MEETING NO. 2009-15: 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, Sara Chambers, Bob Doll, Johan Dybdahl (Telephonic), Merrill Sanford, David Stone, and Randy Wanamaker (Telephonic).

Assembly Absent: Jeff Bush.

Staff Present: Kim Kiefer, City Manager; John Hartle, City Attorney; Laurie Sica, Municipal Clerk; Craig Duncan, Finance Director; Mary Norcross, Controller; Helen Davies, Accountant III; John Bohan, Chief CIP Engineer; Jeannie Johnson, Airport Manager, Heather Marlow, Lands and Resources Manager; Marc Matsil, Parks and Recreation Director; John Stone, Port Director; Garth Hamblin, CFO, Bartlett Regional Hospital.

II. SPECIAL ORDER OF BUSINESS

A. Government Finance Officers Association Award – Craig Duncan/Mary Norcross

Craig Duncan presented Mary Norcross with the Certificate of Achievement for Excellence in Financial Reporting, conferred by the Government Finance Officers Association. He thanked Ms. Norcross and the staff of the Controller’s Division for their work. Mayor Botelho said that it was striking that this award has become a matter of course for the Finance Department. Mr. Duncan said that CBJ has received this award for 22 years running and Ms. Norcross has been responsible for the production of the Comprehensive Annual Financial Report in all those years, which is the source of the award. Mayor Botelho said this makes a favorable statement of the Finance Department of CBJ. Ms. Kiefer also gave Craig Duncan a certificate of appreciation for helping his staff succeed with this project.

B. Proclamation for Sealaska

Mayor Botelho read a proclamation commending Sealaska for its ongoing commitment to improving the aesthetics and quality of life in Juneau and urge others to follow Sealaska’s civic example. He presented the proclamation in person to Todd Antioquia, Director of Corporate Communications; Rick Harris, Executive Vice President; and Judy Sherburne of J.L. Sherburne Landscape Designs.

C. Board of Equalization

1. Resolution 2488

A Resolution Confirming The Assessment Roll For Local Improvement District No. 94, West Ninth Street Paving Improvements, Fixing The Time And Method Of Payment Of Assessments; Setting The Day Of Levy; And Fixing The Time Of Delinquency And The Penalties And Interest Therefore.
Administrative Report: Attached. The manager recommended the Assembly sit as the Board of Equalization to consider the assessment roll and any objections made, and to modify the roll if necessary at the conclusion of the hearing.

Hearing no objection, the Assembly recessed and convened as the Board of Equalization for the purpose of hearing Resolution 2488, the assessment roll for LID No. 94.

Public Comment: No affected property owners or other public persons commented.

Assembly Action:

MOTION, by Sanford, to adopt Resolution 2488, and he asked for unanimous consent. Hearing no objection, it was so ordered.

Hearing no objection, the Assembly adjourned as the Board of Equalization and reconvened as the Assembly.

III. APPROVAL OF MINUTES

A. June 29, 2009 – Regular Assembly Meeting 2009-14

Hearing no objection, the minutes of the June 29, 2009, Regular Assembly Meeting 2009-14, were approved.

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

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

Peter Anderegg, spoke about a driveway that he said is illegal, unsafe and un-permitted at the T of Radcliffe and Berners Ave. He contacted the city 10 months ago to inquire about a driveway constructed on an adjoining property to his that has been placed right at the intersection. With the repaving of Radcliffe it is becoming a more permanent part of the neighborhood. He had a near incident at the intersection with someone coming out of the driveway. Miller Construction has been excellent working with the neighborhood, but once the street is paved there will be increased speeds since the potholes will be fixed. He spoke to Ron King, he acknowledged the issue, but nothing has happened. He contacted him again, and found that the driveway would be left to stand. He spoke with Rorie Watt, and finally heard from him after 4 weeks that this driveway would be permanent. City Code said that a driveway must be 40’ away from an intersection. He contacted an attorney, who suggested that he speak with Dale Pernula. He did so and Mr. Pernula referred the situation to Rorie Watt. He said there is a reasonable solution, which was to move the driveway, but was told by Mr. Watt that if the driveway were moved it would just barely meet code. He was bringing this before the Assembly to get the subject on the table. He is concerned an illegal situation will be allowed to stand. He left correspondence with the staff.

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 Anderson, to adopt the consent agenda. Hearing no objection, the following consent agenda was adopted.

1. Ordinances for Introduction

a. Ordinance 2009-12
   **An Ordinance Amending The Animal Control Code.**
   
   **Administrative Report:** Attached. The manager recommended Ordinance 2009-12 be introduced and set for public hearing at the next regular meeting.

b. Ordinance 2009-08(F)
   **An Ordinance Appropriating To The Manager The Sum Of $3,300,000 As Funding For Auke Bay Seawalk Construction And Cruise Ship Dock Improvements, Grant Funding Provided By Alaska Department Of Commerce, Community And Economic Development.**
   
   **Administrative Report:** Attached. The manager recommended Ordinance 2009-08(F) be introduced and set for public hearing at the next regular meeting.

c. Ordinance 2009-08(G)
   **An Ordinance Appropriating To The Manager The Sum Of $15,641 As Funding For Water Quality Monitoring At Sandy Beach, Grant Funding Provided By The State Of Alaska, Department Of Environmental Conservation.**
   
   **Administrative Report:** Attached. The manager recommended Ordinance 2009-08(G) be introduced and set for public hearing at the next regular meeting.

d. Ordinance 2009-08(H)
   **An Ordinance Appropriating To The Manager The Sum Of $5,245 As Partial Funding For The Juneau Teen Health Center, Grant Funding Provided By The Alaska Department Of Health And Social Services.**
   
   **Administrative Report:** Attached. The manager recommended Ordinance 2009-08(H) be introduced and set for public hearing at the next regular meeting.

2. Resolutions

a. Resolution 2489
   **A Resolution De-Appropriating $5,300,000 Of Short Term Notes Of The City And Borough From The Public Works Combined Shop Capital Improvement Project.**
   
   **Administrative Report:** Attached. The manager recommended Resolution 2489 be adopted.
3. Bid Award

a. Bid Number 10-012

Term Contract for Roadway Deicing Chemicals.

Administrative Report: Attached. The manager recommended award of this contract to Brenntag Pacific, Inc., as the lowest responsive bid price, for a total award of $161,000.

VII. PUBLIC HEARING

A. Ordinance 2008-15(BN)

An Ordinance Appropriating To The Manager The Sum Of $2,310 As Partial Funding For The Juneau Teen Health Center, Grant Funding Provided By The Alaska Department Of Health And Social Services.

Administrative Report: Attached. The manager recommended this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Anderson, to adopt Ordinance 2008-15(BN).

Mr. Anderson asked how Ordinance 2008-15(BN) differed from Ordinance 2009-08(H) introduced on the consent agenda. Ms. Kiefer said that this ordinance was for FY09 and Ordinance 2009-08(H) was for FY10.

Hearing no objection, it was so ordered.

B. Ordinance 2008-15(BO)

An Ordinance Appropriating To The Manager The Sum Of $20,000 As Partial Funding For Additional Costs Related To Snow Removal, Funding Provided By Downtown Parking Fund Balance.

Administrative Report: Attached. The manager recommended this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Doll, to adopt Ordinance 2008-15(BO). Hearing no objection, it was so ordered.

C. Ordinance 2009-08(B)

An Ordinance Appropriating To The Manager The Sum Of $21,100,219 As Funding For The Airport Runway Safety Area Capital Improvement Project, Grant Funding Provided By The Federal Aviation Administration.

Administrative Report: Attached. The manager recommended this ordinance be adopted.

Public Comment: None.
Assembly Action:

MOTION, by Sanford, to adopt Ordinance 2009-08(B). Hearing no objection, it was so ordered.

D. Ordinance 2009-08(C)  
An Ordinance Appropriating To The Manager The Sum Of $147,543 As Funding For The Juneau Police Department’s Crisis Intervention Specialist Program, Grant Funding Provided By The United States Department Of Justice.

Administrative Report:  Attached. The manager recommended this ordinance be adopted.

Public Comment:  None.

Assembly Action:

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

Mr. Anderson asked if JPD is collaborating with AWARE on this program. Ms. Kiefer said she believed so, discussions have taken place with the city attorney’s office as well. She will follow up on this.

Hearing no objection, it was so ordered.

E. Ordinance 2009-08(D)  
An Ordinance Appropriating To The Manager The Sum Of $121,000 As Funding For The Purchase of the Jordan Creek Commercial Office Unit, Funding Provided By The Bartlett Regional Hospital Fund Balance.

Administrative Report:  Attached. The manager recommended this ordinance be adopted.

Public Comment:  None.

Assembly Action:

MOTION, by Stone, to adopt Ordinance 2009-(D). Hearing no objection, it was so ordered.

F. Ordinance 2009-08(E)  
An Ordinance Appropriating To The Manager The Sum Of $2,000 As Funding For Juneau Police Department Training, Grant Funding Provided By Alaska Police Standards Council.

Administrative Report:  Attached. The manager recommended this ordinance be adopted.

Public Comment:  None.

Assembly Action:

MOTION, by Chambers, to adopt Ordinance 2009-08(E). Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS – None.
IX. NEW BUSINESS

A. Docks and Harbors—Fees And Charges Amendment

Administrative Report: Attached. The manager recommended the Assembly allow the regulation to become effective, which will reduce the storage fees from $1.00 per square foot per month to $.50 per square foot per month.

Public Comment: None.

Assembly Action:

MOTION, by Dybdahl, for orders of the day. Hearing no objection, the regulations were allowed to go into effect.

X. STAFF REPORTS

Ms. Kiefer said the curb at 12th Street and F Street was painted yellow to alert people to the “no parking, bus loading sign,” in response to a public concern.

XI. ASSEMBLY REPORTS

A. Committee Reports

Finance Committee: Chair Stone said the committee reviewed and forwarded to the Assembly a bond ordinance for Gastineau School repairs and renovations, for consideration of placement on the fall ballot. The Finance Committee will meet again soon to discuss a possible increase in the tobacco tax as a proposition for placement on the fall ballot.

Lands Committee: Mr. Dybdahl said the Lands Committee met on July 6 and forwarded an ordinance to the Assembly recommending easements for the Untalasco property on Basin Road.

Public Works and Facilities Committee: Chair Sanford said the committee met and discussed four items, which were referred to other committees.

Human Resources Committee: Chair Chambers said the meeting tonight was cancelled and the next regular meeting would be held August 10.

B. Liaison Reports

Planning Commission: Liaison Doll said the Planning Commission met June 23, and addressed the Alaska Mental Health Trust proposed office building by approving a variance to height, design and location. The Planning Commission approved a boat launch ramp at Auke Lake, and reviewed subdivision requirements for conservation easements. The Planning Commission will meet Tuesday, July 14.

Sustainability Commission: Liaison Doll promoted the Farmers Market to be held August 29. The next meeting is Wednesday, July 15.
Affordable Housing Commission: Liaison Chambers said the next meeting is Tuesday, July 14.

Airport Board: Liaison Sanford said two projects are closing, while steel framing is being erected for the new addition and the ground source heat pump is being installed. Last week the bid went out for the work on the runway safety area.

C. Presiding Officer Reports

1. Proposed Decision on Appeal of Conditional Use Permit
   USE2008-00026 – AT&T WiMax Tower

   Administrative Report: Attached. The manager made no recommendation.

   Public Comment: None.

   Assembly Action:

   Mayor Botelho suggested the matter be discussed in executive session as a quasi – judicial matter according to the open meetings act, and to move the matter to the end of the meeting. Hearing no objection, it was so ordered.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Wanamaker said Resolution 2491 is very timely. He is in Washington, D.C. and the EPA, Army Corps of Engineers and the Council on Environmental Quality will all be very interested to see this and the support for this project in Southeast Alaska.

Ms. Chambers referred to James Tipps’ e-mailed request regarding his continued interest in identifying an area for off-road vehicles to ride. She urged the Lands Committee and staff to continue their efforts to find some location for them. Mr. Anderson said that the leadership on this issue has been transferred to Parks and Recreation and they are seeking to have an “all lands managers” meeting so CBJ and the state can get together to look at options. Mr. Anderson responded to Mr. Tipps with that information. Ms. Chambers asked that the information about the meeting be forwarded to the Assembly.

Mr. Dybdahl spoke regarding bond funding for the schools. He said he did not want to miss an opportunity to put the Auke Bay school project on the ballot as well and asked the Assembly to consider this.

MOTION, by Sanford, to adopt Resolution 2491, A Resolution Expressing Assembly Support for the Immediate Return of All Permits to Open the Coeur Alaska Kensington Gold Mine.

Copies of Resolution 2491 were distributed to the Assembly by e-mail and to the public at the meeting.

Public Comment: None.

Assembly Action:
Hearing no objection, Resolution 2491 was adopted.

Mr. Anderson asked the manager to investigate the driveway situation at Berners and Radcliffe and report back to the Assembly.

Mr. Anderson asked about the report from “4F” consultant regarding the Second Gastineau Channel Crossing

Mr. Hartle said CBJ was using CIP funds to contract with Rick Glick of Davis, Wright, Tremaine, a law firm, to review the pertinent sections of law that apply to the construction of a crossing in the Mendenhall Wetland Game Refuge. A report was prepared, which he and Mayor Botelho reviewed, but the report was not accepted. They considered the report incomplete and were requesting that the consultant provide more information. Mr. Anderson asked for a copy of the submitted report.

Mr. Wanamaker asked that a signed copy of Resolution 2491 be scanned and e-mailed to him as soon as possible.

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

XIV. EXECUTIVE SESSION

Hearing no objection, the Assembly entered into executive session to discuss the proposed decision regarding the appeal of Conditional Use Permit USE2008-00026 – AT&T WiMax Tower, at 7:40 p.m. Mayor Botelho said he did not anticipate any decision being released tonight. Mr. Stone, Mr. Dybdahl, and Ms. Chambers excused themselves from the meeting.

Mayor Botelho reconvened the meeting in regular session at 7:59 p.m. and said the Assembly had considered its proposed decision on the appeal and had given instructions for some revised drafting to the city attorney. He expected a decision to be released within the next two days.

A. Attorney Evaluation Continued

Action was deferred on the city attorney’s evaluation in part because Deputy Mayor Jeff Bush was not present and he had been conducting the evaluation process.

XV. ADJOURNMENT – 8:00 p.m.

Signed: _________________________  Signed: _______________________________
Laurie Sica, Municipal Clerk  Bruce Botelho, Mayor