MEETING NO. 2004-26: 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. FLAG SALUTE was led by Mayor Bruce Botelho.

II. ROLL CALL

Assembly Present: Jeannie Johnson, Dan Peterson, Jim Powell, Merrill Sanford, David Stone, Randy Wanamaker, Marc Wheeler, Mayor Botelho.

Assembly Absent: Stan Ridgeway.

Staff Present: Rod Swope, City Manager; John Hartle, City Attorney; Laurie Sica, Municipal Clerk; Katherine Hildre, Accounting Technician I; Craig Duncan, Finance Director; Roger Healy, Engineering Director; Allan Heese, Airport Manager; Kim Kiefer, Parks and Recreation Director; Dale Pernula, Community Development Director; Barbara Berg, Library Director; Joe Buck, Public Works Director; Beth McEwen, Deputy Clerk.

III. SPECIAL ORDER OF BUSINESS - None.

IV. APPROVAL OF MINUTES

A. September 13, 2004 - Regular Meeting 2004-25

MOTION, by Johnson, to approve the minutes of the September 13, 2004, Regular Meeting 2004-25. Mr. Wanamaker corrected the vote on page 8. Hearing no objection, the minutes were approved as corrected.

V. MANAGER’S REQUEST FOR AGENDA CHANGES - None

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

Douglas Larson, Gastineau Ave., spoke about Gastineau Avenue parking permits. He distributed a memo to the Assembly. His informal survey shows that approximately 170 people live on the street and are impacted by on-street parking. CDD is proposing a $30.00 a month fee for parking permits in this area. This seems punitive due to the damage non-residents create by parking on our street. He listed parking fees in other communities, which average less than $30.00 per month. He did not want to fight against his own proposal due to inability to afford the permit. He gave a brief history of the issue of the neighbor initiated proposal for permit parking on Gastineau Avenue, noting that the issue has been lost several times through staff turnover at CBJ. He petitioned the Assembly to proceed to implement permit parking on Gastineau Avenue.

Mayor Botelho noted that the next meeting on downtown parking will be held on October 12.

Stephanie Buss, 14050 Glacier Hwy., Board President of Big Brothers Big Sisters, (BBBS) of Southeast Alaska introduced several BBBS Board members, staff and participants of the program in...
the audience. She presented the Mayor and Assembly with a plaque for its generous support of the BBBS Program.

Emily said she has been a little sister for a year and a half and appreciates the program.

BobTkacz, K34, Aurora Basin, distributed his written testimony as he said the time limit prevented him from fully explaining his concerns. He said he was threatened with arrest during his testimony at a public hearing before a recent meeting of the Docks and Harbors Board. There was no time limit on testimony noted at the meeting. There were only three or four other people who had spoken. He said he had only spoken 5–6 minutes, which included comments from the Port Director, when he was interrupted during his testimony by Chairman Dick Knapp, who told him that he wanted Mr. Tkacz to stop, and if he didn't have anything constructive to say, he didn't want Mr. Tkacz to talk anymore. When Mr. Tkacz said he would not obey what he felt was an order of censorship, Mr. Knapp directed the Harbormaster to call the police. Nothing happened when the police arrived, as the matter was completed by that time. Mr. Tkacz said Mr. Knapp told the police to stay at the meeting "in case." Mr. Tkacz spoke about censorship and said Mr. Knapp should be removed from the Harbor Board. The Harbor Board should be replaced or abolished due to their over-expenditures of funds and other issues in the harbor.

Joyce Levine, 823 6th St., spoke about Capital Transit and the elimination of part of half-hour service. She thanked Ms. Johnson and Mr. Swope for meeting with her on her concerns. The Transit Ad Hoc Committee gave several ideas to Capital Transit a few years ago. She spoke about the idea of cash boxes. The idea was never acted on. The city paid experts for this idea, and for the idea of advertising on the buses. We could have raised much of the revenue over the past several years, and now we are in the position to cut service. She asked for a report from Capital Transit which she has never received an answer. She asked how much money comes in the boxes on the buses. There has been a lot of flack from charging seniors for their passes. What about the people who have mental and physical disabilities – they have just as much right to a free pass. We are giving money to CCS for running Caravan – how much is going there? This money goes to seniors now for transportation.

Mr. Powell asked Ms. Levine for her contact information.

Steve Gebbert, 9357 Northland St., spoke about residential setbacks. He distributed a photo of his backyard. He bought a shed, which he said he needs a building permit for, and the setback in his yard will require him to rip out his deck or take other dramatic issues, or obtain a variance. Neighbors have not followed the 20’ setback rule. He would like to see the 20’ setback relaxed.

VII. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction – None.

B. Assembly Requests for Consent Agenda Changes

C. Assembly Action

MOTION, by Wheeler, to adopt the consent agenda.

Mr. Powell asked to discuss the recommendation of the Committee of the Whole, and would like to address the next steps for Ordinance 2004-40. Mayor Botelho said that this would be discussed under committee reports.
Hearing no objection, the consent agenda was adopted.

1. Ordinances
   a. Ordinance 2004-40
   An Ordinance Amending The Comprehensive Plan By Adopting The Long Range Waterfront Plan As Amended.

   Administrative Report: Attached. The manager recommended the Assembly adopt the recommendation forwarded by the Committee of the Whole on September 24, 2004, to hold a public hearing on this ordinance on Thursday, October 7, 2004, at 5 p.m.

   b. Ordinance 2004-14(O)
   An Ordinance Transferring To The Manager The Sum Of $464,000 For The Noise Abatement Loan Program, Funding Provided By Marine Passenger Fees.

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

   c. Ordinance 2004-14(P)
   An Ordinance Appropriating To The Manager The Sum Of $36,000 For The Noise Abatement Loan Program, Funding Provided By The Land Fund Balance.

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

2. Resolutions
   a. Resolution 2282
   A Resolution Amending The Personnel Rules Regarding Appointments, Holidays, And Holiday Pay.

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

3. Transfer
   a. T-786
   Transferring $200,000 From Various Capital Improvement Projects To Provide Funding For The Treadwell Arena Locker Room Expansion Capital Improvement Project.

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

4. Bid Awards
   a. Bid E04-171
   Treadwell Arena Locker Room Expansion

   Administrative Report: Attached. The manager recommended award of this project to Alaska Stone & Concrete, Inc., in the Base Bid and Additive Alternate No. 1 amount, for a total award of $589,818.
b. Bid E04-322
Seward Street and Franklin Street Stairway Replacement

Administrative Report: Attached. The manager recommended award of this project to Arete Construction, in the Base Bid amount, for a total award of $132,425.

VIII. PUBLIC HEARING

A. Ordinance 2004-13
An Ordinance Amending Title 49 Regarding Exceptions to Yard Setbacks, and Amending Definitions in the Land Use Code.

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

Public Comment: None.

Assembly Action:


Mr. Wheeler asked if setbacks apply to tool sheds such as the one Mr. Gebbert described earlier in the meeting. Mr. Pernula said that as he does not have a site plan, he can’t speak about this specifically, but in the ordinance, "structures unheated," such as detached storage sheds, with height restrictions, are allowed to encroach at varying distances to the lot lines by percentages of square feet per front, side, or rear yards, however, no structure would be allowed closer than three feet to the property line. Mr. Pernula said that there were many setback issues, which developed over the years due to Juneau’s climate, such as covered stairs and walkways. Staff is trying to make the code clear and reduce the number of variances required.

Hearing no objection, Ordinance 2004-13 was adopted.

B. Ordinance 2004-14(J)(b)
An Ordinance Appropriating To The Manager The Sum Of $1,000,000 As Funding For Major Maintenance Repairs To The Water Utility Reservoirs, Such Funds Provided By A Loan From The Alaska Department Of Environmental Conservation.

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

Public Comment: None.

Assembly Action:

MOTION, by Powell, to adopt Ordinance 2004-14(J)b. Hearing no objection, Ordinance 2004-14(J)b was adopted.

C. Ordinance 2004-14(K)
An Ordinance Appropriating To The Manager The Sum Of $50,000 As Funding For The Alaska Coastal Management Plan Amendment, Such Funds Provided By The Alaska Department Of Community And Economic Development.
Administrative Report: Attached. The manager recommended this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Powell, to adopt Ordinance 2004-4(K).

Mr. Wheeler asked when revising the plan, will the standards be weakened. Mr. Swope said the CBJ will have to reduce standards, based on directives issued by the State of Alaska due to its changes in the Coastal Management Program. CBJ will have to decide which portions of the plan are priorities for enforcement.

Hearing no objection, Ordinance 2004-14(K) was adopted.

D. Ordinance 2004-14(L)

An Ordinance Appropriating To The Manager The Sum Of $125,000 As Partial Funding For Planning And Design Of The Dimond Park Community Center, Such Funds Provided By The Alaska Department Of Community And Economic Development.

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

Public Comment: None.

Assembly Action:

MOTION, by Wheeler, to adopt Ordinance 2004-14(L). Hearing no objection, Ordinance 2004-14(L) was adopted.

E. Ordinance 2004-14(M)

An Ordinance Appropriating To The Manager The Sum Of $500,000 As Partial Funding For Emergency Family Shelters, Such Funds Provided By The Alaska Department Of Community And Economic Development.

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

Public Comment: None.

Assembly Action:

MOTION, by Johnson, to adopt Ordinance 2004-14(L).

Mr. Sanford said that when St. Vincent first added units, the area was zoned industrial, and it still is. More residential units have been added since then. There is an airport and heavy machinery businesses there, which will not be shut down due to noise complaints from residential units, for the record.

Hearing no objection, Ordinance 2004-14(L) was adopted.
F. Ordinance 2004-14(N)
An Ordinance Appropriating To The Manager The Sum Of $8,000 As Partial Funding For LEPC Emergency Management, Such Funds Provided By The Alaska Department Of Military And Veterans Affairs.

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

Public Comment: None.

Assembly Action:

MOTION, by Wanamaker, to adopt Ordinance 2004-14(N). Hearing no objection, Ordinance 2004-14(N) was adopted.

IX. UNFINISHED BUSINESS – None.

X. NEW BUSINESS

A. Busch v Planning Commission - Appeal of USE2004-00037 for Douglas Breeze In

Administrative Report: Attached. The manager had no recommendation on whether or how the Assembly should hear the appeal. Mr. Hartle said the usual questions regarding appeals should be decided by the Assembly. He has seen no reason the appeal should not be accepted or a need for a hearing officer.

Public Comment: None.

Assembly Action:

MOTION, by Johnson, that the Assembly accepts the appeal, hears it itself, and that the Mayor presides. Hearing no objection, it was so ordered.

B. Late filed Senior Citizen/Disabled Veteran Property Tax Exemption Application for 2004

Administrative Report: Attached. The manager recommended approval of the following requests.

Public Comment: None.

Assembly Action:

Late Senior Citizen Application from Ms. Lazzette M. Ohman:

MOTION, by Sanford, to accept the late filed application of Ms. Lazzette Ohman. Hearing no objection, it was so ordered.

Late Senior Citizen Applications from Mr. McIntire:

MOTION, by Johnson, to accept the late filed application of Mr. And Mrs. Theodore McIntire. Hearing no objection, it was so ordered.
Late Senior Citizen Applications from Mr. Ethelbah:

*MOTION*, by Powell, to accept the late filed application of Mr. Lawrence Ethelbaugh. Hearing no objection, it was so ordered.

C. Liquor License Transfer

**LICENSE TRANSFER FROM:**
- License #: 851
- Current D.B.A.: Broiler, The
- Current Licensee: Pizzaz Juneau Ltd Partnership
- Current Location: 8745 Glacier Hwy

**LICENSE TRANSFER TO:**
- License #: 851
- License Type: Restaurant/Eating Place
- D.B.A.*: Broiler, The
- Licensee/Applicant: Rodfather’s LLC
- Physical Location: 8745 Glacier Highway
- EIN: 20-1193681

**Administrative Report:** Attached. The manager recommended the Assembly adopt the Human Resources Committee’s recommendation as to whether or not the Assembly should protest the above license transfer.

**Public Comment:** None.

**Assembly Action:**

*MOTION*, by Peterson, to accept the HRC recommendation that the Assembly waive its right to protest the transfer of this liquor license. Hearing no objection, it was so ordered.

XI. **STAFF REPORTS**

Mr. Swope said he spoke with Mr. Pavitt of EPA, who will be in Juneau to oversee the beginning of the cleanup at the Skinner Building site at the end of the week. Mr. Swope will keep the Assembly informed.

XII. **ASSEMBLY REPORTS**

A. Committee Reports

**Committee of the Whole:** Chair Powell said the COW met Friday, September 24, in joint session with the Waterfront Development Committee to review the waterfront development plan. There was discussion regarding building height restrictions in the plan area and cruise ship berths. There was no objection to canceling the COW meeting, tentatively scheduled for October 4, 2004. Mr. Powell said that a Special Assembly meeting was set for October 7, 2004 at 5 p.m. in the Assembly Chambers for a Public Hearing on the Waterfront Development plan, and could be continued to the October 11 meeting if the members so chose. Mr. Wheeler said he understood that the Assembly could take action on the plan on October 7. Mayor Botelho indicated that was correct.
MOTION, by Powell that the Assembly accept the recommendation of the Committee of the Whole to direct staff to begin work to review an areawide study for cruise ship berthing.

Hearing no objection, it was so ordered.

Public Works and Facilities: Chair Wheeler said the committee met to discuss odor issues at the MWWTP and the remaining work on Goldbelt Avenue. The human remains from an early cemetery discovered during the job will be placed in the Evergreen Cemetery and monuments will be placed at the Cemetery and on 7th Street. Gunakadeit Park will move forward with architects. Progress is made on the pavement management project. The State DOT reported on STIP funding for the community and since funds will be reduced, there will be a new scoring system. Two Juneau projects, the 10th and Egan roundabout only and paving on Glacier Highway were discussed. The committee received a report on sewer infill at Industrial Blvd.

Waterfront Development Committee: Chair Johnson said that one of the recommendations that came out during discussion of the Waterfront Development Plan was possible expansion of the Historic District and a bonus system for variances to the 35’ building height restrictions in the A & B areas, and asked people to familiarize themselves with these topics.

Lands and Resources: Chair Sanford said the committee met and discussed the Amended Study Agreement for Helicopter Impacts. The committee unanimously agreed to recommend to the Assembly that the manager sign the new agreement with Federal Highway Administration, which will be the lead agency. They will hire a consultant to begin the study process, following federal environmental impact statement guidelines. They will go through the whole scoping process until the money runs out, then we will see how to proceed. It will be an open, broad agreement, which hopefully will meet everyone's needs. The information gathered will be available for use in the NEPA process later on, if it gets to that point.

Hearing no objection, the Assembly supported the Lands Committee recommendation that the city manager sign the Amended Study Agreement for Helicopter Impacts.

Human Resources Committee: Vice-Chair Peterson said the HRC met and made the following recommendations to the Assembly for appointments to committees. There was a question about people being allowed to serve on more than one CBJ committee. The clerk and city attorney were not aware of any rule prohibiting a person from serving on more than one committee. Hearing no objections, the following persons were appointed:

Douglas Service Area Advisory Board
Stuart Rickey, for a term expiring September, 2007.

Fisheries Development Committee
Allen Morin, for a term expiring January 31, 2006.

Juneau Commission on Aging
Lorilyn Swanson, for a Public Seat, for a term expiring May 31, 2007.
Joe Sonneman, for a Public Seat, for a term expiring May 31, 2007.
Merle Ritter, for a Seat for a Person 65 years or older, for a term expiring May 31, 2006.
Sylvia Towle, for a Seat for Person 65 years or older, for a term expiring May 31, 2006.

Juneau International Relations Advisory Committee
Xiaxing Xhang, for a Public Seat, for a term expiring May 31, 2007
Julie Sanbei, for a UAS Seat, for a term expiring May 31, 2005

**Sales Tax Board of Appeals**
David Lawrence, for an Attorney Seat, for a term expiring December 31, 2005

**Social Services Advisory Board**
Michelle Casey, for a Public Seat, for a term expiring September 30, 2007
Ricardo Worl, for a Public Seat, for a term expiring September 30, 2007

**Youth Activities Board**
Eric Kueffner, for a term expiring June 30, 2007
Mariana Moreno-Goodwin, for a term expiring June 30, 2007

B. Liaison Reports

*Docks and Harbors:* Liaison Stone asked for Assembly permission to look at the procurement code ordinance, policy and procedures. There was no objection to tasking the Finance Committee to work on this issue.

*Southeast Conference:* Ms. Johnson said the Southeast Conference Annual meeting was very good. Jim Calvin reported on the overall economics of Southeast Alaska and there is a slight upward trend. She asked to correct a statement in the newspaper, that she is not a helicopter pilot, but she is a fixed-wing airplane pilot. She has been asked about the Fifty Year Economic Development Committee, and asked what skills are being sought in applicants.

Mr. Wanamaker said government, manufacturing, commercial, private and non-profit representatives, having various commercial backgrounds for a representation of the community's business skills.

XIII. **ASSEMBLY COMMENTS AND QUESTIONS**

Mayor Botelho reported on Assembly attendance at a ceremony of appreciation for Company A, Third Battalion, 297th Infantry, which is being deployed to Iraq. Also present were Mr. Wheeler, Mr. Sanford and Mr. Wanamaker. The soldiers are steeled for the mission they are about to undertake.

Mr. Wheeler said the Assemblymembers' hearts go out to the soldiers from Juneau. Mr. Wheeler thanked staff for work on developing an agreement with the state for downtown parking. Mr. Swope explained the plan, which will be using the vacant lot adjacent to the State Museum, as a basic gravel parking area, with a fence, for 173 spaces of free parking. This will be used as a temporary measure for approximately 2-3 years until the funding comes together for the museum and archives buildings. This will go to the Planning Commission for a Conditional Use Permit, and there are hopes this will be together by the end of October.

Mr. Wheeler asked about a meeting for Sister Cities with Whitehorse, and asked if there was time to make a trip there. Mayor Botelho said he understood it was Whitehorse’s turn to host.

Mr. Powell asked about the Gastineau Avenue parking issue. Mr. Swope said that in addressing the parking issue, he is looking for direction from the Assembly. There have been various thoughts on this specific issue, and on parking as a holistic issue. He is not sure of his instructions. Work can be done on the parking issue, but it will take administrative staff time.
Mayor Botelho said this may be an issue for the COW as a first issue for the new Assembly. Mr. Powell said he preferred that the Assembly look at this holistically, including the entire transportation issue and transit busses. The federal government subsidizes part of peoples’ bus passes. The state does not do this. The issue is larger than a particular street.

Ms. Johnson said that during the meeting she had with Ms. Levine and Mr. Swope on the transit system, she asked Mr. Swope to look into the fare boxes and advertising on the busses.

Mayor Botelho said that Juneau was well represented at Southeast Conference, which was a good meeting. It was heartening to have unanimous support for the construction of a new Capitol Building in Juneau.

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

*Teri Jensen:* asked questions regarding parking in downtown, the building on Second and Franklin, that was removed for a new parking lot, and were there revenues from the sale of the property. She asked about the vacant lot at the high school, and suggested a parking garage be constructed there, which would allow parking and additional space for the school.

XV. EXECUTIVE SESSION

XVI. ADJOURNMENT – 8:10 p.m.

Signed: ________________________________
Laurie Sica, CMC, Municipal Clerk

Signed: ________________________________
Mayor Bruce Botelho