THE CITY AND BOROUGH OF JUNEAU, ALASKA

August 25, 2008

MEETING NO. 2008-25: 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 p.m. by Mayor Bruce Botelho.

I. FLAG SALUTE was led by Mayor Bruce Botelho.

II. ROLL CALL

Assembly Present: Jonathan Anderson, Bruce Botelho, Jeff Bush, Sara Chambers, Bob Doll, Johan Dybdahl (telephonic), Merrill Sanford, and Randy Wanamaker.

Assembly Absent: David Stone

Staff Present: Rod Swope, City Manager; Barbara Ritchie, Deputy City Attorney; Beth McEwen, Deputy Municipal Clerk; Kirk Duncan, Eaglecrest Ski Area Manager; Craig Duncan, Finance Director; Marc Matsil, Parks & Recreation Director; John Stone, Port Director.

III. SPECIAL ORDER OF BUSINESS

A. Employee Recognition – None.

IV. APPROVAL OF MINUTES

A. August 11, 2008 – Regular Meeting 2008-24

Hearing no objection, the minutes of the August 11, 2008 Regular Meeting 2008-24 were approved.

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

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

Alice Rarig spoke about the activities of Trail Mix, Inc., the “tri-agency” organization. CBJ Parks and Recreation, State Parks and the U.S. Forest Service all have membership on the Board of Directors, along with public members of the board. She is the chair of the Trail Mix Education Committee. Hikers and other users of the Montana Creek area are facing challenges and concerns due to user conflicts and serious abuse of the area. Trail Mix is facilitating planning meetings for addressing issues in the Montana Creek Watershed area. Our responsibility is the management and planning of trails in the Juneau area, and we address issues on trails with multiple ownership and different management conflicts. We can do problem solving by educating the public and bringing people to the table to discuss conflicts and come up with proposals for the entities who do make the policies and rules. A June meeting of agencies and user groups resulted in identification of three main problems: dumping, abuse of land and water by diverse means, and the deterioration of the trail, from the end of Montana Creek Road to the Windfall Lake Trail. Dumping is a chronic and increasing problem and we would like the city to assist with this problem. The CBJ Parks and Recreation Advisory Committee will be taking up this issue, and she wanted to bring the issue to the Assembly’s attention. Trail Mix can function as a convener of interested parties and help to develop consensus around strategies. Some of the strategies being discussed are signage, public service announcements, and enforcement actions through JPD and state troopers. This fall is an excellent time for educational efforts due to fall fishing season and we are using some cameras with signs and we intend to do a blitz over the next several weeks.
VII. CONSENT AGENDA

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

A member of the public requested that Resolution 2446, regarding Bartlett Board by-laws, be removed from the agenda.

B. Assembly Requests for Consent Agenda Changes

MOTION, by Doll, to remove Ordinance 2008-29, regarding property negotiations on Telephone Hill, from the Consent Agenda. Hearing no objection, it was so ordered.

C. Assembly Action

MOTION, by Bush, to adopt the consent agenda, as amended with the removal of Ordinance 2008-29 and Resolution 2446. Hearing no objection, the consent agenda was adopted as amended.

D. Assembly Action

1. Ordinances for Introduction

a. Ordinance 2008-26

   Administrative Report: Attached. The manager recommended Ordinance 2008-26 be introduced and set for public hearing at the next regular Assembly meeting.

b. Ordinance 2008-28

   Administrative Report: Attached. The manager recommended Ordinance 2008-28 be introduced and set for public hearing at the next regular Assembly meeting.

c. Ordinance 2008-29 – Removed from Consent Agenda

d. Ordinance 2008-15(J)
   An Ordinance Appropriating To The Manager The Sum Of $11,876 As Partial Funding For Development Of A Juneau Historic Preservation Database, Grant Funding Provided By The State Of Alaska, Department Of Natural Resources.

   Administrative Report: Attached. The manager recommended Ordinance 2008-15(J) be introduced and set for public hearing at the next regular Assembly meeting.

e. Ordinance 2008-15(N)
   An Ordinance Appropriating To The Manager The Sum Of $725,000 As Partial Funding For The Bartlett Regional Hospital Orthopedic Unit Capital Improvement Project, Funding Provided By The Bartlett Regional Hospital Operating Budget.

   Administrative Report: Attached. The manager recommended Ordinance 2008-15(N) be introduced and set for public hearing at the next regular Assembly meeting.
f. Ordinance 2008-15(O)
An Ordinance Appropriating To The Manager The Sum Of $1,503,577 As Partial Funding For The Thunder Mountain High School Capital Improvement Project, Funding Provided By 2006 General Obligation Bond Interest Income.

Administrative Report: Attached. The manager recommended Ordinance 2008-15(O) be introduced and set for public hearing at the next regular Assembly meeting.

g. Ordinance 2008-15(P)
An Ordinance Appropriating To The Manager The Sum Of $1,719,269 As Funding For The Replacement Of Buses And Vans For Capital Transit And Care-A-Van, Grant Funding Provided By Alaska Department Of Transportation And Public Facilities, And By Fleet Fund Balance.

Administrative Report: Attached. The manager recommended Ordinance 2008-15(P) be introduced and set for public hearing at the next regular Assembly meeting.

h. Ordinance 2008-15(Q)
An Ordinance Appropriating To The Manager The Sum Of $148,764 As Funding For Youth Forest And Trails Training Program, Grant Funding Provided By The Federal Secure Rural Schools And Self Determination Act Of 2000 Title III Funds.

Administrative Report: Attached. The manager recommended Ordinance 2008-15(Q) be introduced and set for public hearing at the next regular Assembly meeting.

2. Resolutions

a. Resolution 2446 – removed from Consent Agenda

Removed from the Consent Agenda:

Ordinance 2008-29
An Ordinance Authorizing The Manager To Negotiate And Execute A Lease With The State Of Alaska Of A Portion Of The Property Commonly Known As Telephone Hill; To Negotiate And Execute An Amendment To The Cooperative Use Agreement With The State Of Alaska Regarding The Property; And To Undertake The Steps Necessary For The City And Borough To Acquire Fee Simple Title To The Leased Property; All For The Purpose Of Facilitating The Construction And Operation Of A City And Borough Parking Garage And Transit Facility.

Administrative Report: Attached. The manager recommended Ordinance 2008-29 be introduced and set for public hearing at the next regular Assembly meeting.

MOTION, by Doll, to introduce Ordinance 2008-29 and set it for public hearing at the next regular Assembly meeting.

Mr. Doll said the manager and attorney have been dealing with the state on this issue for over six months. The Assembly has had two opportunities to discuss this matter in executive session. There has been no opportunity for the public or media to provide input or ask questions on this subject, and he would like more discussion on this subject prior to its public hearing, given the amount of money and the acquiescence to the State’s point of view, it would be worthwhile to the Assembly and public to discuss this public more thoroughly.

MOTION, by Doll, to refer Ordinance 2008-29 to the Finance Committee for discussion prior to the next regular meeting.
Mr. Wanamaker objected.

Roll call:
   Aye:  Anderson, Bush, Chambers, Doll
   Nay:  Dybdahl, Sanford, Wanamaker, Botelho
Motion to amend failed, 4 aye, 4 nay.

Mayor Botelho restated the main motion. Mr. Anderson objected.

Roll call:
   Aye:  Bush, Chambers, Dybdahl, Sanford, Wanamaker, Botelho
   Nay:  Anderson, Doll
Main motion passed, 6 aye, 2 nay.

Resolution 2446 – removed from consent agenda
A Resolution Regarding Amendments To The Bylaws Of The Board Of Directors Of Bartlett Regional Hospital.

Administrative Report: Attached. The manager recommended this resolution be adopted.

MOTION, by Wanamaker, to adopt Resolution 2446. Hearing no objection, Resolution 2446 was adopted.

VIII. PUBLIC HEARING

A. Ordinance 2008-23
An Ordinance Authorizing The City And Borough To Issue General Obligation Bonds In The Principal Amount Of Not To Exceed $1,680,000 To Finance Construction Of A Covered Play Area At Dzantik’i Heeni Middle School, And Submitting A Proposition To The Voters At The Election To Be Held Therein On October 7, 2008.


Public Comment:

Peter Froehlich supported Ordinance 2008-23. He said this project was included in the original design of the school in the 1980s and was cut due to lack of funds. Only $500,000 will be needed and $165,000 had already been appropriated. It will cost the average homeowner approximately $6 per year. The facility’s lifespan would be 75 years and would address the glaring need for recreational facilities in the area. The neighborhood is densely populated with families. He thanked Michelle Elfers of the CBJ Engineering Department for her work.

Mike Chambers supported Ordinance 2008-23. He spoke with his son, Noah, as a member of the group that has been trying to get this facility built over the years. He said he grew up in a similar neighborhood and this facility will be a big asset to the school, and a greater asset to the neighborhood.

John Martin Sr. supported Ordinance 2008-23. He provided the Assembly with a brief history of basketball in the area, of playing on the beach, in the mud and on snow-shoveled areas, and using a bicycle wheel for a hoop. He was excited to see this project for Juneau and said projects like this can help keep kids off the streets.

Patrick Owen supported Ordinance 2008-23. He thanked the Assembly and staff for all the hard work they have put in and for putting up with all the complaints. A healthy body equals a healthy mind.
**Devon Jones** supported Ordinance 2008-23. This play area will be very important. Growing up in this area, there isn’t much there and they felt no one cares about them and they have nothing to do.

**Agnes Lundy** supported Ordinance 2008-23. She said there are a lot more kids Devon’s age in that neighborhood. They have to catch the bus and go all the way to the valley or into town. As a single parent, it was too hard to be in two places at one time. Having a place like this play area would be the greatest thing in the neighborhood.

**Barb Meacham** supported Ordinance 2008-23. She is the principal at Dzantik'i Heeni Middle School and said that the educational benefits of the project went beyond basketball and the facility would provide many opportunities for other activities such as science programs, PE classes, art classes, lunch time activities, and a gathering place out of doors.

**Dixie Hood** supported Ordinance 2008-23. As a Parks and Recreation Advisory Committee member, she has long supported this project. If there is any kind of public resistance to public support for this bond issue, she hopes the commitment of the Assembly to this project would be to seek funding from other sources to see that this still happens.

**Assembly Action:**

*MOTION*, by Chambers, to adopt Ordinance 2008-23, and asked for unanimous consent.

Mr. Anderson recognized Mr. Patrick Owen for his perseverance on this project.

Hearing no objection, Ordinance 2008-23 was adopted.

B. Ordinance 2008-24

**An Ordinance Providing For The Issuance And Sale Of Short Term Notes Of The City And Borough In The Aggregate Principal Amount Of Not To Exceed $5,300,000 For The Purpose Of Providing Interim Financing For The Public Works Combined Shop Project.**

**Administrative Report:** Attached. The manager recommended Ordinance 2008-24 be adopted.

**Public Comment:** None.

**Assembly Action:**

*MOTION*, by Doll, to adopt Ordinance 2008-24. Hearing no objection, it was so ordered.

C. Ordinance 2008-15(E)

**An Ordinance Appropriating To The Manager The Sum Of $2,800,000 As Partial Funding For The Airport Terminal Expansion Capital Improvement Project, And For Replacement Of The Commercial Passenger Vessel Dock Retaining Wall, Grant Funding Provided By The Alaska Department Of Commerce, Community And Economic Development.**

**Administrative Report:** Attached. The manager recommended Ordinance 2008-15(E) be adopted.

**Public Comment:** None.

**Assembly Action:**

*MOTION*, by Anderson, to adopt Ordinance 2008-15(E). Hearing no objection, it was so ordered.
D. Ordinance 2008-15(H)
An Ordinance Appropriating To The Manager The Sum Of $50,000 As Partial Funding For Development And Implementation Of Stormwater Management Standards And Guidelines, Grant Funding Provided By The United States Fish And Wildlife Service.


Public Comment: None.

Assembly Action:

MOTION, by Sanford, to adopt Ordinance 2008-15(H). Hearing no objection, it was so ordered.

E. Ordinance 2008-15(I)
An Ordinance Appropriating To The Manager The Sum Of $7,500 As Partial Funding For The Local Emergency Planning Committee Program, Grant Funding Provided By State Of Alaska Department Of Military And Veterans Affairs.


Public Comment: None.

Assembly Action:

MOTION, by Doll, to adopt Ordinance 2008-15(I). Hearing no objection, it was so ordered.

F. Ordinance 2008-15(K)
An Ordinance Appropriating To The Manager The Sum Of $33,900 As Partial Funding For The Eaglecrest Beginner Chairlift Capital Improvement Project, Funding Provided By Private Donations.


Public Comment: None.

Assembly Action:

MOTION, by Anderson, to adopt Ordinance 2008-15(K). Hearing no objection, it was so ordered.

G. Ordinance 2008-15(L)
An Ordinance Appropriating To The Manager The Sum Of $60,000 As Funding For The Repair Of Fuel Tank Plumbing At The Mendenhall Wastewater Treatment Plant, Funding Provided By Sewer Funds In The Fuel Tank Replacement And Site Cleanup Capital Improvement Project.


Public Comment: None.

Assembly Action:

MOTION, by Sanford, to adopt Ordinance 2008-15(L). Hearing no objection, it was so ordered.

H. Ordinance 2008-15(M)(b)
An Ordinance Appropriating To The Manager The Sum Of $500,000 As Funding For The Sculpture Of A Bronze Whale, Funding Provided By The Sales Tax Budget Reserve.

Administrative Report: Attached. The manager had no recommendation, as this was a policy decision of the Assembly.

Public Comment:

Lorraine Derr, supported Ordinance 2008-15(M)(b). She said she was the spokesperson for this project. She likened this statue becoming an icon for Juneau just as the Space Needle is an icon for Seattle. Bill Overstreet and Kay Diebels are project supporters and could not be at the meeting. Ms. Derr said she was not usually a supporter of the arts, but has been involved with this Whale Project since its resurrection in 2007. She signed on as a fan of Bill Overstreet for over 30 years. She believes it will be a wonderful addition to Juneau’s waterfront, and she has been a fan of Juneau for almost 30 years. Juneau is what this is all about. The project is hoped to be unveiled for the 50th anniversary of Alaska statehood. We should all support this anniversary, statehood has been good for us, and we have fought many capital move battles. The whale is a symbol of that determination. She discussed the fine art work of Skip Wallen and what an attraction the whale statue would be for photographers. She said project originators included Bill Overstreet, Bruce Botelho, Skip Wallen, Romer and Lorraine Derr, and a year ago Kay Diebels, Kathy Ruddy Kolkhurst and Nancy DeCherney joined the group. From the inception of the project we have stated the whale will cost $1.2 million. There are differing figures on site preparation depending on location. Five sites have been considered, including the “hole” next to Sealaska, at the Douglas Bridge next to Fish and Game, the Subport, a site next to Centennial Hall and the Marine Park site. The Marine Park site was selected. The anticipated cost of site preparation is $1.3 million. Because the Assembly agreed in concept to funding site preparation, we set a fund raising budget of $1.2 million – the amount needed for Mr. Wallen to build the whale. The whale will take about a year to construct from the time the artist is given the go ahead. The reason for asking for Assembly funding now is to get the project moving. We are only asking that the funds be distributed in a different manner, we are not asking for additional funding. We have raised and have pledges for $375,000. A local business has agreed to give $250,000 of that amount. The Rasmussen Foundation thinks this is a great project, but wants the group to have a separate tax identification number than that of the Juneau Arts and Humanities Council. They have submitted a grant proposal to Rasmussen for $250,000, and are in the process of obtaining the necessary paperwork. They have new budget submitted different from what was previously submitted. She spoke about the possibility of creation of a whale interpretive center in Juneau associated with the statue. Juneau is the perfect setting for this whale.

Mr. Anderson asked about the grant. Will the city giving money fulfill some requirements for matching grants? If we give funds to be used for siting this sculpture, would that give the support needed? He was interested in keeping the funding tied to the siting of the statue rather than the construction of the sculpture.

Ms. Derr said that grant applications would show that the city has contributed towards the project and that money was needed to get the artist started, but was not sure how to acknowledge a tie to the siting of the statue.

Mr. Anderson asked what private donations were in hand. Ms. Derr said $50,000 was received from a person in town, $15,000 from Bill Overstreet, and two other $15,000 donations and several $5,000 donations, totaling $100,000. They need another $100,000 in cash to get the artist started.

Mr. Sanford said that when the proposal for $1.3 million for site work was done, we were discussing using a city site, and now that seems to have expanded to other sites. His impression was that CBJ was going to be able to use $.5 million to $1 million from marine passenger fee money if it was on the seawalk where the tourist would view it.
Ms. Derr said that the Marine Park site has been selected, the other sites were rejected. They have also talked about the possibility of the Subport.

Mr. Sanford asked if there was a confirmed site.

Mr. Swope said the Marine Park site was looked at and was the preferred site, but also cost more than originally considered due to the necessity of driving pilings and staff got some direction to look at other sites.

Ms. Chambers asked which businesses or organizations were working with the Whale Committee to speak to the economic benefit that the whale will bring to Juneau.

Ms. Derr said they have talked with the cruise ships, the Chamber, Rotary, and they have expressed support – everyone talks about the whale and how it will attract business to downtown. They have no numbers on economic impact.

Mr. Anderson said that Mr. Hartle had stated that passenger fees could not be used for the whale itself, but thought they might be used for site preparation and maintenance.

Flip Nickland, supported Ordinance 2008-15(M)(b). A National Geographic photographer, said that he could not imagine a better icon for Juneau. The whales are important in and of themselves, and as a representative of the working system at our doorsteps. He explained history of whales research and their work with interpretive centers and he would want to tie an interpretive center close to where the sculpture is located.

John Pugh, supported Ordinance 2008-15(M)(b). The Chancellor of University of Alaska Southeast said their mascot is Spike the Whale. In 1985-86, there was a community contest to determine the mascot of UAS. The humpback whale was chosen, for many reasons including their symbolism as the largest mammal known today and their prevalence in the area. When he came to UAS, the Fisheries Department was transferred to UAF, and most of the science program staff and faculty was moved. He has worked to build the Marine Biology program as this part of the world has the largest concentration of marine mammals anywhere. The whale has become a symbol of the university and the community. Art is critically important to the culture of a community, state, and country, and you can tell character of the culture and a people by the art it adopts. In this community, we have the wonderful Alaska native art and art of the flora and fauna that we have, including art by Skip Wallen, who was honored with an honorary doctorate by the University. He supported the project.

Kay Diebels, supported Ordinance 2008-15(M)(b). She introduced herself as a former Assemblymember, Planning Commissioner, and a community volunteer for many years. She said this project was a double capital investment, both for the city as a capital celebrating the 50th anniversary of statehood and for the citizens of Juneau. It is an investment in our economic future, it will enhance other investments and bring a return long into the future. This requires financial shuffling at this time to be able to be ready and in place for the anniversary celebration. When Skip Wallen’s “Windfall Fisherman” sculpture of the bear was placed at the court house in honor of the 25th anniversary, we had no community water in the valley. It was on the CIP list but we hadn’t got there – now this statue is the most photographed in the city. It is something lasting from our 25th anniversary. The whale sculpture is a legacy project and will outlast us all – balls, banquets, and parades are fun, but leave nothing behind. Marine Park was established in the 1970s and it was decried as taking away from our downtown waterfront and taking property off the tax rolls. It has become an integral part of our downtown landscape.
Dixie Hood, supported Ordinance 2008-15(M)(b). She has known Skip Wallen for 33 years and this is an exciting project. This would be a spectacular addition to the waterfront; Marine Park is the appropriate place. Regarding the funding issue, because it has economic value and the cruise ship passengers would appreciate the statue, it is quite appropriate to draw money from the head tax appropriations. It would have more value than the funds for the parking garage project that was taken from the cruise ship fund.

Assembly Action:

**MOTION, by Bush, to adopt Ordinance 2008-15(M)(b).**

Mr. Bush said the Lands Committee reviewed this extensively and was informed by Mr. Hartle that the walkway and fountain could be funded through passenger fees in the site work, but that the sculpture itself could not. Mr. Bush debated that issue as he thought the entire project could arguably be funded through passenger fee proceeds, but he would support Mr. Hartle’s opinion. There has been considerable discussion regarding alternative sites. The Lands Committee indicated a preference for the Marine Park site. The Lands Committee could not commit this body to a site. There was a possibility of a donation of some land on the waterfront from the private sector to be used as a site. He thought Marine Park made the most sense, but thought it was worth looking at if the site were free. He was totally in support of this project.

Mr. Doll said that regarding siting, this was also presented to the Public Works Committee as an information item about 6 months ago. That corner was the most expensive location mostly due to the under water site preparation that was required. It is also the best site for viewing the sculpture. That corner is very crowded where the lightering float is located. His concern was not the inherent characteristics or its costs, but there are two vital projects – recycling and public transit – and $500,000 is about the amount needed for the first round of minor improvements in the transit development plan. There are different funding sources, but for the public it is all the same. This is money that we need for other worthwhile improvements, despite the worthiness of this project. If this is approved, he hoped he could count on the Assembly’s support for other worthwhile improvements that are needed for the community.

Ms. Chambers agreed with Mr. Doll, especially underscoring that this is a complex issue and she was trying to identify her main concern, whether it was identifying the pot of money, the timing, and the primary concern is the ordinance is worded to draw money from sales tax budget reserve. We have taxed people’s food in order to pay for this piece of art. She could not see how this could be substantiated to be a public works project or the numbers of how it will pay itself back in terms of tourism dollars. It is a beautiful project and she hoped that someday in the future with our assistance with private fundraising we will stand in front of it, but I am having a hard time with the concept of city money going into the project. Following the electricity crisis, two years of heavy snowfall with removal costs, and with projections of more to come, hopefully we can get to a point in the wording. She could not support this ordinance.

Mr. Bush said there are two sites proposed at Marine Park. One is the “Wedding Cake Site” on the land side at $1.3-1.4 million, the other site is where the current lightering dock is, and would essentially be built at the end of the current dock offshore. This is a much more expensive plan and would have to be relooked at as part of the dock development plan. The budget includes “repay the Assembly for site: $500,000.” The intent of the budget is that this money is essentially an advance that will be used to generate additional funds that then can build the sculpture, but will be repaid when the site work is beginning and the site work would be funded through passenger fees. This will not cost food sales tax dollars in the long run. I do admit that in the short run that is the proposal. He supported eliminating sales tax on food 100%.
Anderson said he is concerned that there is no information on what the ongoing maintenance costs would be incurred by the CBJ.

Mr. Swope said that the sculpture will be a fairly deep pool of water that will involve pumps, piping to simulate a whale breaching. Water features are always maintenance issues and the fountain will need to be drained and repaired on a regular basis in this environment. He did not have a dollar figure. He has had annual discussions with cruise industry attorneys and CBJ attorneys regarding how the Marine Passenger fees can be used. He has adhered to the rules. Just because something is an economic benefit does not justify it for the Marine Passenger fee. It is a dedicated tax restricted by federal law to provide for safety and transportation of passengers – that is all. Anytime it is used, the connection to the legal uses have to be made. The connection on the waterfront would be transportation because you are presumably building a seawalk which might allow passengers to get there and be transported along the waterfront. You can make the argument it is safety because you are removing passengers from the street and other congested areas and giving them another corridor to be transferred on, but it is very restrictive. There was a nexus with the transit center/parking garage with the safety and transportation of passengers in that facility. Site location will affect that funding.

Mr. Wanamaker said he wanted to table this motion but wanted to make sure all members have their opportunity to speak.

Mr. Doll said in light of Mr. Bush’s explanation he would be able to support the proposal.

Ms. Chambers said in response to Mr. Bush’s comments, she did not see a contract with this group saying they will repay the Assembly on a specific schedule. I only see we are going to appropriate $500,000 from sales tax budget reserve. A handwritten note on a budget and someone’s word is not good enough for dedication of public funds. She respects the people on the committee and trusts their intentions, but there is no guarantee of how much money will be raised, the schedule, and a fraction has been raised so far and this is an ambitious schedule. If this were a low-interest loan she would be more likely to look at it. Another concern is that if the money is not raised, we have a whale sculpture in some stage of casting – what do we do with it? Do we get our money back? Do we put it somewhere else? There is not enough information and this ordinance is so different from what we have discussed.

Mr. Anderson asked what the impact would be if he moved to amend the source of funds to be marine passenger fees – would it be appropriate to do this in anticipation, prior to knowing their certain availability?

Mayor Botelho said the motion would be appropriate but it came with restrictions as the city manager pointed out regarding how those funds can be used. Mayor Botelho had a secondary question for Mr. Duncan – was there a pool of money to be drawn upon in any event, we can’t appropriate from funds that don’t exist. Mayor Botelho requested a recess and there was no objection.

Mayor Botelho said the question posed was whether a motion to substitute the source of funds to the Marine Passenger Fees would be ruled out of order. The answer is yes, it would constitute a title change, which would require re-noticing to the public, as it is a substantive issue.

Mr. Sanford said he was in agreement with this as long as Marine Passenger fees can be used to do most of the site work. He has made that clear in his conversations. We have some conflicting statements on this approach. It mattered to him where the funding comes from. If it was from sales tax dollars, he would not support the measure.

Mr. Dybdahl said this project appears to be controversial in the minds of many, but sometimes people have to have the courage and vision to be bold and I think this is one of those times. As a public policy matter, we do generally put a percentage of 1% for art in all of the public projects. Sometimes you can’t see the kinds of things that actually create your overall economic experience for all the visitors
that come to Juneau, spend money and provide jobs to Juneau – the very jobs people need to buy food and to pay their rent. He could only draw from his own experience, and with the project in Hoonah they had to have that vision, had to hang on to it and have the courage to be bold and to invest the money. A simple thing like the zip rider is a huge attraction, and not everyone rides it. He wasn’t always in favor of the way the Juneau waterfront development plan progressed and how it ended up, however, we all supported it. There is no price tag on what that is going to cost when that comes to fruition, but this sculpture would make a huge anchor in that overall development. There has also been talk over places going through a “max out” on the number of visitors and going through a degradation. This sculpture takes us from that place to being another beautiful attraction for Juneau. He requested the Assemblymember’s support for this project.

Mr. Wanamaker said he has listened to the comments of the public and comments of the proponents and staff and fellow Assemblymembers. The Assembly needs to remember that there is currently an approved project underway – the Cultural Gateway project, promised to the citizens as a part of the 2002 deck-over project. The Cultural Gateway even has approved funding but it has been stalled for several years and it is time for it to move forward as promised. The conceptual centerpiece of the gateway was discussed and was to be a likeness of the first people of Juneau, welcoming people to our city. The Cultural Gateway committee was to be formed and to assist the city with the planning and design. It has been stalled. If feasible, a portable ice rink was to be obtained and placed in the bus staging area of Marine Park during the winter for safe skating opportunities and community events. The community embraced the ideas in accepting the project. The Assembly should honor the commitment it has made to the citizens before taking on a similar project or placing a new project in front of the cultural gateway. We need to honor the word of the Assembly to the citizens. The whale project needs more detailed planning work before it can be fairly considered. He suggested investigating the new NOAA Marine Facility as an appropriate site. Can partnerships be built with NOAA, UAS and the non-profit whale research institutes and build broad public support to obtain funding such as Project Playground? That was a project that had volunteer commitment and public support, and the Whale project has to have the same level of support from the community.


Mr. Anderson spoke in favor of the motion because he would like a definitive answer on the use of Marine Passenger fees for both siting, ongoing maintenance and casting of the statue.

Mayor Botelho said that the motion to table indefinitely means that there is no further discussion of this body of the ordinance. The matter would need to be discussed under a new ordinance.

Roll call on the motion to table indefinitely:
Aye: Anderson, Chambers, Sanford, Wanamaker
Nay: Bush, Doll, Dybdahl, Botelho
Motion failed, 4 aye, 4 nay.

Roll call on the main motion to adopt Ordinance 2008-15(M)(b):
Aye: Bush, Doll, Dybdahl, Sanford, Botelho
Nay: Anderson, Chambers, Wanamaker
Motion passed, 5 aye, 3 nay.

IX. UNFINISHED BUSINESS – None.

X. NEW BUSINESS

A. Liquor Licenses
1) Ownership Transfer of Beverage Dispensary Tourism License #175
   Transfer From: Q Enterprise Inc. d/b/a Breakwater Inn Restaurant & Lounge
MOTION, by Chambers, to adopt the Human Resource Committee’s recommendation to waive the Assembly’s right to protest the transfer of Beverage Dispensary Tourism License #175. Hearing no objection, it was so ordered.

XI. STAFF REPORTS – None.

XII. ASSEMBLY REPORTS

A. Committee Reports

Lands Committee: Chair Bush said the committee met and discussed the Fisherman’s Bend tidelands lease and approved a related ordinance to proceed to the Assembly. They also discussed the Southeast Lands Trust interest in purchasing the property at the mouth of Lawson Creek, to allow public access to the beach area, and with the city to manage it as a city park. Currently there are few places to access the beach without crossing private property. The committee recommended that CBJ staff work with the trust to find funding for this.

Human Resources Committee:

MOTION, by Chambers, to accept the recommendation of the HRC and appoint Joyce Vick and John White to the Youth Advisory Board for terms expiring August 31, 2011. Hearing no objection, it was so ordered.

Ms. Chambers encouraged interested citizens to apply for a vacant seat on the Airport Board.

Public Works and Facilities Committee: Chair Doll said the PWFC met and approved the ordinance for Thunder Mountain High School bond interest income and the committee will be hearing more information on the Transit Development Plan.

B. Liaison Reports

Bartlett Regional Hospital: Liaison Sanford met and reviewed the BRH Bylaws, and would be meeting next on August 26, 2008.

Sustainability Commission: Liaison Doll said the commission is considering a draft ordinance for 5% of every CIP project to be used for sustainability measures.

Docks and Harbors: Liaison Dybdahl said the next meeting will be Thursday, August 28, at 7 p.m.

C. Presiding Officer Reports

XIII. ASSEMBLY COMMENTS AND QUESTIONS

Ms. Chambers expressed appreciation to the Assembly for passing the DZMS covered play area ordinance. Supporters are concerned that the hard work will be communicating to the voters the importance of the project. She appreciated Patrick Owens' work on this project. She also passed on her appreciation to the Eaglecrest Board for their fund raising efforts.

Mr. Dybdahl encouraged people to vote in the Primary Election.
Mr. Anderson spoke in favor of Ordinance 2008-15(P) regarding replacement of buses for Capital Transit.

Mr. Wanamaker gave notice of reconsideration of Ordinance 2008-15(M)(b), regarding funding for the Whale Project.

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. EXECUTIVE SESSION

XVI. ADJOURNMENT - 9:08 p.m.

Signed: ___________________________ Signed: ___________________________

   Elizabeth J. McEwen, Deputy Clerk       Bruce Botelho, Mayor