MEETING NO. 2001-27: 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 Sally Smith.

I. FLAG SALUTE was led by Mayor Smith.

II. ROLL CALL

Assembly Absent: Dale Anderson

A quorum was present.

Staff Present: Laurie Sica, Municipal Clerk; Dave Palmer, City Manager; John Corso, City Attorney; Al Heese, Airport Manager; John Stone, Engineering Director; Craig Duncan, Finance Director; Kim Kieffer, Parks and Rec. Director; Joan Roomsburg, Sale Tax Sr. Accountant; Cheryl Easterwood, Disaster Plan Manager; Ernie Mueller, Public Works Director; Joe Buck, CIP Chief Architect; Gary Mendovil, Eaglecrest Business Manager.

Assembly Action
*MOTION - by Wheeler, for reconsideration of Ordinance 2001-20 (S), and he asked for a no vote.*

Mayor Smith said this motion was non-debatable and should it prevail, the issue would be non-debatable.

Ms. Sica read the title: An Ordinance appropriating to the manager the sum of $430,000 for purchase of land for a new library in the Mendenhall Valley, of which funds provided by the Land Fund unreserved fund balance.

ROLL CALL:
Ayes: Etheridge, Koelsch, and MacKinnon,
Nays: Munoz, Pillifant, Powell, Wheeler, and Mayor Smith

Motion fails: 5:3

III. SPECIAL ORDER OF BUSINESS
1. Swearing-in of Newly Elected Assembly Members

Mr. Corso swore in Jeannie Johnson, Jim Powell and Randy Wanamaker.

Mayor Smith requested a motion to suspend the rules for purposes of family introductions. Ms. Johnson and Mr. Wanamaker introduced their family members who were in the audience. Mr. MacKinnon and Ms. Munoz stepped down from their seats on the assembly.
IV. APPROVAL OF MINUTES
   a. 10/01/01 - Regular Meeting No. 2001-25

   MOTION - by Koelsch, to approve the minutes of Regular Meeting No. 2001-25, held October 1, 2001, incorporating the City Attorney's October 2, 2001 Memorandum on Ordinance 2001-40, and he asked unanimous consent. There being no objection, it was so ordered.

V. MANAGER'S REQUEST FOR AGENDA CHANGES
   Mr. Palmer referred to the red folder item, which was a recommendation to award item 3b., Contract E01-357, to Channel Construction.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

   William P. Dunn, 11435 Glacier Highway. He said he attended the Lands Committee meeting earlier today to hear the discussion about the proposed purchase of the Harris property for a public park. He thanked the assembly members for the effort put in so far to examine that property. The discussion concluded with that continuing efforts would be made to see about the possibilities for funding of that park proposal. He spoke in support of maintaining that one little portion and said he felt there was so little left of what was once an extremely precious bay. Next, he said he was on the alert regarding the UAS National Guard project. Talking at the meeting he gathered that the proposal was still in the same site, about 150 acres between the dorm area and Spaulding Meadows. He expressed his dismay when he saw the drawing a year ago, and he continues to express dismay. He urged the Assembly to make sure the public knows what is proposed because it would simply devastate that vast pristine uplands meadow/bog/forest. What has already been done by UAS and the National Guard has resulted in the Corp of Engineers issuing a notice of violation. He then thanked Mr. Heese for allowing the dike access at the airport to continue.

   Mark Farmer, said the Bear Committee has again been tasked to examine what failures have happened this year and to try to map out a strategy, and a plan of action for next year. They met last week and he provided a hand out of ideas that they would like the Assembly to consider. A couple of the items would be contentious, but they could make a significant impact on the problem. He said they needed to fine-tune the ordinance again as there were problems identified that need to be taken care of. The city has passed an ordinance requiring a bear proof container, yet there is no definition of what that is. He also suggested the ordinance should include a mandate to change all dumpster lids from plastic to metal as it was obvious that dumpsters are a main lure because of the richness and amount of food in them and that Title 49 be amended to include future development so that when a developer is going to make a new place for people to live, that they include in their plan a cohesive and concise plan as to where the garbage will be stored. They also agreed that there needed to be a public affairs campaign to figure out what the bear resistant container is, to get information out about behavior, what the container is suppose to be, and what you are suppose to do when around a bear. There are people trying to act in good faith and they deserve to be commended, but there are still a lot of folks who are not getting the message. The committee wanted to see a clearinghouse position to run the public affairs and coordinate efforts both internally to CBJ and externally, so there is not a duplication of efforts. Someone to streamline the efforts and aggressively and consistently enforce the ordinance. That person should also assess what the community wants and how far people are willing to go by using a poll or survey.

   Mayor Smith thanked Mr. Farmer and the committee for their work. Ms. Pillifant asked is he could prioritize the list and get back to the Assembly. Mr. Farmer said right away he would recommend fine-tuning the ordinance and getting rid of the plastic lidded dumpsters. Ms.
Pillifant asked if the Bear Czar position recommendation was due to the shortage of time for Mr. Garcia and the police force. Mr. Farmer said that the police department would have to spend money out of their budget that was not budgeted to them for this purpose. Officers do not become officers so they can become garbage enforcement officers. Dan Garcia is tasked with many things to do and he is only one person. Fish and Game also has a problem because Mr. Barton is in the field a lot and he is the only one in the office who can do some of the things that are done. Looking at all the agencies involved, there is no one that is specifically accountable or responsible for the problem and the committee thinks that if one person is at that point and can coordinate all these efforts, money would be more effectively spent.

Ms. Johnson asked if next spring would be too soon to have metal lids available. Mr. Farmer said they set a date of April 15th and the manager of Arrow Refuse estimates a cost of $250,000. That may sound like a lot, but to Waste Management’s credit, throughout the country, they are pretty well known as once something has been identified as out of code or non-compliant, they have come into compliance very quickly.

Shawn Paul, 9124 Wolfram Way. Mr. Paul testified as chairman of a sub committee of the Southeast Alaska Association of Realtors. One thing they are tasked with is the current issue of land acquisition by the Assembly. They created a resolution and took it to as many brokers as they could get to in the last few hours of the day. There are seven broker signatures, including all of the large companies in town, and they represent about 80% of the real estate businesses in town. He read resolution: “Whereas, affordable, developable land in the borough is critically low, and whereas, the Assembly should act to promote affordable housing within its jurisdiction, and whereas, funds in trusted to public officials should only be encumbered after careful planning and through public deliberation, and whereas, the stated assembly policy for land acquisition calls for the sale of CBJ lands prior to the purchase of new lands, now be it therefore resolved that the assembly impose an immediate moratorium on CBJ land purchase until such time as 1) a clear prioritization of land acquisition needs for public buildings can be established, and 2) a comprehensive review of current CBJ holdings is completed to determine if those needs can be met from current inventory, and 3) a land disposal plan can be implemented that provides for the sale of an equivalent amount of developable land to that which has been purchased and that which is being proposed by the brokers of Juneau, Alaska.” He then listed the realtors who signed the resolution.

Dennis Harris, 352 Distin Avenue. He offered an opposing view point to the realtors and said he thought they needed to get over the knee jerk public land bad, private land good response. If there is a policy that says the city can’t buy any land before they sell land they all ready own, then it is time for the Assembly to change that policy. They need to allow for judicious decisions about the city’s purchase and sale of land and not bind themselves to an ideology. He then reiterated, and thanked Mr. Farmer and his committee for their work, but said he thought the major problem was that an ordinance was passed with no money appropriated for enforcement. He urged the assembly to look very closely at that issue and not only appropriate the money, but insure that it does not go to subsidize an existing position, or add on to the duties of an existing position. He has been trying to get one of the public service officers in the JPD to issue a citation to some individuals on Decker Way since August and that officer has continually had other, more important things to do. The last time he checked, the same party was still violating the ordinance. He continued and said that ignorance is not an excuse; citations should still be issued. That would do more to deter the garbage problem than anything else. He suggested looking at what Whitehorse has done in terms of community garbage disposal. They are using bear proof containers that are multiple sizes of the ones currently being used downtown. They come in triple
or quadruple units and they put them every 3-5 houses in downtown Whitehorse. They have no bear problem.

Karen Lawfer: 2765 John Street. Testified as a member of the Juneau Safe Kid Coalition. The coalition is a membership of a lot of public and private organizations and their mission is one thing: to reduce the unintentional injuries of kids. The packets included a letter from the coalition as well as other information. Thursday, October 25th, is Juneau’s Walk Your Children to School Day. They are trying to have parents become aware of what their kids go through to get to school or to their bus stop. They picked October 25th because they felt the weather and light conditions would be that of what the students experience the majority of the school year. In addition, it is also National School Bus Safety Week and the school bus lines will be involved with the project. She encouraged everyone to participate and see what it was like for kids to get to school. Every parent would be receiving a survey and there is also a website where parents can respond. Both middle schools are included this year, along with the elementary schools. The packet also includes a copy of last year’s report which was broken out by school and by district.

VII. CONSENT AGENDA
A. Public and Assembly Requests for Consent Agenda Changes, Other Than Ordinances for Introduction.

A member of the audience asked that Resolution 2121 be removed.

B. Assembly Action

MOTION - by Pillifant, to adopt the Consent Agenda with the exception of Resolution 2121, and including the red folder staff recommendation to item 3b, and she asked unanimous consent. There being no objection, it was so ordered.

1. Ordinances for Introduction
a. Ordinance No. 2001-51
   AN ORDINANCE ESTABLISHING THE INTENT OF THE CITY AND BOROUGH TO SURPLUS A HOUSE LOCATED AT 404 WEST 12TH STREET ACQUIRED BY TAX FORECLOSURE FROM LINDA E. AND SABRINA L. KARLSON, AND FINDING THAT A PUBLIC NEED DOES NOT EXIST FOR THIS PROPERTY.

   Administrative Report: Attached. The Manager recommended this ordinance be introduced and set for public hearing at the next regular meeting.

b. Ordinance No. 2001-20(U)
   AN ORDINANCE APPROPRIATING TO THE MANAGER THE SUM OF $29,600 ADDITIONAL FUNDING FOR THE DISTRICTWIDE SCHOOL TECHNOLOGY II PROJECT. SUCH FUNDS PROVIDED BY INTEREST EARNED ON THE 1998 GENERAL OBLIGATION BONDS.

   Administrative Report: Attached. The Manager recommended this ordinance be introduced and set for public hearing at the next regular meeting.

2. Resolutions
b. Resolution No. 2123
A RESOLUTION AUTHORIZING THE MANAGER TO SUBMIT AN APPLICATION TO THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR A LOAN FROM THE ALASKA CLEAN WATER FUND AND DESIGNATING THE MANNER OF ACCEPTING AND MANAGING THE LOAN FOR THE PURPOSE OF FUNDING REPLACEMENT OF THE CHLORINE GAS DISINFECTIONS SYSTEM AND OUTFALL LINE DIFFUSER AT THE MENDENHALL VALLEY WASTEWATER TREATMENT PLANT.

Administrative Report: Attached. The Manager recommended that this resolution be adopted.

3. Bid Award
   a. Bid No. 02-014, Douglas Winter Street Maintenance for City Streets Division.

       Administrative Report: Attached. The Manager recommended award of this project to Arete Construction in the amount bid, for a total award of $87,440.00.


       Administrative Report: Attached. The Manager recommended award of this project to Channel Construction, Inc. in the amount Base Bid and Additive Alternates 1, 2 and 3, for a total award of $605,000.


       Administrative Report: Attached. The Manager recommended award of this project to Cameron Plumbing & Heating in the amount bid, for a total award of $149,743.00.

4. Transfers
   a. Transfer Request T-717, Transferring $28,000 from St. Ann’s Avenue Reconstruction Project to the Storm Water Management Program.

       Administrative Report: Attached. The Manager recommended this transfer be approved.

   b. Transfer Request T-718, Transferring $25,000 in General Sales Tax Funds From the Juneau Fire Station Repairs I Project to the Fires Station Exhaust Ventilation System Project.

       Administrative Report: Attached. The Manager recommended this transfer be approved.

2a. Resolution No. 2121

A RESOLUTION IMPOSING A SURCHARGE FOR ENHANCED 911 SERVICE ON EACH WIRELESS TELEPHONE NUMBER THAT IS BILLED TO AN ADDRESS IN THE CITY AND BOROUGH.

Administrative Report: Attached. The Manager recommended that this resolution be adopted. Mr. Palmer noted that both providers had been contacted and he would suggest that if there is an issue with either of them, that the effective date be set not later than the end of November. That would
allow him enough time to work with the different companies and work through any problems they may have imposing the fee.

Public Testimony:

Jim Kohler, Manager of the wireless operations for Cellular One. He had three areas of concern, first being that as written, the ordinance would immediately and incontrovertibly put him in a position of non-compliance as there was no way they could immediately implement these changes. Their last billing day is the 26th of the month, eleven days from now, and what is asked for is to bill the surcharge, submit the amounts collected, deduct and recover the cost to prorate partial payments, provide a list of non-payment amounts due and otherwise administer the surcharge as provided in the previous resolution. He has not had time to look at the state statute that is referenced, but he has a lot of questions about what they would be asked to do. It can get cumbersome in a billing system to take out a very small segment of that population that is billed, and add a bill to it. They are not billing by rate plan or by the normal ways that they cut and slice bills to their customers. They are being asked to bill for anyone who has a phone that is billed to a Juneau address. Although it is not impossible, he could not possibly do it and have that bill in place by the end of this billing period. Having it in place at the end of November would also be difficult for him because as of this week, they are trying to implement a second billing cycle and ultimately slide everyone to that. As of the 18th he will be implementing a second billing cycle and therefore would have to have this implemented by then. So there are timing issues he would like to work out and he also had a number of concerns about who would be exempt. Second, it is a touchy issue as they are in a very competitive market place. There are more than two licenses in this market that someone could use to provide service. Some closely held information is how many subscribers each business has. As soon as they start writing a check based on a per phone surcharge, it would be easy for someone to know exactly how many phone users, every month, they have in the CBJ which is a significant piece of information. Other surcharges and taxes that they levy are done in a way so that the data collected is masked so no one can go in and use that proprietary information. He asked for a consideration of relief for that issue. He would be happy to work with staff on any of these issues. He then pointed out that a $.75 surcharge, in some cases, would be a minimum 8% increase.

Mr. Powell asked Mr. Kohler if he had a suggested time for adoption of this resolution. Mr. Kohler said he would really like the balance of this calendar year, if possible. Otherwise, they could try to comply with the November 26th billing.

Ms. Johnson referred to his comments about proprietary information and asked if there was a way that he could get information to staff about how that could be handled. Mr. Palmer said the information was not public information and would be handled like sales tax information.

Assembly Action:

MOTION – by Wheeler, to refer this resolution to the Finance Committee for their consideration, and he asked unanimous consent. There being no objection, it was so ordered.

VIII. ORDINANCES FOR PUBLIC HEARING

A. Ordinance No. 2001-44

AN ORDINANCE AMENDING THE SALES TAX CODE TO PROVIDE AN EXEMPTION FOR SALES AGENT COMMISSIONS.

Administrative Report: Attached. The Manager recommended the ordinance be adopted.

Public Participation:
Dennis Harris, 352 Distin Avenue. He felt this was an ordinance trying to establish a special exemption for someone from sales tax. He was opposed to sales taxes in general because they are regressive, but in this case, he is a person who has actually reported sales and commissions on sales of tangible personal property. He also occasionally is paid a finders fee and he collects and submits the sales tax.

Assembly Action:
MOTION – by Koelsch, to adopt Ordinance 2001-44, and he asked unanimous consent.

Mr. Powell asked staff how many businesses would be affected by this. Mr. Duncan came forward and said it would be difficult to know. Currently there are 3,500 merchants conducting business and any and all of them could have business which would generate a commission sale. The sales tax administrator has come up with an estimate, but it is a guess.

Mr. Powell asked how this compared to other communities in Southeast, or around the state. He asked if they had this type of exemption. Mr. Duncan said generally not. Kenai and Ketchikan do not provide these exemptions. The standard is that these are two separate legal transactions and they are both considered taxable. Exempting it would be unique. Juneau, because we tax literally everything, we are unique anyways.

MOTION – by Johnson, to defer this to the next assembly meeting.

Ms. Johnson said that would allow her more time to get familiar with the issue. Mr. Powell suggested that this be referred to Finance. In the past three months, there were other sales tax issues brought up and it might merit some discussion with those.

Ms. Johnson withdrew her motion.

MOTION – by Powell, to defer this to the Finance Committee for consideration.

Mr. Wheeler spoke in support of passing the ordinance tonight. Mr. Palmer said the ordinance was introduced at the last meeting and advertised as the public hearing. If it is sent to the Finance Committee, he thought it would have to be reintroduced and scheduled so it would be at least two meetings away from further consideration. Another option would be to continue the public hearing to the next assembly meeting; that would keep the advertising consistent. Mayor Smith asked the possibility of having a Finance meeting prior to that and Mr. Palmer thought that would be possible.

Mr. Koelsch spoke against deferring action. It came out of Finance to the Assembly and has had a full hearing. He suggested that if it does not pass, it could be reconsidered and brought forward later. Mr. Powell agreed and said he felt comfortable with the. He withdrew his motion.

ROLL CALL on the main motion to adopt ordinance 2001-44
Ayes: Koelsch, Wanamaker, Johnson, Pillifant, Powell, Wheeler, Etheridge, and Mayor Smith
Nays: None

Motion passed unanimously.
B. Ordinance No. 2001-48
AN ORDINANCE AMENDING THE TRAFFIC CODE BY REPEALING AND REENACTING CHAPTER 28 RELATING TO SNOW REMOVAL.

Administrative Report: Attached. The Manager recommended the ordinance be adopted.

Public Participation: None

Assembly Action:
MOTION – by Etheridge, to adopt ordinance No. 2001-48, and he asked unanimous consent.

Ms. Pillifant noticed that the placing snow in public ways fine went up from $10 to $50. She thought that was a significant rise and asked where that number came from. Mr. Mueller came forward and said the $10 fee has been in place forever and it was almost worth shoveling the snow off your roof and into the street. The risk to public safety is substantial if there is a berm of snow pushed out in to the street by someone who has plowed out their driveway. There is a mitigating provision in the ordinance which allows somebody to do that while the road has been closed for the purpose of snow removal so essentially the city would carry off their snow for them for free.

Ms. Pillifant also noticed under the snow emergency routes designated, they are all downtown roads. Mr. Mueller thought she was looking at the old ordinance and that portion of the ordinance was entirely removed. Ms. Pillifant said that larger communities still have designated snow routes and so the approach is to simplify for operations of public works plowing. Mr. Mueller said their practice has been to use this code on any street, but to make sure that people have adequate notice of what they are trying to do.

Ms. Pillifant withdrew any objection.

Mr. Koelsch said many Juneau families have houses right on the street. They will shovel and the snowplow puts a berm there. He clarified that if they put the snow back in the street, they would be charged $50. Mr. Mueller said they have tried to mitigate the way they toss snow so that that is not a problem. If it is a continuing problem for people, they should call Public Works. A supervisor would go out to see if they can design a way to solve the problem. Mr. Corso referred Mr. Koelsch to page 3, line 9.

There being no objection, the ordinance was adopted.

C. Ordinance 2001-49
AN ORDINANCE AMENDING THE PROPERTY TAX CODE TO EXEMPT THE FIRST $2,000 OF BUSINESS PERSONAL PROPERTY.

Administrative Report: Attached. Mr. Palmer spoke in support of adopting this ordinance.

Public Participation: None

Assembly Action:
MOTION – by Wheeler, to adopt Ordinance 2001-49, and he asked unanimous consent. There being no objection, the ordinance was adopted.
D. Ordinance 2001-20(Q)
AN ORDINANCE APPROPRIATING TO THE MANAGER THE SUM OF $42,000 AS PARTIAL FUNDING FOR THE STORM WATER MANAGEMENT PROJECT. SUCH FUNDS PROVIDED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

Administrative Report: Attached. The Manager recommended the ordinance be adopted.

Public Participation: None

Assembly Action:
MOTION – by Powell, to adopt Ordinance 2001-20(Q), and he asked unanimous consent. There being no objection, the ordinance was adopted.

Mr. Powell noted that he had nothing to do with this decision by DEC.

E. Ordinance 2001-20(T)
AN ORDINANCE APPROPRIATING TO THE MANAGER THE SUM OF $15,000 FOR CREATION OF A CONTINGENCY FUND FOR REIMBURSEMENT OF COMMUNITY DEVELOPMENT FEES INVOLVING CONSTRUCTION OF AFFORDABLE HOUSING IN JUNEAU. SUCH FUNDS PROVIDED BY THE LOW INCOME HOUSING FUND UNRESERVED FUND BALANCE.

Administrative Report: Attached. The Manager recommended the ordinance be adopted.

Public Participation:
Betsy Longenbaugh, 319 B Street, Douglas. She thanked the Assembly for this ordinance and for the support the Assembly has shown affordable housing. She recently attended a statewide meeting on applying for funding from AHFC and the trainer actually pointed to Juneau as being one of the most supportive affordable housing communities, specifically the municipal government. She also spoke in support of the following fee reimbursement request which was a rebate to them for building permit fees for some necessary roof repairs on one of their buildings. She pointed out that the four houses that have already been assisted by a building permit rebate were actually being built by the Juneau Housing Trust, with assistance by Housing First.

Ms. Johnson thanked Ms. Longenbaugh and Housing First for the great work they do.

Assembly Action:
MOTION – by Wheeler, to adopt ordinance 2001-20(T), and he asked unanimous consent. There being no objection, the ordinance was adopted.

F. Ordinance No. 2001-20(V)
AN ORDINANCE APPROPRIATING TO THE MANAGER THE SUM OF $29,000 FOR THE LOCAL EMERGENCY PLANNING COMMITTEE. SUCH FUNDS PROVIDED BY THE ALASKA DEPARTMENT OF MILITARY AND VETERANS AFFAIRS.

Administrative Report: Attached. The Manager recommended the ordinance be adopted.

Public Participation: None
Assembly Meeting No. 2001-27 10 October 15, 2001

Assembly Action:

**MOTION – by Pillifant, to adopt Ordinance 2001-20(V), and she asked unanimous consent.**
There being no objection, the ordinance was adopted.

G. Ordinance 2001-20(W)

AN ORDINANCE APPROPRIATING TO THE MANAGER THE SUM OF $511,000 FOR DEFERRED BUILDING MAINTENANCE, ESSENTIAL BUILDING REPAIRS AND UNDERGROUND FUEL STORAGE TANKS. SUCH FUNDS PROVIDED BY THE ALASKA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

Administrative Report: Attached. The Manager recommended the ordinance be adopted.

Public Participation: None

Assembly Action:

**MOTION – by Pillifant, to adopt Ordinance 2001-20(W), and she asked unanimous consent.**
There being no objection, the ordinance was adopted.

H. Ordinance 2001-20(X)

AN ORDINANCE APPROPRIATING TO THE MANAGER THE SUM OF $125,000 AS PARTIAL FUNDING FOR THE RUNWAY SAFETY AREA I CONSTRUCTION PROJECT AND FOR ENVIRONMENTAL WORK FOR FUTURE RUNWAY SAFETY AREA CONSTRUCTION AFFECTING WETLAND AREAS AT THE JUNEAU INTERNATIONAL AIRPORT. SUCH FUNDS PROVIDED BY THE FEDERAL AVIATION ADMINISTRATION.

Administrative Report: Attached. The Manager recommended the ordinance be adopted.

Public Participation: None

Assembly Action:

**MOTION – by Powell, to adopt Ordinance 2001-20(X), and he asked unanimous consent.**
There being no objection, the ordinance was adopted.

I. Ordinance 2001-20(Y)

AN ORDINANCE APPROPRIATING TO THE MANAGER THE SUM OF $1,000,000 AS ADDITIONAL FUNDING FOR THE RUNWAY SAFETY AREA EXPANSION PROJECT ENVIRONMENTAL IMPACT STUDY AT THE JUNEAU INTERNATIONAL AIRPORT. SUCH FUNDS PROVIDED BY THE FEDERAL AVIATION ADMINISTRATION.

Administrative Report: Attached. The Manager recommended the ordinance be adopted.

Public Participation: None

Assembly Action:

**MOTION – by Etheridge, to adopt Ordinance 2001-20(Y), and he asked unanimous consent.**
There being no objection, the ordinance was adopted.

IX. **UNFINISHED BUSINESS** - None
X. **NEW BUSINESS**
   A. *Housing First Building Permit Fee Reimbursement Request.*

   Administrative Report: Attached.

   Assembly Action
   **MOTION** – by Wheeler, that the Assembly approve rebating the permit cost of $450.85 to Housing First, and he asked unanimous consent. There being no objection, it was so ordered.

XI. **STAFF REPORTS**
   A. *Eaglecrest – Changes to Season Pass Credit/Refund and Tubing Prices.*

   Administrative Report: Attached.

   Ms. Pillifant asked what was the regular start up date. Mr. Gary Mendivil came forward and said the budgeted operating date was typically December 4th or 5th and so the 30 day window would end somewhere around the 8th or 9th of January.

XII. **ASSEMBLY REPORTS**
   A. **Committee Reports**

   Mr. Wheeler reported on the Lands Committee meeting earlier this evening. One recommendation was to approve the construction of the UAS Armory facility. The city had given land to UAS with a deed restriction that those lands be used for educational purposes. He directed staff to write a letter indicating that it is in compliance with the deed restriction. They also discussed acquisition of property at Auke Bay and they decided not to buy the land but they would support receiving if the owners wants to give it to them, or discuss some sort of land trade. They heard a presentation by Mr. Heese with an update on the Airport dike trail status. It is clear that the airport has no intention at this time of closing the trail to public users and they are considering some interim measures which may preclude having to do that. He thought it might be helpful to have a joint meeting with the Airport Board at a COW to discuss this and other airport issues.

   Mr. Powell reported that the Tourism Management Plan was presented to the public last week. They did a great job and it was well attended. He was very impressed with the contractor performance to date.

   Mr. Koelsch reported that the Public Works & Facilities committee met Wednesday, October 3rd at noon. There were two action items which passed: the speed limit change and street lighting additions on Riverside Drive. Information items for this weeks meeting, which is Wednesday at noon, is Adair Kennedy Track resurfacing, Bartlett Regional Hospital project 2005 bid procedures, mass transit, contained loads, Juneau Free Wheeler request for improvement to Mendenhall Valley path and Gastineau Ave reconstruction update.

   Mayor Smith presented the new committee assignments: Mr. Koelsch would be the new Deputy Mayor and Chair of the COW; Mr. Powell would chair the Finance Committee; Mr. Etheridge would continue to chair the HRC; Ms. Pillifant would chair the PW&F, Planning and Policy would be chaired by Mr. Anderson and Mr. Wheeler would continue as chair of the Lands Committee. Boards and Committee Liaison: Mr. Koelsch would continue with the School Board; Mr. Powell would continue with UAS Campus Council; Mr. Etheridge would continue with the Harbor Board; Ms. Pillifant would take the Eaglecrest Board and also be a liaison to the Mayor’s Task Force on Youth and also the Emergency Planning Committee;
Mr. Anderson would be liaison to the Hospital Board and the JCVB; Mr. Wheeler would have the Parks and Rec. Advisory Board and also be the Mayor’s alternate on the Alaska Committee; Ms. Johnson would have the Airport Board and the Chamber of Commerce; Mr. Wanamaker would be the liaison to the Planning Commission and would serve as the Mayor’s alternate on the JEDC. There were two new Planning Commissioners to be approved. Mayor Smith announced the tentative date for the assembly retreat was November 1st at Chapel by the Lake.

B. Liaison Reports
Mr. Etheridge again requested a joint COW with the Harbor Board. The Harbor has ideas of changes they would like to see and he thought it should be discussed together with the Assembly. At the same time, they could discuss the safety access issues to the docks in anticipation of Coast Guard mandates that may be coming in the future.

Ms. Pillifant said JEDC found a mutual meeting date of Oct. 29th and she said she hoped to attend that meeting. They will be undergoing changes in the next few months and could possibly be looking for a new executive director.

Mr. Wheeler said the Eaglecrest Board would meet at 5:30 p.m. on Tuesday, November 6th at the downtown library. The Parks and Rec. Advisory Committee would meet at 6:00 that same evening.

Mr. Powell reported on the UAS Campus Council meeting earlier today. He said there was an excellent presentation by university staff on a masterplan that they are putting together for the university campus. There was also a report on the new classroom building. They are not on schedule, but are close. There are two phases, phase I is the structure and phase II is the equipment and furniture. Enrollment has increased and things are very exciting.

Mr. Koelsch said the School Board would meet tomorrow night at 6:00 p.m.

Mayor Smith said the Alaska Committee would meet at 7:00 a.m. on Wednesday. Mr. Wheeler and Ms. Pillifant would also attend. On Thursday she would be in Anchorage giving a presentation to the Resource Development Council.

C. Presiding Officer Reports
Mr. Etheridge said he was still trying to schedule a preliminary meeting for the Greg appeal.

XIII. Assembly Comments and Questions
Mr. Etheridge said the wetland issue would come before the HRC again for further discussion.

Mr. Wanamaker said October 25-27, the Alaska Federation of Natives would be having their annual convention in Anchorage. He suggested the Assembly reserve a table and since he would be there, he offered to spend a day at that table on behalf of the city to express the importance of keeping the capital in Juneau. He wanted to find out what the city’s strategies and plans were in order to be better informed and be a good representative of the city. Mayor Smith offered to meet with him and said they could coordinate with Mr. Palmer.

Ms. Johnson said the Airport Board would meet November 14th at 7:00 in the Aurora Room.

Ms. Pillifant referred to an article in the Empire having to do with action taken in Fairbanks. She said the DOT was considering changes to their procedures for asking for concurrence or reaction
to a project from a local government. She offered to provide further information or work on a resolution to the DOT from this body for consideration indicating that municipalities want to review projects as they are relating to their planning and zoning laws, and also on a more intimate level in terms of how a design and a project works within a local situation. There was no objection to Ms. Pillifant working on a resolution.

Mr. Wheeler wanted to recognize the Choice Program in the High School and congratulate them for the award they received last week from USA Today. He then said there was currently an inquiry going on in British Columbia called the Legit Inquiry. It is a non-governmental process but is taking a look at the prospect of lifting a moratorium on salmon farms in Northern British Columbia. He knew the SE Conference took up the matter and Mayor Smith pointed out that she had sent a letter. He then asked for an assessment on the Lena EIS. Mr. John Stone came forward and reported that the comment period was closed; they received 15 comments and are reviewing them now. He anticipated issuing the final EA or submitting a final EA to NOAA very quickly. Mr. Wheeler then asked the status of planning a meeting with Commission Perkins. Mayor Smith said they had called three times and still had not received a call back.

Mr. Powell reported that he had been in Fairbanks as a member of the Arctic Winter Games Committee. He set up another meeting for November 7th, 1:00 – 4:00 in Juneau, and he invited all Assembly members to attend. Mr. John Radda from the International Governing Board would give a presentation to key City staff and others key people on what it would take to put together a bid and to have the games in Juneau. The games would be available in March 2006.

Mr. Koelsch asked if a date had been set to say good-bye to Mr. MacKinnon and Ms. Munoz. Ms. Sica said it would be on the 25th at 5:00 in the chambers.


Mr. Koelsch wanted more time to identify having a berm in front of a person’s house.

Mayor Smith thanked Mr. Koelsch for agreeing to be the Deputy Mayor this year. She also thanked all the other members for agreeing to take on their committee assignments. She encouraged the new members to feel free to ask questions and attend any meeting they were interested in. She then presented an Executive Proclamation from the Governor declaring this month to be Indoor Air Quality Month. This morning there was a flag raising in the courtyard, and it was a flag that had flown over the World Trade Center. It was a very nice moment to have the Lt. Governor raise that flag in the presence of our fire and police departments representatives and also a class of school children from the Charter School.

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Bill Leighty, 227 Gastineau. On the topic of emergency preparedness, there was at one time an Energy Emergency Preparedness Plan. It is long obsolete but the Energy Advisory Committee may want to do a new one. He wanted to advocate the opportunity and the need to elevate a component of the Areawide Transportation Plan, simply called Mass Transit. He sent assembly members large e-mail files on Lake Dorothy Hydro and said that energy is a complicated business and it takes some investment to understand it so that was why some of the files were so large. He reiterated that hydroelectric resource represents an extraordinary opportunity to us and we need to come to grips with that and, through the public process and through whatever the role of the Assembly, use that resource to reduce our fossil fuel use. We have to decide what we are going to do as individuals and he thought we had to accept that there was a large number of people in the world who are angry at us as a result of our foreign policy and a part of that is due to our need
to continue to import very large quantities of oil. On our present path, that situation would only get worse. There are substitutes, natural gas is a good one, but it is also an imported substance for us in Juneau. This gives us an opportunity to displace a large quantity of our imported fossil energy with renewable sources from hydro energy. Ground transportation is an obvious place to begin and technology is coming down the track for us to do that. The best way to evaluate that is to have a professional study and he thought the mass transit component of the ATP was the ideal vehicle for that. He thought assembly action was required by a resolution or an ordinance, to amend what was communicated to DOT/PF, putting that item on the STIP list as a high priority. He requested that this new assembly do that and emphasize that in that study, the energy aspect of evaluating the mass transit options and our options for displacing the 10-12 million gallons of fossil fuel that we use every year in this community, just in our ground transportation, be included. Finally, he said he attended the Tourism Management Plan group and he spoke with one of the consultants about energy. He asked if fuel consumption was being considered in their scope with regards to tourism and was told no. He suggested the Assembly follow up on that.

Jeffrey Herman, 401 8th Street. He is the producing director of Perseverance Theater and wanted to update the Assembly on what was happening. This past summer they ran the 18th annual Summer Art Rendezvous Program for youth and they had 67 youth participating, the most ever. A quarter of the participants received scholarship support from local business. Productions were so successful that they started a new program in September designed to extend STAR training throughout the school year. They have 15 middle and high school students in the young Shakespeare training program. On September 14th they opened the 23rd season with Proof, making its West Coast premier. They had 1700 audience members. Grants received in the past three months included $55,000 from the Americans for the Arts in Washington DC; $30,000 from the Rockerfellow Foundation in New York; $25,000 from the Allen Foundation in Seattle; $25,000 from the National Endowment for the Arts; $10,000 from the AT&T Foundation in New York; $5,500 from the Theater Communication Group in New York; $5,000 from Royal Caribbean International and Celebrity Cruises; and $5,000 from Phillip’s Alaska. Thanks to the City’s allocation of $50,000 towards their $900,000 capital projects, they received a $300,000 one-to-one challenge grant from the Rasmussen Foundation in Anchorage and $150,000 from the Allen Foundation in Seattle. To date they have raised $650,000 and their final request for $250,000 would hopefully be mailed tomorrow. Finally, a new partnership agreement was signed two weeks ago with the UAS. Perseverance will be taking full responsibility of their theater department, offering theater minors and majors to their students. As the only professional theater in the state, this partnership would make Perseverance, UAS, and Juneau the destination for Alaskans interested in a serious theater education. None of this would have been possible without the Assembly’s support and he thanked them whole-heartedly.

XV. EXECUTIVE SESSION - None

XVI. ADJOURNMENT - There being no further business to come before the Assembly, and no objection, the meeting adjourned at 8:50 p.m.

Signed: ________________________________
Laurie Sica, Clerk

Signed: ________________________________
Mayor Sally Smith