THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes – January 10, 2011

MEETING NO. 2011-01: 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, Mary Becker, Karen Crane, Ruth Danner, Bob Doll, Johan Dybdahl, Merrill Sanford, and Bruce Botelho.

Assembly Absent: David Stone.

Staff Present: Rod Swope, City Manager; John Hartle, City Attorney; Laurie Sica, Municipal Clerk; Craig Duncan, Finance Director; John Stone, Port Director; Cynthia Johnson, Deputy Lands Manager; Barbara Berg, Library Director; Rorie Watt, Engineering Director; Dale Pernula, Community Development Director; Kirk Duncan, Eaglecrest Ski Area Manager; Jeffra Clough, Director of Sales and Marketing and Snowsports School, Eaglecrest; Brian Davies, Director of Snow Safety, Eaglecrest; and Marcus Zimmerman, Safety Coordinator, Eaglecrest.

II. SPECIAL ORDER OF BUSINESS

A. Eaglecrest – Alaska Municipal League Award

Mr. Anderson presented the 2010 Alaska Municipal League Community Award for Achievements in the category of Land Use to the staff of Eaglecrest Ski Area for its three-year capital improvement program to enhance its sustainability within the community. The projects, which were paid for through state and city funding, grants and money raised throughout the community, provided electricity to the ski area’s weather tower, built a road to the top of the mountain, led to the installation of chairlifts and trail improvements to the ski area’s historic Treadwell Ditch. The electrical conversion saves more than 38,000 gallons of diesel fuel annually, and the stable power supply to the weather tower at Eaglecrest is able to provide critical information to the Juneau International Airport.

III. APPROVAL OF MINUTES

A. December 20, 2010 – Regular Assembly Meeting 2010-31

Hearing no objection, the minutes of the December 20, 2010 - Regular Assembly Meeting 2010-31 were approved.

IV. MANAGER’S REQUEST FOR AGENDA CHANGES

Mr. Swope said that the Docks and Harbors board requested Resolution 2556, A Resolution Authorizing The Acceptance Of A Donation Of The Archie Van Winkle Memorial From Archie Van Winkle Memorial, Inc., be removed from the agenda for further work. Hearing no objection, it was so removed.
V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

John Seeley, Juneau, said he has routinely reported sales tax for his business but one time was remiss, and has accrued excessive penalties over time and has not been able to access the savings incentive for timely reporting since that time, even though the taxes have been paid. He said the 5% per month penalty was excessive and asked the Assembly to look into this.

Mandy Cole, Juneau, said she is an employee at the A.W.A.R.E. Shelter and is volunteer co-chair for the 2011 Project Homeless Connect/Point in Time Count Event, which will take place Monday, January 24, 2011, from 10 a.m. – 3 p.m. at Centennial Hall. This event provides incentives for homeless residents to attend, connect with social services, and be part of the census of homeless people in Juneau. She distributed a flyer and encouraged the Assembly members and public to attend.

Mr. Doll asked about the difference in the homeless count between 2009 and 2010. Ms. Cole said the biggest reason for the difference is that Project Homeless Connect provides the ability to count a group of people previously uncounted. In the past, social service providers and the school district tallied the homeless population. This event allows people who are camping, “couch-surfing”, or not involved with a provider an opportunity to be counted.

VI. CONSENT AGENDA

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

None.

B. Assembly Requests for Consent Agenda Changes

C. Assembly Action

MOTION, by Doll, to adopt the consent agenda, with the removal of Resolution 2556 from the meeting agenda. Hearing no objection, it was so ordered.

1. Ordinances for Introduction

a. Ordinance 2010-11(AD)

An Ordinance Appropriating To The Manager The Sum Of $19,129 As Partial Funding For The Main Street Improvements, Second To Seventh; Funding Provided By 2003B General Obligation Bond Interest Income.

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

b. Ordinance 2010-11(AF)

An Ordinance Appropriating To The Manager The Sum Of $765,000 As Funding For The Acquisition Of Equipment For The Fire Department, Eaglecrest, And Parks And Recreation – Park Maintenance; Funding Provided By The Equipment Replacement Reserve Fund Balance.
2. Resolutions

a. Resolution 2555
   **A Resolution Adopting An Alternative Allocation Method For The Fiscal Year 2011 Shared Fisheries Business Tax Program.**

   Administrative Report: Attached. The manager recommended Resolution 2555 be adopted.

b. Resolution 2557
   **A Resolution Expressing The Assembly's Support, And Intent To Provide Maintenance And A Local Match, For Projects That Are Being Considered For Inclusion In The Alaska Department Of Transportation And Public Facilities Statewide Transportation Improvement Plan.**

   Administrative Report: Attached. The manager recommended Resolution 2557 be adopted.

3. Transfers

a. Transfer T-923
   **Transferring $1,075,956 From Closing 17 Completed Capital Improvement Projects (CIP) To Provide Funding For Nine Ongoing Projects.**

   Administrative Report: Attached. The manager recommended Transfer T-923 be approved.

4. Liquor License

a. Liquor License Application

   1. Restaurant Designation Permit Application: Beverage Dispensary License #313 – Prospector Hotel/TK Maguires, Location 375 Whittier Street, Juneau, AK

   Administrative Report: Attached. The manager recommended the Assembly approve the Restaurant Designation Permit Application for Prospector Hotel/TK Maguires.

**VII. PUBLIC HEARING**

A. Ordinance 2010-36
   **An Ordinance Amending The Docks And Harbors Board Code Regarding Board Vacancies.**


   Public Comment: None.

   Assembly Action:
MOTION, by Danner, to adopt Ordinance 2010-36. Hearing no objection, it was so ordered.

B. Ordinance 2010-40
An Ordinance Amending The Property Acquisition And Disposal Code Relating To Real Property Acquisition.


Public Comment: None.

Assembly Action:

MOTION, by Anderson, to adopt Ordinance 2010-40. Hearing no objection, it was so ordered.

Mr. Sanford asked about the reference to eminent domain and asked if there was a policy or procedures to follow regarding this action. It appears the code gives the city manager the authority to proceed with eminent domain. Could this action take place without Assembly approval?

Mr. Hartle said the code does give the authority to the city manager. Eminent domain is rarely used and is generally limited to public construction projects. He has seen it used only one time, which was on the project to improve Gastineau Avenue. The procedures are outlined in state statute and it is an action taken in court. Generally, the manager would seek a negotiated agreement with a property owner before any movement towards eminent domain.

Mr. Swope said that, as a manager, he would never proceed with eminent domain without bringing it to the Assembly’s attention.

Mr. Anderson said the code refers to an appropriation of funds for the purpose and asked if this meant the Assembly must appropriate funds before property could be taken. Mr. Hartle said that generally such an appropriation would be an expenditure on a Capital Improvement Project and would be part of the budget for the project.

Mayor Botelho said the court action was to determine the value of the property. The city will always get the property, so the question to be determined by the court regards the price of the property.

Hearing no objection, Ordinance 2010-40 was adopted.

C. Ordinance 2010-41
An Ordinance Amending The Land Use Code Relating To Access Driveways Allowed In The Right-Of-Way.


Public Comment: None.

Assembly Action:
MOTION, by Sanford, to adopt Ordinance 2010-41. Hearing no objection, it was so ordered.

D. Ordinance 2010-42
An Ordinance Amending The Land Use Code To Require Construction And Renovation Of Municipal Public Facilities To Meet A Sustainable Building Standard.

Administrative Report: Attached. The manager recommended adoption of Ordinance 2010-42.

Public Comment: None.

Assembly Action:

MOTION, by Doll, to adopt Ordinance 2010-42.

Mr. Sanford acknowledged the recommendation of the Planning Commission that the Assembly amend the ordinance to lower the threshold for projects required to meet LEED standards from $5 to $3 million and asked for clarification of the ordinance. Mr. Swope said Ordinance 2010-42 would require LEED basic certification on municipal building design and construction in excess of $5 million.

Ms. Crane acknowledged the Juneau Commission on Sustainability’s recommendation to lower the threshold to $3 million.

Hearing no objection, Ordinance 2010-42 was adopted without amendment.

E. Ordinance 2010-11(AC)
An Ordinance Appropriating To The Manager The Sum Of $30,000 As Partial Funding For The Library Server Room Capital Improvement Project, Grant Funding Provided By The Library Endowment Fund.


Public Comment: None.

Assembly Action:

MOTION, by Crane, to adopt Ordinance 2010-11(AC). Hearing no objection, it was so ordered.

F. Ordinance 2010-11(AE)
An Ordinance Appropriating To The Manager The Sum Of $25,000 As Funding For A Feasibility Proposal For A Direct Market Fish Sales Facility In Juneau, Funding Provided By Alaska Fisheries Development Foundation Grant.


Public Comment: None.
MOTION, by Becker, to adopt Ordinance 2010-11(AE). Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS

IX.  NEW BUSINESS

X.  STAFF REPORTS

Mr. Hartle said that, at the request of Assemblymember Sanford, he has looked into making artificial marijuana illegal in Juneau, as was done in Anchorage and by the U.S. Army. If the Assembly decides this is proper, he recommended adoption of an ordinance with a “repealer” clause. There are bills before the legislature for consideration, which, if adopted, will take at least nine months to become effective. In general, drug enforcement laws are the domain of the state and the city does not currently have any drug laws. CBJ could adopt a similar law to that of Anchorage and repeal it if the state adopts such a law.

Mr. Sanford said he supported Mr. Hartle’s recommendation. There can be an automatic repealer, but the Assembly should not lose an opportunity to get this product off the street.

Mr. Doll asked if JPD had expressed its opinion on this and Mr. Hartle said no.

Hearing no objection, the Assembly directed Mr. Hartle to draft an ordinance based on the Anchorage model, with a repeal clause on the effective date of any so adopted state statute. The draft ordinance would go directly to the Assembly, and Mr. Hartle said February 7 was his projected date for introduction.

Mr. Swope said that the third floor of the new Main Street parking garage would be reserved beginning tomorrow for legislative parking. The third floor has exactly 60 spaces, so he has committed these spaces one week in advance of the start of the session and one week following the session. The public would likely not be happy that one floor of public parking is no longer available throughout the session, but this is being done to support the capital in Juneau. There will be no parking passes issued for on-street parking. The on-street parking will be freed for public use.

Mr. Doll asked about the parking in the 2nd Avenue and Franklin Street lot. Mr. Swope said it would be unchanged, with 11 spaces reserved for the Legislative Affairs office and the rest as permit parking.

XI.  ASSEMBLY REPORTS

A.  Committee Reports

Committee of the Whole: Chair Sanford said the last meeting reviewed plans for the property under the Douglas Bridge currently occupied by the Public Works Department. The next meeting will be Monday, January 31, at 6 p.m. in the Assembly Chambers. Agenda items will include the Alaska Coastal Management Program Draft Resolution, an update on the Community Development Department's Coastal Impact Assistance Grant Program, and the
Draft Recycling Request for Proposals, which will likely be discussed in executive session. Future meetings include those on February 14 and March 14.

**Public Works and Facilities Committee:** Chair Doll said the next meeting was Monday, January 31, at Noon, in the Assembly Chambers.

**Lands and Resources Committee:** Chair Anderson said the next meeting was Monday, January 31, at 5 p.m., in the Assembly Chambers.

**Human Resources Committee:**

_MOTION_, by Danner, to accept the recommendation of the HRC and appoint Marie Darlin to the Public Service on the Juneau Commission on Aging, for a term expiring on June 30, 2011. Hearing no objection, it was so ordered.

_MOTION_, by Danner, to accept the recommendation of the HRC and make appointments to the Douglas Advisory Board: Adam Garner for a term expiring on September 30, 2013, and Sylvia Harvey for a term expiring September 30, 2012. Hearing no objection, it was so ordered.

Mayor Botelho asked Ms. Danner about her meetings with the Douglas Advisory Board and the Sister City Committee. Ms. Danner said she met with all current members of the Douglas Advisory Board on January 4. There was not sufficient membership to meet because they did not have a quorum. They now have two additional members to meet quorum. She asked the Douglas Advisory Board to provide the Assembly with its goals, objectives, and purpose, which were discussed at the HRC meeting tonight. Ms. Danner said Mr. Doll said the HRC is pleased with the contributions of volunteers who serve on committees and hopes the Douglas Advisory Board will meet and bring the Assembly meaningful projects, so this is an interim action. She met with the Sister City Committee, which will attend the February 28 HRC meeting to provide an update of its goals. It has new membership and is energized.

**B. Liaison Reports**

_Airport Board:_ Liaison Sanford said the next meeting is Wed., Jan 12, at 7 p.m. in the Airport Aurora Room.

_Parks and Recreation Advisory Committee:_ Liaison Doll said the PRAC discussed the Willoughby District project and its potential effect on Zach Gordon Teen Center at its recent meeting.

_Planning Commission:_ Liaison Doll said the next meeting is Tuesday, Jan 11, at 7 p.m. in the Assembly Chambers, to discuss the “noise ordinance” and appoint new officers.

_Local Emergency Planning Committee:_ Liaison Danner said the next meeting is Tuesday, Jan 11, at Noon, at Bartlett Regional Hospital Boardroom.

**XII. ASSEMBLY COMMENTS AND QUESTIONS**

Ms. Danner reported on a free discount prescription drug card program currently available through the United Way, which is honored at every pharmacy in Juneau with up to a 30% discount on prescriptions, available to uninsured and potentially to underinsured residents. If
anyone in the community is interested in this program, she asked people to contact her or the United Way.

Ms. Danner said the United Way would be hosting a Diversity Training Class funded by CBJ on January 27 and 28 at the University of Alaska. She would like a report back from any staff member or Assemblymember who is able to attend to see if the program is worthwhile and if the program is helping Juneau to become more welcoming.

Ms. Becker said that United Way is also involved with coordinating a meeting to brainstorm possibilities for children’s day care opportunities in the community on Tuesday, January 18 at Noon at the Bartlett Regional Hospital Board Room.

Ms. Becker said the Alaska Committee would hold its annual meeting on Saturday, January 29, at 9 a.m. at the Travelodge Hotel. The Alaska Committee is seeking members and she encouraged anyone interested in promoting Juneau as the Capital City to attend.

Mr. Anderson asked to learn more about Mr. Seeley’s comments regarding his tax issues. Mayor Botelho suggested adding it as a topic for the Finance Committee.

Mr. Doll invited the public to attend the annual Juneau Welcomes the Legislature Reception on Wednesday, January 19, from 5 – 6:30 p.m. at Centennial Hall.

Mr. Sanford distributed statistics from “Alaska Economic Trends” of December 2010, page 10, and said the population trend for the Southeast Region of Alaska predicts a percentage change from 2009-2034 of -14%. He said Southeast has already lost significant population over the past ten years. He said he cannot let this happen and this situation is an indication of what can happen if we sit by and let this happen. Southeast Alaska has to take back control of our communities and our region or this population prediction will come true. Juneau needs to work with the other communities, through Southeast Conference, through AML, and through our own friendships, to see what we can do to forward ourselves economically in Southeast. He asked for the Assembly’s support. Whether it is a two-person company or a 200-employee mine, we need to move forward to encourage economic growth.

Mayor Botelho recommended that $50,000 be made available to the manager from the Better Capital Fund for preparing CBJ for the reapportionment process. The ideal district in the state will show that each of our current districts is undersized by 2,500 people. We will see a radically different district map for Southeast, and we need to be able to contribute to the conversation about what that map looks like. Hearing no objection, it was so ordered.

Mayor Botelho distributed a draft outline for an AJ Mine Advisory Committee in the red folder, and he asked the Assembly for feedback. He would like to make appointments to such a committee soon and have the committee report back to the Assembly by May 1.

Mr. Sanford said that this committee would be a starting point to answer questions on the AJ Mine. This is a short timeframe for preliminary work, and he asked the manager for his thoughts on the recommendation that a staff person and secretary attend meetings to take notes to facilitate the meetings.
Mr. Swope said he would have to consider the best person for this assignment. Mayor Botelho said he understands there are funds available from the shut down of the mine, which might be a source of funding for this type of expense.

Mr. Swope said he was approached by an Assemblymember to provide support for the Inaugural Gala, which will be renting the JACC and Centennial Hall for the event and would like to know if this could be supported through the Assembly hosting account.

**MOTION**, by Sanford, to approve up to $5,000 for the Inaugural Gala from the CBJ Hosting Account. Hearing no objection, it was so ordered.

Mr. Swope reminded the Assemblymembers and the public about a meeting with CBJ lobbyists and the Juneau legislative delegation Tuesday, January 11, at 7:30 a.m. in the Assembly Chambers.

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

**XIV. EXECUTIVE SESSION** – None.

**XV. ADJOURNMENT** – 8:45 p.m.

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