MEETING NO. 2011-05: 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, David Stone (telephonic) and Bruce Botelho.

Assembly Absent: Johan Dybdahl, Merrill Sanford.

Staff Present: Rod Swope, City Manager; John Hartle, City Attorney; Laurie Sica, Municipal Clerk; Beth McEwen, Deputy Clerk; Craig Duncan, Finance Director; Rich Etheridge, Fire Chief; John Stone, Port Director; Heather Marlow, Lands and Resources Manager; Jennifer Mannix, Engineering Contract Administrator.

II. LID BOARD OF EQUALIZATION.

Hearing no objection, the Assembly recessed and reconvened as the Board of Equalization for the purposes of hearing Resolution 2565, confirming the assessment roll for LID No. 130, and Resolution 2566, confirming the assessment roll for LID No. 98.

1. Resolution 2565

A Resolution Confirming The Assessment Roll For Local Improvement District No. 130 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 Therefor.

Administrative Report: Attached.

Public Comment: No one was present to comment and no written comments were submitted regarding LID No. 130. Mr. Hartle read from CBJ Code 15.10.150, “All objections to the confirmation of the assessment roll or any of the separate assessments appearing thereon shall be in writing and shall state clearly the grounds of objections. Objections not made in writing and not filed with the municipal clerk at or prior to the time of the original hearing shall be conclusively presumed to have been waived.”

Board of Equalization Action:

Hearing no objection, the Board of Equalization recommended no modification to the assessment roll and forwarded Resolution 2565 to the Assembly for action.

2. Resolution 2566

A Resolution Confirming The Assessment Roll For Local Improvement District No. 98 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 Therefor.
Administrative Report: Attached.

Public Comment:

**Arne T. Oydna** said the March 4, 2011 letter to property owners included in LID 98 stated that the cost of the LID was “to be borne by all the benefitted properties…” He said his unit is not benefited. These units are designated storage condos and they were never permitted for sewer and water hook-ups. He said it is not possible for him to hook up to the sewer and water and he questioned why he was required to pay for something he can never use.

Mayor Botelho asked Mr. Swope for his explanation of this situation. While currently the units are not permitted for the purpose, in the future the units could be permitted and modified to install water and sewer into the units. We have found a number of units with unpermitted uses. The code can be changed in the future, and the fact that the water and sewer is close and available does improve the value of those units.

Mr. Oydna disagreed, saying the property could not be accessed for water and sewer because to do so would require digging up the entire driveway between the condos. They belong to an association, people there need to move their boats in and out during the summer, and that is when construction would take place. The driveway, according to the condo association, cannot be blocked. A car cannot be left there overnight. The condo association guidelines prohibit this activity.

**Michael Scott** said he agreed with Mr. Oydna. He asked the Assembly to waive the assessment fees at this time and if at the time the zoning regulations change and this activity can be permitted, he would pay for the service and installation at the time. They gain no benefit now or in the foreseeable future and he asked why they should have to pay this now.

Mayor Botelho asked about the covenants regarding the condo association. Aside from code, is there any city-imposed barrier to developing access to the sewer and water. Mr. Scott said it would be the building and zoning code that prohibits installation of restrooms in those units.

**Marty Holmberg**, Fairweather Equitation Center, said at the stables, they rent an outhouse, and have no building on site that could be used to install a restroom. They would have to get power, water, and sewer to that facility, and the estimate to build a bathroom facility was approximately $12,000. With a $15,000 assessment, it would cost them at least $27,000 to do an installation like this, just to use the new service. There is not a question of benefit to the property, but now, this puts them in a hardship. This is a non-profit organization and there is no method of getting funds to build this structure. The horse stalls are purchased individually and is similar to a condo association. We are looking for relief from the high assessment. He asked for a reduction or amendment. He asked if calling the situation a condominium would make it more affordable.

Mr. Anderson asked how many stalls were at the stable and Mr. Holmberg said 28. Mr. Anderson asked if Mr. Holmberg was asking that the stalls be assessed as 28 condo units and Mr. Holmberg said yes, if that would be of financial benefit to the overall property.

Mayor Botelho asked if there was anything to prevent him from passing on the cost to the owner of each stall. Mr. Holmberg said they would have to do that one way or the other.
Mr. Holmberg said he was told by the Engineering Department that they could get an exemption for the hook up; the hook up fees are miniscule compared to the $15,000. It is the building of the facility to house the bathroom that is a concern. They object to paying $15,000 for a service that will not be accessed.

Hearing no further comments, Mayor Botelho closed public testimony.

Board of Equalization Action:

Mr. Anderson asked Mr. Swope for the totality of the assessments for the condominiums.

Mayor Botelho called a brief recess to allow staff to gather the information, from 7:21 – 7:28 p.m.

Mr. Swope said there are 213 condo units and the total LID assessment is $54,460 for those units.

Mr. Doll clarified that these are boat condos. Mr. Doll asked if a low-cost loan is available for the assessments. Mr. Swope said yes, every property owner in the LID was able to access the low-interest loan. This financing is obtained through the Department of Environmental Conservation funding. The term is 1.5% for ten years.

Mr. Anderson said the assessment method provides that the condos are assessed square footage plus a proportional share of the service pipe fees. How is the proportion determined?

Jennifer Mannix said there was one $1,500 service fee for each lot and that was divided between how many units were on the property. There is a per condo assessment in addition, based on the square footage of the condo. There were several lots that each had a number of condos on them.

Mr. Anderson asked what a property owner received for paying the sewer service pipe fee. Ms. Mannix said they get a sewer service to the property line.

Ms. Danner said there are four letters of objection from condo owners, and asked if it was within the power of the Board of Equalization to adjust for all of the condos or only the four, which protested the assessment. Mr. Hartle said the other owners had conclusively waived their right to challenge the assessment. Mr. Hartle said the code is clear that the adjustment is to those property owners, which requested an adjustment, not to neighboring properties.

Ms. Danner asked about the suggestion of deferring an assessment to a future time, and said this seemed onerous to manage since the Board could only make adjustments to the four condo owners, which had filed a protest. Ms. Mannix said that there is no mechanism in the code to allow an assessment at a future date.

Mr. Anderson asked for clarification on the prohibition of installing sewer and water to the condo units. Mr. Swope said one owner said it would be difficult to do the installation. Code prohibits installation of the water and sewer for residential purposes.

Mr. Doll said he attended meetings at which property owners were consulted and the assessments were negotiated. He recommended no further adjustment. The value of the property is increased by an extension of the service. There are provisions for low-interest
loans. Any adjustment, which alters the current status, will pass the cost on to all of the citizens of Juneau through their taxes.

Hearing no objection, the Board of Equalization recommended no modification to the assessment roll and forwarded Resolution 2566 to the Assembly for action.

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

Assembly Action:

MOTION, by Danner, to adopt Resolution 2565. Hearing no objection, Resolution 2565 was adopted.

MOTION, by Doll, to adopt Resolution 2566. Hearing no objection, Resolution 2566 was adopted.

III. APPROVAL OF MINUTES

A. February 28, 2011 – Regular Assembly Meeting 2011-04

Hearing no objection, the minutes of the February 28, 2011 - Regular Assembly Meeting 2011-04 were approved as corrected with edits by Ms. Danner: Ordinance 2011-07(b) bond amount corrected in the title of the ordinance to $5,753,000, and one other typographical correction.

IV. MANAGER’S REQUEST FOR AGENDA CHANGES

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

Beverly Schoonover, Director, Juneau Watershed Partnership (JWP), distributed a new brochure titled, “Living Next to a Salmon Stream, How to be a ‘Stream-Friendly Landowner” to the Assembly. JWP was formed in 1988 and is a local non-profit organization with a mission to promote community stewardship and sustainable use of the local watershed. They are a politically neutral group, which accomplishes its mission through applied research and watershed planning, education, outreach, communication and collaboration. This brochure is a product of a citizen-based riparian restoration project, to explain riparian values and how property owners can maintain those values. A copy can be found at www.juneauwatersheds.org. She invited the Assembly and the public to attend the JWP Partners Meeting, on Thursday, April 7th, 3:00 pm to 6:00 pm at the Hangar Ballroom.

As part of the current National Forest Foundation grant, they are inviting agency and municipal partners to share new information about FY 2012 projects and discuss how to strengthen and build partnerships over the next year at their first annual Partners Meeting.

Ms. Danner asked Ms. Schoonover about the nature of the JWP and the makeup of the board and membership.

Ms. Danner asked if JWP would be interested in complaints or concerns from citizens about watershed issues, specifically about a smell emanating from the Skater’s Cabin area where there is a salmon stream. Ms. Schoonover said JWP does want to hear about these issues and the website provides contact information.
Mr. Doll said he has also heard complaints about the Skater’s Cabin area and urged JWP to look into this.

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, it was so ordered.

1.  Ordinances for Introduction

a.  Ordinance 2011-01


Administrative Report: Attached. The manager recommended Ordinance 2011-01 be introduced and set for public hearing at the next regular meeting.

b.  Ordinance 2010-11(AK)

An Ordinance Appropriating To The Manager The Sum Of $85,000 As Funding For The Purchase Of 5785 Montana Creek Road, Tract A, U.S. Survey 2337; Funding Provided By The Lands Fund Balance.

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

2.  Resolutions

a.  Resolution 2567

A Resolution De-Appropriating $149,024 From The REACH Demolition Capital Improvement Project.

Administrative Report: Attached. The manager recommended Resolution 2567 be adopted.

3.  Liquor License

a.  Liquor License Renewals

Administrative Report: Attached. The manager recommended the Assembly waive its right to protest the following list of Liquor License Renewals:

1.  Beverage Dispensary License #447: Statewide Services d/b/a Glacier Restaurant & Catering, location 1873 Shell Simmons Drive (Juneau International Airport)

2.  Restaurant/Eating Place License #188: Bullwinkle’s Inc. d/b/a Bullwinkle’s Pizza, location: 318 Willoughby Ave.
3. Package Store License #300: DeHarts LLC d/b/a DeHarts Grocery, location: 11735 Glacier Hwy.

VII. PUBLIC HEARING

A. Ordinance 2011-06(b)

An Ordinance Amending The City And Borough Traffic Code To Allow Operation Of Low-Speed Vehicles On Certain Roads.

Administrative Report: Attached. The manager recommended Ordinance 2011-06(b) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Danner, to adopt Ordinance 2011-06(b).

Ms. Danner asked for more information on what is considered a “low-speed vehicle.”

Ron Marvin, representing the U.S. Forest Service, was present to answer Ms. Danner’s question and distributed information on the vehicle. Specifically, it is a small truck that is all electric, runs on batteries and has a governor that does not allow it to travel at more than 25 mph. It will be stationed at the Mendenhall Visitor Center and will mostly travel to the office about a mile away, and will make some trips to shopping centers, the University of Alaska, and the Forest Science lab. To make this route he can stay on roads posted at 45 mph. or less. Mr. Marvin said that there is a federal law that allows low-speed vehicles on roads with designated speed limits of up to 35 mph. About a year ago, the state allowed them on roads with designated speed limits of 45 mph, and each city needs to pass a special ordinance to allow this. He said his particular vehicle does not meet federal safety standards to travel at more than 25 mph as it is not equipped with the proper safety related items.

Hearing no objection, Ordinance 2011-06(b) was adopted.

B. Ordinance 2011-07(b)

An Ordinance Providing For The Issuance And Sale Of A General Obligation School Bond In The Aggregate Principal Amount Of Not To Exceed $5,753,000; And Providing The Form And Terms Of The Bond And For Unlimited Tax Levies To Pay The Bond.

Administrative Report: Attached. The manager recommended Ordinance 2011-07(b) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Becker, to adopt Ordinance 2011-07(b). Hearing no objection, Ordinance 2011-07(b) was adopted.
C. Ordinance 2011-08
An Ordinance Creating A Special Assessment For Capital Improvements By Agreement, For Benefitted Property Owners Not Included In The Assessment Roll For Local Improvement District No. 130.


Public Comment: None.

Assembly Action:

MOTION, by Doll, to adopt Ordinance 2011-08. Hearing no objection, Ordinance 2011-08 was adopted.

D. Ordinance 2010-11(AI)
An Ordinance Appropriating To The Manager The Sum Of $480,000 As Partial Funding For The North Douglas And West Mendenhall Valley Sewer Expansion Capital Improvement Projects, Loan Funding Provided By The State Of Alaska Department Of Environmental Conservation.

Administrative Report: Attached. The manager recommended Ordinance 2010-11(AI) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Crane, to adopt Ordinance 2010-11(AI). Hearing no objection, Ordinance 2010-11(AI) was adopted.

E. Ordinance 2010-11(AJ)
An Ordinance Appropriating To The Manager The Sum Of $2,000,000 As Additional Funding For The Bartlett Regional Hospital Roof Replacement Capital Improvement Project, Funding Provided By Bartlett Regional Hospital Fund Balance.


Public Comment: None.

Assembly Action:

MOTION, by Doll, to adopt Ordinance 2010-11(AJ). Hearing no objection, Ordinance 2010-11(AJ) was adopted.

VIII. UNFINISHED BUSINESS

IX. NEW BUSINESS

A. Docks and Harbors – Contract Amendment For Professional Services During Construction of Auke Bay Loading Facility-Phase II.
Administrative Report: Attached. The manager made no recommendation.

Public Comment: None.

Assembly Action:

MOTION, by Danner, to approve a contract amendment for PND Engineers to perform construction administration, observation and special inspection services during construction of Auke Bay Loading Facility – Phase 2 in the amount of $172,900.

Ms. Danner asked about the reference to Morris Engineering group and asked if this would be an additional cost for their work. Mr. John Stone said Morris is a sub-consultant to PND and their work is incorporated into the total.

Ms. Danner asked about the statement that the fees did not include complete coverage or inspection services. Mr. John Stone said he plans to supplant the inspection work with his staff as a cost savings from having an engineer on the site at all times.

Hearing no objection, it was so ordered.

X. STAFF REPORTS

Mr. Swope said the public has expressed concerns about the potential of radiation from the disaster in Japan affecting Alaska. Emergency Program Manager Tom Mattice prepared a letter in response, which Mr. Swope distributed to the Assembly.

Mr. Swope distributed a draft Finance Committee Schedule.

XI. ASSEMBLY REPORTS

A. Mayor’s Report

1. Citizens’ Academy

Mayor Botelho said he would like to hold nine sessions, one per month, during the school year, approximately an hour in length, to give a chance for each city department to explain its activities to the public and allow for a question and answer session. Any person could attend any session, and those who attend seven or more sessions could receive a certificate of completion.

Mr. Doll, Mr. Anderson, and Ms. Danner supported the program and encouraged participation.

Mayor Botelho said Mr. Swope has been gracious to allow the department heads to participate.

2. Pedestrian Mall

Mayor Botelho suggested an idea of closing Front Street from Franklin to Main Street, and Seward Street from Second to Front to vehicular traffic one day a week for a month on an
experimental basis. This needs to be done in concert with the Downtown Business Association and business owners, but he wanted to determine Assembly interest and support.

Mr. Anderson, Ms. Danner and Ms. Becker approved trying this new idea and suggested coordination of dates and times with special events and also with some regularity so as not to confuse the public about when the street would be open or closed.

B. Committee Reports

**Public Works and Facilities Committee:** Chair Doll said the next meeting was scheduled for April 4.

**Finance Committee:** Chair Stone said the committee met on March 2 and there was a lot of good discussion regarding sales tax and property tax issues. The committee was very engaged and staff did a great job.

**Lands and Resources Committee:** Chair Anderson noted a letter in the red folder to the Alaska Housing Finance Committee which was drafted by the Affordable Housing Commission, passed through the Lands Committee, and commented on by Sara Tabachnick of AWARE, who made comments also in the red folder. He said the issue had been referred to the Finance Committee but the issue was time sensitive

Mayor Botelho asked and there was no objection to taking this issue up before the Assembly.

**MOTION**, by Anderson, to authorize the manager to review, amend, and send this letter in coordination with staff.

Mr. Swope said previously the letter discussed a city commitment of $75,000 and he could not make that commitment. This was the reason it needed to go to the Finance Committee. This piece is no longer in the letter. He was willing to edit, sign, and send the letter.

Hearing no objection, it was so ordered.

Mr. Anderson said the Lands Committee discussed ongoing discussions with Archipelago Properties regarding easement issues and access to the seawalk. The next Lands Committee will be held April 4.

**Human Resources Committee:**

**MOTION**, by Danner, that the Assembly accept the recommendation of the Human Resources Committee and appoint the following members to board positions. Hearing no objection, the Assembly appointed the following people to Boards and Commissions:

**Fisheries Development Committee:** Jim Becker and Glenn Haight for terms expiring January 31, 2014.

**Juneau Affordable Housing Commission:** Honey Bee Anderson, Shari Partin and Norton Gregory for terms expiring January 31, 2014.
**Parks and Recreation Advisory Committee:** Dixie Hood, Christopher Mertl and Odin Brudie for terms expiring February 28, 2014.

**Social Services Advisory Board:** Bill Dillon for a term expiring September 30, 2014.

Hearing no objection, the Assembly approved setting a meeting of the Full Assembly sitting as the Human Resources Committee to interview applicants for the Airport, Docks and Harbors, and Eaglecrest Boards for Monday, May 9, at 5:30 p.m. in City Hall Conference Room 224, to be followed by a Special Assembly meeting to make board appointments.

**Committee of the Whole:** Mayor Botelho noted the next meeting is set for Monday, April 4.

C. Liaison Reports

**Juneau Commission on Sustainability:** Liaison Crane said the commission is hard at work on the climate action plan.

**Affordable Housing Commission:** Liaison Crane said the AHC has prepared the application and is ready for the first round of grants from the Affordable Housing Fund.

**Docks and Harbors:** Liaison Danner said the Board continues to work diligently on several fronts.

**Alaska Committee:** Liaison Becker said the recently sponsored Alaska Committee reception at the Southeast Conference meeting was well received.

**School Board:** Liaison Becker said the Board passed its budget following significant, passionate public testimony. The School Board will make a presentation at a Special Assembly Meeting scheduled for Wednesday, March 23, at 5:30 p.m. in Assembly Chambers.

**School Activity Committee:** Liaison Becker said the committee continues to meet. 60% of JDHS and 57% of TMHS students are involved in activities and this is a 28% increase over the past year. She asked the Assembly to expect a funding request for a budget which reflects these increases.

**Rainforest Recovery Advisory Committee:** Mr. Anderson attended this meeting and reported that Matt Felix is leaving the executive director position in a few months and they are transitioning to a new management system. The police involvement in transport has almost disappeared. Mr. Swope said that was a fair statement. RRC will continue to work with the community and BRH.

**Planning Commission:** Liaison Doll said the Planning Commission met on March 8 and denied a zone change requested by the Breakwater Hotel owners from D-5 Residential to Waterfront Commercial. The next meeting is set for Tuesday, April 12.

**Parks and Recreation Advisory Committee:** Liaison Doll said the next meeting is set for Wednesday, March 23.

**Bartlett Regional Hospital:** Liaison Stone said BRH is very active with several projects, including a new roof.
AJ Mining Committee: Mayor Botelho said the next meeting is set for Wednesday, March 30 at 5:30 p.m. in the Assembly Chambers.

Hearing no objection, Mayor Botelho called a Special Assembly meeting for Thursday, March 24, at Noon in the Assembly Chambers, to discuss Redistricting and Reapportionment issues. The State Redistricting Board will hold a public hearing on the matter in Juneau on Friday, March 24.

Mayor Botelho noted that CBJ received the “Sunny Award” from the Sunshine Review, recognizing the CBJ website as one of the top 100 “most transparent” government websites.

Mayor Botelho noted that Ms. Sica was recognized as a “Master Municipal Clerk” by the International Institute of Municipal Clerks.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Anderson announced that he has accepted a position as Chair of the Public Administration Department for California State University in San Bernardino, CA. He submitted his resignation as an Assemblymember effective following the May 23, 2011 Assembly meeting. He said serving on the Assembly has been the high point of his life in Juneau and he will miss the participation.

Mr. Doll said that at the recent Southeast Conference meetings, the Solid Waste Authority presented a draft resolution, which it requested southeast communities adopt in support of FY 12 appropriations request, and he asked for consideration by the Assembly. Hearing no objection, Mr. Doll will forward the information to the Law Department.

Mr. Doll expressed his well wishes to Mr. Anderson and said he will miss his assistance at the meetings.

Mayor Botelho said that Mr. Anderson’s resignation will be a great loss, but the Assembly would take great advantage of Mr. Anderson’s input over the next few months.

Mayor Botelho distributed a memo to the Assembly regarding a plan to fill the pending vacancy. He suggested accepting letters of interest and resumes from persons interested in filling out the term until October, 2011. He suggested a deadline of Thursday, April 7, at 4:30 p.m. for receipt, and for the Assembly to consider those applications during an executive session during the April 11 regular meeting.

Ms. Becker asked if this was sufficient time. Mayor Botelho said people who might be interested will know in two weeks if they wish to apply.

Hearing no objection, the Assembly approved this course of action and Mayor Botelho asked the clerk to make such notification and accept applications.

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