MEETING NO. 2009-08: 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: Rod Swope, City Manager; Kim Kiefer, Deputy City Manager; John Hartle, City Attorney; Laurie Sica, Municipal Clerk; Marc Matsil, Parks and Recreation Director; Greg Browning, Chief of Police; Kirk Duncan, Eaglecrest Ski Area Manager; John Stone, Port Director; Rorie Watt, Engineering Director.

II. SPECIAL ORDER OF BUSINESS

A. Eaglecrest Employee Recognition

Jim Calvin, Eaglecrest Ski Area Board President, thanked Kirk Duncan and the employees for the third consecutive revenue season. The staff continuously looks for ways to get more people on the mountain, to make the experience better and available for skiers and non-skiers alike.

Kirk Duncan, Ski Area Manager, thanked over 138 full and part time employees for another revenue generating season. He said this is possible due to a dedicated and focused board, outstanding staff, and Mother Nature. He displayed a slide show highlighting the programs and staff, and distributed certificates to Jeffra Clough, Director of Sales/Marketing and Snow Sports School; Brian Davies, Director of Mountain Safety; Nate Abbott, Mountain Maintenance Manager; Jennifer Abbott, Director Base Operations; Stuart Campbell, Manager Food & Beverage; Marcus Zimmerman, Supervisor, Lift Operations; and Lyall Hadsell, Senior Ticketing Cashier.

B. Juneau Police Department - Recognition

Greg Browning, Police Chief, presented the Civilian Award of Merit to Ryan Van Sickle for his response to a burglary call received from Tesoro over the police band radio. Mr. Van Sickle identified and located the suspect, contacted JPD, and kept the suspect occupied until the officers arrived. His actions led to the arrest of the suspect in the crime, and Chief Browning thanked him for his bravery.

C. Volunteer Month - Proclamation

Mayor Botelho read a proclamation, proclaiming April as National Volunteer Month.
III. APPROVAL OF MINUTES

A. March 10, 2009 – Special Assembly Meeting 2009-05
Hearing no objection, the minutes of the March 10, 2009, Special Meeting 2009-05, were approved.

B. March 16, 2009 – Regular Assembly Meeting 2009-06
Hearing no objection, the minutes of the March 16, 2009, Special Meeting 2009-06, were approved.

C. March 25, 2009 – Special Assembly Meeting 2009-07
Hearing no objection, the minutes of the March 25, 2009, Special Meeting 2009-07, were approved.

IV. MANAGER’S REQUEST FOR AGENDA CHANGES

Mr. Swope said there is a Substitute Resolution 2469(b) in the Red Folder for Assembly consideration.

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

VI. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction

The public requested that Resolution 2469 be removed from the Consent Agenda for a public hearing.

B. Assembly Requests for Consent Agenda Changes – None.

C. Assembly Action

MOTION, by Bush, to adopt the Consent Agenda, with the exception of Resolution 2469. Hearing no objection, it was so ordered.

1. Ordinances for Introduction

a. Ordinance 2009-07
An Ordinance Authorizing The Port Director To Negotiate And Execute A Lease Of Alaska Tidelands Survey 18, Lot 2, And A Lease Of Alaska Tidelands Survey 18, Lot 3, Located On Channel Drive, For Waterfront Related Uses.

Administrative Report: Attached. The manager recommended this Ordinance 2009-07 be introduced and set for public hearing at the next regular meeting.

b. Ordinance 2008-15(BC)
An Ordinance Appropriating To The Manager The Sum Of $1,450,000 As Partial Funding For Construction Of A Ground Source Heat Pump System For The Dimond Park Aquatic Center, Grant Funding Provided By The Alaska Energy Authority.
Administrative Report: Attached. The manager recommended this Ordinance 2008-15(BC) be introduced and set for public hearing at the next regular meeting.

c. Ordinance 2008-15(BD)
An Ordinance Appropriating To The Manager The Sum Of $27,500 As Funding To Catholic Community Services For Transportation Services To The Reifenstein Dialysis Center, Funding Provided By The Sales Tax Budget Reserve.

Administrative Report: Attached. The manager recommended this Ordinance 2008-15(BD) be introduced and set for public hearing at the next regular meeting.

d. Ordinance 2008-15(BE)
An Ordinance Appropriating To The Manager The Sum Of $390,000 As Partial Funding For The Streets Department’s Fiscal Year 2009 Operating Budget, Funding Provided By The Roaded Service Area Fund Balance.

Administrative Report: Attached. The manager recommended this Ordinance 2008-15(BE) be introduced and set for public hearing at the next regular meeting.

e. Ordinance 2008-15(BF)
An Ordinance Appropriating To The Manager The Sum Of $4,304 As Reimbursement For Staff Continuing Education Training Costs, And To Adjust The Public Library Assistance And Netlender Reimbursement Grant For The Actual Amounts Received, Grant Funding Provided By The State Of Alaska Department Of Education And Early Development.

Administrative Report: Attached. The manager recommended this Ordinance 2008-15(BF) be introduced and set for public hearing at the next regular meeting.

f. Ordinance 2008-15(BG)
An Ordinance Appropriating To The Manager The Sum Of $70,921 As Partial Funding For The Juneau Douglas High School Renovation Capital Improvement Project, Funding Provided By 2004 General Obligation Bond Interest Income.

Administrative Report: Attached. The manager recommended this Ordinance 2008-15(BG) be introduced and set for public hearing at the next regular meeting.

g. Ordinance 2009-08
An Ordinance Appropriating Funds From The Treasury For FY10 City And Borough Operations

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

h. Ordinance 2009-09
An Ordinance Appropriating Funds From Of The Treasury For FY10 School District Operations
Administrative Report: Attached. The manager recommended this Ordinance 2009-09 be introduced and set for public hearing at the next regular meeting.

i. Ordinance 2009-10
An Ordinance Establishing The Rate Of Levy For Property Taxes For Calendar Year 2009 For The Budget For Fiscal Year 2010.

Administrative Report: Attached. The manager recommended this Ordinance 2009-10 be introduced and set for public hearing at the next regular meeting.

2. Resolutions

a. Resolution 2467
A Resolution Authorizing The Manager To Accept Three Grants From The State Of Alaska Department Of Environmental Conservation For The West Mendenhall Valley Sewer Phase II, North Douglas Sewer Phase III, And Jordan Creek/East Valley Reservoir Project.

Administrative Report: Attached. The manager recommended Resolution 2467 be adopted.

b. Resolution 2468
A Resolution Authorizing The Manager To Apply For And Receive A Recovery Act Edward Byrne Memorial Justice Assistance Grant From The U.S. Department Of Justice For A Police Crisis Intervention Program For Domestic Violence And Family-Related Crimes.

Administrative Report: Attached. The manager recommended Resolution 2468 be adopted.

3. Transfer

a. Transfer T-893
Transferring $100,000 From The Multi Purpose Service Corridor Capital Improvement Project (CIP) To The Beginner Chairlift CIP.

Administrative Report: Attached. The manager recommended Transfer T-893 be approved.

4. Bid Award

a. Bid E09-193
Dimond Park Aquatic Center

Administrative Report: Attached. The manager recommended award of this project to McGraw Custom Construction, Inc., for the Base Bid and Additive Alternates 1 – 10, pending expiration of the ten-day protest period with no Intent to Protest filed, for a total award of $13,110,000.
Removed from the Consent Agenda:

Resolution 2469(b)

Administrative Report: Attached. The manager made no recommendation.

Mayor Botelho outlined a process for public testimony to allow Jan Trigg of Coeur and Rob Cadmus of SEACC ten minutes for a presentation, with others’ testimony to follow with a three-minute limit. There was no objection from the Assembly.

Jan Trigg said she has worked for Coeur Alaska for the past 12 years. The mine is fully constructed, with exception of the tailings facility, which is awaiting Supreme Court decision, which will allow them to move forward to complete the mine. This will create 300 family wage jobs during construction and 200 family wage jobs during operations. Unemployment in some nearby native villages exceeds 65% and Coeur has a commitment to local and native hire and purchasing. She asked the Assembly to support Resolution 2469(b). HR 1310 is a bad bill. It is another impediment to Kensington being permitted, constructed, and operated. The Corps of Engineers, for nearly 35 years, has provided effective management of fill placement in waters of the U.S., allowing wetlands to be converted to uplands for housing, recreational sites, and other important land uses under a rigorous, case-by-case environmental analysis. Other industrial uses that could be adversely impacted by HR 1310 are construction, solid waste landfills, agricultural land reclamation and flood plain delta areas where soil sediment may be otherwise considered waste. In the case of Kensington, the tailings material being used as fill is an inert material, much like sand, much like what Juneau is built on. This bill would change the law so that this material could not be stored on a water body or wetlands, even though the Corps of Engineers, the U.S. Forest Service, and state agencies have all agreed that it is the best environmental plan. This is the alternative that the EPA, the Corps, and the Forest Service strongly argued for in the Supreme Court supporting the Kensington 404 permit. The bill also strongly contradicts Alaska state rights. There are 3.2 million lakes in Alaska that are larger than 10 acres. The Kensington Mine would temporarily impact a 23-acre lake, and at closure, it would increase and enhance this size to 58 acres into a productive lake. Wetlands make up 43% of Alaska’s total land area. Considering this, it is possible that HR 1310 would significantly impact almost all mining projects, potentially closing the state to new mining projects. The permanent plan that Kensington currently has protects water. The water will meet all state and federal water quality standards and the permits require that. This plan is the best environmental plan; all agencies have agreed that in many ways this plan improves the water from background levels. This has been exhaustively studied and fully permitted. The Supreme Court case will decide on this case by June 30. Should this decision be in favor of Kensington’s permits being reinstated, this bill could certainly affect the mine’s progress and ability to provide jobs to Juneau and Southeast Alaska.

Mr. Bush said the Assembly fully supports the Kensington mine. He said HR 1310 is targeted at what is commonly known as “mountaintop removal mining” in the coal mining industry. He has concerns about that particular mining practice. He asked if she had any suggestions on a way to tailor the request to Congress so that we do not simply
say stop the resolution altogether, but rather, limit it so that it does not apply in our particular situation. She said that was at the Assembly’s discretion. Mr. Bush asked if Coeur would oppose that type of approach from the Assembly. She said she could not speak for Coeur on mountaintop mining.

Rob Cadmus, Southeast Alaska Conservation Council, (SEACC), said his work has been involved with clean water issues. He has been involved regarding issues on the Kensington mine for several years. In August of 2007, SEACC made a presentation to the Assembly, in which we recognized the importance of jobs at the Kensington. Coeur’s efforts to hire Native Alaskans is commendable. At that time, we also made a commitment to you to work with Coeur d’Alene Mines to develop an alternative tailings storage facility that would better protect clean water and move the mine forward. We have worked to that end since that time in good faith. We met with a skilled mediator and with Couer, including Dennis Wheeler, Rick Richens, Bill Boyd, and their mining engineers. We came up with an option to move the mine forward in an economic way, with better protection for clean water, with an alternative known as the paste tailings option. The details were outlined and we told the state and federal regulators that SEACC supported the plan. In the summer of 2008, the Supreme Court decided to take up the Kensington case, and a few months later, Couer abandoned the paste tailings plan permitting process. I found out about this through the press. I thought we had developed a good working trust up to that point. We talked with Couer, with the regulators and others involved in the case through a third party to find out what the problems were so we could help work through them. We learned there are minor stumbling blocks that could be resolved in two or three weeks, and there were no major issues. The regulatory agencies beyond EPA, such as DNR, Forest Service and others said that if Coeur kept on the permitting track, they could have had their permits by December 2008. If Couer’s interest were simply to put Alaskans to work, they would be up there working right now. We met with Dennis Wheeler, CEO of Coeur, twice after they abandoned the paste tailings plan and reaffirmed our support for that plan. We offered to put pressure on the EPA and to get the paste tailings plan fast tracked. Coeur did not want to pursue those options. Their decision to abandon the paste tailings plan is to see how the court will rule on the Slate Lake plan. We will likely see a decision before June. The paste tailings plan is still a viable option. HR 1310 would not stop the paste tailings plan for the Kensington Mine. For 30 years after the Clean Water Act was passed, fill material was defined as materials used for constructing bridges, building breakwaters, docks, etc. The Bush Administration changed the definition of fill to allow for the disposal of mining waste. This not only is a bad practice for the Kensington, but the legal theory behind this could apply to other mines and other industries. He showed a picture of sockeye salmon spawning in Bristol Bay. There are many Bristol Bay fishermen and Alaskan villages concerned about the Kensington case, and it is not because of lower Slate Lake, it is because of the fish. If the Kensington can do what is planned at lower

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Slate Lake, there is a chance that the Pebble Mine could dump its toxic waste at the headwaters of the most productive salmon streams left in this nation. Other industries such as copper smelting, coal-fired power plants, and inorganic chemical manufacturing could also take advantage of this loophole. The CWPA will not stop the Kensington Mine. It puts the situation back to what it was before the Bush Administration. The Kensington Mine can use the paste tailings option that will not turn a lake into a waste storage dump. Supporting Kensington mine is not the same as opposing the CWPA. This resolution will send the message that the CBJ Assembly supports destructive practices such as mountain top removal mining; the Pebble Mine’s tailing plans and the dumping of industrial wastes into clean water, which is the life blood of Southeast Alaska’s fishing, tourism, and recreation industries.

Mr. Sanford asked if the CWPA will affect what we do at the Kensington. Mr. Cadmus said it would depend on the timing. If it is passed, what the Supreme Court rules, regardless, the CWPA should be passed. Mr. Sanford asked if he thought each project should be reviewed individually regarding the potential damages and mitigation – did everything fit under one big government? Mr. Cadmus said that before the Bush Administration changes; mines existed profitably and better protected clean water. The paste tailings plan is the best plan to protect clean water, and EPA has said that the preferred alternate is dry stack tailings.

Mark Rorick, representing the Sierra Club, opposed Resolution 2469(b) and read from a resolution on HR 1310 that will be sent from Southeast Alaska’s environmental groups.

Joyce Levine spoke in favor of clean water as a precious resource worldwide. It is possible to have the Kensington Mine and clean water. The paste tailings plan was a viable option. They say Slate Lake to be more clean than it was before the mine occurred, but she did not agree that this was possible. Water is a valuable resource and we can ship it to places where clean water is not available.

Aaron Brakel asked how the special committee came about which drafted the resolution and who the members were. Mayor Botelho said the members were Mr. Wanamaker and Ms. Chambers.

Mr. Brakel said Mr. Wanamaker is employed by Berner's Bay Consortium, which is 25% owned by Coeur Alaska. It is a consortium with the three native corporations and Coeur Alaska. He referred to Mr. Wanamaker’s participation regarding the deliberations on CBJ’s mining ordinances. He said prior to a vote of the Assembly on this matter there should be a point of order regarding a ruling from the attorney regarding Mr. Wanamaker’s participation. Mr. Brakel opposed the resolution. He supported the dry stack method of tailings storage for the Kensington mine.

Recess: 7:55 p.m. – 8:30 p.m.

Mayor Botelho said a preliminary matter raised by the public was the issue of a potential conflict of interest that could preclude Mr. Wanamaker from participating in deliberations and actions by the Assembly on this matter. He conferred with the city attorney and the ethics code. Based on the code, which provides that there is no violation of the code if as to a specific matter a municipal officer’s action or influence would have an insignificant or conjectural effect on the matter, he determined that Mr. Wanamaker does not have a
conflict. The “matter” in this case is a resolution that would attempt to impact Congress and its deliberations on HR 1310. The matter that is called into question is the extent to which action by Congress on that would have an impact on Mr. Wanamaker’s personal or financial interest, which is related to the development of Coeur. Mayor Botelho concluded that this resolution itself is likely to have an insignificant or conjectural effect on how Congress acts, with respect to HR 1310. Mr. Wanamaker may continue to sit. Hearing no objections, the meeting continued.

Assembly Action:

MOTION, by Chambers, to adopt resolution 2964(b), asked for unanimous consent.

Mr. Bush objected. He has some concerns about the language in the resolution. The second whereas clause “Whereas, HR 1310 strongly contradicts the Obama administration’s concern…,” he thought the Obama administration would support HR 1310 and this position is overstated. In the whereas which states that CBJ “is confident that all of the federal, state and local agencies have properly permitted the Kensington Gold Mine…” he was not confident, given the 9th Circuit Court ruling. He was not saying we should not argue our position, and he thought that the paragraph regarding the amicus brief states the position clearly and he was comfortable with that statement. I am hesitant to say confident. Mr. Bush said in the whereas “HR 1310 will block a local project by overturning 35 years of well-established nationwide procedures…” we have heard conflicting positions today whether HR 1310 will overturn 35 years worth of procedures and he was not confident that was the position CBJ should take. All of those could be eliminated from the resolution without doing damage to the bottom line. He was concerned with the whereas, “…the Kensington enjoys the support of a great majority of the people in Juneau…” and said he thought the words “great majority” could be removed. In the whereas, which includes “…HR 1310 has the strong potential affect local construction and municipal landfills across the nation…” he has seen or heard no evidence to this effect. In the whereas, “…the sponsors of HR 1310 have not consulted with the CBJ to determine what effects HR 1310 may have…” he agrees, but it is presumptuous of us to believe that Congressional sponsors of a bill that is designed to address a problem that primarily exists in the Appalachian Mountains regarding coal mining would come to CBJ to ask for our advice before putting a bill forward. He questioned the accuracy of the unemployment figure cited in the last whereas and understood it was not confirmed by Department of Labor statistics. Despite the language concerns he had, he thought this action was premature.

MOTION, by Bush, to table indefinitely.

Mr. Bush said with respect to the general proposition put forth, that this is not our fight regarding either the Pebble Mine or mountain top mining in the east coast. We are not in that fight. We are discussing this due to the impact on the Kensington Mine. All of us feel that what needs to happen is that the Supreme Court needs to make a ruling. At that time, we may or may not need to address this issue. Until they make that ruling, which is imminent, there is virtually no chance this will pass between now and June, it has been put in committee and there are no hearings on the bill. It is premature until the Supreme Court ruling and when, and if, HR 1310 moves. He did not support mountain top mining and he does support the Kensington Mine.
Mr. Doll spoke in support of tabling this resolution. The Assembly and the public are being asked to take sides in a business decision that Couer has made when they chose to drop the paste tailings plan, and this asks us to support them on a business decision. We have a right to be disappointed that the economic activity has not started due to their choice, but we should not be forced to make a statement on this issue.

Mr. Wanamaker spoke against tabling the resolution. The grammar concerns Mr. Bush has can be addressed, as well as the unemployment statistics. The resolution addresses aspects of HR 1310 that are of significant impact to the people of Juneau; it touches on our constitutional right to have a voice. It goes beyond Kensington to the point of whether the citizens of this community are going to be heard.

Mr. Sanford said he would vote against tabling the resolution. Big government tries to fit us into one square peg all the time instead of looking at individual concerns and thoughts as individual communities and individual projects. They don’t care what we think so they pass protections for us as if they are protecting us. I don’t want that protection. I want us to make the decisions here. We have made them here for over 100 years, and before us, the native community made the decisions for thousands of years on how they protected the community.

Roll call vote on motion to table:
Aye:  Bush, Doll, Botelho
Nay:  Chambers, Dybdahl, Sanford, Stone, Wanamaker, Anderson
Motion failed, 3 ayes, 6 nays.

**MOTION, by Bush, to substitute Resolution 2469(am).**

Mr. Bush distributed copies. The amended version has the same title, removed some of the sections which he had felt uncomfortable with and in a new Section 1, revised this to be a request of Congress “to amend HR 1310 to limit its impact so as not to adversely affect the potential development of the Kensington Gold mine.”

Ms. Chambers asked, regarding Page 2, Section 1, is it reasonable to expect this request to be clear enough to the supporters of HR 1310, so they would have a working knowledge of Kensington to be able to respond. Mr. Bush said his guess is that Congress does not know the details of the Kensington Mine, but this could call their attention to the issue and they would be able to research it through the briefs of the U.S. Supreme Court.

Mayor Botelho suggested inserting a docket number of Supreme Court case in the 5th “whereas” clause to address Ms. Chambers’ concern. There was no objection.

Ms. Chambers said in Section 2 on Page 2, this or any resolution we settle on should perhaps go to the Obama Administration, all U.S. senators and representatives, as well as CBJ’s lobbyist. Mayor Botelho said repeated this as an amendment to this draft and suggested also sending this to the Chief of the Corps of Engineer’s and the Administrator of the Environmental Protection Agency.

Mr. Stone said he was concerned about including an exact unemployment figure, he checked with the Department of Labor, which was not comfortable with this number, and
he said it was high. He preferred to say the number was high. With this resolution, he said the message is that you can do this anywhere else but not in our backyard.

Mr. Dybdahl said regarding the unemployment figure, it is easy to miss people, as some don’t get into the system. If a person hasn’t had a job for the past 20 years, they will not be applying for unemployment, and there will be no tracking. The numbers in there were probably a statistic from the Tlingit & Haida Central Council, and be it 60% or more, it is extremely high. What bothered him was how much we are doing here and what will actually come out under HR 1310. I don’t think we are just concerned with the Kensington Mine or any mine in Juneau. I think we are concerned about what might happen to the whole region and the state. So if we are going to oppose that resolution because as it was stated its bad legislation, let’s put those things in there and let the message be clear because it is badly written legislation.

Mr. Wanamaker preferred the language in the original Resolution 2469(b). The 62% unemployment rate is fully documented by the Central Council. It has to provide the number every year to Congress for the Temporary Assistance to Needy Families program in early January. Some of our villages have 87-88% unemployment among the adults. This legislation goes beyond the Kensington – it goes toward what municipalities will or will not be able to do, and it goes to the fact that this was introduced and sponsored without regard for the effect it may have to communities across the board.

Ms. Chambers said she had no strong feelings against the substitute motion. She is not an expert on mountain top removal coal mining but has been in areas with strip mines and has seen that effect. Her concern is that HR 1310 is extremely vague and has such wide impact. The idea that we would have concern that the U.S. representatives have not come to CBJ because they know about this Kensington project, and according to Mr. Cadmus is part of the reason why HR 1310 is so attractive to some of its sponsors and to the agencies that have come out to speak tonight. It has the intentional desired effect to stop the Kensington Mine. It doesn’t specifically say that and it doesn’t specifically mention mountaintop coal mining to a narrow practice. It is a very broad bill, she can see how Juneau, sitting on mine tailings, could be affected, and this could have a wide effect to the ability to build streets and roads and other necessary functions. We need to protect the viability of this area and let the Supreme Court decide. We don’t have any idea when this bill will move forward, but if it is passed, the effect is to over ride the natural course of events going from the 9th Circuit Court to the Supreme Court. We need to show leadership for our community – we support the Kensington and we oppose back door politics.

Mr. Bush said we all frequently get approached by the public with complaints, and I don’t enjoy dealing with those who come forward with complaints but no solutions. He feared that the original resolution does nothing more than complain and that will be the perception. We are not addressing an issue that 113 members of Congress have sponsored. Our influence over them is probably insignificant or conjectural, but this substitute resolution brings to their attention a specific issue that they may, in fact, listen to us about. We should not be addressing the large issue of mountaintop mining and we should limit our comments to the Kensington Mine.

Mr. Anderson said he opposed the motion to table because we have the responsibility to have our opinions moved forward. He opposes both of the resolutions. He is opposed to
putting mine waste into the waters of the United States. He was surprised about the comment about back door politics. The legislation is there to clarify that the Congress sees the law as how it was in effect before 2002. This is the farthest thing from the truth to say it is back door politics.

Mr. Wanamaker said the idea that people have a voice and deserve to be heard cannot be emphasized enough. When Mr. Pallone first began his work to introduce an amicus brief in opposition to the Kensington, he specifically stated it was in support of SEACC. He got a number of people to join him. Mr. Wanamaker tried to get hold of him numerous times. He would not respond to me. I wanted to point out to him the local issues of employment, environment, and ask where this fit in his thinking. I tried to do the same thing when HR 1310 came up, and he has continued to decline to speak to me. Our citizens deserve the right to be heard. It has to be taken into consideration. HR 1310 should be tabled, and if new legislation comes up the cities should be consulted.

Mr. Doll said the right of citizens to be heard is addressed in Mr. Bush’s substitute resolution. We have the opportunity to do this and he supported the substitute motion.

Roll call vote on the substitute resolution:

Aye: Bush, Chambers, Doll, Botelho
Nay: Anderson, Dybdahl, Sanford, Stone, Wanamaker

Motion failed: 4 aye, 5 nay.

Mayor Botelho said the original Resolution 2469(b) was before the Assembly.

Mr. Wanamaker said HR 1310 is federal legislation, which, if enacted, will affect every citizen and community in the United States, and especially in Alaska. This legislation has a number of flaws that will negatively affect our citizens and Juneau. It was developed without input from the citizens of Juneau. It will tie the hands of the community when a local project is initiated, no matter how small. It will have severe economic consequences for Juneau by making local projects much more expensive or by preventing it entirely. Supporters of this legislation say it will stop mountaintop mining practices in Appalachia. If this is true, why is there no mention of this in the legislation, and why does it apply to the entire nation, and to the Kensington. It would have been simple to address legislation to regulate a specific industry practice and for the communities of the region affected. Alaska has had a long history of dealing with federal rules that do not work in Alaska. Supporters of this legislation also say that it is not clear how this legislation will affect the Kensington. That is like saying it is not clear how capital move legislation will affect Juneau. Why did these supporters not come to Juneau and let us tell them what we thought of this proposal. What about the important constitutional right to representation. This national legislation will tie the hands of Juneau and other municipalities all the way down to our smallest project. Every project would be affected by this over-reaching measure. There are no exemptions and this is a national prohibition on a construction practice used within local governments everywhere. The cost of this prohibition will be extraordinarily high. Regarding the Kensington, Juneau could lose the jobs there even if the Kensington prevails in the Supreme Court. He asked for Assembly support for Resolution 2469(b).
Mr. Bush said he opposed the motion before the Assembly and had problems with much of the language. If we pass this, not only are we waving in the wind as it will not have any real impact, it is not limited and it is presumptuous.

Roll call vote on Resolution 2469(b) passed.
  Aye: Dybdahl, Sanford, Stone, Wanamaker, Chambers
Motion passed, 5 aye, 4 nay.

VII. PUBLIC HEARING - No ordinances for public hearing.

VIII. UNFINISHED BUSINESS – None.

IX. NEW BUSINESS

A. Docks and Harbors

  JYL Architects, Inc. - Contract Approval

  Administrative Report: Attached. The manager had no recommendation.

  Public Comment: None.

  Assembly Action:

  \textit{MOTION}, by Dybdahl, to approve the JYL Architects, Inc. contract. Hearing no objection, it was so ordered.

B. Docks and Harbors

  Auke Bay Breakwater Supplemental Agreement Request

  Administrative Report: Attached. The manager had no recommendation.

  Public Comment: None.

  Assembly Action:

  \textit{MOTION}, by Dybdahl, to approve the supplemental agreement in the amount of \$126,500 to perform work at the Auke Bay Breakwater. Hearing no objection, it was so ordered.

C. Liquor License

  New Recreational Site–Seasonal License #4881

  \textbf{Alaska Travel Adventures, Inc. d/b/a Alaska Travel Adventures}

  \textbf{Physical Location: Lots 31-33, Block C, Vintage II Subdivision, Juneau}

  Administrative Report: Attached. The manager recommended the Assembly adopt the Human Resources Committee’s recommendations for action from tonight’s meeting.

  Public Comment: None.
MOTION, by Chambers, to accept the recommendation of the Human Resources Committee and waive the right to protest this Liquor License. Hearing no objection, it was so ordered.

X.  STAFF REPORTS – None.

XI.  ASSEMBLY REPORTS

A.  Committee Reports

Committee of the Whole: Chair Bush said the COW met and heard reports on the Green House Gas Study and the Non-Motorized Transportation Plan – no action was taken.

Finance Committee: Chair Stone said the Committee met and heard a report on the school budget and marine passenger fee program. The next meeting is April 8, at 5:30 p.m.

Lands and Resources: Next meeting, April 20, 2009, at 5pm.

Public Works and Facilities Committee: Next meeting, April 20, 2009, Noon.

Human Resources Committee: Chair Chambers said HRC heard a report from Joan Roomsburg, Sales Tax Administrator, regarding a decision by staff to establish a settlement agreement regarding sales tax due from Sea Dawgs, Inc.

MOTION, by Chambers, to accept the HRC recommendation to withdraw the protest of the pending license for Sea Dawgs Inc./BCM Inc./Catapult upon finalization of this sales tax settlement agreement. Hearing no objection, it was so ordered.

The HRC also heard a wonderful presentation from Deputy Clerk Beth McEwen regarding the Assembly Boards and Commissions. The website has been updated and she urged Assembly members to refer to it and help recruit potential board members for the approximately 30 vacancies on boards.

B.  Liaison Reports

Juneau Commission on Sustainability: Liaison Doll said Juneau has been allocated $131,000 under the Recovery Act to achieve energy savings in CBJ buildings. A plan is also eligible for funding under this. The Act also encourages leveraging the funds by adding to them. The Sustainability Committee is running through a series of suggestions to give to the manager, who is doing his part to get this task accomplished. Regarding the Green House Gas Inventory, the resolution authorized CBJ to move forward with the drafting of a community action plan. If the Assembly agreed, the JCOS would pursue that objective.

Mr. Sanford said that goal setting would be good, and he would like this issue to be discussed at future work sessions so the entire Assembly is included in the discussion and benefits from the education.

C.  Presiding Officer Reports

Mayor Botelho called a special meeting on Wednesday, to immediately follow the Finance Committee meeting, for one purpose, to decide on an appeal of the ruling by the presiding
officer on the Order on Pending Motions regarding the record on appeal. All materials with the exception of any opposition motions filed by the parties, were in the packet distributed to the Assembly and the additional motions would be distributed by electronic transmission upon their receipt.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Ms. Chambers said the vacant Juneau Senate seat is a concern and every Assemblymember should voice the need to have that seat filled during this legislative session.

Mr. Bush said he had attended legislative hearings on the House and Senate bills to authorize the Alaska Mental Health Trust proposed office building construction to move forward. HB 161 passed out of House Finance today and would go to the floor.

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

XIV. EXECUTIVE SESSION - None.

XV. ADJOURNMENT – 8:58 p.m.

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