THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes – April 26, 2010

MEETING NO. 2010-13: 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 (telephonic), Merrill Sanford, David Stone, and Randy Wanamaker.

Assembly Absent: None.

Staff Present: Rod Swope, City Manager; John Hartle, City Attorney; Kim Kiefer, Deputy City Manager; Laurie Sica, Municipal Clerk; Craig Duncan, Finance Director; Mila Cosgrove, HRRM Director; Dale Pernula, Director, CDD; Rorie Watt, Engineering Director; John Stone, Port Director; Eric Mohrmann, Fire Chief; Debra Purves, Building Official; Joanie Waller, CDD Database Specialist; Patty DelaBruere, Deputy Airport Manager; Rich Etheridge, Division Chief - Careers, JFD; Greg Chaney, Planning Manager, CDD; Beth McEwen, Deputy Clerk; Glen Gelbrich, JSD Superintendent.

II. SPECIAL ORDER OF BUSINESS

A. United Way – Compass III

Scott Miller of the McDowell Group, Brenda Hewitt, Executive Director of United Way, and Tyler Brown, an Americorp Volunteer with United Way, gave a presentation on Community Indicators, which is a survey for social service agencies to know how Juneau is doing in the following areas: health, education, and income stability. The study can be found on-line at: http://www.juneau.org/assembly/agendas/2010/2010-04-26/documents/2010-04-26_Red_Folder_McDowell_Report-United_Way_Community_Indicators.pdf

B. Employee Recognition - Joanie Waller – PRISM

Ms. Kiefer said Ms. Waller, a Database Specialist at CDD, has been instrumental in developing and instituting the Govern software of the PRISM project, has put in many hours, and thanked her for dedication to the project.

C. Employee Recognition – Debra Purves Retiring

Mr. Pernula honored Debra Purves, who is retiring at the end of this month after 20 years of service to CBJ. Ms. Purves has held three challenging positions at CDD: Environmental/Zoning Inspector, Permit Specialist, and Building Codes Official. Ms. Purves is highly respected by the staff and the building community, and has spent countless hours of detailed work with the Building Code Advisory Committee to update the CBJ Building Codes. Ms. Purves is always professional, attentive to detail, and is unflappable in difficult situations. She has excellent communication skills and her focus is on customer service. She will be greatly missed.
D. Employee Recognition – Eric Mohrmann

Chief Mohrmann is moving to the Kenai Borough to be with family and has been CBJ Fire Chief for six years. Mr. Swope acknowledged being Fire Chief is a very difficult job. Mr. Swope said there has been great progress in CCFR under Chief Mohrmann's leadership and spoke about his grant writing abilities, the scholarship/live-in internship program, the summer EMT program and the increase in volunteers as examples of his good work. Mr. Swope presented Patty Mohrmann with flowers and his thanks for her support to the Chief's many hours on the job. Chief Mohrmann thanked both Mr. Swope and Ms. Kiefer for their support and said that working in Juneau has been the pinnacle of his career. He spoke highly of his staff – both career and volunteers – and of the amazing effort they put forth in a professional manner.

III. APPROVAL OF MINUTES

A. April 3, 2010 – Special Assembly Meeting 2010-08 – Solid Waste Retreat

Hearing no objection, the minutes of the April 3, 2010 - Special Assembly Meeting 2010-08 were approved.

B. April 5, 2010 – Regular Assembly Meeting 2010-09

Hearing no objection, the minutes of the April 5, 2010 - Regular Assembly Meeting 2010-09 were approved.

C. April 12, 2010 – Special Assembly Meeting 2010-10

Hearing no objection, the minutes of the April 12, 2010 – Special Assembly Meeting 2010-10 were approved.

D. April 14, 2010 – Special Assembly Meeting 2010-11 – removed from the agenda for approval at the next meeting.

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

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

Lorilyn Swanson and Marie Darlin, representing the Juneau Commission on Aging, said that May is Older American's Month and they would like Assembly financial support for a matching grant with SCSSI to complete a survey of senior citizens in Juneau. Prior surveys were done in 1989 and in 1998. They distributed written comments and statistics about seniors from the Alaska Commission on Aging and the Alaska Department of Labor. Mayor Botelho asked when the funding commitment is needed. Ms. Darlin said they would have information to the Assembly before the budget is finalized.

Chip Thoma, President of Responsible Cruising in Alaska, spoke about SB 312, which passed this past session, regarding cruise ship taxation. He said the outcome was very pro-Juneau and pro-Ketchikan. He urged the Assembly to move forward with the downtown dock
improvement project, and to consider accommodating ship needs for sewage pump-off and shore side power connections.

_Sara Wilson_, said she is concerned about the investment of city funds into the proposed new cruise ship berths and hopes the Assembly will be good financial stewards of the funds. She said there are financial uncertainties in the cruise ship industry as the ships can change their schedules at will. She is concerned about issuing revenue bonds and taking on long-term debt to pay for facilities subject to short-term revenue changes. She would also like the citizens of Juneau to receive some of the benefit from the revenue from cruise ships.

_Greg Chaney_, a CBJ employee speaking as a private citizen, said he would like to see CBJ name a new park, to be created on the site of the public works facility near the Douglas Bridge, for Dr. Walter Soboleff, who has a long and distinguished career and has made many contributions to the community. It would be good to honor such a person while they are still alive, however, the Parks and Recreation Advisory Committee told Mr. Chaney that there is a policy against naming any facility for a living person. He asked the Assembly for guidance.

VI. CONSENT AGENDA

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

B. Assembly Requests for Consent Agenda Changes – Ruth Danner requested that Resolution 2524 be removed for discussion.

C. Assembly Action

_MOTION_, by Danner, to adopt the Consent Agenda, with the removal of Resolution 2524. Hearing no objection, it was so ordered.

1. Ordinances for Introduction

a. Ordinance 2010-14
_An Ordinance Amending The Official Zoning Map Of The City And Borough To Change The Zoning Of U.S. Survey 2135 Tract 1, Tract A, U.S. Survey 2135, Tract II, And U.S. Survey 2305 Lot 15, Located In North Douglas, Currently Zoned D-3, To D-18, With Conditions._

Administrative Report: Attached. The manager recommended Ordinance 2010-14 be introduced and set for public hearing at the next regular meeting.

b. Ordinance 2010-15
_An Ordinance Amending The Land Use Code Relating To Fees For Land Use Actions._

Administrative Report: Attached. The manager recommended Ordinance 2010-15 be introduced and set for public hearing at the next regular meeting.

c. Ordinance 2010-16
_A Non-Code Ordinance Exempting Certain Property Of The Southeast Alaska Regional Health Consortium And The City And Borough, Adjacent To The Gold Creek Salmon_
Bake, From Compliance With Certain Sections Of The Land Use Code; Authorizing The Manager To Issue A Subdivision Permit For The Dedication Of A Portion Of The Salmon Creek Lane Right-Of-Way; And Authorizing Salmon Creek Lane To Be Constructed To Lesser Standards.

**Administrative Report:** Attached. The manager recommended Ordinance 2010-16 be introduced and set for public hearing at the next regular meeting.

d. Ordinance 2009-08(AJ)
**An Ordinance Appropriating To The Manager The Sum Of $1,827,000 As Partial Funding For The North Douglas Sewer Expansion, Areas D, E, And F, Jordan Creek East Valley Reservoir And The Lower West Mendenhall Pederson Hill Sewer Expansion Capital Improvement Projects, Grant Funding Provided By The State Of Alaska, Department Of Environmental Conservation.**

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

e. Ordinance 2009-08(AK)
**An Ordinance Appropriating To The Manager The Sum Of $3,640,000 As Partial Funding For The Auke Bay Loading Facility, Phase II, Capital Improvement Project, Grant Funding Provided By The Transportation Investments Generating Economic Recovery (TIGER) Grant Program.**

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

2. Transfers

a. Transfer T-905
**Transferring $160,562 From Floyd Dryden Middle School Renovations Phase I and Phase II, J-D High School Renovation II, And School District Major Maintenance CIPs, To Auke Bay Elementary School Planning/ Improvements And Juneau School District Site Improvements CIPs.**

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

b. Transfer T-909
**Transferring $285,447 From Ferry Dock Wharf Widening, S. Ferry Terminal Wharf Extension, and IVF Float Stabilization CIPs To Downtown Cruise Ship Berth Enhancement CIP.**

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

c. Transfer T-912
**Transferring $94,015 From Juneau Douglas City Museum Lighting Upgrade and Entry Way Improvements CIPs To Juneau Douglas City Museum Remodel CIP.**

**Administrative Report:** Attached. The manager recommended this transfer be approved.
Removed from the Consent Agenda:

Resolution 2524
A Resolution Authorizing The Docks And Harbors Board To Purchase Lot 4, U.S. Survey 2664, Located At 11755 Glacier Highway In Auke Bay, To Facilitate Construction Of A New Boat Launch Ramp At Statter Harbor.

Administrative Report: Attached. The manager recommended Resolution 2524 be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Danner, to adopt Resolution 2524.

Ms. Danner requested a report from the Lands Committee on this issue. Mr. Anderson said that at the last meeting, Mr. John Stone presented a memo with the background information on the acquisition, showed maps, the master plan and exhibits, discussed the configuration of the new boat launch, and explained how the appraisal was accomplished and the purchase contract. The Lands Committee recommended Assembly approval of the Docks and Harbors purchase of this property.

Ms. Danner asked to question the Docks and Harbors representatives on this matter. Mr. John Stone and Mr. Jim Preston, Chair of the Docks and Harbors Board, were present. Ms. Danner said the location of the property to be purchased was not clear from the diagrams in the packet. Mr. John Stone explained the location. Ms. Danner asked if the plans include demolition of the house. Mr. Stone said yes. Ms. Danner asked if this was in the original plan. Mr. Stone said no, the property was not included in the Master Plan developed in 2005; however, the facility to be built will greatly impact the residence and cut off its riparian/waterfront access. This would be a great loss to the value of the property and require compensation. The original plan contemplated filling in front of the property. The elevation of the property is much lower than the finished elevation of the adjacent parking lot so a retaining wall would be required, or raising the property. As a residence, with a launch ramp installed in front of the house, it would greatly impact the quality of life. In discussions with the property owners about the impacts, it was determined that a purchase of the property would be of benefit to both parties. This action will also enable the Board to use the property for part of the facility, which will result in minimizing the fill required into the tidelands, and reduce noise to adjacent property owners that would come from the new establishment.

Ms. Danner asked about the loss of the riparian access and if the land was owned by the property owner. Mr. Stone said waterfront property ownership comes with a vested right of access to the water and no one can cut that off. If a developer, in this case, CBJ, cut that off, the property owner would need to be compensated for the loss.

Ms. Danner asked if the cost of compensation for loss of access and the cost of the retaining wall was comparable, less or more than the purchase.

Mr. Stone said the cost of the retaining wall was estimated at $430,000. The appraiser did not do a value of the riparian access, but in another case (about ten years ago), CBJ paid about $1,000 per lineal foot for compensation for the loss of riparian access. In this case, there is
about 125 feet, so a minimum value would be $125,000, or a conservative estimate of $560,000 in avoided costs, compared to the $630,000 agreed upon purchase price. He said the riparian access might be significantly more costly now than the purchase ten years ago.

*The Assembly took an at-ease from 8:05 p.m. to 8:10 p.m.*

Ms. Danner said her concern is about the demolition of a perfectly good house. She asked if the Board discussed how the house could be used in some way.

Mr. Preston said the Board did not discuss that. He said there are many houses on the market at any one time and there are currently 80 – 100 single-family homes for sale. We did consider other temporary uses for the property, but the house does need to be leveled.

Ms. Danner said there is a net cost of about $70,000 to buy the house. She said the plans show a lot of parking spaces and only one boat ramp. She asked if a study had been done about the use of the ramp and the need for that many parking spaces.

Mr. Stone said the plan shown is the “Proposed Action Alternative,” which is still under development and will likely have changes by the time the project is bid. The Board is still taking public comment on the project. Some people would like to see four lanes for launching, some people do not think there is enough parking, and some people think there is too much. We did review the appropriate level of parking and considering that the right-of-way on Back Loop Road and the Auke Bay Elementary School parking lot are currently being used for parking, this proposal will help eliminate those off-site uses. He said the current plan may not meet peak demands, but will meet typical demands.

Mr. Doll said DOT/PF has been concerned about the serious parking problem on Back Loop Road for some time and this will provide the alternative location for parking, and at times, may not be enough parking.

Hearing no objection, Resolution 2524 was adopted.

**VII. PUBLIC HEARING**

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 adopted.

*Public Comment:* None.

*Assembly Action:*

*MOTION,* by Anderson, to adopt Ordinance 2010-10.

Mr. Sanford said that even though this fee increase will result in only a small increase in revenues, he was curious why the ordinance had not been heard in committee. Mr. Swope said he intends to present several revenue increases from various departments to the Assembly, some will be through regulations, some by ordinance, and some will be done internally. Many of the revenue enhancements were presented to the Assembly in the past when discussing the
budget shortfalls and places where cuts could be made and revenues increased. He was willing to bring this to a committee for review. Mr. Sanford said he would like to see a more consolidated approach to revenue increases to get a total picture. Together there may be a significant cost increase to doing business in the community and he asked to see a synopsis before the Finance Committee.

Ms. Danner said she liked to see the items separated for review. She asked for an explanation of the performance bond section.

Mr. Watt said there are two instances that a performance bond is required. One is when a private developer chooses to subdivide property prior to doing improvements. In that case, a performance bond is required to guarantee the improvements are completed. The second instance is with excavations in the right-of-way. When digging in the right-of-way there is potential for damage, so we are trying to secure the risk that some damage could happen to the paved roadway or waterline when digging for sewer. Ms. Danner asked if this is a double payment and said there are three options for payment, corporate surety bonds, certificate of deposit, or cash bond. Mr. Watt said this is to give the builder a choice of how the improvements are guaranteed. Mr. Anderson said this is not paying something twice, the performance bond is a guarantee that they do what they are supposed to do and when they complete the project, the money is returned. Mr. Watt said that is correct.

Mr. Anderson said he wants to have fees come through individually, not in one large package. He did not have an issue with whether it went to committee first or not. These fees have not increased in some time and he prefers this type of increase as a user fee rather than increasing the mill rate.

Mr. Sanford said he wanted to make it clear that this is raising the cost of doing business in Juneau.

Mr. Anderson said that the cost of doing the work by engineering remains the same. Citizens can pay through a user fee or through taxes.

Roll call:
Ayes: Anderson, Bush, Danner, Doll, Dybdahl, Stone, Botelho
Nays: Sanford, Wanamaker
Motion carried, 7 ayes, 2 nays. Ordinance 2010-10 was adopted.

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 heard and referred to the Finance Committee.

Public Comment: None.

Assembly Action:

MOTION, by Stone, to refer Ordinance 2010-11 to the Assembly Finance Committee. Hearing no objection, it was so ordered.
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 heard and referred to the Finance Committee.

Public Comment: None.

Assembly Action:

MOTION, by Stone, to refer Ordinance 2010-12 to the Assembly Finance Committee. Hearing no objection, it was so ordered.

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 heard and referred to the Finance Committee.

Public Comment: None.

Assembly Action:

MOTION, by Stone, to refer Ordinance 2010-13 to the Assembly Finance Committee. Hearing no objection, it was so ordered.

E. Ordinance 2009-08(AH)
An Ordinance Appropriating To The Manager The 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 adopted.

Public Comment: None.

Assembly Action:

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

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 adopted.

Public Comment:

Don Bremner, Deputy Director, of the Marine Highway project with the tribe, said on behalf of the newly elected President Edward K. Thomas, and new Tribal Council Roads Director Gordon Jackson and his co-worker, Kamal Lindoff, he thanked the Assembly for this opportunity, saying this is a landmark ordinance. Over the past years, they have been working to determine if the tribe can successfully implement roads and transportation programs in Juneau. He thanked the team effort of Mayor Botelho, Assemblymember Randy Wanamaker, the City Manager’s and Engineering staff, and support from Representatives Munoz, Kerttula and Senator Egan. By signing an MOU, the tribe and city will implement many road programs in Juneau. He thanked Federal Highways and Kyle Kitchel. The way the tribe receives federal funds under ARRA, they can only take a certain percentage of the total dollars and as a result, CBJ will get $31,000 - $36,000 more than what is cited in the ordinance. We are working on the final agreements.

Assembly Action:

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

VIII. UNFINISHED BUSINESS – None.

IX. NEW BUSINESS

A. Resolution 2519
A Resolution Adopting The City And Borough Capital Improvements Program For Fiscal Years 2011 Through 2016, And Establishing The Capital Improvement Project Priorities For Fiscal Year 2011.

Administrative Report: Attached. The manager recommended Resolution 2519 be heard and referred to the Finance Committee.

Public Comment: None.

Assembly Action:

MOTION, by Sanford, to refer Resolution 2519 to the Assembly Finance Committee. Hearing no objection, it was so ordered.

B. Local Funding Support For Education - Motion

MOTION, by Bush, to set the amount of local funding support for the Juneau School District’s FY11 General Operating Budget at the maximum amount allowed under the State’s funding formula of $25,399,200. Hearing no objection, it was so ordered.
C. Regulations – Title 03, Chapter 41, Residential Onsite Wastewater Treatment System.

Administrative Report: Attached. The manager made no recommendation.

Public Comment: None.

Assembly Action:

MOTION, by Doll, for orders of the day. Hearing no objection, the regulations were adopted.

D. Airport Regulations – Title 07, Chapter 10 Rates and Fees

Administrative Report: Attached. The manager made no recommendation.

Public Comment: None.

Assembly Action:

MOTION, by Sanford, for orders of the day. Hearing no objection, the regulations were adopted.

E. Liquor Licenses.

Administrative Report: Attached. The manager made no recommendation.

Public Comment: None.

Assembly Action:

MOTION, by Doll, to accept the recommendations of the Human Resources Committee and waive the Assembly’s right to protest the following liquor license actions:

1. Beverage Dispensary License #76 Arctic Bar – Arctic Bar Inc. d/b/a Arctic Bar, location 148 S. Franklin Street (Ownership Transfer of Corporate Shares)

2. Restaurant/Eating Place License #2812 Transfer of ownership, location, and from a full 2-year license to a seasonal license:
   FROM: Mad Greek aka Pizza Verona, 256 S. Franklin, Juneau
   TO: Genuine Ventures, LLC d/b/a Tracy’s King Crab Shack, location: 356 S. Franklin.

Hearing no objection, it was so ordered.

X. STAFF REPORTS – None.

XI. ASSEMBLY REPORTS

A. Committee Reports
Committee of the Whole: Chair Wanamaker said there is a tentative meeting on May 10 and he is trying to schedule a presentation on the Southeast Alaska Solid Waste Authority. For Juneau to be a member in such an authority requires a public vote. Mr. Swope said two other pending items are presentations from Leadership Juneau and from the Affordable Housing Commission.

Human Resources Committee: Chair Doll presented the report of the HRC, and the Assembly approved the following recommended appointments:

1. Jensen-Olson Arboretum Advisory Board – The HRC received the annual report of the Jensen-Olson Arboretum Advisory Board and considered applications for appointment to the committee. There were four open seats and the HRC recommends the Assembly re-appoint Mr. Peter Froehlich to a term expiring January 31, 2013. The HRC also recommends the appointment of Ms. Stella Fullam to the board for a term expiring January 31, 2013 and the appointments of Ms. Iris Korhonen-Penn and Ms. Kathy Thatcher to the board for terms expiring January 31, 2011.


3. West Douglas Development Working Group – The HRC received a report from the Mayor appointed West Douglas Development Working Group. This working group was originally appointed as a Mayoral task force in 2004 for a two-year period and renewed by the Assembly in 2006 for an additional two-year period. It is the recommendation of the Human Resources Committee to renew the working group for an additional two years with the current membership who has all indicated a willingness to continue to serve. Those members are: Linda Thomas, Chair; Beverly (Anderson) Schoonover of Juneau Watershed Partnership, Gary Droubay or Bob Martin representing Goldbelt Inc.; Rick Shattuck of Shattuck & Grummett Insurance; Mike Stanley of the North Douglas Neighborhood Association; Peter Metcalfe of Totem Creek Inc.; Kirby Day of Princess Cruises, and Brian Holst from Juneau Economic Development Council.

Chair Doll said the HRC is currently advertising for applicants for the Eaglecrest Ski Area Board, the Airport Board, and the Docks and Harbors Board. The Full Assembly, sitting as the HRC, will conduct interviews of applicants for these boards on June 7 for the Eaglecrest Board and on June 28 for the Airport and Docks and Harbors Boards. Applications for the Eaglecrest Board are due May 26 and for the Airport and Docks and Harbors Boards are due June 16.

Finance Committee: Chair David Stone said the next meeting is Wednesday, April 28, and Ms. Danner will chair the meeting, as he will be absent.

Public Works and Facilities Committee: Chair Sanford said the committee met and reviewed the resolution adopted at this meeting, reviewed the DOT/PF funding for the North Douglas Highway, and reviewed a memo from staff about construction demolition waste.
Chair Anderson said the committee met and reviewed the plans for Statter Harbor, received an update about the Subport planning efforts and parking issues in the area.

B. Liaison Reports

*Hospital Board:* Liaison Stone said the Hospital Board would be meeting Tuesday, April 27 at 5 pm.

*Planning Commission:* Liaison Doll said the PC would be meeting Tuesday, April 27 at 7 pm.

*Juneau Commission on Sustainability:* Liaison Doll said the Commission is seeking permanent status and will meet May 5.

XII. ASSEMBLY COMMENTS AND QUESTIONS

**MOTION**, by Danner, to reconsider the motion to direct staff to secure independent review of the draft wireless communications ordinance from a consultant that specializes in that field. Hearing no objection, the motion was before the Assembly.

**MOTION**, by Danner, to direct the City Manager to provide the resources necessary to secure independent review of the draft wireless communications facility ordinance from a consulting firm that specializes in this field. The motion further specifically limits the authorization not to exceed $3,500, the purpose of which is to hire a consultant who exclusively represents governmental entities and has no conflict of interest by representing industry or special interest groups. The assignment should be to review the draft ordinance as it stands and provide a list of recommendations for the Planning Commission to consider before its submits the final draft for Assembly consideration.

Ms. Danner said that the Assembly declared its support for this concept in the Decision on Appeal in USE 2008-00026. The Assembly requested that the Planning Commission develop an ordinance to regulate telecommunications towers. She quoted the decision, “The Assembly will provide the necessary resources to help facilitate the process.” The only question is, is this necessary. Staff and the Planning Commission has spent many hours reviewing this issue. They have done internet research and gathered input from three interested parties. There is a strong belief from the Assembly that it should not meddle in the business of boards and commissions and that we need to trust them to be the subject matter experts. Some fear that we may insult staff if we get in the way and do not let them do their work. We are selling staff short with this attitude. In this case, she thought support from a consultant is necessary if we want to avoid unnecessary consequences. One of the three industry representatives that responded to staff inquiries expressed strong concern with this ordinance. The staff relied heavily on internet research to identify what other municipalities have done. In the investment world, past performance is no guarantee of the future, and this is exponentially true in the world of technology. She listed a number of situations in which consultants, appraisers, and other experts were hired for city projects, and said in those cases staff was not left on its own to reinvent the wheel. Why should we rely on the staff and Planning Commission to predict the needs of the telecommunications industry into the future without help. She said this is not an issue about towers, and that she did not have a problem with towers, and never had. Her problem is with staff and boards not having the information they need to make informed decisions. She urged a yes vote on the motion.
Mayor Botelho restated the motion and asked for discussion.

Mr. Doll asked Ms. Danner what a consultant could add to the work already done by staff and the Planning Commission, given that the purpose of the creation of the ordinance is to establish criteria by which to judge the suitability of an application for a tower. The criteria arise from the community, such as neighborhood harmony, apprehension about tower collapse, etc., and are generated from within the staff, planning commission, and in the ordinance. The only thing he thought a consultant could add would be if a tower was necessary. The towers are a response to the evolution of technology and a question may be, “do our constituents want this technology?”

Ms. Danner said experts understand more about the technology and the needs for infrastructure in the future, than anyone in Juneau understands. The ordinance refers to proximity issues of tower locations and she did not know if the distances cited in the ordinance are correct. Staff cannot be expected to find this information on the internet because much of this information is proprietary. She is concerned about maintenance of aging towers and staff has stated there can be no bonds or conditions to address this. The CBJ Lands office has no information on who leases the towers. An expert can tell us what a tower is worth. CBJ should look at this as a potential for enhanced revenue streams and locate towers on CBJ property. This is not a preference or option in the draft ordinance.

Mr. Wanamaker said he could not support directing the manager to do something but preferred to authorize the manager to negotiate for services at a price not to exceed $3,500, and return to the Assembly with his recommendation.

Mayor Botelho said the previous action of the Assembly was a statement that if the Planning Commission or staff believed it needed the resources with respect to the ordinance, that the Assembly would make it available. He said this motion directs the manager to move ahead to secure the resources.

Mr. Anderson said the discussion is not about a specific tower, but a policy for planning for towers and where they might be located. We are not talking about a revenue-generating tool, however, that is still an option for the Assembly to look into. Any tower proposed will have a public hearing and the particular issues will be reviewed. He was satisfied with the public process that existed and did not understand what a consultant could add. He was not supportive of hiring someone the staff had not requested.

Mr. Bush said the Assembly has not had this type of motion which tells the Manager he has to hire someone and spend money in a private contract to do a service that so far has not been requested by staff. The Manager has asked in the past for assistance. In this case, we have offered the assistance if needed in the appeal decision. He did not want to tell the Manager that the resources were needed.

Mr. Dybdahl encouraged a vote as he was losing power to his phone.

Ms. Danner said the new ordinance moves towards an allowable use reviewed by staff and fewer public hearings, and no conditional use permit. She asked for Mr. Swope’s opinion.

Mr. Swope said he had no opinion.
Roll call:
Aye: Danner, Doll.
Motion failed, 2 ayes, 7 nays.

Mr. Anderson said the Totem Pole raising at UAS was very moving and inspiring. He appreciates that the project is completed.

Mr. Sanford asked for information on a Climate Camp event and said Mayor Botelho had signed a letter about it. Mayor Botelho said it is being conducted by the Wilberforce Foundation at the Forest Service on May 12 and 13. Mr. Sanford asked if the Assembly was invited to the event. Mayor Botelho said he was not sure whom the invitations went to and he thought copies went to all Assemblymembers. Mr. Sanford said he heard about it through a roundabout source. Mr. Sanford asked if the Assembly had voted to be a party to this event, as the CBJ logo was on the letterhead. Mayor Botelho said he did not authorize the use of the CBJ logo on the information. Mr. Sanford requested that CBJ’s identification be removed.

Mr. Doll said he will follow the discussions at the Bartlett Regional Hospital about the employee relations issues.

Mr. Doll said Juneau should be congratulated for its participation to date in the mail-in census - the return rate is 72% nationally, 71% in Juneau, and 61% on average in Alaska. From now on, the effort is on face-to-face enumeration.

Mr. Wanamaker said many people had spoken to him about increases in their assessment and he is leaving that issue with the City Manager for a response.

Mayor Botelho invited the Assembly to participate in the next Capital City Forum to be focused on getting input from high school students at Centennial Hall on Thursday, May 6, from 10 am - 3pm.

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

XIV. EXECUTIVE SESSION – None.

XV. ADJOURNMENT – 9:15 p.m.

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