located in Block 2, Merrill Field Subdivision between Runway 07/25 and Glenn Highway, Merrill Field Airport.
- a. Assembly Memorandum No. AM 576-2008. P.H. 9-30-08.
- 9.F.2. Resolution No. AR 2008-191, a resolution of the Municipality of Anchorage, Alaska, confirming and levying assessments for the sewer special improvements within **Levy-Upon-Connection (LUC) Roll 08-S-2**, setting date of payment and providing for penalties and interest in the event of delinquency, Anchorage Water and Wastewater Utility. P.H. 10-14-08.
- a. Assembly Memorandum No. AM 571-2008.
- 9.F.3. Resolution No. AR 2008-192, a resolution of the Municipality of Anchorage accepting and appropriating a State of Alaska Municipal Matching Grant per Senate Bill 221 in the amount of \$2,266,000 to be applied towards the **Asplund Wastewater Treatment Facility Disinfection Upgrade Project**, Anchorage Water and Wastewater Utility. P.H. 9-30-08.
- a. Assembly Memorandum No. AM 572-2008.
- 9.F.4. Resolution No. AR 2008-193, a resolution of the Municipality of Anchorage, Alaska, accepting and appropriating an Alaska Drinking Water Fund loan offer in the amount of \$668,400 for financing a portion of the costs of the **Norm Newt Drive Water Project**, Anchorage Water and Wastewater Utility.
- a. Assembly Memorandum No. AM 573-2008. P.H. 9-30-08.
- 9.F.5. Resolution No. AR 2008-194, a resolution of the Municipality of Anchorage, Alaska, accepting and appropriating two (2) State of Alaska Clean Water Fund loan offers in the aggregate amount of \$1,280,000 for financing a portion of the costs of the **Pump Station 10 Upgrades and Downtown Sewer Upgrade Projects**, Anchorage Water and Wastewater Utility. P.H. 9-30-08.
- a. Assembly Memorandum No. AM 574-2008.
- 9.F.6. Resolution No. AR 2008-195, a resolution appropriating \$214,552 from Amendment Number One to a **Transfer of Responsibilities Agreement (TORA)** between the State of Alaska Department of Transportation and Public Facilities (ADOT&PF) and the Municipality of Anchorage (MOA) to the State Categorical Grants Fund (231) under the Municipal Traffic Department for the **Traffic Control Signalization 07-09 Project**. P.H. 9-30-08.
- a. Assembly Memorandum No. AM 575-2008.
- 9.F.7. Resolution No. AR 2008-196, a resolution of the Municipality of Anchorage appropriating \$150,000 from the Department of Military and Veterans' Affairs, Division of Homeland Security and Emergency Management and contribution of \$3,170 from Anchorage Fire Service Area Operating Fund (131) Fire Department 2008 Operating Budget to State Categorical Grants Fund (231) for support of **Emergency Management Performance Grant (EMPG) activities** in the Municipal Manager Department, Office of Emergency Management. P.H. 9-30-08.
- a. Assembly Memorandum No. AM 577-2008.

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

2
3 and the main motion, as amended, was passed.

4
5 AYES: Gutierrez, Gray-Jackson, Birch, Claman, Selkregg, Drummond, Ossiander, Flynn (*participating*
6 *telephonically*), Johnston and Coffey.

7 NAYS: None.

8 ABSENT: Starr, excused.

9
10 The amended Consent Agenda was approved and Chair Claman led the body into discussion of the pulled items.

11
12 **END OF CONSENT AGENDA**

13
14 **10. REGULAR AGENDA**

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

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

18 **10.B.1. Resolution No. AR 2008-197**, a resolution of the Anchorage Municipal Assembly supporting passage
19 of federal legislation in S. 777 and H.R. 1023 to repeal the 3% withholding requirement in the **Tax**
20 **Increase Prevention and Reconciliation Act of 2005**, Assemblymember Johnston.

21
22 (*Clerks Note: Following the completion of item 11.A, Ms. Johnston moved to reconsider AR 2008-197.*)

23
24 Ms. Johnston moved, *for immediate reconsideration of AR 2008-197,*
25 Mr. Gutierrez seconded,
26 and this was approved without objection.

27
28 Ms. Johnston moved, to amend AR 2008-197 on Page 1, Line 9, *by changing to*
29 Mr. Coffey seconded, read: WHEREAS, Section 511 of the Tax Prevention and
30 and this passed without objection, 9-0. Reconciliation Act of 2005 (Public Law 109-222) will require
31 boroughs, cities and states to withhold 3% of payment [~~from~~]
32 "to" vendors and contractors for federal income tax purposes.
33

34 Ms. Johnston stated this was an important change and the community needed to be informed.

35
36 Ms. Johnston moved, to approve AR 2008-197, as amended,
37 Dr. Selkregg seconded,
38 and this was approved without objection, 9-0,
39 with Mr. Starr and Mr. Flynn, each as excused absences.

40
41 (*Clerk's Note: Chair Claman returned the Assembly to item 13.A.*)

42
43 **10.B.5. Resolution No. AR 2008-198**, a resolution of the Anchorage Municipal Assembly **withdrawing**
44 **support for Knik Arm Crossing Transportation Project** and requesting that the Anchorage
45 Metropolitan Area Transportation Solutions (AMATS) Policy Committee begin the process to remove
46 Knik Arm Crossing from the 2025 Long Range Transportation Plan with 2027 revisions,
47 Assemblymember Flynn, Assembly Vice Chair Selkregg.

48 a. Assembly Memorandum No. AM 585-2008. (**Addendum**)

49
50 Dr. Selkregg move, to approve AR 2008-198,
51 Mr. Gutierrez seconded,

52
53 Mr. Birch stated that this matter had no business coming before the Assembly. The Assembly had heard about it for
54 the first time three days ago. AR 2008-198 proposed to curtail community investment and involvement in the Knik Arm
55 Bridge and Toll Authority (KABATA) Project, which had been moving forward since 2003. This project was included in
56 the Anchorage Long Range Transportation Plan (LRTP) and it was imperative to continue the public process and keep
57 the project moving forward to (*be able to*) leverage public dollars with hundreds of millions of dollars of private capital
58 available for construction. The environmental impact statements (EISs) were complete and there was too much
59 momentum to stop the public process. The resolution would extract the project out of the LRTP. The resolution had
60 many inaccuracies and he would not support it.

61
62 Mr. Coffey concurred with Mr. Birch. Much time had been spent on the process when the KABATA Project had been
63 included in the LRTP, including extensive Public Hearings and addressing many issues and discussing controversies.
64 The resolution had been placed on the Addendum at the last minute and would remove (*the city's support for*) the
65 project. He urged that the process be continued, which was often more important than the end result. It was important
66 to know the facts before taking action. He urged the Assembly to consider waiting for two weeks to decide the matter.

67
68 Ms. Johnston stated that she had concerns with the city's exposure and liability (*if the city withdrew its support*). The
69 Municipality had followed process, with caveats. More information was needed before a making a decision. If the city
70 changed their minds the public process would have to start over. \$40,000,000 had been already been spent on the
71 EIS, which might have to paid back if the process was not followed well. It could be said that there was a changed
72 economic situation and increased fuel costs. Oil prices were now decreasing and it was unknown if fuel conservation
73 would continue. No decisions should be made before the facts were known. If the city had to pay back the dollars,
74 there would be no guarantee the funds would be used in Southcentral Alaska. Federal highway funds could not be
75 used for mass transit or bicycle trails. The city needed to participate in the process. She was disappointed with the
76 resolution and she would support postponing until the Assembly got the facts.

1
2 Dr. Selkregg stated that the federal government's Record Of Decision (ROD) would determine whether this was an
3 appropriate project to go forward. There were community concerns about the bridge and impacts to long term
4 priorities. Proposing Assembly action before completing the ROD was based on advice from the Administration
5 because of concerns that the city would have to pay back the money (*if done later*). It was important to have the
6 Assembly apprehension on record. There had been expected increased costs and impacts to other state highway
7 projects (*being planned*) before the KABATA Project was proposed. There would be less highway funding in the future
8 and there were transportation matters that needed attention. A bridge to the Matanuska-Susitna (*Mat-Su*) Borough
9 could potentially decrease local property values and erode the local tax base. The bridge would serve a new
10 community across the Knik Arm and not the Municipality. The public process was important and this resolution would
11 begin conversation about a revision to the LRTP which would come back to the Assembly. The federal government
1 needed to understand the Assembly's concerns while they were deliberating the matter.

12
13 Ms. Ossiander stated that project costs were being reviewed at the request of the Governor and she would support
14 postponing the matter until more accurate costs were known. A shift in decision following federal highway fund
15 expenditures may lead to significant liability issues. The dollars were not transferable and could not be spent on other
16 projects. Anchorage Metropolitan Area Transportation Solutions (AMATS) was a joint project between the city and the
17 State of Alaska and it (*withdrawing support for the project*) was not necessarily an AMATS position. Southcentral
18 Alaska was a regional economy and it was important for Anchorage to not be insular. Glenn Highway traffic
19 congestion and impacts would continue to grow and it was important for Anchorage to review all options. There were
20 many things that needed to be researched and discussed before the Assembly took action.
21
22

23 Mr. Flynn stated the intent of the resolution was to create the opportunity for public process and to address the LRTP
24 and the project's long term impacts. The recent RFP for a cost study had failed when the only respondent had
25 withdrawn. More data for the final draft should be available by December 5th, which may lead to further discussion.
26 The public process needed to continue because of the liability issue. Money designated for the bridge would be
27 returned to the state and there was no guarantee the funds would be used in the Municipality, but the resolution
28 requested the funds be used in Southcentral. He supported Mayor Begich and Mat-Su Borough Mayor Menard
29 forming the Regional Transit Authority to look jointly at regional transportation issues. He supported the use of van
30 pools to relieve traffic congestion and funding for the Glenn Highway, should funds be reallocated.
31

32 To Ms. Johnston, JENNIFER WITT, Planning Chief for the Central Region, Department of Transportation (DOT),
33 responded that Assembly action would not have a direct impact on the ROD. The Federal Highway Administration had
34 requested updated cost estimates before issuing a ROD, in coordination with the state and the AMATS process. If the
35 matter was sent to AMATS before January 1st, the federal government would withhold issuing a ROD, understanding
36 there were concerns and a need to reconsider the project as a part of the LRTP. If the project was withdrawn from the
37 LRTP, an ROD would not be issued. Significant documented changes and long term impacts would also be evaluated,
38 including insurmountable costs. To Dr. Selkregg, Ms. Witt responded to questions concerning a reduced level of
39 federal highway dollars, higher fuel costs, the removal of the project's earmark status and obligations for using funds
40 for specific projects or programs. To Mr. Birch, Ms. Witt responded the Mat-Su Borough had been involved throughout
41 the EIS study. The Mat-Su Borough was not part of AMATS, which was the ultimate joint decision making process
42 between the city and the state. To Chair Claman, Ms. Witt responded the original earmark for the bridge was a couple
43 of million dollars. Assembly action on this resolution would not stop the RFP process to determine the cost estimates
44 of the bridge. Approving the resolution would take the matter to AMATS, which would determine what action to take
45 and whether to initiate the public process. Ms. Witt responded that repaying the money was the liability of the State of
46 Alaska.
47

48 Ms. Gray-Jackson stated that the action to be taken that evening was the first step of the public process, which was
49 important. Former Assemblymember Cheryl Clemenson had told her that the bridge project was a pipedream.
50

51 Mr. Coffey stated that there was a substantial lack of understanding, which alone was a good argument to get all the
52 questions answered. The Assembly could amend the document to address changing conditions and higher costs and
53 to request that the AMATS Policy Committee begin the process of considering the question of removing the Knik Arm
54 Crossing. Withdrawing Assembly support may short circuit the process. Things may change between now and
55 November and he urged consideration of continuing the matter.
56

57 Mr. Coffey moved, *to continue AR 2008-198 to September 30, 2008, and*
58 Ms. Johnston seconded, *to hold Public Hearing,*
59 and this motion failed, 4-6.
60

61 AYES: Birch, Ossiander, Johnston and Coffey.
62 NAYS: Gutierrez, Gray-Jackson, Claman, Selkregg, Drummond and Flynn (*participating telephonically*).
63 ABSENT: Starr, excused.
64

65 Mr. Coffey moved, *to amend AR 2008-198 on Page 1, Lines 31-32, by*
66 Ms. Johnston seconded, *deleting to read: Section 1. Recognizes the changing*
67 *conditions and high costs associated with the Knik Arm*
68 *Crossing; and [and formally withdraws its support from the*
69 *project; and]; And, by adding on Lines 34-36 to read:*
70 *Section 2. Requests that the Anchorage Metropolitan Area*
71 *Transportation Solutions (AMATS) Policy Committee begin*
72 *the process to "consider the question of removing" [remove]*
73 *the Knik Arm Crossing from the 2025 Long Range*
74 *Transportation Plan with 2027 revisions; and; And, by*
75 *deleting [Section 3--Requests that the AMATS Policy*

Committee delete the Knik Arm Crossing from the
Transportation Improvement Plan; and];

Mr. Coffey stated that the process needed to be recognized. This resolution was of significant importance and was added at the last moment with one Assemblymember absent and another on the phone. It was not the right time to withdraw Assembly support for the project.

To Chair Claman, Mr. Flynn responded that he did not object to Mr. Coffey's motion. Chair Claman called for a vote.
and the motion passed without objection, 10-0.

Dr. Selkregg stated that she understood the importance of public process and had apprehensions about how quickly this matter had been addressed. During the original process the project was not supported by the LRTP Citizens Roundtable, the Planning Department, the Planning and Zoning Commission or the staff. The Assembly had supported the project, in reflection of the process. The request was for reexamination of the bridge and its impact to Anchorage, including the bridge's importance, impacts to the community and what it meant to the city's future. A neighboring community created across the bridge would have access to all city resources without paying for them, except for the toll cost. A community across the bridge could undermine property values in Anchorage and the Mat-Su. Continuing the matter would allow time to examine all the questions. She urged a YES-vote.

Ms. Ossiander stated that she had been a member of the LRTP Citizens Committee and there was much discussion, but never a vote taken, either supporting or not supporting the bridge. Citizens in Southcentral Alaska would benefit from the bridge, particularly citizens in her district.

Chair Claman stated that earmarked funds had resurrected the bridge project from the 1950s. The earmark had gone away, but the money had not. The sentiment of the body's support had changed over time and the resolution primarily gave the Assembly an opportunity to express its preference that AMATS start a process to reexamine its priorities. Investment in the bridge at this time was not a wise use of resources. While there were great differences of opinion on how to spend the money, there were other transportation projects that were a better way to invest scarce federal, state and municipal resources. The cost study would give a more accurate idea of the costs to build the bridge, which would facilitate a final decision. He looked forward to the AMATS recommendations. He would support the resolution.

Ms. Johnston moved,
Mr. Coffey seconded,
and this was later withdrawn.

to amend AR 2008-198 on Page 2, Lines 2-7, by changing to read: Section [4] "3." Requests that Governor Palin reallocate all federal monies from the Knik Arm Crossing project to other priority Southcentral Alaska transportation projects including, but not limited to: [commuter transit,] Glenn Highway safety improvements, and the Glenn Highway to Seward Highway connection and congestion mitigation project.;

Mr. Flynn objected and stated that Federal Highway funds may be used for capital expenditures such as Share-A-Ride vans or People Mover buses and transit station facilities. Dr. Selkregg responded that capital funds could not be used for buses, but could be used for improvements to facilitate transit opportunities, such as extra fast transit lanes. Ms. Witt responded that there was no guarantee that the funds would be used in Southcentral Alaska.

Ms. Johnston withdrew her amendment. Mr. Coffey concurred and proposed a new amendment.

Mr. Coffey moved,
Mr. Birch seconded,
and this was approved, 8-2.

to amend AR 2008-198 on Page 2, Lines 2-7, by changing to read: Section [4] "3." "If the Knik Arm Crossing is removed from the Long Range Transportation Plan the Anchorage Assembly [R] "rrequests that "the State of Alaska" [Governor Palin] reallocate all federal monies from the Knik Arm Crossing project to other priority Southcentral Alaska transportation projects including, but not limited to: commuter transit, Glenn Highway safety improvements, and the Glenn Highway to Seward Highway connection and congestion mitigation project.;

AYES: Gray-Jackson, Birch, Claman, Selkregg, Ossiander, Flynn (*participating telephonically*), Johnston and Coffey.

NAYS: Gutierrez and Drummond.

ABSENT: Starr, excused.

Mr. Birch stated that the title indicated Assembly's withdrawing support. Chair Claman and Municipal Attorney Jim Reeves responded that the title could not be changed, but a new document could be submitted.

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

AYES: Gutierrez, Gray-Jackson, Birch, Claman, Selkregg, Drummond, Ossiander, Flynn (*participating telephonically*), Johnston and Coffey.

NAYS: None.

ABSENT: Starr, excused.

Ms. Drummond moved, *for immediate reconsideration of AR 2008-198,*
Ms. Gray-Jackson seconded,

1
2 Ms. Drummond urged a NO-vote.

3
4 and the motion failed unanimously, 0-10.

5
6 AYES: None.

7 NAYS: Gutierrez, Gray-Jackson, Birch, Claman, Selkregg, Drummond, Ossiander, Flynn (*participating*
8 *telephonically*), Johnston and Coffey.

9 ABSENT: Starr, excused.

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11 (Clerks Note: *The Assembly moved to the Mayor's Report, to allow the Anchorage Parks Foundation to report.*)

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13 **10.C. BID AWARDS** There were none.

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15 **10.D. NEW BUSINESS** None were pulled for review.

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

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

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

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

26 1. Information Memorandum No. AIM 63-2008. (*Public Hearing was closed 7-29-08;*
27 *Action Postponed from 7-29-08; Amended 8-19-08; Carried Over from 8-19-08 and 9 9-08*)

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

33
34 Chair Claman reported the ordinance history, including a motion on the floor to approve AO 2008-49 from August 19th.
35 Ms. Ossiander stated that Attachment F, prepared by the Planning Department, would be moved en masse. Planning
36 Director Tom Nelson stated that changes to standards for public health and safety laboratories with other research
37 laboratories were included in Attachment F, beginning on Line 45.

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39 Ms. Ossiander had moved, to approve AO 2008-49,
40 Mr. Coffey had seconded,

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42 Ms. Ossiander moved, to approve Attachment F, amending Attachment A,
43 Mr. Coffey seconded, amending AMC Title 21, Chapter 5,
44 and this passed without objection, 10-0,
45 with Mr. Starr as an excused absence.

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47 Mr. Coffey moved, to amend Attachment A, *by approving* the Coffey Amendment
48 Ms. Ossiander seconded, #2, Version 2, amending Title 21.05 on Page [442] 117,
49 and this was later amended, Section 21.05.070.E.1, Lines [48-22] 29-33, *by adding* to
50 read: **E. Prohibited Accessory Uses and Structures**

51 **1. Intermodal Shipping Container (Connex Unit)**

52 **a. Definition**

53 A pre-fabricated, standardized, reusable, metal
54 container designed and intended for transporting
55 cargo on ocean-going ships, trains, or tractor trailers,
56 also commonly called cargo containers, transport
57 containers, or marine cargo containers. This use
58 includes similar structures, such as railroad cars.

59 **b. Use-Specific Standards**

60 The use of a connex unit is allowed in all zoning
61 districts subject to the following:

62
63 **i. Except in the industrial, commercial, and airport**
64 **districts, connex units shall be screened on all sides**
65 **by structures, landscaping, and/or fences at least as**
66 **high as the unit, or alternately, shall be sided and**
67 **roofed with materials substantially similar to the**
siding of the primary structure.

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69 **ii. In commercial districts, connex units shall be located**
70 **to the rear of all principal structures or alternately,**
71 **meet either the screening or the siding and roofing**
requirements of section b.i. above.

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- iii. In residential districts, connex units are only permitted on lots equal to or greater than 40,000 square feet. Connex units existing as of [effective date] on any size lot may continue as long as the screening requirements of b.i. above and the number limitations of b.iv. below are met within one year of [effective date], in which case such connex unit(s) shall be deemed conforming. Failure to comply with this provision shall not result in a legal nonconformity, but rather shall result in an illegal structure.
- iv. In residential districts where the primary use of the lot is residential, no more than one unit is allowed per every 40,000 square feet of property up to a maximum of three units. In conjunction with nonresidential uses in residential districts, no more than three units are allowed.
- v. Self-storage establishments in compliance with the development standards of 21.05.060D.4., Self-Storage Facility, are exempt from this section.
- vi. Loading or unloading a connex unit, or the use of a connex during construction is exempt from this section.
- vii. In residential districts of less than 40,000 square feet connex units existing on [effective date] that are located between the front plane and the principal structure and the front property line shall be removed within one year of [effective date]."

Mr. Coffey stated that connex containers were industrial storage units widely used throughout the business and residential communities. This was a compromise between different points of view and he supported the #2 Version.

To Ms. Ossiander, Mr. Nelson responded that connexes that failed to comply with screening were not in compliance and would be considered illegal and the amendment would allow the city to take enforcement action.

~~[To Ms. Drummond,]~~ Ms. Drummond questioned what happened to connexes on residential lots smaller than 40,000 square feet if the property sold. Mr. Coffey responded that existing connexes were permitted as storage units under current law, but screening or siding was needed if the owner wanted to keep it. Connexes were sold with the property and the sale of the property would not change the status of the connex. Ms. Drummond stated that because connexes were so large, consideration was needed to limit use to the sides or back yards of the smaller properties.

Ms. Drummond moved, to amend the Coffey Amendment #2 in the third section, by
Ms. Gray-Jackson seconded, changing to read:
and this was later withdrawn,

- iii. In residential districts, the lot size which shall be a minimum of 40,000 square feet,] "connex units are only permitted in the side or back yards in class A residential districts," [provided, however, existing connexes and similar structures on lots less than 40,000 square feet shall be permitted to continue subject to the screening or siding and roofing requirements set out above and shall not be deemed non-conforming-].

(Clerk's Note: Mr. Flynn was disconnected telephonically and Chair Claman reported that Mr. Flynn would be reflected as an excused absence for the remainder of the meeting.)

To Dr. Selkregg, Mr. Nelson responded that lending institutions, not the city, required compliance, tying regulations to the sale of property. Dr. Selkregg stated that strategy was needed to address the sale of properties, with the opportunity to address non-conforming use, at the time of sale. Currently it was a private, contractual matter between the buyer and the seller.

Mr. Coffey proposed prepared amendment language, with Mr. Nelson's consideration. Ms. Drummond withdrew her original motion. Ms. Gray-Jackson concurred.

Mr. Coffey moved, to amend the Coffey Amendment #2, in the third section
Ms. Gray-Jackson seconded, by changing to read:
was approved without objection, 9-0.

- iii. In residential districts, connex units are only permitted on lots equal to or greater than 40,000 square feet. "Except as restricted in b.vii." below, connex units existing as of [effective date] on any size lot may continue as long as the screening

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and the main motion, as amended, was approved without objection, 9-0.

Mr. Coffey moved, Ms. Ossiander seconded, and this passed without objection, 9-0.

Mr. Coffey moved, Ms. Ossiander seconded, and this was later postponed until later in the meeting, and later substituted,

Mr. Coffey stated that the Title 21 Committee had not spent enough time on this matter. Eliminating this section would make cloth garages a prohibited accessory use. To Ms. Drummond, Mr. Coffey responded that Planning had made recommendations for cloth garages to meet building code structure requirements. Ms. Drummond stated that cloth garages that came in boxes and were sold at big box stores were already prohibited. Mr. Coffey concurred.

Dr. Selkregg stated that cloth garages put up in nice neighborhoods would annoy the neighbors. They would be allowed as a temporary use, but not a permanent use. Mr. Nelson responded that cloth garages had safety concerns and people were generally offended by them, because it changed the character of the neighborhood.

Mr. Coffey stated that cloth garages could be very utilitarian without being ugly. An alternative to deletion would be to add language allowing cloth garages that met building code as a permitted accessory use. To Dr. Selkregg, Mr. Coffey responded cloth garages were already allowed as a temporary use in business and industrial areas. He would support a large-lot exception for residential (districts).

Chair Claman stated that the matter would be postponed to allow time for Mr. Coffey and Dr. Selkregg to create the appropriate language.

Mr. Coffey moved, Dr. Selkregg seconded,

requirements of b.i. above and the number limitations of b.iv. below are met within one year of [effective date], in which case such connex unit(s) shall be deemed conforming. Failure to comply with this provision shall not result in a legal nonconformity, but rather shall result in an illegal structure.

to amend Attachment A, by approving the Coffey Amendment #1, amending Title 21.05 on Page [77] 81, Section 21.050.060 D.3.b.ii, Lines [44-47] 8-15, by adding to read:

Motor Freight Terminal

b. Use-Specific Standards

- i. Loading, parking, and maneuvering space shall be entirely on private property, which includes private "leasehold of public property.
- ii. There shall be a 200 foot buffer zone between the motor freight terminal operations and property zoned residential. No motor freight trucks, trailers (including those with refrigeration or heating units), or other motorized equipment such as fork lifts may be maneuvered, parked, or operated, nor any associated warehouses be located within 200 feet of residentially zoned property. The buffer zone may be used for employee parking, for landscaping, including a required L-4 landscape buffer, and similar uses that do not create noise. The buffer zone shall be posted or marked in such a manner so as to clearly delineate the areas where operations are permitted. [NO PART OF ANY TERMINAL SHALL BE LOCATED LESS THAN 200 FEET FROM ANY RESIDENTIAL USE OR PROPERTY ZONED RESIDENTIAL.]
- iii. A motor freight terminal which abuts or is directly across a street or alley from residentially zoned property shall have L-4 landscaping on the boundary of the abutting property, street, or alley.
- iv. A motor freight terminal that is separated from property zoned residential by the Alaska Railroad main line corridor, or a freeway or expressway as classified on the Official Streets and Highways Plan is not subject to the provisions of subsections b.ii. and b.iii. above."

to amend Attachment A, amending Title 21.05 on Page 112, Lines 26-30, by deleting: [~~E.3. Cloth Garages Frame-supported or arch-supported 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 automobiles, boats or other items, are prohibited in all residential districts.~~]; and, by renumbering the remaining sections,

to postpone the motion to approve the Coffey Amendment concerning cloth garages until after the Assembly had

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and there were no objections.

Ms. Ossiander moved,
Mr. Coffey seconded,
and this passed without objection, 9-0.

Ms. Ossiander moved,
Mr. Coffey seconded,
and this passed without objection, 9-0.

Ms. Ossiander moved,
Mr. Coffey seconded,
and this passed without objection, 9-0.

addressed Ms. Ossiander's proposed amendments,

to amend Attachment A, *by approving* the Ossiander Amendment #2, amending Title 21.05 on Page [37] 33, Lines [24-26] 35-39, *by adding* to read: *[v] c. Vegetated Open Space* A minimum of 15 percent (25 percent in the RQ district) of the lot size 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 RQ district) allows for sufficient buffering of adjacent uses.

to amend Attachment A, *by approving* the Ossiander Amendment #3, amending Title 21.05 on Page [38] 40, Lines [47-25], 3-10 *by adding* to read: **5. Homeless and Transient Shelter** a. **Definition** A facility designed to provide minimum necessities of life "including overnight accommodation," on a limited, short-term basis for individuals and families during periods of dislocation or emergency pending formulation of longer-term planning. Facility elements may include providing the physical care required, including shelter, food, necessary medical and clothing needs, directly or by referral to (an) appropriate agency; and planning for more permanent housing and employment, including contact with community resources.;

to amend Attachment A, *by approving* the Ossiander Amendment #6, amending Title 21.05 on Pages [406] 112, Lines [30-40], 1-2 **12. Home Occupation b. Use-Specific Standards**, iii. (B), *by changing* to read:
(B) ~~[No more than 300 square feet of an accessory building is devoted to any home occupation, or]~~

~~["1. No more than the lesser of 40% or 650 square feet of the gross floor area of the primary structure is devoted to the home occupation use, or
2. No more than 600 square feet of an accessory structure is devoted to the home occupation, or
3. No more than 325 square feet of the principal dwelling and 350 square feet of the accessory building are devoted to any home occupation, or"]~~
And, *by renumbering* the remaining.;

"A home occupation may be conducted in a dwelling unit or in a building accessory to a dwelling unit provided that:

- i. A permanent resident of the dwelling unit is engaged in the home occupation on the premises;
- ii. Only one nonresident may be engaged in the home occupation on the premises;
- iii. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its residential use. This standard is met by and limited to one of the following in class A areas:

- (A) No more than the lesser of 25 percent or 500 square feet of the floor area of the principal dwelling is devoted to any home occupation; or
- (B) No more than 300 square feet of an accessory building is devoted to any home occupation; or
- (C) No more than 250 square feet of the principal dwelling and 250 square feet of the accessory building are devoted to any home occupation."

And, *by renumbering* the remaining.;

Ms. Ossiander stated that commercial vehicles were already prohibited in residential districts.

Ms. Ossiander moved,
Mr. Coffey seconded,

to amend Attachment A, *by approving* the Ossiander Amendment #7, amending Title 21.05, beginning on Page

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[144] 116, by deleting to read: ~~[[17] 16. Parking of Business Vehicles Outdoors Accessory to a Residential Use~~

~~a. Definition~~

~~The outdoor storage or parking of a vehicle used for and/or bearing visible evidence of a commercial/ business purpose, but not regulated by subsection 21.05-070E-8.~~

~~b. Use-Specific Standard~~

~~Only two [one] vehicles bearing evidence of a business/commercial purpose are [is] permitted per residence.]; And, by renumbering the remaining;~~

and this motion failed, 4-5.

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

Ms. Ossiander moved,
Mr. Coffey seconded,

to amend Attachment A, by approving the Ossiander Amendment #8, amending Title 21.05 on Page [442] 117, Lines [43-46], 24-27 [49] 18. **Vehicle Repair/Rebuilding, Outdoor, Hobby** by deleting to read: **b. Use-Specific Standards**

iii. Repair or rebuilding work [shall take place to the rear of the principal structure and] shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence between six and eight feet in height, or by opaque landscaping of an equivalent height.;

Chair Claman stated that the matter of parking vehicles had been previously addressed and it had been concluded that despite the prohibition, things would not change. Ms. Ossiander concurred and stated that this matter had been continually discussed. Planning did not agree with the amendment. Senior Planner Erika McConnell responded that vehicles that weighed more than 11,000 pounds were prohibited in residential areas by Title 9. Commercial vehicles that weighed less, which included average-sized vans, would not be prohibited. Businesses would be able to park small vans at their residences.

Ms. Drummond stated this would allow the many home-based businesses to park two vehicles at a residence. She did not support the amendment and urged that the original language remain.

Ms. Ossiander stated that it had been difficult to determine commercial status. Commercial vehicle definitions were listed on Page 113.

Dr. Selkregg stated that a group of residents in her district were disgusted with a landscaping firm that parked several pickup trucks in the neighborhood. This would offer protection by not allowing neighborhoods to be use as commercial parking lots.

To Chair Claman, Ms. McConnell responded that this Title 21 section was for vehicles that did not meet the standards set out on Page 113. The State of Alaska required a commercial driver's license for vehicles weighing more than 26,001 pounds or designed to carry more than 16 passengers.

Chair Claman stated there were already enforcement issues on commercial vehicles in residential areas and there would be little or no enforcement on this matter. Attachment A currently reflected a community desire for any defined commercial business to be limited to two vehicles outdoors. He would not support the amendment.

and the motion failed, 4-5.

- AYES: Birch, Ossiander, Johnston and Coffey.
- NAYS: Gutierrez, Gray-Jackson, Claman, Selkregg and Drummond.
- ABSENT: Starr and Flynn, each excused.

Ms. Ossiander proposed a new version for Amendment #8.

To Dr. Selkregg, Mr. Nelson responded that the Planning staff had no objection to the proposed language.

Ms. Ossiander moved,
Mr. Coffey seconded,

to amend Attachment A, by approving the Ossiander Amendment #8, amending Title 21.05 on Page [442] 117, Lines [43-46], 24- 27 [49] 18. **Vehicle Repair/Rebuilding, Outdoor, Hobby** by adding to read: **b. Use-Specific Standards**

iii. Repair or rebuilding work shall take place to the rear "or side" of the principal structure and shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence between six and eight feet in height, or by opaque landscaping of an equivalent height.;

1 Ms. Ossiander stated that Code currently prohibited use of motor vehicles for sales. Planning staff had explained that
2 mobile businesses such as a caterer or a windshield repair business would not be included with the prohibition. To
3 Chair Claman, Mr. Nelson responded that a mobile business that traveled to a site to perform a service and left would
4 not be included in the prohibition. There was a distinction between that type of mobile business and a business that
5 traveled to a location and set up a stationary base for a vehicle to conduct business from that location.
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7 and the motion passed without objection, 9-0.
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9 Chair Claman returned the body to take up the Coffey Amendment dealing with cloth garages. He read additional
10 language proposed by the Planning staff. Dr. Selkregg stated that she would support the amendment.
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12 Mr. Coffey moved,
13 Dr. Selkregg seconded,
14 and this passed without objection, 9-0;
15 and, this was later amended,
16

to substitute the Coffey motion #2, amending Attachment A,
amending Title 21.05 on Page [442] 117, Lines [26-30] 37-41,
by substituting to read:

E.3. [~~Cloth Garages~~ ~~Frame-supported or arch-supported~~
~~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 automobiles, boats or other items, are prohibited in~~
~~all residential districts.];~~

E.3. "**Cloth Garages** Frame-supported or arch-supported
tension fabric or membrane structures, fabricated off-site
and assembled on-site, and typically used or garages,
sheds, warehouses, or temporary or permanent shelters
for automobiles, boats or other items, are prohibited in
[all] class A residential districts. In class B residential
districts setbacks for fabric structures shall be twice
that otherwise required."

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30 Mr. Coffey moved,
31 Dr. Selkregg seconded,
32 and this passed without objection, 9-0.
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to amend Attachment D, #24, amending Title 21.05 on Page
[442] 117, Lines [26-30] 37-41, by changing to read:

E.3. [~~Cloth Garages~~ ~~Frame-supported or arch-supported~~
~~tension fabric or membrane structures, fabricated off-site~~
~~and assembled on-site, and typically used or garages,~~
~~sheds, warehouses, or temporary or permanent shelters~~
~~for automobiles, boats or other items, are prohibited in~~
~~[all] class A residential districts. In class B residential~~
~~districts setbacks for fabric structures shall be twice~~
~~that otherwise required.];~~

E.3. [**Cloth Garages**] "**Framed Structures**" "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 automobiles, boats or other items, are prohibited in
class A residential districts. In class B residential
districts setbacks for fabric structures shall be twice that
otherwise required."

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50 Ms. Ossiander moved,
51 Dr. Selkregg seconded,
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to approve Attachment A, amending Title 21.05, Chapter 5,
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54 Ms. Ossiander stated that the community needed to know the Assembly had provisionally approved changes to Title
55 21 Chapter 5 that were significantly different than current Code. The Municipality needed to clarify how it planned to
56 address those instances where people were under enforcement action for violation of current Code, but would meet
57 the standards of the provisional Code.

58 Ms. Gray-Jackson thanked the Title 21 Committee for their dedication and hard work.
59

60 Chair Claman thanked and complimented the Title 21 Committee for all their work. The community would be pleased
61 with their efforts.
62

63 and the motion to approve Attachment A, as amended, was passed, 9-0,
64 with Mr. Starr and Mr. Flynn each as an excused absence.
65

66 and the main motion to approve AO 2008-49 was passed, 9-0.
67

68 AYES: Gutierrez, Gray-Jackson, Birch, Claman, Selkregg, Drummond, Ossiander, Johnston and Coffey.
69

70 NAYS: None.
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72 ABSENT: Starr and Flynn, each excused.
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74 (Clerk's Note: Ms. Johnston moved, seconded by Mr. Gutierrez, for immediate reconsideration of AR 2008-197. The
75 Assembly returned to reconsider 9.B.1)
76

12. APPEARANCE REQUESTS There were none.

13. CONTINUED PUBLIC HEARINGS

13.A. Ordinance No. AO 2008-80, an ordinance amending Anchorage Municipal Code Section 21.35.020 to establish land use definitions for **Public Health and Safety Laboratories, Public Safety Facilities and Outdoor Shooting Ranges**, amending Section 21.40.020 to permit these as uses in the PLI District, and adding a new Section 21.50.410 to provide conditional use standards for outdoor shooting ranges, Planning Department.

1. Assembly Memorandum No. AM 414-2008.
2. Ordinance No. AO 2008-80(S), an ordinance amending Anchorage Municipal Code Section 21.35.020 to establish land use definitions for Public Health and Safety Laboratory, Public Safety Facilities and Outdoor Shooting Ranges, amending Section 21.40.020 to permit these as uses in the PLI District, and adding a new Section 21.50.410 to provide conditional use standards for outdoor shooting ranges, Planning Department. **(Addendum)**

(Carried over from 7-29-08; Continued from 8-12-08; Carried Over from 9-9-08)

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

Ms. Ossiander moved, to approve AO 2008-80(S),
Mr. Coffey seconded,

Ms. Ossiander stated this was a housekeeping matter and had been unanimously approved by the Planning and Zoning Commission. Planning Director Tom Nelson responded that this would amend current Code with new standards for public health and safety laboratories, public safety facilities and outdoor shooting ranges.

Dr. Selkregg stated that while she would support the changes, it was not the best way to manage PLI (*zoned*) land.

and the motion passed, 9-0.

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

NAYS: None.

ABSENT: Starr and Flynn, each excused.

13.B. Ordinance No. AO 2008-86, an ordinance amending Anchorage Municipal Code Section 8.15.010 to raise the minimum value of property in the crime of theft by **shoplifting**; amending Section 8.75.160 to raise the value threshold and add a civil violation alternative remedy; and amending Section 14.60.030 to establish a fine and confer jurisdiction on the Administrative Hearing Officer, Department of Law.

1. Assembly Memorandum No. AM 450-2008. *(Continued from 8-12-08; Carried Over from 9-9-08)*

Chair Claman read the ordinance title and opened Public Hearing. There was no one to testify and he closed Public Hearing. Municipal Manager Michael Abbott reported that a new document would be submitted in the future and he requested that AO 2008-86 be postponed indefinitely. Chair Claman called for a motion.

Mr. Coffey moved, to postpone indefinitely AO 2008-86,
Ms. Johnston seconded,
and the motion passed without objection.

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

NAYS: None.

ABSENT: Starr and Flynn, each excused.

13.C. Resolution No. AR 2008-168, a resolution of the Municipality of Anchorage appropriating \$1,430,000 from the **Federal Seized and Forfeited Monies Police Investigation Fund (257) Other Fines and Forfeitures** to the Police Investigation Fund (257) for use by the Anchorage Police Department.

1. Assembly Memorandum No. AM 513-2008. *(Carried Over from 9-9-08)*

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

Mr. Coffey moved, to approve AR 2008-168,
Mr. Gutierrez seconded,
and the motion passed, 9-0.

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

NAYS: None.

ABSENT: Starr and Flynn, each excused.

13.D. Ordinance No. AO 2008-92, an ordinance amending Anchorage Municipal Code Sections 3.97.025B and 3.97.030A. to **add service area boards**, Assemblymember Johnston and Mayor Begich.

1. Assembly Memorandum No. AM 494-2008. *(Carried Over from 9-9-08)*

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

Ms. Ossiander moved, to approve AO 2008-92,
Mr. Coffey seconded,
and the motion passed, 9-0.

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AYES: Gutierrez, Gray-Jackson, Birch, Claman, Selkregg, Drummond, Ossiander, Johnston and Coffey.
NAYS: None.
ABSENT: Starr and Flynn, each excused.

13.E. 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. *(Carried Over from 9-9-08)*

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

Ms. Ossiander moved, to approve AR 2008-169,
Mr. Coffey seconded,
and the motion passed, 9-0.

AYES: Gutierrez, Gray-Jackson, Birch, Claman, Selkregg, Drummond, Ossiander, Johnston and Coffey.
NAYS: None.
ABSENT: Starr and Flynn, each excused.

13.F. 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. *(Carried Over from 9-9-08)*

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

Ms. Ossiander moved, to approve AR 2008-170,
Ms. Gray-Jackson seconded,
and the motion passed, 9-0.

AYES: Gutierrez, Gray-Jackson, Birch, Claman, Selkregg, Drummond, Ossiander, Johnston and Coffey.
NAYS: None.
ABSENT: Starr and Flynn, each excused.

14. NEW PUBLIC HEARINGS

14.A. Ordinance No. AO 2008-96, an ordinance amending Anchorage Municipal Code Section 17.10.015A. regarding **Chronic Animal Noise**, Health and Human Services.
1. Assembly Memorandum No. AM 535-2008.

Chair Claman read the ordinance title and opened Public Hearing.

NEIL KOENIGER, Animal Advisory Board Vice Chair, reported that the Board had unanimously supported AO 2008-96. The Planning Department supported the technical Code change, which would allow Planning to provide enforcement for all chronic animal noise, other than for dogs and cats. Animal Control would provide enforcement for matters involving dogs and cats. Ms. Ossiander and Chair Claman thanked Mr. Koeniger and the Board for their review and continued involvement with the Title 21 Rewrite.

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

Mr. Gutierrez moved, to approve AO 2008-96,
Ms. Ossiander seconded,
and the motion passed, 9-0.

AYES: Gutierrez, Gray-Jackson, Birch, Claman, Selkregg, Drummond, Ossiander, Johnston and Coffey.
NAYS: None.
ABSENT: Starr and Flynn, each excused.

- 15. **SPECIAL ORDERS** There were none.
- 16. **UNFINISHED AGENDA** There was none.
- 17. **AUDIENCE PARTICIPATION** There was none.
- 18. **ASSEMBLY COMMENTS**

Ms. Ossiander reported that finalizing the reviews of Title 21 Chapters 6 and 3 would be simple and involved only a few amendments to the final versions. However, Chapter 7 would be a complex review, as Chapter 5 had been, and would be split into multiple sections and amended on the floor. Chair Claman urged that changes to the documents be finalized in S-versions whenever possible, to be amended by the Assembly.

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Dr. Selkregg stated that Chapter 5 addressed many expectations for how people wanted to live in different parts of the city. Because of the different lifestyle in Eagle River in contrast to the lifestyle in the Anchorage Bowl, the Title 21 Committee was committed to addressing Eagle River land use Code, which she supported. Once Chapter 7 was revised the Assembly may need to make subsequent changes to Chapter 5, including changes to high density housing.

19. EXECUTIVE SESSIONS There were none.

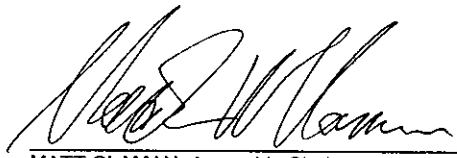
20. ADJOURNMENT

Chair Claman called for a motion to adjourn the meeting.

Mr. Coffey moved, to adjourn the Regular Assembly Meeting,
there was no seconded,
and there was no opposition.

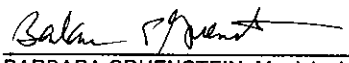
AYES: Gutierrez, Gray-Jackson, Birch, Claman, Selkregg, Drummond, Ossiander, Johnston and Coffey.
NAYS: None.
ABSENT: Flynn and Starr, each excused.

The Regular Assembly Meeting was adjourned at 8:38 p.m.



MATT CLAMAN, Assembly Chair

ATTEST:



BARBARA GRUENSTEIN, Municipal Clerk
Date Minutes Amended and Approved: October 14, 2008.
MC/BG

(View Live and Archived Videos of Assembly Meetings and Approved Meeting Minutes online at the Municipal Web Site, www.muni.org or call the Municipal Clerk's Office, 632 West 6th Avenue, Suite 250, Anchorage, Alaska, (907)343-4505)

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