MEETING NO. 2012-25: 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 (telephonic), Ruth Danner, Johan Dybdahl Jesse Kiehl, Carlton Smith, David Stone, and Randy Wanamaker (telephonic).

Assembly Absent:  None.

Staff Present:  Kim Kiefer, City Manager; Rob Steedle, Deputy City Manager; John Hartle, City Attorney; Amy Mead, Assistant City Attorney; Laurie Sica, Municipal Clerk; Beth McEwen, Deputy City Clerk; Bob Bartholomew, Finance Director; Brent Fischer, Parks and Recreation Director, George Schaff, Parks and Landscape Supervisor; Hal Hart, Community Development Director; Greg Chaney, Planning Manager; David Crabtree, Water Utilities Superintendent; Mila Cosgrove, HRRM Director; Carl Uchytil, Port Director; and Jeannie Johnson, Airport Manager.

II. SPECIAL ORDER OF BUSINESS

A. Foreign Student Recognition

Sue Baxter, Vice Chair, Sister Cities Committee, said the committee was working to revitalize the relationships with Juneau’s Sister Cities, including Whitehorse, Yukon Territory, Canada; Chai-Yi City, Taiwan; Vladivostok, Russian; and Mishan City, China. The committee worked hard to keep an international vision. She introduced foreign exchange students at the high schools from Lebanon, Isreal, Palestine, Russia and Denmark, who all took turns greeting the Assembly. Mayor Botelho said he was impressed with the students initial language abilities and said that indicated good progress throughout their stay. He said language was the window to other cultures and they were already far ahead of many in that regard. Ms. Baxter invited everyone to a community potluck to meet and greet the students at Thunder Mountain High School on October 24.

B. Citizen Commendation – Jerry Burns, Bert Fawcett, Crystal Fawcett, John Feller

Mayor Botelho honored four Juneau residents for their acts of heroism, saying that he was not sure that they saw themselves as heroes, but their good actions provided a moment of learning for the community. He asked Jerry Burns, Bert and Crystal Fawcett, and John Feller to come forward. Mayor Botelho said that on Monday morning, August 27, Crystal and Bert Fawcett were driving away from parking lot of Yacht Club and noticed a man in rowing shell in the harbor. Crystal and Bert parked to take a cell call and she noticed the shell had stopped but did not see the occupant in the shell and thought perhaps he had capsized. What she thought was a
red life jacket was blood, and she alerted Jerry Burns who was in the parking lot and called 9-1-1. Bert and Jerry rushed down the ramp, and found the boater submerged. They dove in to the water. Jerry reached the man and lifted his head out of the water. He was unconscious and not breathing. They attempted to get him back to dock, but his feet were still strapped to 24’ shell. Crystal got John Feller’s attention, who was on his houseboat, and he came to help. John brought a deck brush to reach out and assist the men to the dock, and Bert was able to release the victim from the straps. John performed CPR, and about 4 minutes after the 9-1-1 call, the man coughed, began breathing, and Capital City Fire and Rescue arrived and transported the man to Bartlett, where he was stabilized and released. Mayor Botelho said the boater was Bruce Denton, who was also present at the meeting. Mr. Denton came forward and spoke to the Assembly and public present, thanking his rescuers, and urging everyone in the room to take CPR training. He said he was very grateful to be able to thank his rescuers in person.

III. APPROVAL OF MINUTES

A. August 27, 2012 – Regular Assembly Meeting 2012-25

Hearing no objection, the minutes of the August 27, 2012 Regular Assembly Meeting 2012-25 were approved.

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

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

Dave Spargo, representing neighbors on Nowell and Foster Avenue, of which approximately 15 were in the audience, thanked the Assembly for hearing their testimony at a previous meeting and taking prompt action. He thanked Mr. Smith, Ms. Crane, Ms. Becker, and Mr. Wanamaker and Ms. Kiefer for their site visit to see the problem at 3101 Nowell Ave. first hand and the efforts to seek a permanent solution. He was also grateful that this issue had been submitted to court by the Law Department. The neighbors recognized the process and time element involved, but wanted to remind the Assembly of the two decades of patience they have had with this situation. The property owner of 3101 Nowell had been given the benefit of the doubt repeatedly. They knew their property values have been negatively impacted and the city has spent significant funds without lasting results. He asked the Assembly to assist the department heads to assist the law department. They know this situation is not the only neighborhood with these issues, and a precedent should be set for speedy action.

VI. CONSENT AGENDA

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

Jack Tripp requested removal of the review of Package Store License #828 from the consent agenda.

B. Assembly Requests for Consent Agenda Changes – None.

C. Assembly Action
**MOTION**, by Stone, to adopt the consent agenda, as amended, to take public testimony on the review of Package Store Liquor License #828. Hearing no objection, it was so ordered.

1. Ordinances for Introduction
   a. Ordinance 2012-20(S)
   An Ordinance Appropriating To The Manager The Sum Of $552,685 As Additional Funding For The Juneau International Airport Runway Safety Area Capital Improvement Project, Grant Funding Provided By The Alaska Department Of Transportation.

   Administrative Report: Attached. The manager recommended Ordinance 2012-20(S) be introduced and set for public hearing at the next regular meeting.

2. Resolutions
   a. Resolution 2628

   Administrative Report: Attached. The manager recommended Resolution 2628 be adopted.

3. Liquor Licenses

   Administrative Report: Attached. The manager recommended the Assembly waive its right to protest the following liquor license location transfers:

   1. Liquor License Location Transfer
      Wholesale-Malt Beverage & Wine License #4715
      The Odom Corporation, d/b/a The Odom Corporation
      Location Transfer From: 2266 Industrial Blvd., Juneau
      Location Transfer To: 3143 Channel Drive, Juneau

   2. Liquor License Location Transfer
      Package Store License #828
      Jack D. Tripp (no d/b/a, no premises)
      Transfer To: d/b/a Tripp’s Viking Liquor
      Location: 151 S. Franklin Street (Mt. Juneau Trading Post)

Jack Tripp, Juneau resident, said he does not plan to open a fully operational liquor store in the Mt. Juneau Trading Post, but rather he was taking this action to maintain the liquor license he recently purchased until a final location could be determined. The ABC guidelines require that a license must be operated for 30 8-hour consecutive days in a year. Only three exemptions may be requested from operation during the lifetime of a license, and this license had already had two exemptions. As licenses were renewed in perpetuity, if he were to have to use a third and final exemption, he said he would be devaluing the worth of the license. He said he could have one six pack of beer in the store and have the license active. He had met with city
agencies to review his proposal and his plan had been approved by CBJ and ABC staff. He would eventually like to operated a small grocery/liquor store in the downtown area, but at the present time is maintaining the license in a dormant status.

Mr. Kiehl said his concern was that the Mt. Juneau Trading Post was at “ground zero” for the responses to public inebriation in the police blotter, and a conversation about adding to the number of licensed premises might be in order. He had suggested taking the matter to the Human Resources Committee for further discussion.

Mr. Tripp said the ABC board approved the location knowing my dilemma and all they were waiting for was Assembly approval. If the Assembly recommended changes to the plan, the next ABC meeting would be December 5, and at that time, there would be insufficient days to tally 30 8-hour consecutive days in a year. His next step would be to transfer the location of this license to the Viking Bar in order to leave it dormant.

Mayor Botelho asked Mr. Tripp if he was willing to give the assurance to the Assembly that he would not be operating a liquor store at the Mt. Juneau Trading Post location. Mr. Tripp said yes, and said eventually he would like to have a market similar to the “20th Century Market” formerly located downtown.

**MOTION, by Dybdahl, to waive the right to protest this liquor license transfer.** Hearing no objection, it was so ordered.

**VII. PUBLIC HEARING**

A. Ordinance 2012-36

*An Ordinance Amending The Land Use Code To Remove The Geographical Restrictions On Reconstruction Of A Dwelling That Has Been Damaged.*


Public Comment: None.

Assembly Action:

*MOTION, by Dybdahl, to adopt Ordinance 2012-36.* Hearing no objection, it was so ordered.

B. Ordinance 2012-37

*An Ordinance Amending The Traffic Code Relating To Parking.*


Public Comment: None.

Assembly Action:

*MOTION, by Becker, to adopt Ordinance 2012-37.* Hearing no objection, it was so ordered.
C. Ordinance 2012-38

An Ordinance Amending The Health And Sanitation Code, Bear Attraction Nuisance Section.


Public Comment: None.

Assembly Action:

MOTION, by Danner, to adopt Ordinance 2012-38.

Ms. Danner asked, under this ordinance, who would label the cans, who would be responsible if that was not done, and who was responsible to maintain odor free cans?

Ms. Kiefer said the renter was responsible on all three counts. Arrow Refuse would like to see an identification system similar to luggage tags on the cans and does not want the can damaged by a permanent marker.

Mayor Botelho suggested a delayed effective date to provide adequate notice and instructions to the public.

MOTION, by Botelho, to amend the effective date to be 60 days following adoption. Hearing no objection, the amendment was so ordered.

Mayor Botelho noted suggested language to amend the ordinance submitted by email by John W. Sivertsen, Jr.

MOTION, by Botelho, to amend the ordinance to read “…labeled in a clear, discernible, legible fashion…” Hearing no objection, the amendment was so ordered.

Hearing no objection, Ordinance 2012-38 was adopted as amended.

D. Ordinance 2012-20(O)

An Ordinance Appropriating To The Manager The Sum Of $110,000 As Funding For The Emergency Management Performance Grant, Grant Funding Provided By The State Of Alaska, Department Of Military And Veterans Affairs.


Public Comment: None.

Assembly Action:

MOTION, by Kiehl, to adopt Ordinance 2012-20(O). Hearing no objection, it was so ordered.
E. Ordinance 2012-20(Q)

An Ordinance Appropriating To The Manager The Sum Of $21,665 As Funding For The Purchase Of Police Equipment, Grant Funding Provided By The U.S. Department Of Justice.

Administrative Report: Attached. The manager recommended Ordinance 2012-20(Q) be adopted.

Public Comment: None.

Assembly Action:

*MOTION, by Kiehl, to adopt Ordinance 2012-20(Q)*. Hearing no objection, it was so ordered.

F. Ordinance 2012-20(R)

An Ordinance Appropriating To The Manager The Sum Of $372,700 As Funding For A Negotiated Wage Increase And An Additional Longevity Step Added To The Wage Scale For MEBA And Non-Represented Employees, Funding Provided By The General Fund, Roaded Service Area Fund, Fire Service Area, Lands And Resources Fund, Downtown Parking Fund, Visitor Services Fund, Airport Fund, Harbors Fund, Dock Fund, Waste Management Fund, Water Fund, Wastewater Fund, Fleet Services Fund, Risk Management Fund And Special Assessment Funds Fund Balances.

Administrative Report: Attached. The manager recommended Ordinance 2012-20(R) be adopted.

Public Comment: None.

Assembly Action:

*MOTION, by Becker, to adopt Ordinance 2012-20(R)*. Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS – None.

IX. NEW BUSINESS

A. Docks and Harbors – Regulations – Increase Potable Water Fees

Administrative Report: Attached. The manager made no recommendation.

*MOTION, by Dybdahl, to request orders of the day and allow the regulations to become effective.*

Ms. Danner asked what type of demand the sale of water to cruise ships puts on the water supply in the Last Chance Basin.

Dave Crabtree, Water Utility Superintendent, said he could not say as the answer involved a variety of factors.
Mr. Kiehl asked for the price the water utility charged to the Docks and Harbors and Mr. Crabtree said $2.34 per 1000 gallons.

Mr. Smith asked when the last time the rates were adjusted. Mr. Crabtree said the rate model was last adjusted in 2005 and that it was presently out of date. The water utility has requested to go out for a new rate study.

Hearing no objection, the regulations were allowed to become effective.

X. STAFF REPORTS

A. Update on Dog Issues

George Schaff, Parks and Landscape Superintendent, said the Interagency Dog Working Group, comprised of Federal, State and Municipal agency representatives, as well as those from the “Grateful Dogs of Juneau” and the Audubon Society, met over the summer to review dogs on public lands. Public service announcements had been created and had been broadcast. CBJ was tasked with designing a sign to explain the municipal ordinances related to dogs that could be used consistently throughout the community. He displayed the draft sign, which was still under development. He said that there was confusion regarding the requirements for on-leash or competent voice control in some areas due to current signage in place.

Mr. Stone and Ms. Crane had questions about on-leash or competent voice control on the Emergency Vehicle Access Road and the River Trail. Mr. Schaff said that confusion began when the code was amended to allow competent voice control in some areas. Physical restraint was still required in high use areas, such as both of those trails. Ms. Crane said she frequently saw dogs off leash on the River Trail, and asked about enforcement. Mr. Schaff said enforcement was in the purview of Animal Control. Chava Lee was not able to be present at this meeting, but she would be the one to answer questions about enforcement.

The Assembly thanked Mr. Schaff for his report.

XI. ASSEMBLY REPORTS

A. Committee Reports

Committee of the Whole: Chair Stone said the COW met on September 10 and discussed the DOTPF plans for Auke Bay Traffic Revisions, the Whale Statue location and annexation. The next meeting was set for October 29.

Human Resources Committee: Chair Danner said the HRC met previous to the Assembly meeting and recommended the following board appointments. Hearing no objection, the following appointments were made:

Building Code Board of Appeals: Appointment of Bradley Austin for a term expiring August 31, 2013 and Randall Walling for a term expiring August 31, 2014, beginning with the effective date of Ordinance 2012-34.
Social Services Advisory Board:
Reappointment of Suzanne Dutson to a term expiring September 30, 2015.

Hearing no objection, the Assembly agreed with a recommendation by the HRC to discuss the membership of SSAB defined by Resolution 2206, which reestablished the Social Services Advisory Board at a future Committee of the Whole meeting.

Hearing no objection, the Assembly agreed introduce a draft ordinance regarding a modification of CBJ’s current conflict of interest code section regarding the definition of a financial interest at the next regular Assembly meeting.

Lands and Resources Committee: Chair Becker said the next meeting was set for Monday, October 29.

Finance Committee: Chair Crane said the next meeting was set for Wednesday, October 3, at 5:30 p.m. to review a resolution on use of reserve funds.

Public Works and Facilities Committee: Chair Wanamaker said the next meeting was set for Monday, October 29.

B. Liaison Reports

School Board: Liaison Wanamaker said the School Board met and discussed Gastineau School reconstruction and a projected September 24 finish date. The Board approved a new first grade position at Riverbend and also added a science position at the high school based on additional enrollment.

Planning Commission: Liaison Smith commended the Planning Commission for its updates to the housing section in the Comprehensive Plan, saying it added new data on seasonal housing, homelessness, aged of housing and types of housing stock in existence. He encouraged the Planning Commission to fully brief the Assembly with these new tools.

Affordable Housing Commission: Liaison Kiehl said the AHC had worked hand in hand with the Lands Division and the Planning Commission staff to get that housing information into the Comprehensive Plan and he thanked staff for the assistance.

Parks and Recreation Advisory Committee: Liaison Kiehl said PRAC met and made recommendations on the whale statue and discussed coordination with the State Division of Parks and DOT/PF on walkability and bicycle routes throughout Juneau.

Juneau Commission on Sustainability: Liaison Becker said the next meeting was set for Wednesday, September 19, 5:30 p.m. in the Downtown Library.

Docks and Harbors Board: Liaison Becker said all pilings had been driven for the breakwater project and completion is anticipated October 1. There would be a public meeting on October 3 to discuss the design criteria for Aurora Harbor. Port Director Uchytil would speak to the
Chamber of Commerce on October 4. A subcommittee working group was formed to negotiate with Goldbelt on September 18 at Noon.

*Airport Board:* Liaison Danner said the next meeting was set for Wednesday, October 10.

*Local Emergency Preparedness Committee:* Liaison Danner said the next meeting was set for Wednesday, October 10. She encouraged the Assembly and the public to attend these informative meetings.

*Hospital Board:* Liaison Stone said the board met August 28 and he read a letter from the Board to the Assembly thanking CBJ for the work of HRRM Director Mila Cosgrove in the hiring process of the BRH CEO, stating she had provided exemplary service.

XII. **ASSEMBLY COMMENTS AND QUESTIONS**

Mr. Wanamaker noted that there would be planning meetings set for preparing a remembrance of the 70th anniversary of the sinking of USS Juneau.

Mr. Smith said the HRC heard from the group that traveled to Minnesota to view a “Housing First” model in operation, which provides housing to chronic inebriates without a requirement to stop drinking. He said the report was very positive and he was encouraged by the focus and momentum of the group. He encouraged Assembly members to hear this presentation.

Mr. Kiehl thanked the Assembly and the parties to the appeal for the flexibility on scheduling due to the religious holiday and wished everyone a sweet new year.

Ms. Crane asked for a status report about the Auke Lake accident. Ms. Kiefer said Parks and Recreation has reviewed the police report and was moving forward with recommendations first to the neighborhood, then to the PRAC, ultimately to the Assembly.

Ms. Crane asked when the topic of DOT/PF plans for Auke Bay traffic revisions would be back before the Assembly. Ms. Kiefer said CBJ staff had met but would need a few more weeks before returning a recommendation to the Committee of the Whole. Mayor Botelho noted it would be an issue for the new Assembly.

Ms. Danner said there would be a presentation on the Housing First model at the Juneau Homeless Coalition meeting to be held on Thursday, September 21, at 11:30 a.m. at the Tlingit Haida Housing Authority offices, and the public was welcome to attend.

Mr. Stone reported that the “Stand Down” event at Centennial Hall was very successful in publicizing the services available to veterans.

Mayor Botelho said he had received a request by an Assembly member to allow student musicians to perform before Assembly meetings. He said he was willing to give it a one time try on Oct 8 from 6:30 – 6:45 to allow preparation for the meeting. He asked the Assembly for its thoughts, and there was no objection.

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

XIV. EXECUTIVE SESSION – None.

XV. ADJOURNMENT - 8:25 p.m.

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