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## **THE CITY AND BOROUGH OF JUNEAU, ALASKA**

### **Meeting Minutes – August 27, 2012**

**MEETING NO. 2012-24:** 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 (telephonic), Jesse Kiehl, Carlton Smith, David Stone, and Randy Wanamaker.

Assembly Absent: None.

Staff Present: Rob Steedle, Deputy City Manager; John Hartle, City Attorney; Laurie Sica, Municipal Clerk; Bob Bartholomew, Finance Director; Heather Marlow, Lands and Resources Manager; Cynthia Johnson, Deputy Land Manager; Carl Uchytel, Port Director; Barbara Berg, Library Director; Rorie Watt, Engineering Director, Hal Hart, Community Development Director; Greg Chaney, Planning Manager; Myiia Whistler, Recreation Superintendent; Tom Mattice, Emergency Programs Manager; Glen Gelbrich, Juneau School District Superintendent; Chris Harff, CEO, Bartlett Regional Hospital.

#### **II. SPECIAL ORDER OF BUSINESS**

Heather Marlow acknowledged Cynthia Johnson upon her retirement from the CBJ Lands Office as a 28-year CBJ employee, saying she was the heart of the division and handled all the details of division activities and records. Ms. Johnson initiated the original Household Hazardous Waste Program and spent significant time on projects such as managing solid waste and recycling. Ms. Johnson was also the project manager for the Lena Subdivision for over ten years, which was the largest CBJ subdivision to date. Her institutional knowledge, the help she provided to many departments, her positive attitude in challenging circumstances and her commitment to public service would all be missed.

Ms. Johnson said CBJ was a great organization to work for, and she appreciated her co-workers and found it so stimulating that CBJ fostered an attitude of creative thinking. This was why there were so many long-term employees in the organization. She said she had worked in other communities and had not found the driven public commitment that she found here in Juneau.

#### **III. APPROVAL OF MINUTES**

##### **A. August 13, 2012 – Regular Assembly Meeting 2012-22**

Hearing no objection, the minutes of the August 13, 2012 Regular Assembly Meeting 2012-22 were approved as corrected.

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B. August 22, 2012 – Special Assembly Meeting 2012-23

Hearing no objection, the minutes of the August 22, 2012 Special Assembly Meeting 2012-23 were approved.

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

**V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.**

Margo Waring said that the Assembly generally bundled a wide variety of projects on the sales tax extension ballot propositions, some popular and some unpopular. Ordinance 2012-32 placing the extension of the 1% sales tax on the ballot added a new level of “sketchiness” by including the item “water filtration” as one of the bundled projects. This item was not ready to be on a list for funding. It was a proposed solution in a rough draft of a plan and a plan in name only as it sought to apply a particular solution to an unstudied problem. There was no doubt in her mind that CBJ needed a water plan, due to advice from the Utility Board and a wide variety of sources. She said she had never not voted for a tax or a bond but she would be hard pressed to vote for this measure that included many good projects but dragged along this item. She was sorry the Assembly had acted in such haste on a serious matter. A budget item did not make a plan.

Guy Archibald said he was the mining and clean water coordinator for the Southeast Alaska Conservation Council, and supported Ms. Waring’s comments. The public was promised an open and transparent role in this process and it was somewhat disingenuous to separate water filtration at Salmon Creek with the AJ Mine. The largest threat to CBJ’s drinking water supply would be renewed mining in the Gold Creek Basin. There were many issues in the draft water study that had not been addressed. Operation and maintenance costs for the Salmon Creek Filtration have never been addressed. Cost estimates for looking at different water sources available to CBJ were not addressed. The water main extension to Thane was not addressed. The availability of state and federal funding was not addressed. The risks to the water supply from the water that was in the deep north part of the mine were not addressed. The public provided many comments and questions about the draft water study, which had not been addressed or answered. SEACC supported a safe and reliable drinking water supply. He recalled his experience as an Assemblymember in another community that built an expensive water system in the face of a potential development of a large mine that never came to fruition, which saddled that community with significant and crippling costs for the long term. He encouraged the Assembly to remove that project from the 1% sales tax extension, the water study be finalized, and the questions be answered.

John Debusey said he lived at 2910 Douglas Highway and over the course of the summer; a commercial tour company had been parking 5-10 vehicles on the highway next to his property all summer long. He said he contacted the company and was told that this was their long-term business plan. He was told by JPD that it was not against the law, but he felt it was not the intended use of parking in the area to provide commercial storage to a private company. He did not oppose tourism but said this was a quality-of-life issue and asked the Assembly to review the law and consider changing it to prohibit commercial use of public parking.

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## **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. Hearing no objection, it was so ordered.

### 1. Ordinances for Introduction

#### 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.**

Administrative Report: Attached. The manager recommended Ordinance 2012-36 be introduced and set for public hearing at the next regular meeting.

#### b. Ordinance 2012-37

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

Administrative Report: Attached. The manager recommended Ordinance 2012-37 be introduced and set for public hearing at the next regular meeting.

#### c. Ordinance 2012-38

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

Administrative Report: Attached. The manager recommended Ordinance 2012-38 be introduced and set for public hearing at the next regular meeting.

#### 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.**

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

#### 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 introduced and set for public hearing at the next regular meeting.

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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 introduced and set for public hearing at the next regular meeting.

2. Resolutions

a. Resolution 2623

**A Resolution Authorizing The Manager To Apply For, And Enter Into, Loan Agreements With The Alaska Department Of Environmental Conservation, Alaska Clean Water Fund State Revolving Loan Fund, For The Lawson Creek Lift Station Replacement Project Phase I And Phase II.**

Administrative Report: Attached. The manager recommended Resolution 2623 be adopted.

b. Resolution 2626

**A Resolution Authorizing The Manager To Submit An Application For A Grant From The Alaska Energy Authority For Partial Funding Of The Design And Construction Of A Ground Source Heat Pump System At The Dimond Park Library.**

Administrative Report: Attached. The manager recommended Resolution 2626 be adopted.

c. Resolution 2627

**A Resolution Expressing Assembly Support For The Department Of Parks and Recreation's Request For Technical Assistance From The National Park Service, Rivers, Trails and Conservation Assistance Program.**

Administrative Report: Attached. The manager recommended Resolution 2627 be adopted.

3. Transfers

a. Transfer T-936

**Transferring \$99,852 From Two Capital Improvement Projects – JDTP Clarifier and Building Rehabilitation and Sunny Point Overpass Sewer - to Create a New CIP, JDWWTP Monofill and Ash Pond Closure.**

Administrative Report: Attached. The manager recommended approval of Transfer T-936.

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## 4. Liquor License

### a. Liquor License Transfer of Ownership, Location, DBA Name Change

#### **Package Store License #828**

**Transfer From: Papadrew's, Inc. d/b/a Papadrews**

**Location: 11957 Glacier Highway**

**Transfer To: Jack D. Tripp (no d/b/a, no premises)**

Administrative Report: Attached. The manager recommended the Assembly waive its right to protest the Transfer of Ownership, Location, and DBA Name Change of Package Store License #828.

## VII. PUBLIC HEARING

### A. Ordinance 2012-28

**An Ordinance Providing For The Issuance And Sale Of A Port Revenue Bond In The Aggregate Principal Amount Of Not To Exceed \$29,000,000; Providing For The Form And Terms Of The Bond; Providing A Method Of Payment Therefor; And Reserving The Right To Issue Revenue Bonds On A Parity With The Bond Upon Compliance With Certain Conditions.**

Administrative Report: Attached. The manager recommended Ordinance 2012-28 be adopted.

#### Public Comment:

Larry Spencer, President, Downtown Business Association, supported passage of the ordinance. He said Project 16b represented years of planning and discussion about the long-term development of the waterfront, significant public process had taken place, and while there was still some controversy, he said this funding was needed to bring the project to construction. The tourism industry had looked at a variety of sites for expansion of the docks. There was a new fleet of ships needing a longer dock space and there was a downtown business community that was welcoming of the cruise ships. He asked the Assembly to not put any roadblocks before this project.

Linnea Osborne said her family opposed the adoption of this ordinance. The city manager stated that this project would need a lot of funding to happen. The bond authorized by this ordinance would be paid by fees imposed upon all users of the CBJ ports and harbors, defined as the Port Development Fee, which was not defined. The fees should not be imposed on fishermen or other boat owners and only imposed on the cruise ships. The city had not explained the costs and how the citizens could be on the hook for the costs for decades to come. The cruise ship industry had publicly stated twice that it did not support this project, in a letter dated November 4, 2009 and more recently, that new dock capacity was not needed in the near- or mid-term outlook. The cruise industry supported funding repairs of the existing docks. Her family supported that, and did not think Juneau could afford this project. The entire project lacked transparency. This project jeopardized the local \$21 million seafood industry by rendering the approach to the Juneau ice machine and the Taku Seafood dock unsafe and at times inaccessible, it destroyed the annual Blessing of the Fleet and would block the view from the seawalk as the new dock would sit eight feet

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above the water and during high tides this would obstruct the view of the sea. She encouraged the Assembly to vote no.

## Assembly Action:

Mr. Stone said he had consulted with the city attorney and because he had a financial interest in a company that had a financial interest in a private dock, he asked to be recused from discussion, debate, and voting on this ordinance. Mr. Kiehl asked about the nature of the conflict. Mr. Hartle said Mr. Stone had recused himself many times on this topic following consultation with the CBJ law office. The conflict was a financial interest in one of the private docks that had expressed its opposition to this action and indicated opposition with the entire project. Hearing no objection, Mr. Stone stepped down.

## *MOTION, by Danner, to adopt Ordinance 2012-28, for purposes of discussion.*

Ms. Danner asked if the city had exhausted all other sources for funding, if private activity revenue bonds had to be approved by a vote of the people, and if the source of the revenue bonds were to disappear, what was the back up plan. Mr. Bartholomew said the CBJ Charter provided that revenue bonds did not require a public vote but general obligation bonds did. The difference was that the source of revenue to repay general obligation bonds were taxes, and a revenue bond would be a specific source that was tied to use of the facility that was constructed. If the revenue bonds were issued on CBJ's credit rating, and the Port Development Fees were pledged as the funding source, the only technical obligation would be if the Port Development Fees went away and the decision was that the credit rating would decline upon failure to pay, it would still be a policy choice of the Assembly whether to go to another revenue source or whether the bond holders would not be paid. Historically what happened was the credit rating of CBJ was preserved and other revenue sources could be used to repay the debt. It would be slightly different if the bonds were issued through the Alaska Municipal Bond Bank, and this ordinance allowed that option. In that case, CBJ would not be solely restricting the payback to the revenues that were pledged. To use the Bond Bank's privileges, they had the authority to intercept any revenues CBJ received from the state.

Ms. Danner asked if CBJ had exhausted all other sources of funding and she referred to infrastructure investors, or partnering with the local cruise industry.

Mr. Bartholomew said CBJ had not approached the financial community for sources of who might be interested in infrastructure investing, which had happened with toll roads or airports, and he was not sure if there would be interest with a dock. At this point, the plans were moving forward based upon the recommendations from the Committee of the Whole made in 2011.

Mr. Kiehl asked about the TEFRA Hearing for private activity bonds. Mr. Bartholomew said the hearing was held, but there was no public participation, which is a similar situation nationwide.

Mr. Kiehl asked to clarify "who paid" the port development fee. Mr. Bartholomew said the Port Development Fee, was assessed on the use of the major docks in the port. If there were

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any users other than the cruise industry that used the large docks, they paid. The commercial fishermen and private boat owners who used the smaller harbors were not assessed the Port Development Fee. The private boats and commercial fishermen paid a separate fee into a separate account for those harbors. Mr. Kiehl asked if the other revenues from the smaller boat harbors were pledged to these bonds and Mr. Bartholomew said no.

Mr. Kiehl asked about the comment about a downturn in the cruise industry and potential lack of revenues pledged. He said he understood that the revenues being pledged did not account for the entire amount of Port Development Fees taken in, that there was a buffer, and asked about the extent of the risk. Mr. Bartholomew said the revenues raised from the Port Development Fees beginning in FY14 would exceed the annual debt service by a small amount. Beginning in FY15, the Port Development Fee revenues would exceed debt service by approximately \$800,000 and it would consistently grow over the term of the bonds as a 1% growth was projected in port revenues. Currently those revenues would be committed to the project or to debt service. In the schedule presented to the Finance Committee, those funds were classified as the balance left over after making the debt service payment. If those revenues were not allocated and left to be part of the project or debt service, for the entire length of the bonds, there would be a reserve of \$21 million. There were several options for the Assembly to consider, one of which was that before FY33, at the end of thirteen years, there would be sufficient reserve to retire the entire outstanding debt early, which could reduce the risk. Mr. Kiehl asked the total amount of anticipated revenue annually in the Port Development Fee and Mr. Bartholomew said it was \$3 million.

Ms. Danner asked about the timing and if the Assembly approved this ordinance, would it preclude pursuing other financing options. Mr. Bartholomew said the plan was to sign a construction contract next spring, so no action would be taken to sell the bonds before that time. There would be no limitation of discussing other alternatives before that time.

Mr. Wanamaker did not support the ordinance because of the high cost of the project, the lack of the support for the project by the industry and the public, and the uncertainty about the funding mechanisms over the long term.

Roll call:

Aye: Becker, Crane, Kiehl, Smith, Botelho

Nay: Danner, Dybdahl, Wanamaker

Motion passed, 5 ayes, 3 nays.

Mr. Stone returned to the meeting.

B. Ordinance 2012-31(b)

**An Ordinance Amending The Land Use Code Relating To Restrictions On Rezonings.**

Administrative Report: Attached. The manager recommended Ordinance 2012-31(b) be adopted.

Public Comment: None.

Assembly Action:

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MOTION, by Becker, to adopt Ordinance 2012-31(b).

MOTION, by Kiehl, to amend at line 20, delete: “allowed therein” and insert: “proposed by the requestor thereunder,” and following line 21, insert: “A rezoning request shall state the purpose for which rezoning is sought.”

Mr. Kiehl said that providing more information with a rezoning request for the Assembly and the public was a good idea. As the Assembly took this opportunity to provide more flexibility, it could work a little better with the community on a proposal to change the zoning. A proposer could state their intentions and could substantially conform to the comprehensive plan maps.

Mayor Botelho asked if this would bind the contractor to the purpose stated or could a requestor subsequently change the use as long as it was generally consistent with the rezone.

Mr. Kiehl said the project would need to move forward as stated, but he did not see this would bind a future owner.

Mr. Dybdahl said he understood Mr. Kiehl’s intention but opposed the amendment. Many times developers did not know their plans and may be seeking more value for the property, but there were many steps that were costly in development of an idea or a plan. Their options had to be weighed with many requirements and hinged on economic viability. The property owner should have latitude. It was not always neighbors affected by a rezoning, but some property owners were impacted by neighborhoods moving into an area with a particular zoning. It went both ways and he wanted to see flexibility maintained.

Mr. Smith spoke against the amendment and he asked Mr. Chaney to explain the comments he had shared with the Committee of the Whole to the public and Mr. Hartle to comment on the implications of the amendment.

Mr. Chaney said rezonings were a general contract with the community and not restricted to a particular use or proposal. He understood the interest in “knowing what you were voting for” but he said 90% of rezonings complied with the Comprehensive Plan. To require all rezonings to identify a specific project would be a radical change in policy. CBJ had zoning districts, which allowed a broad range of uses. When a rezoning was proposed, that range of uses should be appropriate, and if there were something in that range of uses that would not be appropriate, the rezoning should not be approved. The default answer to anyone proposing a rezone was “no.” Zoning was a contract with the community with rights, responsibilities and restrictions, as a package. If requiring rezonings to identify a specific project, then zoning was reduced to a conditional use permit, with parameters specific to the project. Most projects that are significant for development require some public process or hearing when the project was proposed. If the Assembly was interested in this amendment, he recommended submitting it to the Planning Commission for review and comment.

Ms. Danner asked if this amendment was contract zoning and if the zoning would pass to a future owner. Mr. Chaney said that was his understanding, but it was not done in Juneau.



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Ms. Crane said the ordinance would broaden the range of activities allowed, as long as it was in “substantial conformance with the land use maps.” She had no problem with development and wanted to see continued development but as a property owner she had an issue with telling someone that a rezone was appropriate because they could make more money from their property with no idea of what the planned development would be. Mr. Chaney said that in general, the Planning Commission reviewed a rezoning proposal to ensure compliance with the Comprehensive Plan. “Substantial compliance” was not vague, it was substantial, and if it did not substantially comply the answer should be no. There would be increased discretion through this ordinance, but the doors would not be “kicked wide open.” The Assembly still made the final determination.

Ms. Danner asked the urgency of this decision, or could the ordinance and amendment be referred to the Planning Commission.

Mr. Chaney said this would cause some delay of the update of the Comprehensive Plan, but it would be more important to have the Planning Commission look at this amendment before adoption.

Mr. Dybdahl called for the question.

Roll call on amendment:

Aye: Crane, Danner, Kiehl

Nay: Becker, Dybdahl, Smith, Stone, Wanamaker, Botelho

Motion failed, 3 ayes, 6 nays.

Ms. Danner said that she argued when the Atlin Drive rezoning was passed illegally that the Land Use Ordinance should not be a political decision. She said this ordinance would have unforeseen consequences that would pit development against existing neighbors and make the lines more blurred on appeal. She spoke against adding the element of “grey” into the code.

Mr. Dybdahl disagreed, and urged support of the ordinance.

Mr. Kiehl asked how “substantial conformance” could be legally determined. Mr. Hartle said he had reviewed about two dozen cases in Alaska citing substantial conformance that were not very helpful. One case stated it was “conformance with the essential requirements of the comprehensive plan maps.” Mr. Hartle quoted Mr. Chaney’s definition of conformance with the substance of the maps, and maybe not at the margins. Substantial means “for the most part.” He said he did say writing for grey was more difficult than writing for black and white, and this was grey. Mr. Kiehl said it was at the margins that people got sued, and he saw both the opportunities and the risks.

Roll call:

Ayes: Becker, Dybdahl, Kiehl, Smith, Stone, Wanamaker, Botelho

Nays: Crane, Danner

Motion passed, 7 ayes, 2 nays

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C. Ordinance 2012-34

## **An Ordinance Amending The Building Regulations Code Relating To The Board Of Appeals.**

Administrative Report: Attached. The manager recommended Ordinance 2012-34 be adopted.

Public Comment: None.

Assembly Action:

*MOTION, by Wanamaker , to adopt Ordinance 2012-34. Hearing no objection, it was so ordered.*

D. Ordinance 2012-35

## **An Ordinance Amending Ordinance Serial No. 2012-10 Regarding the Second Series of Bonds Authorized Thereunder.**

Administrative Report: Attached. The manager recommended Ordinance 2012-35 be adopted.

Public Comment:

Dennis Watson said that the savings must be realized annually, not as a total.

Mr. Kiehl asked for clarification.

Mr. Watson said the savings achieved must be achieved each year in order to re-bond.

Assembly Action:

*MOTION, by Crane, to adopt Ordinance 2012-35. Hearing no objection, it was so ordered.*

E. Ordinance 2011-11(AQ)

## **An Ordinance Appropriating To The Manager The Sum Of \$4,057,161 To Fund The City And Borough Of Juneau's Fiscal Year 2012 Public Employee Retirement System Contribution, Funding Provided By The Alaska Department Of Administration.**

Administrative Report: Attached. The manager recommended Ordinance 2011-11(AQ) be adopted.

Public Comment: None.

Assembly Action:

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

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F. Ordinance 2012-20(I)

**An Ordinance Appropriating To The Manager The Sum Of \$4,408 As Partial Funding For Two City Employees To Attend An Historic Preservation Conference, Grant Funding Provided By The Alaska Department Of Natural Resources.**

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

Public Comment: None.

Assembly Action:

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

G. Ordinance 2012-20(J)

**An Ordinance Appropriating To The Manager The Sum Of \$6,720 As Funding For Commercial Motor Vehicle Inspections, Grant Funding Provided By The Alaska Department Of Transportation And Public Facilities.**

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

Public Comment: None.

Assembly Action:

*MOTION, by Danner, to adopt Ordinance 2012-20(J).*

Ms. Danner asked who would inspect the vehicles, how many vehicles would be inspected, what staff used, and what commitment to future years would there be.

Mr. Steedle said the JPD Community Service Officers would perform the inspections as part of the ongoing function of the department.

Hearing no objection, it was so ordered.

H. Ordinance 2012-20(K)

**An Ordinance Appropriating To The Manager The Sum Of \$7,550 As Partial Funding For Historic Preservation Planning, Grant Funding Provided By The Alaska Department Of Natural Resources.**

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

Public Comment: None.

Assembly Action:

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

I. Ordinance 2012-20(L)

**An Ordinance Appropriating To The Manager The Sum Of \$1,150,000 To Purchase The Leasehold Interest In The Juneau Medical Center Building, Funding Provided By The Bartlett Regional Hospital Enterprise Fund Balance.**

Administrative Report: Attached. The manager had no recommendation Ordinance 2012-20(L) be adopted.

Public Comment: None.

Assembly Action:

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

J. Ordinance 2012-20(M)

**An Ordinance Appropriating To The Manager The Sum Of \$47,808 As Funding For A Mobility Manager, Grant Funding Provided By The Alaska Department of Transportation and Public Facilities.**

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

Public Comment: None.

Assembly Action:

*MOTION, by Danner , to adopt Ordinance 2012-20(M).*

Ms. Danner asked if this amount was sufficient to fund a full-time position and if this would create a position that would need to be maintained into the future.

Mr. Steedle said the funds would be used to outsource the function and an RFP was being developed.

Hearing no objection, it was so ordered.

K. Ordinance 2012-20(N)

**An Ordinance Appropriating To The Manager The Sum Of \$14,343 As Funding For The Local Emergency Planning Committee, Grant Funding Provided By The State Of Alaska, Department Of Military And Veterans Affairs.**

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

Public Comment: None.

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## Assembly Action:

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

## **VIII. UNFINISHED BUSINESS**

### A. Resolution 2621

#### **A Resolution Adopting The All-Hazards Mitigation Plan 2012 For The City And Borough.**

Administrative Report: Attached. The manager recommended Resolution 2621 be adopted.

Public Comment: None.

## Assembly Action:

*MOTION*, by Stone, to adopt Resolution 2621.

Ms. Danner asked Mr. Mattice about funding for the property buy-out program recommended by the avalanche study. Mr. Mattice said adoption of this plan opened the door to applying for funds.

Hearing no objection, it was so ordered.

## **IX. NEW BUSINESS**

### A. Lands Division – Approval of Property Acquisition – Archipelago Properties, LLC, for a Seawalk Connection.

Hearing no objection, Mr. Smith stepped away from the meeting based on a conflict of interest.

Administrative Report: Attached. The manager recommended an Assembly motion in support of the terms of the acquisition.

Administrative Report: Attached. The manager recommended the Assembly make a motion in support of the terms of the acquisition.

## Assembly Action:

*MOTION*, by Becker, to adopt the terms as set forth in the manager's report, with an estimated purchase price of \$845,000, and funding from the Marine Passenger Open Space Waterfront Land Acquisition CIP. Hearing no objection, it was so ordered.

Mr. Smith rejoined the meeting.

### B. Lands Division – Approval of Property Acquisition – from Barramundi, LLC, Jan VanDort, and William Heumann for Seawalk Development.

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Administrative Report: Attached. The manager recommended the Assembly make a motion in support of the terms of the acquisition.

Assembly Action:

*MOTION, by Becker, to adopt the terms as set forth in the manager's report, to purchase the "Spit" property for \$400,000, funding to come from the Seawalk CIP, which was originally funded from Marine Passenger fees.*

Mr. Wanamaker said he could not support this motion, as the community should ensure there are more industrial properties available for development.

Roll call:

Aye: Becker, Crane, Danner, Dybdahl, Kiehl, Smith, Stone, Botelho

Nay: Wanamaker

Motion passed, 8 ayes, 1 nay.

**X. STAFF REPORTS** – None.

**XI. ASSEMBLY REPORTS**

A. Committee Reports

Committee of the Whole: Acting Chair Danner said the committee met on August 20 and heard information about a Main Street concept for Auke Bay. The next COW meeting was set for September 10, at which time representatives from Alaska DOT/PF would present its plans for Auke Bay traffic revisions.

Human Resources Committee: Chair Danner said the committee met immediately preceding the Assembly meeting and recommended the following appointments, which were adopted without objection:

**Youth Activities Board:**

Linda S. Johnson for a term beginning September 1, 2012 and ending August 31, 2015.

**1% for Art Panels:**

Charlene Simon and Kelda Denton to the Auke Bay Elementary project.

Jeff Wilson and Sarah Hieb for Adair Kennedy turf field project.

**Building Code Board of Appeals:**

Todd Kollar for a term beginning upon the effective date of Ordinance 2012-34 and ending August 31, 2014.

Public Works and Facilities Committee: Chair Becker said the next meeting was set for September 10.

Lands Committee: Chair Becker said the next meeting was set for October 29.

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## B. Liaison Reports

School Board: Liaison Wanamaker urged the public to attend an AVID Workshop at Riverbend Elementary on Thursday, August 30, regarding promotion of college preparatory skills.

Affordable Housing Commission: Liaison Kiehl said the next meeting was set for August 28.

Parks and Recreation Advisory Committee: Liaison Kiehl said the next meeting would be on September 11.

Sustainability Commission: Liaison Becker noted that the Commission entered a prize-winning electric car in the July 4 Parade. It also continued to work to improve its website and work on energy audits for CBJ buildings.

Alaska Committee: Liaison Becker said members were staffing a Juneau promotional booth at the State Fairs in Alaska. The next meeting was set for September 5.

Docks and Harbors Board: Liaison Becker said the Board was responding to an appeal of the Conditional Use Permit for the Dock Project 16b. The Corps of Engineers was moving forward with the Environmental Assessment of Douglas Harbor and planned to be finished by mid-October. The Coast Guard agreed to pay for moorage at Statter Harbor and was discussing any arrearages. The floats for Statter Harbor were being built in Bellingham and would be shipped in October. Docks and Harbors was reviewing lease language with Petro Marine for a fuel dock installation. There would be a public meeting in September/October on the new design of Aurora Harbor. Negotiations continued with Mt. Roberts Tram based on Goldbelt's assessment that the lease property is an uneconomical parcel resulting in zero lease rent. The USS Juneau Memorial would be moved to the "bump-out" on the Seawalk located between the city dock and the Franklin Dock.

Local Emergency Planning Committee: Liaison Danner said the next meeting was set for September 12.

Airport Board: Liaison Danner said the next meeting was set for September 12.

Hospital Board: Liaison Stone said the next meeting was set for August 28.

## **XII. ASSEMBLY COMMENTS AND QUESTIONS**

Mr. Wanamaker said that November 13 would mark the 70<sup>th</sup> Anniversary of the sinking of the original USS Juneau during the Guadacanal campaign. He volunteered to coordinate the Assembly and veteran's organizations to conduct a ceremony of remembrance.

Mr. Smith offered his assistance to Mr. Wanamaker.

Mayor Botelho thanked them both for their offer of service.

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Mr. Kiehl reminded the public that the state primary election would be held Tuesday, August 28, and asked people to please vote.

Mr. Dybdahl thanked the Assembly for “putting up” with his attendance by phone throughout the summer. The operation in Hoonah was not unattached to Juneau, there were over 100 local vendors that helped to make the operation at Icy Straight Point successful.

Ms. Crane referred to an e-mail about dog problems on the trails and an earlier report on this topic, which had been referred to the City Manager for an update. Ms. Crane asked for a report back.

Ms. Becker said welcome back to Mr. Watt and that she would be very sad to see Ms. Johnson leave.

Ms. Danner asked when the water study would be back on the Assembly’s agenda. Mr. Steedle said the water study had been tabled while Mr. Watt was away but would be back before the Assembly COW in the fall.

Ms. Danner asked about the public testimony about parking of commercial vehicles on Douglas Highway. Mayor Botelho noted that it was a state highway and was not sure of the CBJ’s authority as such. Mr. Hartle said CBJ had limited authority. Mayor Botelho referred the matter to staff for review and report back.

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

**XIV. EXECUTIVE SESSION –** None.

**XV. ADJOURNMENT-** 8:55 p.m.

Signed: \_\_\_\_\_  
Laurie Sica, Municipal Clerk

Signed: \_\_\_\_\_  
Bruce Botelho, Mayor