MEETING NO. 2010-09: 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, Ruth Danner, Bob Doll, Johan Dybdahl, Merrill Sanford, David Stone, and Randy Wanamaker.

Assembly Absent: None.

Staff Present: Rod Swope, City Manager; John Hartle, City Attorney; Laurie Sica, Municipal Clerk; Craig Duncan, Finance Director; Rorie Watt, Engineering Director; John Stone, Port Director; Mila Cosgrove, HRRM Director; Eric Mohrmann, Fire Chief.

II. SPECIAL ORDER OF BUSINESS – None.

III. APPROVAL OF MINUTES

A. March 15, 2010 – Regular Assembly Meeting 2010-07

Hearing no objection, the minutes of the March 15, 2010 - Regular Assembly Meeting 2010-07 were approved.

IV. MANAGER’S REQUEST FOR AGENDA CHANGES

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

Chip Thoma said he is the President of Responsible Cruising in Alaska, the group that initiated the CBJ head tax initiative ten years ago, and coordinated the 2006 statewide initiative. The money brought in and the projects that have been created from those funds have been good for Ketchikan, Juneau, and the state. The Department of Revenue has distributed the funds fairly. He spoke about two bills before House Finance and Senate Finance – SB312 and HB422. He said the bills “cap and skim” the state head tax. The bill will reduce the head tax by $11 million and then deduct Juneau and Ketchikan’s head tax. What is left will be a very little amount. Both Finance committees were measured in their deliberation, but in the middle of the discussion, the Attorney General announced that a deal had been struck and was about to be signed with the cruise lines, that they would withdraw their lawsuit, with prejudice, and only for the numbers voiced in SB312 and HB422 or the lawsuit is off. He did not think the legislature liked this approach. He thinks a good compromise will be reached ultimately, but Juneau will have to decide what its role is in the issue and what the level of head tax ought to be and how CBJ fits into the state system.

Joe Geldhof said he has been involved with the cruise ship excise tax issue for more than a decade. Under the proposals to reduce and then cap the statewide tax, then skim Juneau and Ketchikan’s portion off the bottom, people from outside of Juneau realized that the amount of
discretionary funds for other cruise ship ports is dramatically lower and there are many capital projects all over the state that have been considered and are waiting for funding. The legislature has gotten better at building primary infrastructure for the safety and efficiency of the passengers. There is resentment of Ketchikan and Juneau for being big and already having their head tax, and continuing to “hog up” under this skim proposal, and essentially removing funds that other communities want. There are proposals, which by law, cap the amount that any municipality could have at $5 per passenger, and that no one port should exceed this. If this passes, and there is an immediate effective date, Juneau stands to lose $2.5 million each year if you are reduced from the current $8 to $5, assuming the recent passenger numbers. He urged Juneau to come up with a resolution, which will work best for the community and communicate this to the legislature in light of the other communities’ needs and reduction in statewide funding. The statewide excise tax on passengers was not meant to be here forever, but was meant to take care of infrastructure needs to make Alaska a good tourism destination.

Mr. Anderson asked about the perception of Juneau getting an unfair proportion. Since Juneau has the most tourist visitations and highest impacts, it would make sense that Juneau gets the larger share of the dollars taken in to compensate for the impacts.

Mr. Geldhof said that was an issue for the Assembly to discuss. Some people feel that a $5 head tax is fair and reasonable for all. The rebate to communities which do not have a local head tax, is $5, except in Ketchikan, which is a split jurisdiction, and the City and the Borough there each get $2.50. Perception can be more important than reality, and this is a consideration. Juneau is a desirable tourism destination and equal with Ketchikan and Skagway in attractions. Glacier Bay is the most desirable, but entry is limited by federal law. We have to make sure we do not get into a situation with an immediate effective date and everyone has to live with $5.

Mr. Sanford said there is a misconception and CBJ does not have an $8 head tax, there is a $5 head tax and a $3 port development fee. They are separate and not a total tax.

Mr. Geldhof said he and Mr. Thoma do explain this, but the Alaska Cruise Association lobbyist Mr. Binkley and Mr. Tibbles continue to talk about the onerous $8 tax by Juneau and the $7 tax by Ketchikan and never explain the real situation.

Scott Ciambor, the Affordable Housing Coordinator for the Juneau Economic Development Council (JEDC), spoke about the five-year Consolidated Housing and Community Plan just released for review. He referred to a memo in the Assembly’s red folder with a draft letter from CBJ to AHFC. The AHC hopes to have a consolidated voice from Juneau for comments on the plan. AHFC and HUD are the primary sources of funding for affordable housing in Juneau. HUD requires AHFC have a five-year plan for the funds it disperses throughout Alaska. AHFC must draft a five-year plan and an Annual Action Plan for Anchorage and separate plans for the rest of the state. The letter touches on some of the aspects of the plan that are not beneficial for Juneau. Sending a letter from CBJ also establishes a communication with AHFC and indirectly with HUD to recognize the partnership and express thanks for their funding and support, establishing dialogue and influencing changes beneficial to Juneau.

Mr. Doll asked for clarification of the request from AHFC to CBJ. Mr. Ciambor said AHFC has to create a five-year plan for the balance of the state and outline the programs they will fund in which localities throughout the state. Some of their guiding principles are rural based and many programs that we could use to create an affordable housing program cannot be done...
within the way the plan is run. AHFC funds will be put out for competition, and the way it will be done is not beneficial to Juneau. One example is the Community Development Block Grant. In the majority of the country, the CDBG funds are allowed to be used for affordable housing activities, and in Alaska, it is primarily used for emergency shelter or transitional housing only. That is a contrast with what our needs are, such as new construction and more volume of units. Another example is the low-income housing tax credit program. In the five-year program, the tax credit program will focus on weatherization and rehabilitation. We have a project that has been submitted by Summit Housing Group in Juneau for the past two years, and they have a hard time getting funding because they do not meet the criteria, as they are new construction and not weatherization or rehabilitation. The Affordable Housing Commission has reviewed the details, and the draft letter contains the AHC comments for Assembly review and forwarding to the AHFC.

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 as presented. Hearing no objection, it was so ordered.

1. Ordinances for Introduction

a. Ordinance 2010-10

An Ordinance Relating To The Public Ways And Property Code User Fees.

Administrative Report: Attached. The manager recommended Ordinance 2010-10 be introduced and set for public hearing at the next regular meeting.

b. Ordinance 2010-11

An Ordinance Appropriating Funds From The Treasury For Fiscal Year 2011 City And Borough Operations.

Administrative Report: Attached. The manager recommended Ordinance 2010-11 be introduced and set for public hearing at the next regular meeting.

c. Ordinance 2010-12

An Ordinance Appropriating Funds From The Treasury For Fiscal Year 2011 School District Operations.

Administrative Report: Attached. The manager recommended Ordinance 2010-12 be introduced and set for public hearing at the next regular meeting.

d. Ordinance 2010-13

An Ordinance Establishing The Rate Of Levy For Property Taxes For Calendar Year 2010 For The Budget For Fiscal Year 2011.
Administrative Report: Attached. The manager recommended Ordinance 2010-13 be introduced and set for public hearing at the next regular meeting.

e. Ordinance 2009-08(AH)
An Ordinance Appropriating To The Manager The Net Sum Of $4,000 As Reimbursement For Staff Continuing Education Training Costs, And To Adjust The Public Library Assistance Grant, Regional Mail Services Grant, And Net Lender 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 Ordinance 2009-08(AH) be introduced and set for public hearing at the next regular meeting.

f. Ordinance 2009-08(AI)
An Ordinance Appropriating To The Manager The Sum Of $443,409 As Funding For The Central Council Of Tlingit And Haida Indian Tribe Of Alaska And City And Borough Of Juneau Joint Roadway Repaving Project, Grant Funding Provided By The Central Council Of The Tlingit And Haida Indian Tribes Of Alaska.

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

2. Resolutions

a. Resolution 2525
A Resolution Expressing Assembly Support For Amendments To The Fisheries Business Tax To Share More Of The Tax Revenues With Qualified Alaskan Municipalities.

Administrative Report: Attached. The manager recommended Resolution 2525 be adopted.

b. Resolution 2526
A Resolution Authorizing The Manager To Enter Into An Amendment To The City And Borough PERS Plan To Allow The Fire Chief Position To Be Re-Included In PERS.

Administrative Report: Attached. The manager recommended Resolution 2525 be adopted.

3. Transfers

a. Transfer T-910
Authorizing The Transfer Of $28,961 From The Completed Waterfront Planning Capital Improvement Project (CIP) To The Ongoing Open Space Waterfront Land Acquisition CIP.

Administrative Report: Attached. The manager recommended this transfer be approved.

b. Transfer T-911
Authorizing The Transfer Of $14,606 From The Completed Preliminary Land Planning CIP To The Ongoing Waterfront Seawalk CIP.
c. Transfer T-913
Authorizing the transfer of $361,323 to close four completed CIPs to five ongoing CIPs:

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4. Bid Award

a. Bid E10-186

**Wood Duck Avenue Reconstruction**

Administrative Report: Attached. The manager recommended award of this project to Admiralty Construction, Inc., in the total amount bid, for an award of $1,063,197.

b. Bid E10-187

**Casey Shattuck Reconstruction, Phase V**

Administrative Report: Attached. The manager recommended award of this project to Arete Construction Corp., in the total amount bid, for a total award of $1,221,904.
VII. PUBLIC HEARING

A. Ordinance 2010-07
An Ordinance Authorizing The Port Director To Negotiate And Execute An Amendment To The City And Borough's Lease With Douglas Island Pink And Chum, Inc., To Add Certain Tidelands To The Existing Leased Property Located Near Channel Drive.

Administrative Report: Attached. The manager recommended Ordinance 2010-07 be adopted.

Public Comment:

Eric Prestergard, Executive Director of DIPAC, was present to answer questions.

Assembly Action:

MOTION, by Danner, to adopt Ordinance 2010-07.

Ms. Danner asked Mr. John Stone about the annual lease payment calculation, at $.15 per square foot annually. She recalled the discussion of the tidelands lease for the Auke Bay landing facility and the Alaska Glacier Seafoods facility. There was an appraisal then that said the value of undeveloped tidelands was $10 per square foot, and she asked about the discrepancy. Mr. Stone said in the case of Auke Bay the appraiser looked at actual sale of land (purchase of land by CBJ) from a private party in the area. In this case, the appraisal is done by looking at the rents charged in the area, and the prevailing fair market rent was determined to be $.15 per square foot. It was the same appraiser in both cases. Ms. Danner asked about the use of comparables, and why the Auke Bay landing facility was not used as a comparable. Mr. Stone said CBJ paid a lot for the property and the appraiser felt it was not a useful comparison, CBJ paid more than it was worth as we felt it was valuable, as it allowed us to get additional state tidelands, and the owner was not willing to negotiate. Ms. Danner asked Mr. Stone if he thought the $.15 per square foot rate was appropriate. Mr. Stone said he thought it was. Other tidelands in the area are charged a similar rate.

Hearing no objection, Ordinance 2010-07 was adopted.

B. Ordinance 2010-08
An Ordinance Authorizing the Port Director to Negotiate and Execute an Amendment to the City and Borough's Lease with Channel Construction, Inc., to Add Certain Tidelands to the Existing Leased Property Located Near Channel Drive.

Administrative Report: Attached. The manager recommended Ordinance 2010-08 be adopted.

Public Comment:

Murray Walsh, representing Channel Construction Corporation, was present to answer questions and thanked Mr. Stone for facilitating this agreement.

Assembly Action:

MOTION, by Anderson, to adopt Ordinance 2010-08. Hearing no objection, Ordinance 2010-08 was adopted.
C. Ordinance 2010-09

**An Ordinance Providing For The Issuance And Sale Of General Obligation Bonds In One Or More Series In The Aggregate Principal Amount Of Not To Exceed $13,580,000; And Providing The Form And Terms Of The Bonds And For Unlimited Tax Levies To Pay The Bonds Authorized By The Voters For The Pool Facility And Gastineau Elementary School.**

**Administrative Report:** Attached. The manager recommended Ordinance 2010-09 be adopted.

**Public Comment:** None.

**Assembly Action:**

*MOTION*, by Stone, to adopt Ordinance 2010-09.

Ms. Danner said that CBJ Charter 10.6 directs that the Assembly determines the manner of all bond sales. She asked Mr. Craig Duncan when the Assembly determines whether it will do a competitive or a negotiated sale. Mr. Duncan said the ordinance is the legal determination to sell the bonds and establishes the manner as outlined, which is to use the Alaska Municipal Bond bank. To do a private sale through the bond bank we would need to redraft the ordinance.

Ms. Danner asked why the use of the bond bank was chosen over a competitive sale.

Mr. Duncan said the bond bank provides a credit enhancement. Last year the bond bank was able to change their “A” rating, which is the same as CBJ, to an “AA” rating that adds a credit enhancement. In addition, the bond bank pays for almost all of the issuance costs.

Ms. Danner said that she thought when the State does bond sales that it typically prefers to do competitive sales because it is considered financially advantageous to the state. When larger and smaller cities do bond sales they also tend to use competitive sales, but middle-sized cities typically tend to do negotiated sales. Mr. Duncan said that going to the bond bank is similar to a competitive sale, in that the bond bank has gone to a competitive solicitation for the underwriter for the bonds. The financial advisor we use is the same advisor the bond bank uses and the purpose of that is to ascertain up front whether it is more advantageous to go out on our own for a competitive solicitation or go through the bond bank.

Ms. Danner asked the name of the advisor, and Mr. Duncan said his name is Chip Pierce with Western Financial Group.

Ms. Danner asked about the amounts to be bonded, $6 million for Gastineau School, and $7.58 million for the pool. She said it seems that this is the full amount approved by the voters and that coincidentally the amount of the bid or are we selling more bonds than we need to sell to cover the cost of the pool. Mr. Duncan said the bonds for the pool were approved at $19.8 million and this is the third and final issuance of the bonds. The first issue was a mini-bond issue sold directly to the public, the second issue was sold at a premium and we sized the total bond issue down to recognize the premium as part of the principal. This allowed us to get a slightly better rate. The remaining $7.58 million with the resized amount is 100% of the authorization.
Ms. Danner said the actual cost of the pool is her question. Are the construction bids for the pool all in and does the Assembly know the total project cost, in comparison to the amount CBJ is bonding. She asked if CBJ is borrowing more money than is needed to complete the project.

Mr. Watt said he did not anticipate there would be many funds left over. There are four fund sources for the pool, the Rasmussen grant, the city bonds, Department of Education and grant money from Alaska Energy Authority. We will not know the exact final cost of the pool until it is finished and we negotiate all the changes. He anticipated a small amount of funds left at the end of the project, but not a large surplus. Ms. Danner asked if there is a particular percentage typically aimed for. Mr. Watt said construction contingency is typically 10–15% to cover unforeseen circumstances and amenities such as the additional two lanes.

Ms. Danner asked if the amount of the recovery zone economic development bonds at $7.586 million, which is $6,000 more than we need, was a mistake. Mr. Duncan said the actual amount is an allowance under the federal law, the authorization is slightly higher, we will have funds we won’t use.

Ms. Danner said the ordinance states that the city has received volume cap allocation for recovery zone economic development bonds. She asked what this meant. Mr. Duncan said the federal government, in the stimulus bill, authorized the issuance of special types of bonds. One is the bond we are looking at; one is recovery zone facility bonds. It is like a voter authorization in that it allows us to issue so much debt. In this case, they are allowing the CBJ to issue $7.58 million under this program. This authorization, under federal law, has various methodologies. One is with a 35% federal reimbursement and those are referred to as “Buy America Bonds.” In this program, there is a 45% reimbursement, so we are trying to maximize the use of these bonds that have the least amount of state reimbursement to maximize the benefit to the CBJ.

Ms. Danner asked if these bonds would be issued as well as city bonds. Mr. Duncan said no.

Hearing no objection, Ordinance 2010-09 was adopted.

D. Ordinance 2009-08(AD)

An Ordinance Transferring To The Manager The Sum Of $400,000 As Funding For The Bartlett Information Systems Building Demolition And Parking Lot Capital Improvement Project, Funding Provided By Bartlett Regional Hospital Fund Balance.

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

Public Comment: None.

Assembly Action:

MOTION, by Stone, to adopt Ordinance 2009-08(AD).
Ms. Danner asked what might happen with the building materials from this building demolition and if they would go to the landfill. She asked if the Assembly has discussed building demolition in general and if CBJ encourages the re-use or salvage of building materials.

Mr. Sanford said that issue can be discussed at a different venue, but it is not related to this ordinance.

Mayor Botelho said the Assembly has not had a general discussion on this topic and asked if it was sufficient to schedule this issue for discussion at another meeting.

Ms. Danner asked if it was too late to ask for a look at this type of demolition with this project.

Mr. Sanford said, due to the many hazards involved with demolition work it has been CBJ policy to disallow public access to demolition sites to avoid liability issues.

**MOTION, by Danner, to refer Ordinance 2009-08(AD) to the Public Works and Facilities Committee, to review an RFP to solicit bids from demolition contractors which will look toward recovery of any materials of value for salvage.**

Mayor Botelho said that a concern of this project is that a large portion this specific project is an asbestos abatement demolition, which has other issues and demolition could be problematic.

Ms. Danner said that precisely because of the asbestos abatement that this project may be a good candidate. Asbestos abatement does take extra care and time, which is also required when salvaging materials.

Mr. Sanford objected to the motion and said this plan has been in the works for some time. Ms. Danner has a good idea and we should consider this in general but not on this specific project.

Mr. Doll said that staff and the Sustainability Commission has draft LEED construction standards for this type of issue, and in the long-term will address the concerns about demolition and building materials standards.

Mr. Anderson said he has heard a number of concerns about this issue about filling the landfill with construction demolition material. At the time when we are making the best use of resources and the landfill issues, we should consider this issue at some time.

Roll call:
- Nay: Bush, Doll, Dybdahl, Sanford, Stone, Wanamaker, Botelho.
Motion failed, 2 ayes, 7 nays.

Hearing no further objection, Ordinance 2009-08(AD) was adopted.

E. Ordinance 2009-08(AE)

**An Ordinance Appropriating To The Manager The Sum Of $914,389 In State Of Alaska Stimulus Grant Funding And De-Appropriating $914,389 In General Operating Revenues Previously Appropriated.**

Public Comment: None.

Assembly Action:

MOTION, by Doll, to adopt Ordinance 2009-08(AE). Hearing no objection, Ordinance 2009-08(AE) was adopted.

F. Ordinance 2009-08(AF)
An Ordinance Appropriating To The Manager The Sum Of $2,000 As Funding for Avalanche Training, Grant Funding Provided by the State of Alaska Department of Military and Veterans Affairs.

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

Public Comment: None.

Assembly Action:

MOTION, by Bush, to adopt Ordinance 2009-08(AF). Hearing no objection, Ordinance 2009-08(AF) was adopted.

G. Ordinance 2009-08(AG)
An Ordinance Appropriating To The Manager The Sum Of $19,750 As Funding For The Juneau Haz-Mat Response Team To Attend The 2010 Alaska Shield Exercise, Grant Funding Provided By The State Of Alaska Department Of Military And Veterans Affairs.

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

Public Comment: None.

Assembly Action:

MOTION, by Sanford, to adopt Ordinance 2009-08(AG). Hearing no objection, Ordinance 2009-08(AG) was adopted.

VIII. UNFINISHED BUSINESS – None.

IX. NEW BUSINESS

A. Supplemental Agreement – Streets Wing Addition.

Administrative Report: Attached. The manager recommended approval of this Supplemental Agreement, of approximately $330,000 to allow the current contractor, North Pacific Erectors,
to perform site work necessary for the Consolidated Public Works Facility Streets Wing Addition.

Public Comment: None.

Assembly Action:

MOTION, by Sanford, to approve the Supplemental Agreement as proposed. Hearing no objection, it was so ordered.

B. Export Manufacturing Exemption Requests.

Administrative Report: Attached. The manager recommended approval of the following exemption requests.

Public Comment: None.

Assembly Action:

The Assembly considered the exemption requests in total, and hearing no objection, approved the following requests.

1. Alaska Glacier Seafoods, Inc. filed a manufacturing exemption for machinery, equipment totaling $64,496.30 ($683.66 in property tax). In addition, Alaska Glacier Seafoods has $647,881.08 in property qualifying from prior years, for a total 2010 assessment exemption of $712,377.38 or $7,551.20 in property taxes.

2. Taku Smokeries filed a manufacturing exemption for machinery, equipment, computers and software, totaling $53,860 ($570.92 in property tax). In addition, Taku Smokeries has $66,181 in property qualifying from prior years for a total 2010 assessment exemption of $120,041 or $1,272.44 in property taxes.

3. Alaskan Brewing Company, LLC filed a manufacturing exemption for machinery, equipment, furniture and fixtures, computers and software, and vehicles totaling $1,713,328 ($18,161.28 in property tax). In addition, Alaskan Brewing has $1,691,890 in property qualifying from prior years, for a total 2010 assessment exemption of $3,405,218 or $36,095.31 in property taxes.

Without objection, Mayor Botelho excused Mr. Wanamaker from discussion of the following Memorandum of Agreement and Liquor Licenses as a Board Member of Goldbelt, Inc. Mr. Wanamaker stepped away from the meeting.

C. Memorandum of Agreement Pertaining to the Extension of the North Douglas Highway.

Administrative Report: Mr. Swope said the last time the Assembly met to review the agreement, the Assembly made recommended changes, which were approved by the Goldbelt Board of Directors. It is the manager’s intention to sign the MOA to move forward.

Public Comment: None.
Assembly Action:

Hearing no objection to orders of the day, requested by Mayor Botelho, it was so ordered.

Mr. Swope said Mr. Watt has spoken with the State Department of Transportation, which is holding the purse strings on the project funds. CBJ will need to sign an agreement with the state regarding release of the funds. The next step will be to meet with Goldbelt to select a consultant to do the work on the alignment and environmental assessment. Mr. Swope will update the Assembly on progress.

D. Liquor Licenses.

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

Public Comment: None.

Assembly Action:

Renewals 2010-2011:

*MOTION, by Doll, to accept the HRC recommendation to waive the right to protest the Liquor License Renewals for 2010-2011 as follows and with the addition of Beverage Dispensary – Tourism License #586 to the agenda, based on payment of accounts:

1. Beverage Dispensary – Tourism License #586: Goldbelt Enterprises Inc. d/b/a Goldbelt Juneau Hotel - location 51 W. Egan Drive


5. Package Store Lic.#4422 Thibodeau's Market Inc. d/b/a Thibodeau's Valley Liquor - location 9106 Mendenhall Mall Road

6. Restaurant/Eating Place Lic. #4405: Tides Complex Inc. d/b/a Dragon Inn - location 5000 Glacier Hwy.

7. Beverage Dispensary Lic. #3755: Tailwind Inc. d/b/a Hangar on the Wharf - location #2 Marine Way

8. Beverage Dispensary-Duplicate Lic. # 4788: Tailwind Inc. d/b/a Hangar on the Wharf Pizzeria Roma - location #2 Marine Way, Suite 104

10. Restaurant/Eating Place Lic. # 3733: Up The Creek Inc. d/b/a The Twisted Fish Company - location 550 S. Franklin St.


Hearing no objection, it was so ordered.

Transfers & Applications for Restaurant Designation Permits:

MOTION, by Doll, to accept the HRC recommendation to waive the right to protest the following Liquor License Transfers and Applications for Restaurant Designation Permits:

12. Transfer of Restaurant/Eating Place Lic. #3733 FROM Up the Creek Inc. d/b/a The Twisted Fish Company location 550 S. Franklin TO Catapult Inc. d/b/a Flight Deck location #2 Marine Way, Suite 128 and Application for a Restaurant Designation Permit.

13. Transfer of Beverage Dispensary Lic. # 4842: FROM Catapult Inc. d/b/a Flight Deck location #2 Marine Way, Suite 128 TO Up the Creek Inc. d/b/a The Twisted Fish Company location 550 S. Franklin and Application for a Restaurant Designation Permit.

Hearing no objection, it was so ordered.

Mr. Wanamaker returned to the meeting.

X. STAFF REPORTS – None.

XI. ASSEMBLY REPORTS

A. Committee Reports

Committee of the Whole: Chair Wanamaker said the next meeting is set for Monday, April 12, at 6 pm. to discuss Pool Management.

Human Resources Committee: The Assembly approved the following board appointments recommended from the HRC:

1. Juneau Local Emergency Planning Committee –The HRC recommended the Assembly forward the following nominations to the State Emergency Response Commission for appointment to the Juneau Local Emergency Planning Committee:

   Seat #1 [Elected Official Main Seat]:
   Assemblymember Bob Doll (term exp. 10/2010)

   Seat #1A [Elected Official Alternate Seat]:
   Assemblymember Randy Wanamaker (term exp. 10/2010)
Seat #3 [Firefighters/Emergency Medical Services Main Seat]:
Nathan Young (term exp. 12/1/2010)

Seat #3A [Firefighters/Emergency Medical Services Alternate Seat]:
Rich Etheridge (term exp. 12/1/2010)

Seat #7 [American Red Cross Main Seat]:
Ernst Mueller (term exp. 12/1/2010)

Seat #7A [American Red Cross Alternate Seat]:
Robert Herman (term exp. 12/1/2010)

2. Sister Cities Committee – The HRC recommended the Assembly appoint Mr. Thomas A. Chard II to the Sister Cities Committee for a term expiring January 1, 2013.

Finance Committee: Chair Stone said the next meeting is set for Wednesday, April 14, at 5:30 pm.

Lands and Resources: Chair Anderson reported on the March 22 meeting action.

MOTION, by Anderson to authorize the city manager to resume the Lena Land Sale according to code and as outlined in Ordinance 2006-03 for sale of the 11 lots remaining under the same terms and conditions of the last sale and reflecting current market value. Hearing no objection, it was so ordered.

In other matters, the Lands Committee heard that EPA may move to more stringent regulations regarding air quality, which will cause CBJ to enact further restrictions, even though CBJ complied with the law this season.

B. Liaison Reports

Affordable Housing Commission: Liaison Danner recommended and the Assembly approved mailing the draft letter submitted by the AHC.

Eaglecrest: Liaison Anderson said April 10-11 will be the last weekend open at the ski area. The Board is reviewing concerns about the new health care legislation requiring coverage of all employees that are not currently covered and the implications of cost to the ski area.

Airport: Liaison Sanford reported on the many ongoing improvements at the airport.

Hospital: Liaison Stone said the Assembly will meet with the Hospital Board following the Finance Committee meeting on April 14.

Planning Commission: Liaison Doll said the Assembly will meet with the Planning Commission following the Committee of the Whole meeting on April 12.

Sustainability Commission: Liaison Doll said the committee is reviewing a draft LEED construction ordinance.
Parks and Recreation Advisory Committee: Liaison Wanamaker said the next meeting is set for Tuesday, April 6, at 6 pm.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Bush said that next Wednesday at Noon in Court Plaza, there will be a rally in support of foster care providers in Alaska and court appointed special advocates. The Governor will be making awards and he thanked the Mayor for the proclamation he issued in support of April 2010 as Child Abuse Prevention and Awareness Month.

Ms. Danner asked if the letter sent to the EPA from Jim Preston, Chair of the Docks and Harbors Board, protesting the EPA decision on the Douglas Harbor dredging, was routed through the Mayor or City Manager before it was sent. Both the Mayor and Manager said they received a copy of the letter after it was sent. Ms. Danner referred to the policy that this type of correspondence needs to be approved by the Assembly and said it appears the D&H Board may be operating outside of its authority and the Assembly should exercise control. She asked if the Assembly was willing to re-examine the ordinance, which makes the D&H Board an enterprise board. Mayor Botelho said it would be a matter for the COW. Mr. Wanamaker said he would add this to a pending list for the COW.

Ms. Anderson said with the $5 head tax and the $3 port development fee, Juneau essentially has an $8 head tax.

Mr. Dybdahl said he listened to the same testimony on the cruise ship head tax issues, did not hear that CBJ was criticized in any way, and there was much support for the Governor's proposal.

Mr. Sanford followed the issue as well and said there were many Juneau businesses that testified that Juneau wants cruise ship business and one way to assist is to alleviate the taxes.

Mr. Doll said that so far, Juneau's participation in the Census is a little higher than the national average, but not as high as Anchorage's participation.

Mayor Botelho said the Assembly met with the Juneau legislative delegation and discussed the cruise ship passenger tax – the delegation itself has differing views.

Mayor Botelho referred Ms. Danner’s concern about the disposal of building materials from building demolition sites to the Public Works and Facilities Committee.

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

XIV. EXECUTIVE SESSION – None.

XV. ADJOURNMENT – 8:25 p.m.

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