MEETING NO. 2009-20: The Regular meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Mayor Bruce Botelho.

I. ROLL CALL

Assembly Present: Jonathan Anderson, Bruce Botelho, Jeff Bush, Sara Chambers, Bob Doll, Johan Dybdahl, Merrill Sanford, David Stone, and Randy Wanamaker.

Assembly Absent: None.

Staff Present: Kim Kiefer, City Manager; John Hartle, City Attorney; Laurie Sica, Municipal Clerk; Craig Duncan, Finance Director; Rorie Watt, Engineering Director; Dale Pernula, Community Development Director; John Stone, Port Director; David Means, Administrative Director, JSD.

II. SPECIAL ORDER OF BUSINESS

A. AEL&P Presentation – This did not occur.
B. Employee Recognition

Finance Director Craig Duncan recognized the “front-line” staff of the Treasury Division: Cheryl Crawford, Roy Mielke, Mary Belcourt, and Brunis Soto, for their helpful and friendly demeanors while handling the numerous customer contacts each day regarding a variety of topics related to CBJ.

III. APPROVAL OF MINUTES

A. September 21, 2009 – Regular Assembly Meeting 2009-19

Hearing no objection, the minutes of the August 24, 2009, Regular Assembly Meeting 2009-18, were approved.

IV. MANAGER’S REQUEST FOR AGENDA CHANGES – None.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None.

Beverly Smith and Linda Frame, Co-Chairs of the Alaska Math Science Conference, spoke to the public about the event. The main hosts – Alaska Council of Teachers of Mathematics and Alaska Science Teachers Association. This is the sixth such conference and the first time the conference has been held in Juneau. Juneau School District (JSD) will hold an in-service so teachers can attend, along with 300 teachers from across the state. The public is invited to hear a public presentation by Steve Maran, a retired astronomer from the Goddard Center in Maryland, and currently with the American Astronomical Society, who wrote “Astronomy for Dummies,” on Wednesday, October 14. David Stone will present a discussion on the history
of mining in Juneau. The Alaska State Museum has assisted to host this event. JSD does not fund teachers’ attendance, so this is a great opportunity for local teachers to be able to attend.

Eric Morrison, Partnership Specialist for the U.S. Bureau of Census, spoke about the Bureau’s recently opened office at the Kootznoowoo Building. It will be used for testing and training. April 1 is the start date for the main census. He is working with Ms. Kiefer on the Complete Count Committee. The Bureau will hire a part-time partnership assistant to coordinate the committee’s activities, as its mission is to ensure that all in Juneau are counted.

VI. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction – None.

B. Assembly Requests for Consent Agenda Changes – None.

C. Assembly Action

MOTION, by Bush, to adopt the consent agenda. Hearing no objection, it was so ordered.

1. Ordinances for Introduction

a. Ordinance 2009-15
An Ordinance Adopting The Non-Motorized Transportation Plan.

Administrative Report: Attached. The manager recommended Ordinance 2009-15 be introduced and set for public hearing at the next regular meeting.

b. Ordinance 2009-21
An Ordinance Amending The Animal Control Fine Schedule.

Administrative Report: Attached. The manager recommended Ordinance 2009-21 be introduced and set for public hearing at the next regular meeting.

c. Ordinance 2009-08(R)
An Ordinance Appropriating To The Manager The Sum Of $35,894 As Funding For The Purchase Of Law Enforcement Services Equipment; Grant Funding Provided By The United States Department Of Justice.

Administrative Report: Attached. The manager recommended Ordinance 2009-08(R) be introduced and set for public hearing at the next regular meeting.

d. Ordinance 2009-08(S)
An Ordinance Transferring $103,500 To The Open Space Waterfront Land Acquisition Capital Improvement Project, Funding Provided By Unexpended FY08 And FY09 Marine Passenger Fees.

Administrative Report: Attached. The manager recommended Ordinance 2009-08(S) be introduced and set for public hearing at the next regular meeting.
2. Resolutions
   a. Resolution 2498
      A Resolution Authorizing The City Manager To Enter Into An Amendment To The City
      And Borough PERS Plan To Allow For The Exclusion From PERS Of The Position Of
      City Manager Effective November 1, 2009, Pursuant To
      AS 39.35.

      Administrative Report: Attached. The manager recommended Resolution 2498 be adopted.

   b. Resolution 2499
      A Resolution De-Appropriating $8,500 Of Federal Aviation Administration Grant
      Funding From The Gate F Construction And The Acquire 20-Yard Dump Truck Capital
      Improvement Projects.

      Administrative Report: Attached. The manager recommended Resolution 2499 be adopted.

3. Bid Award
   a. Bid # 10-066
      Track Type Oversnow Vehicle.

      Administrative Report: Attached. The manager recommended award of this project to
      Kassbohrer All Terrain Vehicles, Inc., as the sole bidder, for a total award of $283,661.

VII. PUBLIC HEARING

A. Ordinance 2009-20
   An Ordinance Authorizing The Port Director To Negotiate And Execute A Lease Of A
   Portion Of Alaska Tidelands Survey No. 43, Located At Approximately 1.5 Mile North
   Douglas Highway On Gastineau Channel, For An Existing Mobile Home Park Known As
   Waterside Park, And Waterfront Related Uses.


   Public Comment: None.

   Assembly Action:

   MOTION, by Anderson, to adopt Ordinance 2009-20. Hearing no objection, it was so ordered.

   B. Ordinance 2009-22(b)
   An Ordinance Amending The Land Use Code To Create The Single-Room Occupancy
   Housing Type And To Amend The Permitting Process For Accessory Apartments.

   Administrative Report: Attached. The manager recommended Ordinance 2009-22(b) be
   adopted.

   Public Comment:
Bob Banghart, spoke as a board member of Housing First, and underscored the use of this ordinance as another tool to provide for affordable housing.

Mr. Anderson asked if this ordinance change would enable those in Juneau to apply for more federal grants.

Mr. Banghart said that he could not speak to this specifically, but Housing First had received grants recently from the federal government that would allow for construction of this type of housing.

Assembly Action:

MOTION, by Chambers, to adopt Ordinance 2009-22(b).

Mr. Anderson asked Mr. Pernula to speak about the purposes of the ordinance regarding the single-room occupancy dwellings.

Mr. Pernula said there are two types of single-room occupancy dwellings (SRO), one with private facilities (a restroom and a kitchen) and one with shared facilities. The shared facility is currently defined in the code as a rooming or boarding house and is permitted, but by changing the definition to call it an SRO housing unit type, that makes funding available. The other type is a very small apartment unit – 400 square feet maximum – meaning that only one person will reside there. We have increased the density, are counting it as half of a dorm room for density purposes, and we are reducing the off-street parking requirements.

Hearing no objection, it was so ordered.

C. Ordinance 2009-23

An Ordinance Authorizing The Manager To Convey Lot 14, Block D, Greenwood Subdivision, At Not Less Than Fair Market Value By Negotiated Sale In Support Of The Juneau-Douglas High School Home Building Project.


Public Comment: None.

Assembly Action:

MOTION, by Bush, to adopt Ordinance 2009-23.

Mr. Anderson asked for information on how the proceeds of the sale of the house will be applied.

David Means, Director, JSD Administrative Services, said the school district is incurring costs for the construction and proceeds will be used to make the payments for the program and for the cost of the lot, whether the lot was owned by the CBJ or a private owner. Any profit realized will go back into the school construction program specifically to make this an ongoing program.

Hearing no objection, it was so ordered.
D. Ordinance 2009-08(P)
An Ordinance Appropriating To The Manager The Sum Of $131,400 As Funding For
The Juneau Arts And Cultural Center, Grant Funding Provided By The United States
Department Of Energy.

Administrative Report: Attached. The manager recommended Ordinance 2009-08(P) be
adopted.

Public Comment: None.

Assembly Action:

MOTION, by Doll, to adopt Ordinance 2009-08(P).

E. Ordinance 2009-08(Q)
An Ordinance Appropriating To The Manager The Sum Of $9,885 As Funding For The
Purchase And Implementation Of A Crash Data Retrieval System, Grant Funding
Provided By The Alaska Department Of Transportation And Public Facilities.

Administrative Report: Attached. The manager recommended Ordinance 2009-08(Q) be
adopted.

Public Comment: None.

Assembly Action:

MOTION, by Chambers, to adopt Ordinance 2009-08(Q).

Ms. Chambers asked which and what kind of vehicles are equipped with an event data
recorder. Ms. Kiefer was not sure. Mr. Doll said the new fire tanker truck has one, but asked
if this would be installed in all automobiles and how it was anticipated to be used.

Mr. Sanford said that many of the public safety vehicles have these units already.

Mr. Wanamaker asked if the retrieval of the information from these units is voluntary from the
person owning the car or is it involuntary.

Mr. Hartle said he would find out.

Mr. Wanamaker said he understood the need for good information but asked about the privacy
rights of citizens.

Mayor Botelho asked if the Assembly preferred to table this ordinance to the next meeting, and
without objection, Ordinance 2009-08(Q) was tabled to the next meeting.

Hearing no objection, it was so ordered.
VIII. UNFINISHED BUSINESS

A. Ordinance 2009-12(d)
An Ordinance Amending the Animal Control and Protection Code.

Administrative Report: Attached. The manager recommended Ordinance 2009-12(d) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Anderson, to adopt Ordinance 2009-12(d).

Mr. Anderson said he met with the “Grateful Dogs” group, Animal Control, and city staff, and this group determined that staying with the current ordinance language defining competent voice control is best.

Hearing no objection, it was so ordered.

IX. NEW BUSINESS

A. Community Development Department Regulations
Adoption of Downtown Historic District Design Standards and Guidelines.

Administrative Report: Attached. The manager made no recommendation.

Public Comment: None.

Assembly Action:

MOTION, by Stone, for orders of the day. Hearing no objection, it was so ordered.

X. STAFF REPORTS

A. Planning and Construction Activity – Dale Pernula

Mr. Pernula distributed a copy of a report with Permit Center data. This data describes the number of building permits and the total amount of construction value associated with those permits, year-to-date to October 2009, and the previous year totals, for new residential, new commercial, residential remodeling, commercial remodeling, and other types. He reviewed the building and engineering permits issued from 1987 through 2008. Residential units are being built, but at a lower rate than previous years. He discussed major building trends in Juneau from 1987 through 2008. Recent work of the Planning Commission included an ordinance regarding telecommunication towers, adoption of the downtown historic design standards, the SRO ordinance, Title 49 code amendments for public improvements, adoption of the Non-Motorized Transportation Plan and recommended approval of the conservation lot ordinance. The Planning Commission also reviewed some large development permits, including a dental office, an extended approval of the cottage housing units on the Back Loop Road, variances for
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height and parking for the Mental Health Trust building, a C.U.P. for a recycling facility on Anka St., the Hidden Valley quarry, and a tideland fill for an AML facility on the Rock Dump. Mr. Sanford asked Mr. Pernula how CDD has been doing on getting permits processed and implementing the recommendations of the Zucker report. Mr. Pernula said things have been moving along fairly well. CDD is a little short staffed, but there are fewer permits. There are a few permit applications that had been “hung up” and were continued, but for the most part, things were moving along.

Ms. Chambers asked about the development of the noise ordinance. Mr. Hartle and Mr. Lyman are working on this and the Planning Commission is waiting to review the work.

Mr. Anderson asked how staff had gone about addressing the issue of inconsistency of answers from various planners. Mr. Pernula said that twice a week staff met to discuss any issues that were not clear to identify a consistent answer. Staff is also working to amend the code to make the code easier to read. The Historic District Standards adopted at this meeting were an example of providing more clarity.

XI. ASSEMBLY REPORTS

A. Mayor’s Report

1. Juneau/Whitehorse Air Connection

Mayor Buckway of Whitehorse and Mayor Botelho, arts groups, sporting groups and the visitor industry are working to re-establish flights between Juneau and Whitehorse on Air North. Three round trip flights are planned throughout the coming winter, with hopes to re-establish regular scheduled air service in the summer months. Air North has asked the two cities to assure that the flights will be full and to agree to pay for the empty seats for an amount of up to $8800 U.S. per each of three flights. Whitehorse will pay the balance of up to $9100 Canadian. Air North will be marketing to ensure a full load. These three "test" flights are contingent up on both communities being willing to participate. Proposed dates are Friday through Sunday, first week of December, third week of February (Yukon Quest) and the Folk Festival Weekend.

Ms. Chambers asked for information on the marketing. Mayor Botelho said it would be a joint effort by Air North, the visitor industry, and event planners in each community.

Mr. Doll said there were very few occasions that CBJ could directly stimulate business activity and he was inclined to support this effort.

MOTION, by Bush, to approve the proposal and authorize the Manager and Mayor to complete negotiations, not to exceed $8800 per weekend, for the Air North Flight Service.

Mr. Anderson asked for a funding source. Ms. Kiefer said there is money in the Better Capital account outside of what goes to the Alaska Committee efforts, which is not currently budgeted for a specific item, so it will not affect the Alaska Committee’s program.

Ms. Chambers asked what Air North’s ultimate goal was in this effort. Mr. Botelho said he thought Air North was looking at replicating their previous service to Juneau on Friday.
Mr. Dybdahl asked if anyone recalled the revenue impact to the airport from when this was a regularly scheduled flight. There was no response.

Mr. Sanford said he objected to the city contributing funds, as this is a private enterprise and a business model would show if the effort would be successful. The Chamber of Commerce should rally this effort.

Roll call:
Aye: Bush, Chambers, Doll, Dybdahl, Stone, Botelho
Nay: Anderson, Sanford, Wanamaker.
Motion passed 6 ayes, 3 nays.

2. Recognition for Service – Sara Chambers

Mayor Botelho said Ms. Chambers has been a strong advocate for fiscal conservancy, for the homeless, and her leadership on the human resources committee has been stellar. The Assembly will miss her and, given her youth, will expect to see her back in public office in the future. The Assembly gave Ms. Chambers a beautiful photo of her District 2 - the Mendenhall Valley as seen from the top of Thunder Mountain, taken by Toby Harbanuk.

Mr. Bush said he was sad the day when the seats changed and he enjoyed being her seat mate. Mr. Doll said he was happy to spend two years sitting next to Ms. Chambers, and he appreciated her good humor and for sharing her pregnancy with us.

Sara Chambers said she has a great appreciation for the Assemblymembers and came on with the idea that she would be the oddball. Her pregnancy was one of the things that set her apart, and the Assembly did not always agree on votes or short and long term goals, but she truly believed each member to be thoughtful and caring. She has enjoyed not only the social aspect, but has gained a respect for the work and preparation for the meeting by Assemblymembers and the members' ability to listen to the public and each other. The staff are hard-working, dedicated professionals and she thanked the clerks for their support. She thanked the public for having confidence in her even though she did not have a lot of experience in the community when she ran for office. She tried to hold the line on spending and to keep the cost of government down, to be available and to keep the taxpayers in mind. She hopes the community will not have to worry about child care issues when she has grandchildren. She thanked her husband for his support in her endeavor. She is looking forward to having more time to be a mom, wife, and church member.

B. Committee Reports

Committee of the Whole: Chair Bush said the next meeting will be October 26.

Finance Committee: Chair Stone said he will schedule the next meeting soon, at a time to be determined at the Special Assembly meeting on Thursday at noon.
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*Lands Committee:* Chair Anderson said the committee has asked Lands staff to re-examine the Subport plans and engage the stakeholders in this conversation. In addition, the committee has asked staff to engage Goldbelt in a discussion on road alignment issues in North Douglas to get information for future decision making. The next meeting is Monday, October 26, at which time the University of Alaska lands office and the Docks and Harbors Board will meet to discuss the tidelands currently leased by CBJ from UAS, which D&H would like to acquire.

*Human Resources Committee:* Chair Chambers summarized the action from the HRC meeting earlier in the evening:

The HRC received the annual report of the Americans with Disabilities Act Committee. The HRC recommends the continuation of advertising for the two open seats on the ADA Committee to allow additional time to contact the incumbent and also to allow for applications to be received from anyone in the public wishing to apply.

The Census Complete Count Committee is being formed with the Census Bureau paying for a 30 hour/week position to work with the committee and to work with community agencies to help coordinate the census enumeration be done for all households within CBJ.

The HRC received the annual report of the Social Services Advisory Board (SSAB) through Chair Lawrence Lee Oldaker.

CDD Planner Beth McKibben reported on the process for the Community Development Block Grants, which will be coming before the HRC on November 2 and before the Assembly at its meeting on November 23 in the form of a Resolution to be adopted.

The HRC received an update on liquor licenses:

Mr. Ben Brown, Attorney representing Haydar Suyun, owner of Zephyr LLC came forward to the HRC to ask that he be added to the November 2 HRC and Assembly agendas to address the protest lodged by the Assembly before the issue goes back to the Alcohol Beverage Control Board meeting in Anchorage on November 19. Mr. Suyun has entered into his third amendment to a confession of judgment and Mr. Brown on behalf of Mr. Suyun will be submitting a proposal to Finance and Law Department staff in the hopes of reaching an agreement under which the Assembly might be amenable to removing the protest of the liquor license renewal for the Zephyr LLC Restaurant/Eating Place License.

Ms. McEwen also reported that in addition to the Zephyr license that was postponed at the September 23 ABC Board meeting, the license renewal for the Sandbar liquor license was also postponed to the November 19 ABC meeting to allow the Sandbar additional time to bring their accounts current.

Upon the recommendation of the HRC, the Assembly appointed the following persons to boards:

- Deborah Rudis to the Jensen-Olson Arboretum Board for a term expiring January 31, 2010 and for the subsequent full three-year term expiring January 31, 2013.
• Incumbents Mary Becker and Brenda Hewitt to the Social Services Advisory Board for terms expiring September 30, 2012.

C. Liaison Reports

**Parks and Recreation Advisory Committee:** Liaison Wanamaker said the PRAC will meet Tuesday, October 13, at 6 pm in City Hall Conference Room 224.

**Planning Commission:** Liaison Doll said the PC is meeting Tuesday, October 13, at 7 pm in Chambers, and is working on the challenging topics of wireless towers and a noise ordinance.

**Juneau Commission on Sustainability:** Liaison Doll said the Greenhouse Gas recommendations were forwarded to the PWFC, and will come before the Assembly in the form of a resolution.

**Affordable Housing Commission:** Liaison Chambers said the AHC will meet at 5:30 tomorrow to discuss re-establishing of the commission due to its sunset date set by the Assembly at the end of this year. The Homeless Coalition is invited to attend, give input and feedback, and this will come to the HRC in the future. Ms. Kiefer said there may be a problem with a quorum for the meeting so PSA's will be issued.

**Docks and Harbors Board:** Liaison Dybdahl said the Joint Committee of D&H and Assembly will meet on Wednesday at Noon regarding plans for downtown docks.

**Airport Board:** Liaison Sanford said the road in front of the airport is open. The heat pump is installed and tied into the building and the hole for the underground heat system on the runway is covered and completed. The terminal roof is being installed, the air handling equipment is being installed and should be closed in for interior work this winter. The contractor started runway safety work today. There will be some airport dike trail restrictions during this project - please be patient.

**Chamber of Commerce:** Liaison Anderson said the Annual Chamber of Commerce Dinner will happen on October 24, and will be a "Miners Ball."

**XII. ASSEMBLY COMMENTS AND QUESTIONS**

Mr. Anderson asked the status of hiring the new solid waste coordinator – Ms. Kiefer – still negotiating with the finalist at this point.

Mr. Anderson asked for a copy of the CBJ STIP comments.

Mr. Anderson referred to discussion at SE conference with DOT regarding the Auke Lake corridor, and DOT asked for a meeting, which is scheduled on October 28. UAS, CBJ, DOT will be present to discuss the area from the Brotherhood Bridge to Auke Bay Elementary.

Mr. Wanamaker spoke about the Tongass Futures Roundtable – a group that is working to end appeals on land use issues and cooperate with all stakeholders to meet needs of user groups in the Tongass National Forest. A tool for the forest products industry is a second growth survey
and contributions towards this effort are being solicited from stakeholders. He supports the Assembly funding $10,000 to the Southeast Conference, along with other organizations – for a project total of $80,000, to define the inventory, the machines, the equipment needed for the industry needs in the second growth forest.

Mayor Botelho said this effort refers to the transition from old growth to second or new growth, and ensure there is sufficient timber supply to continue operating. There has been no inventory on public lands on how much new growth is out there and when the transition can take place, and when old growth can be used. The request came from industry through SE Conference, that an initial inventory of the magnitudes can be taken. The USFS is willing to do the inventory but would take a few years to mobilize, hence this suggestion. Mayor Botelho agreed with Mr. Wanamaker that this is a way that we can assist the communities in the Tongass with this issue.

MOTION, by Doll, to support an inventory of new growth in the Tongass, at the amount of $10,000, funding from the "Better Capital" budget. Hearing no objection, it was so ordered.

Mr. Wanamaker said he received an email from Glenn Cecil, the last survivor of the original USS Juneau, who wished CBJ fair winds and following seas.

Mr. Doll referred to a survey distributed by the Partnership for Families and Children and asked members to return their answers to the clerk.

Ms. Chambers noted Ruth Danner and Stephanie Madsen were both present at the meeting and this showed dedication.

Mr. Sanford requested a proclamation of thanks for the 50th Anniversary of Statehood Committee, and Mayor Botelho agreed this was in order.

Mr. Anderson referred to discussion at SE conference with DOT regarding the Auke Lake corridor. DOT requested a meeting, which was scheduled for October 28, and representatives from UAS, CBJ, and DOT will be present to discuss the area from the Brotherhood Bridge to Auke Bay Elementary.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None.

XIV. EXECUTIVE SESSION

Mayor Botelho said that CBJ Consultant Rick Glick from Portland was present to provide a brief assessment of legal issues and strategies regarding the “4-F” issues of the National Transportation act and the North Douglas Crossing project, and as such was a topic appropriate for executive session.

Public Comment: None.

Assembly Action:
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MOTION, by Bush, to enter executive session to confer with Mr. Glick and City Attorney John Hartle regarding the legal issues of “4-F” and the North Douglas Crossing. Hearing no objection, the Assembly entered executive session at 8:35 p.m. at returned to regular session at 9:15 p.m.

Upon returning to regular session, Mayor Botelho said the Assembly received a briefing from expert consultant Rick Glick on “4F” and its applicability to the North Douglas Crossing. No recommendations were made by the Assembly.

XV. ADJOURNMENT - 9:15 p.m.

Signed: ____________________________ Signed: _________________________________
Laurie Sica, Municipal Clerk Bruce Botelho, Mayor