MEETING NO. 2011-24: 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: Mary Becker, Bruce Botelho, Karen Crane, Ruth Danner, Johan Dybdahl,
Peter Freer, Malcolm Menzies, Merrill Sanford, and David Stone.

Assembly Absent: None.

Staff Present: Rod Swope, City Manager; John Hartle, City Attorney; Kim Kiefer, Deputy
Manager; Laurie Sica, Municipal Clerk; Beth McEwen, Deputy Clerk; Rorie Watt,
Engineering Director; Dale Pernula, Community Development Director; Beth McKibben,
Senior Planner; Kirk Duncan, Public Works Director; Bonnie Chaney, Budget Analyst;
Catherine Fritz, Airport Architect; Carl Uchytil, Port Director; Gary Gillette Port Engineer

II. SPECIAL ORDER OF BUSINESS

A. Outgoing Assembly Remarks – Merrill Sanford, Deputy Mayor, Mal Menzies, Peter Freer

Mayor Botelho said that this meeting exhibits a hallmark of the American system of
government, which is the peaceful and orderly transition of government. Three members are
standing down, two of whom assisted to fill vacancies on the Assembly. Mayor Botelho
offered each an opportunity to speak.

Peter Freer thanked the Assembly for having the confidence in him to appoint him to office. He
said that he was first elected to the Assembly 28 years ago and at that time he was not sure
what he was getting into but he learned quickly and when he took the seat this time he felt he
had not left. He said he was thankful for this chance to serve the community.

Malcolm Menzies said it had been a long time since he had sat in the seats and served and he
was thankful for the honor of being selected and having the opportunity to serve the
community. He congratulated the newly elected and acknowledged Rod Swope’s
announcement of his retirement, saying he has been a good city manager.

Merrill Sanford said he wanted to leave the Assembly with some thoughts that were important
to him. He said land is so important in Southeast Alaska, and less than 1% of it is in private
ownership. When the Assembly acts, please consider this and do not lock up land, which can
be developed. Mr. Sanford said one of the most difficult things as an Assemblymember is
addressing neighborhood needs in light of the needs of the entire community. He said the
decisions made regarding the asphalt plan on Industrial Bldv., the street and sidewalk
improvements on 12th Street in the Casey Shattuck Subdivision and on 1st Street in Douglas
were examples of difficult decisions that were not in line with neighborhood desires but were
good overall projects. Mr. Sanford thanked all the Department and Division heads for their
work and respectful interface with the Assembly. He said as a retired firefighter, he thought
when he joined the Assembly that the Fire Department was the most important department, but he understood now that all the departments perform an important service and overall the employees do a great job for Juneau. He thanked his wife Patty Sanford, for her support and said she is a Douglas girl who knows what she wants and what the community needs, so the Assembly is free to call on her for advice. He thanked Rod Swope and Kim Kiefer for their work and teamwork. He said everyone is ultimately interested in providing the best for the community and it is good to have respectful debate on how to get there.

Mayor Botelho said it had been an honor to serve with Mr. Sanford, and though they have been on the opposite sides of some issues, Mr. Sanford has been an incredible leader for the community. Mr. Sanford is a plain speaker, which is not a dominant characteristic in politics and said Mr. Sanford could not be pigeonholed. He exercises independent judgment, and good judgment, and has dedicated his life to this community. Mayor Botelho said he knows Mr. Sanford will continue to be active in the community and he looks forward to that.

Mayor Botelho presented Mr. Freer and Mr. Menzies with plaques of appreciation for their service, and Mr. Sanford with an Alaska Native designed and carved yellow cedar box with inlays of copper and shell as tokens of the community’s appreciation for his service.

B. Swearing-in of New Assemblymembers

John Hartle delivered the certificates of election and the oath of office to newly elected Assemblymembers Jesse Kiehl, Carlton Smith, and Randy Wanamaker.

C. Election of Deputy Mayor

*MOTION*, by Dybdahl, to elect David Stone as the Deputy Mayor. Hearing no objection, it was so ordered.

III. APPROVAL OF MINUTES

A. September 19, 2011 – Regular Assembly Meeting 2011-21

*Hearing no objection, the minutes of the September 19, 2011 Regular Meeting 2011-21 were approved as corrected.*

B. September 26, 2011 – Special Assembly Meeting 2011-22

*Hearing no objection, the minutes of the September 26, 2011 Special Meeting 2011-22 were approved.*

C. October 10, 2011 – Special Assembly Meeting 2011-23

*Hearing no objection, the minutes of the October 10, 2011 Special Meeting 2011-23 were approved.*

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

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None.
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 Stone, to adopt the consent agenda as presented. Hearing no objection, it was so ordered.

1. Ordinances for Introduction

a. Ordinance 2011-25
An Ordinance Authorizing The Filing Of A Petition For Annexation Of Territory To The City And Borough Of Juneau.


b. Ordinance 2011-26
An Ordinance Authorizing The Manager To Execute A Lease Of A Fraction Of Lot 1, U.S. Survey 5504, Located Near The Fish Creek Quarry On Douglas Island, To Atlas Tower, LLC, For The Construction, Maintenance, Operation, And Leasing Of A Communications Tower.

Administrative Report: Attached. The manager recommended Ordinance 2011-26 be introduced and set for public hearing at the next regular meeting.

c. Ordinance 2011-11(S)
An Ordinance Appropriating To The Manager The Sum Of $6,615 As Funding For The Purchase of a 3D Crash Reconstruction Software Program and Police Officer Training, Grant Funding Provided By The Alaska Department of Transportation and Public Facilities, Alaska Highway Safety Office.

Administrative Report: Attached. The manager recommended Ordinance 2011-11(S) be introduced and set for public hearing at the next regular meeting.

d. Ordinance 2011-11(T)
An Ordinance Appropriating To The Manager The Sum Of $30,583 As Funding For Alaska Shield Training Provided To Members Of The Capital City Fire And Rescue Hazmat Team, Grant Funding Provided By The Alaska Division Of Homeland Security And Emergency Management.

Administrative Report: Attached. The manager recommended Ordinance 2011-11(T) be introduced and set for public hearing at the next regular meeting.
e. Ordinance 2011-11(U)
An Ordinance Appropriating To The Manager The Sum Of $6,633,082 As Additional Funding For The Juneau International Airport Runway Safety Area Capital Improvement Project, Funding Provided By The Federal Aviation Administration, Alaska Department of Transportation and The Juneau International Airport.

Administrative Report: Attached. The manager recommended Ordinance 2011-11(U) be introduced and set for public hearing at the next regular meeting.

f. Ordinance 2011-11(V)
An Ordinance Appropriating To The Manager The Sum Of $94,575.33 As Funding For The First Six Months Of A Three-Year Grant For Two New Police Officers For The Downtown Patrol Community Policing Project, Grant Funding Provided By The United States Department Of Justice, Office Of Community Oriented Policing Services.

Administrative Report: Attached. The manager recommended Ordinance 2011-11(V) be introduced and set for public hearing at the next regular meeting.

2. Resolutions
a. Resolution 2589
A Resolution Authorizing a Correction to the LID 95 Assessment Computation for Channel View Terrace Mobile Home Park.

Administrative Report: Attached. The manager recommended adoption of Resolution 2589.

b. Resolution 2590
A Resolution Authorizing The Manager To Submit To The Alaska Department Of Commerce, Community, And Economic Development An Application For A Library Construction And Major Expansion Matching Grant For Construction Of A Valley Branch Library At Dimond Park.

Administrative Report: Attached. The manager recommended adoption of Resolution 2590.

c. Resolution 2591
A Resolution Expressing Assembly Support for Maintaining the Douglas Post Office.

Administrative Report: Attached. The manager recommended adoption of Resolution 2591.

3. Bid Award

Administrative Report: Attached. The manager recommended award of this project to Wolfkill Feed & Fertilizer, in the total amount bid, for an award of $201,500.
VII. PUBLIC HEARING

A. Ordinance 2011-24

An Ordinance Amending The Official Zoning Map Of The City And Borough To Change The Zoning Of U.S. Survey 1042, Tract B; Wildmeadow Park, Tracts 1, 2, 3, 8, 9, 10, And 11; U.S. Survey 1041, Tract A; And U.S. Survey 1041, Tract B; Located Near Wildmeadow Lane And Glacier Highway, Currently Zoned D-1 (T) D5 To D-1.


Public Comment: None.

Assembly Action:

MOTION, by Danner, to adopt Ordinance 2011-24, for purposes of discussion.

Ms. Danner asked for an explanation of the zone change.

Dale Pernula referred to the map entitled Exhibit A to Ordinance 2011-24. He said the map shows an entire area as outlined in the title of the ordinance that at one time was designated as “D-1 Transition to D-5” and included all the city owned property, the subdivided area and a triangular area at the west end. When the sewer was installed recently, the Planning Commission was asked to review the transition zones and transition them to the higher intensity use. The review was done and the Planning Commission transitioned the developed areas and the triangular area to D-5 for further development, but in accordance with the Comprehensive Plan, the Planning Commission recommends that it be zoned D-1 permanently. Tract A and B were acquired by the city for several public purposes, including a Raptor Center. A Raptor Center could not be permitted in a D-5 zone. The remaining portion is all in class B wetlands, even though there is a road going through it. There are four classes of wetlands, A, B, C and D, and B is the second highest valued class of wetlands. Any permits on the lots that the city did acquire could be developed if permitted by the US Army Corps of Engineers.

Ms. Becker asked if all land under consideration was owned by CBJ. Mr. Pernula said yes.

Mr. Dybdahl asked if the remaining subdivided lots in Wildmeadow Park were owned by CBJ. Mr. Pernula said yes.

Mr. Kiehl said the Alaska Dept. of Transportation has plans for Glacier Highway and possibly Industrial Blvd. in this area, and asked if this zoning would create any complications for those plans. Mr. Pernula said no, and if DOT acquired any of this land it would have a right to expand the highway in this area.

Mr. Smith asked the contours of the property. Mr. Pernula said the property was flat.

Ms. Becker asked about the hilly area behind this property being available for housing development. Mr. Pernula said the area was currently zoned “D1-T-D5” and once sewer is available to the area, it could be transitioned to D-5.

Ms. Danner asked why Wildmeadow Park was purchased by CBJ when it appeared they had been platted for development and Peterson Hill has been discussed as potential land for
residential development, why the change to D-1. Will having the Raptor Center in Tract A get in the way of Peterson Hill Development? Mr. Pernula said the zone change would not affect that as it is still city owned property and an access study has been done regarding Peterson Hill. A few options were through this property and the zone change would not change the options. The deed for the property shows that the lots were acquired for park purposes.

Mr. Kiehl noted a typographical error on page one, line 23, referencing “national area parks” should be “natural.”

Hearing no objection, Ordinance 2011-24 was adopted.

B. Ordinance 2010-11(BB)
An Ordinance Appropriating To The Manager The Sum Of $2,834,051 To Fund The City And Borough Of Juneau’s Fiscal Year 2011 Public Employee Retirement System Contribution; Funding Provided By The Alaska Department Of Administration.


Public Comment: None.

Assembly Action:

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

C. Ordinance 2011-11(P)
An Ordinance Appropriating To The Manager The Sum Of $80,000 As Partial Funding For The Affordable Housing Coordinator Position, Grant Funding Provided By The Alaska Housing And Finance Corporation Community Homeless Coordination Grant Program.


Public Comment: None.

Assembly Action:

MOTION, by Becker, to adopt Ordinance 2011-11(P). Hearing no objection, it was so ordered.

D. Ordinance 2011-11(Q)
An Ordinance Appropriating To The Manager The Sum Of $166,922 As Additional Funding For The Juneau International Airport Runway Safety Area Capital Improvement Project, Grant Funding Provided By The State of Alaska Department of Transportation.


Public Comment: None.
Assembly Action:

*MOTION*, by Dybdahl, to adopt Ordinance 2011-11(Q). Hearing no objection, it was so ordered.

E. Ordinance 2011-11(R)

*An Ordinance Appropriating To The Manager The Sum Of $26,254 As Additional Funding For The Crisis Intervention Specialist, Grant Funding Provided By The U.S. Department of Justice, Office of Justice Programs.*


*Public Comment*: None.

Assembly Action:

*MOTION*, by Becker, to adopt Ordinance 2011-11(R). Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS – None.

IX. NEW BUSINESS

A. Docks and Harbors Department – PND Engineers Contract Amendment

*Administrative Report*: Attached. 
*Public Comment*: None.

Assembly Action:

*MOTION*, by Danner, to approve a contract amendment for PND Engineers, Inc. in the amount of $172,000 for additional work at the Statter Harbor Launch Ramp Project.

Mr. Dybdahl asked if with the number of projects that Docks and Harbors has, is this one single contract with PND for all of these services or if this is one of many that are being extended.

Port Director Carl Uchytil said that PND does have the lion share of contracts for design and engineering services. This particular contract is a contract modification arising from mitigation issues. The plan is to fill 4.1 acres of uplands and to work with Fish and Wildlife and the Corps of Engineers to get the permit to do additional mitigation work. The reason for the “not to exceed” contract is that they do not know the level of effort to secure the 404b permits.

Mr. Dybdahl asked if for this particular project, this is Phase II. How many additional phases are there? Mr. Uchytil said that Statter Harbor has one design that is ready to move forward for the replacement of DeHart’s Marina at Statter, this is the uplands phase of the Statter improvements. Those will be the only two phases for the Auke Bay facility.

Mr. Dybdahl asked when there are these extensions, at what point is a bid ever going out again for consideration by other engineering groups. It seems we get lost in these extensions and he would like this clarified.
Mayor Botelho asked Docks and Harbors staff to develop a chart to layout each of the design and engineering contracts and the number and amount of each extension.

Hearing no objection, the motion passed.

X. **STAFF REPORTS** – None.

XI. **ASSEMBLY REPORTS**

A. Mayor’s Report

Mayor Botelho distributed his recommendation for Assembly Committee and Liaison assignments for 2011-12.

*MOTION*, by Stone, to approve the committee and liaison assignments. Hearing no objection, it was so ordered.

B. Committee Reports – None.

C. Liaison Reports

**School Board:** Liaison Becker reported on the Alaska State Literacy Conference at Thunder Mountain. The School Board organizational meeting would be held the following night with election of officers and appointment of the budget committee.

**Chamber of Commerce:** Liaison Becker said the FAA reported to the Chamber and she showed the report she received.

**Alaska Committee:** Liaison Becker said the recent meeting focused on Coast Guard Housing and its need for rentals. Many of the Coast Guard employees would also like to purchase homes while they are here if they can sell their homes in other locations.

**Docks and Harbors:** Liaison Danner said it was a pleasure serving the Docks and Harbors Board and the Assembly all received a copy of a letter from Parks and Recreation regarding the seawalk - urging that tidelands in front of Seadrome to be set aside for that purpose.

The Douglas Breakwater, in middle of the installation process hit a snag, the terrain to be drilled was not as expected, and as this is an Army Corps of Engineers project, with their design work, the CBJ received a rebate for overpayment. Docks and Harbors staff and the contractor are committed to getting the project done before the winter season.

XII. **ASSEMBLY COMMENTS AND QUESTIONS**

Mr. Wanamaker said it was good to be back on the Assembly.

Mr. Smith said he is looking forward to collaboration and being a part of the team.
Mr. Kiehl said the Legislative Affairs Agency is also soliciting rentals from the community. He said he is looking forward to working with each Assemblymember and is honored to sit on the Assembly.

Mr. Dybdahl, Ms. Crane, Ms. Becker, Ms. Danner and Mr. Stone all welcomed the new members.

Ms. Becker said she attended an information session for the AJ Mine and it was very well done.

Ms. Danner said she looks forward to AML in Fairbanks. She was also invited to an alternative high school conference and will be attending with members of the YaKoos community to see what our strengths are and how we can improve in Juneau. She toured the new Public Works facility and had a tour inside of the Douglas Bridge.

Mr. Stone thanked everyone for their vote of confidence in him as Deputy Mayor and said he had big shoes to fill, thanking Mr. Sanford for his work in this capacity.

Mayor Botelho noted that the Assembly Retreat would be held Tuesday, October 18 at 9 a.m. in the Assembly Chambers.

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

XIV. EXECUTIVE SESSION – None.

XV. ADJOURNMENT – 8 p.m.

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