MEETING NO. 2012-27: 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, Jesse Kiehl, Carlton Smith, David Stone, and Randy Wanamaker.

Assembly Absent: None.

Staff Present: Kim Kiefer, City Manager; Jane Sebens, Deputy City Attorney; Laurie Sica, Municipal Clerk; Bob Bartholomew, Finance Director; Mila Cosgrove, HRRM Director.

II. SPECIAL ORDER OF BUSINESS

A. Dale Wygant

Mayor Botelho said that this was his last proclamation as Mayor and it gave him great pleasure to proclaim the week of October 8, 2012 as Dale Wygant Week, due to his many contributions to the capital city due to his love of the accordion. Mr. Wygant has performed in countless local bands, has provided live music as a volunteer all over the community and knows thousands of songs of every nationality, all from memory. Mr. Wygant was serenaded by many of his friends with a kazoo rendition of “Roll out the Barrel.”

III. APPROVAL OF MINUTES

A. September 17, 2012 – Regular Assembly Meeting 2012-25

Hearing no objection, the minutes of the September 17, 2012 Regular Assembly Meeting 2012-25 were approved.

IV. MANAGER’S REQUEST FOR AGENDA CHANGES – Ms. Kiefer referred the Assembly to the Red Folder Items: Schedule A’s added to Resolutions 2624 and 2625.

Mayor Botelho asked to moved the discussion of the IUOE appeal to the end of the agenda, and hearing no objection, it was so ordered.

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, noting the addition of the two Schedule A documents for Resolution 2624 and Resolution 2625. Hearing no objection, it was so ordered.

1. Ordinances for Introduction

a. Ordinance 2012-39
   *An Ordinance Amending the Conflicts of Interest Code Regarding the Definition of "Financial Interest."*

   Administrative Report: Attached. The manager recommended Ordinance 2012-39 be introduced and set for public hearing at the next regular meeting.

b. Ordinance 2012-40
   *An Ordinance Amending Traffic Fine Schedule.*

   Administrative Report: Attached. The manager recommended Ordinance 2012-40 be introduced and set for public hearing at the next regular meeting.

2. Resolutions

a. Resolution 2624
   *A Resolution Providing For Interest Rates For The General Obligation School Bond Being Issued Through The Alaska Municipal Bond Bank.*

   Administrative Report: Attached. The manager recommended Resolution 2624 be adopted.

b. Resolution 2625
   *A Resolution Providing For Interest Rates For The General Obligation Refunding Bond Being Issued Through The Alaska Municipal Bond Bank.*

   Administrative Report: Attached. The manager recommended Resolution 2625 be adopted.

c. Resolution 2629
   *A Resolution Establishing Guidelines for the Amount, Use, and Replenishment of the City and Borough Budget Reserve.*

   Administrative Report: Attached. The manager recommended Resolution 2629 be adopted.

3. Bid Award
   *Dimond Park Aquatic Center 1% for Art Proposals (CFA E12-034)*

   Administrative Report: Attached. The manager recommended award of the bids as follows: Catotti and Goldberg Art Studio, Haines, Alaska - Award amount: $35,000; Extreme Dreams,
VII. PUBLIC HEARING

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 adopted.

Public Comment: None.

Assembly Action:

MOTION, by Danner, to adopt Ordinance 2012-20(S). Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS

A. IUOE – Appeal Final Decision – moved to the end of the meeting.

IX. NEW BUSINESS

A. Appeal of the Planning Commission decision regarding a Conditional Use Permit to add a new driveway along Berners Avenue for the Professional Plaza office complex in the Mendenhall Valley.

Administrative Report: Attached. The manager made no recommendation.

Public Comment: None.

Assembly Action:

MOTION, by Wanamaker that the Assembly accept the appeal, hear the appeal itself, and he volunteered to serve as Presiding Officer. Hearing no objection, it was so ordered.

X. STAFF REPORTS

A. Franklin Dock, AK/DOT Agreement

Ms. Kiefer provided an update on the Cruise Ship Terminal Staging Area. Docks and Harbors worked on this project and had an approved and permitted plan for construction of the project beginning next fall. As part of the project, CBJ and the Alaska Department of Transportation (DOT) would be signing an agreement outlining the process for DOT to monitor the new design. Within two years, if DOT had safety concerns, it would meet with Docks and Harbors staff to discuss potential modifications to the area. Docks and Harbors would provide the funding if modifications were needed to address DOT concerns. As background, the CBJ
entered into a similar agreement with DOT for the roundabout at the downtown library when that was installed. DOT had concerns at the time as it was a new project and a two-year agreement was signed. DOT was pleased with the outcome of the roundabout and no modifications were necessary. Ms. Kiefer said she would work with Docks and Harbors and DOT on the final agreement.

XI. ASSEMBLY REPORTS

A. Committee Reports

Committee of the Whole: Chair Stone said the COW met on September 10 and the next meeting of the COW was set for October 29.

Human Resources Committee: Chair Danner said the HRC meeting for this evening was cancelled and the next HRC meeting was set for Monday, November 5.

Lands and Resources Committee: Chair Becker said the next meeting was set for Monday, October 15.

Finance Committee: Chair Crane said the Assembly Finance Committee met on Wednesday, October 3 and the results were on tonight’s agenda. There are no AFC meetings scheduled at this time.

Public Works and Facilities Committee: Chair Wanamaker said the PWFC met on September 10 and the next meeting of the PWFC is tentatively scheduled on October 29.

B. Liaison Reports

Affordable Housing Commission: Liaison Kiehl said the AHC was set to meet on October 9.

Eaglecrest Board: Ms. Crane said Eaglecrest Board met in retreat to review its long-range master plan adopted in April 2012. The Board reviewed the list of potential activities and formulated an action plan. At the Eaglecrest Board meeting last week, information was distributed promoting Eaglecrest programs, and work has begun to prepare for the season, including selling passes at various venues. She referred the public to the Eaglecrest website for more information and encouraged everyone the “think snow.”

Alaska Committee: Liaison Becker said the Alaska Committee was reviewing the renovation work that would be done at the capitol over the next few months. It is planning the legislative reception for the first day of session on January 15 and letters asking for contributions would be distributed next week. The next meeting was set for October 10.

Juneau Commission on Sustainability: Liaison Becker said the Sustainability Commission met with Rich Ritter about the CIP process.

Docks and Harbors Board: Liaison Becker said the floating bridge was finished at the Mike Pusich Harbor and the transfer of ownership was in process. The CBJ law department was reviewing the Statter Harbor Lease with the U.S. Coast Guard. Demolition work by Pacific Pile and Marine at DeHarts would begin in November. There would be a public forum about Aurora
Harbor on October 17 at the Yacht Club, following the 5 p.m. Docks and Harbors CIP meeting. The issue of the Mt. Roberts Tram Tidelands Lease with Goldbelt would return to the negotiating table in the near future. Trucano Construction was working on the deckover project behind the Mt. Roberts Tram. Docks and Harbors was working with DOT to develop a Memorandum of Agreement concerning street sidewalk removal on South Franklin. Design efforts have begun to rebuilt the Juneau Fisheries Terminal behind UAS that was damaged by a fishing vessel this last May. Docks and Harbors attended the planning meetings for the honor of USS Juneau and would help in any way. The next Docks and Harbors meeting was set for October 16, at which time it would review by-laws and consider moving the regular board meeting to an earlier start time.

Local Emergency Preparedness Committee: Liaison Danner said the LEPC was set to meet October 10 at Noon at BRH Admin Board Room.

Airport Board: Liaison Danner said the Airport Board was set to meet on Oct 10, 6pm, at the Airport.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mayor Botelho thanked the Clerks Office and all of the election workers for the recent work on the election. He noted that the transition of Assemblymembers would occur on Monday, October 15. He said that unfortunately Ms. Danner would not be present at that meeting and he asked the Assembly and public to recognize her for her three years of service. Mayor Botelho presented Ms. Danner with a crystal commemorative plaque, and said that Ms. Danner had brought incredible passion to the roll of Assemblymember and had been a great ombudsman for the community. Her leadership on the Human Resources Committee, in particular highlighting the needs of the homeless in the community, had been outstanding, and had propelled the Assembly and the community to renew its efforts to make a difference and a dent. There were always bumpy spots as it was the nature of a family, and there had been bumpy spots, but there were also many great successes. Mayor Botelho said they would look back with fondness on these years of service. Ms. Danner asked to save her comments.

Mr. Wanamaker distributed a copy of a letter from sailor William George Meeker Jr., of the USS Juneau, to his neighbor, Winifred Blohm, and also a copy of the email from the Testa family offering to donate the recently discovered collection of letters to the community of Juneau. Mr. Wanamaker had discussed this matter with the City Museum Director.

Mr. Smith congratulated the Clerk’s Office for the work on the election. He said there is still a lagging participation level and it was astounding the effort that the borough went to, to get the information out, but we still have to do a better job getting the information out.

Mr. Kiehl thanked the Clerks and the election workers for their work on the election. He congratulated those who won their races and we look forward to serving with them. Mr. Kiehl said he was less comfortable about the approach regarding the bond sales – instead of the Assembly approving specific amounts of interest rate yields, and moving to a “not exceed” and setting a cap, and was concerned about this practice continuing in the future. This introduces more estimation and more looseness to the bond process than existed before. He encouraged the staff and Assemblymembers to return to precise terms.
Ms. Crane thanked the staff for a well run election.

Ms. Becker agreed with Ms. Crane. She thanked Mr. Wanamaker and Mr. Smith for the work on the USS Juneau project. She noted the article by Kate Troll in the Juneau Empire about Mayor Botelho’s service to the community and said it was very well done.

Ms. Danner spoke about the JEDC newsletter reporting that Juneau was the healthiest community in Alaska, the other top four being Sitka, Anchorage and Haines. The bottom scores for Juneau were based on alcohol use and the “built environment” (housing). She hoped that the Assembly could place a high priority on those two items in the coming year.

Ms. Danner said she would miss the “changing of the guard” meeting, so wanted to say some parting words. It was hard to say what her greatest accomplishment was as so many actions were taken as a group. She thought the best accomplishment was the work done to increase transparency of the hardship exemption program for seniors and disabled veterans who needed to access the program. Followed as a close second was the cap the Assembly worked to put on the exemption to keep those who did not need it from using it. It was not easy, it didn’t make everyone happy, but in the end she thought it was the right thing to do. There was an idea floated that Juneau’s first responders, who were permanently disabled on the job, should also be included in the ability to apply for the hardship exemption, and she would like to be able to see this enacted by 2013.

**MOTION, by Danner, that the HRC consider including disabled first responders in the group considered eligible for the hardship exemption.** Hearing no objection, it was so ordered.

Ms. Danner suggested that keeping track of pending items on the bottom of the Assembly agenda would be helpful. Ms. Danner said it had been an honor and a privilege to serve on this Assembly. To be the eyes and ears and voice of the people was a burden she gladly carried. She thanked the city manager, city attorney, staff and Assembly for the education and gave her sincere thanks.

Mr. Stone thanked the Assembly members who attended Southeast Conference. Merrill Sanford received the Presidential Award at SEC and said Juneau was well represented and it is important to attend these meetings to be engaged in the region and serve as a good capital city and regional hub.

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

**XIV. EXECUTIVE SESSION**

Mayor Botelho said there were three items for discussion in closed session – property negotiations, city manager interim review, and the IUOE Appeal final decision. **MOTION, by Stone, to enter into executive session, to discuss matters, the immediate knowledge of which could have an impact on the finances of the CBJ and a personnel matter.**

Public Comment: None.

Hearing no objection, the Assembly entered into executive session at 7:35 p.m. and returned to regular session at 8:35 p.m.
Mayor Botelho said the Assembly, in executive session, gave instructions to the manager regarding property negotiations, commended the city manager for her performance in her first six months and look forward to her continued service. The Assembly adopted a final decision in the matter of the appeal from the Personnel Board by the International Union of Operating Engineers Local 302, which would be formally executed at the next morning. There were two dissenting opinions to the decision that would be appended to the decision, one filed by Mr. Kiehl, the other by Ms. Danner.

XV. ADJOURNMENT – 8:36 p.m.

Signed: ___________________        Signed: ___________________
                             Laurie Sica, Municipal Clerk        Bruce Botelho, Mayor