MEETING NO. 2005-27: The Regular meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Mayor Bruce Botelho.

I. FLAG SALUTE was led by Boy Scout Troop #21, which was working on its Citizenship in the Community Badge.

II. ROLL CALL

Assembly Present: Johan Dybdahl, Dan Peterson, Stan Ridgeway, Merrill Sanford, David Stone, Randy Wanamaker, Marc Wheeler, Mayor Botelho.

Assembly Absent: Jeff Bush

Staff Present: Donna Pierce, Deputy City Manager; John Hartle, City Attorney; Laurie Sica, Municipal Clerk; Roger Healy, Engineering Director; Allan Heese, Airport Manager; Kirk Duncan, Eaglecrest Ski Area Manager; John Stone, Port Director; Dale Pernula, Community Development Director, Kim Kiefer, Parks and Recreation Director.

III. SPECIAL ORDER OF BUSINESS – None.

IV. APPROVAL OF MINUTES

A. September 1, 2005 – Special Meeting 2005-25

MOTION, by Stone, to approve the minutes of the September 1, 2005 Regular Meeting 2005-25. Hearing no objection, the minutes were approved.

B. September 12, 2005 - Regular Meeting 2005-26

MOTION, by Wheeler, to approve the minutes of the September 12, 2005 Regular Meeting 2005-26. Hearing no objection, the minutes were approved.

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

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

Chris Wyatt, Executive Director of the Juneau Chamber of Commerce, thanked the Assembly, and especially Mr. Sanford, Mr. Wheeler and Mr. Ridgeway for their work on the Assembly. She said they had all worked hard to understand issues of importance to the Chamber of Commerce. She thanked all candidates running for office and encouraged people to vote in the October 4, 2005 municipal election.

VII. CONSENT AGENDA

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

*MOTION*, by Wanamaker, to remove Ordinance 2005-32 from the consent agenda. Hearing no objection, it was so ordered.

C. Assembly Action

*MOTION*, by Wanamaker, to adopt the consent agenda as amended. Hearing no objection, the consent agenda was adopted as amended.

1. Ordinances for Introduction

a. Ordinance 2005-31
An Ordinance Amending The Official Zoning Map Of The City And Borough To Change The Zoning Of Parts Of The West Mendenhall Valley, Including Parcels TR B2, USS 1796; TR 1, USS 2178; And All Parcels Within Blueberry Acres Subdivision, Currently Zoned D-1 Residential, To D-3 Residential.

Administrative Report: Attached. The manager recommended Ordinance 2005-31 be introduced and referred to the Assembly Lands Committee on October 10, 2005, and set for public hearing at the October 24, 2005 regular Assembly meeting.

2. Resolutions

a. Resolution 2328
A Resolution Amending The Personnel Rules Relating To Merit And Longevity Increases.

Administrative Report: Attached. The manager recommended Resolution 2328 be adopted.

b. Resolution 2329
A Resolution Relating To Use Of The City And Borough Logo.

Administrative Report: Attached. The manager recommended Resolution 2329 be adopted.

3. Transfers

a. Transfer Request T-820
Transferring $8,000 From The Waterfront Seawalk CIP To Seawalk Interpretive Signs CIP.

Administrative Report: Attached. The manager recommended Transfer T-820 be approved.

b. Transfer Request T-821
Transferring $13,000 In Areawide Street Sales Tax From Goldbelt Avenue Reconstruction CIP To Aspen/ McGinnis /Duck Creek Crossing CIP.

Administrative Report: Attached. The manager recommended Transfer T-821 be approved.

4. Bid Awards

a. Bid No. 06-019
Purchase And Delivery Of Winch Cat Track Type Oversnow Vehicle
Administrative Report: Attached. The manager recommended award of this bid to Kassbohrer All Terrain Vehicles, Inc. based on having the lowest responsive total bid price in the amount of $278,480.02.

Removed from the consent agenda:

b. Ordinance 2005-32
An Ordinance Relating To The Airport Board, The Hospital Board, The Eaglecrest Board, And The Docks And Harbors Board.

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

Public Comments: None.

Assembly Action:


MOTION, by Wanamaker, to amend the motion, to introduce Ordinance 2005-32, refer it to the enterprise boards for comment, and receive comment back from board members in a COW worksession.

Mr. Wheeler said that no Committee of the Whole was scheduled before October 10.

Mr. Sanford asked for the origin of the ordinance. Mayor Botelho said he asked for it to be drafted. Mr. Sanford said he was inclined towards Mr. Wanamaker’s motion, as the Assembly recently discussed the Eaglecrest Board membership and somehow left them out of the loop. There was a lack of getting information back from the boards.

Mayor Botelho restated the motion, which was to introduce Ordinance 2005-32, refer it to the enterprise boards for comment, and return it to the Committee of the Whole to hear the board’s comments.

The Assembly discussed a timeframe for the Committee of the Whole meeting on this subject and determined that to allow the boards sufficient time for comment it would be after the election.

Roll Call on amendment:
Aye: Dybdahl, Sanford, Stone, Wanamaker, Botelho
Nay: Peterson, Ridgeway, Wheeler

Motion passed: 5 aye, 3 nay.

Hearing no further objection, the amended main motion passed.

VIII. PUBLIC HEARING

A Ordinance 2005-27
An Ordinance Relating To Membership On The Board Of Directors Of The Juneau Airport Board.


Public Comments:
Tom Williams, 3170 Fritz Cove Rd., a member of the Airport Board, said he missed the Committee of the Whole meeting at which this ordinance was discussed. He opposed the ordinance and recommended against adoption. The Assembly had the ability with every appointment to appoint or not appoint tenants. This ordinance would artificially limit qualified candidates. He was an employee of a tenant while on the airport, and the effect of this ordinance would be his removal, as he was the member up for reappointment. He said it was critical that the tenants be well represented on the board, and the board was moving away from being a tenant board. Vested interests were not bad and they were good to keep bureaucracy from getting out of hand. If the Assembly did not like members, they could boot them off and not renew them, but the Assembly should not hamstring its ability to select qualified people.

Assembly Action:


Mr. Wheeler said this ordinance was based on a recommendation by the auditor, discussions at the Committee of the Whole, and was not aimed at any one member.

Mr. Sanford asked why line 23 in the Ordinance was kept, which referred to appointments to the airport board should have aeronautical, engineering, financial and other skills relevant to airport matters. The Assembly wanted the members of the boards to be to be experienced people in their fields. Everyone on the harbors board had a boat.

Mr. Wheeler said he supported striking line 23. The boards were running businesses. They did not have to know the specifics, but had to be good managers. The boards hired good managers to run the operations and provided good governance. The board looked out for best interest of airport and the community, but needed to operate without the appearance of looking out for their own interests.

Mr. Ridgeway said he interpreted line 23 differently. There had a large number of tenants on the board rather than have the specific experience outlined. The sentence could be tapped by citizens other than tenants.

Roll call:
Aye: Peterson, Ridgeway, Wheeler, Botelho
Nay: Dybdahl, Sanford, Stone, Wanamaker
Motion failed: 4 aye, 4 nay.

Mr. Wheeler gave notice of reconsideration.

B. Ordinance 2005-29
An Ordinance Relating To The Seawalk In The Area Encompassed By The Long Range Waterfront Development Plan.

Administrative Report: Attached. The manager recommended Ordinance 2005-29 be held over until the October 10, 2005 regular Assembly meeting to give the Planning Commission an opportunity to complete its review.

Public Comments: None.

Assembly Action:
Hearing no objection to the manager’s recommendation, Ordinance 2005-29 was held over until the October 10, 2005 regular Assembly meeting.

C. Ordinance 2005-30

**An Ordinance Amending The Official Zoning Map Of The City And Borough To Change The Zoning Of A Portion Of Lot 4, USS 5504, Located Behind Lemon Creek Correctional Facility, Currently Zoned D-5, Residential, To RR, Rural Reserve.**

**Administrative Report:** Attached. The manager recommended Ordinance 2005-30 be adopted.

**Public Comments:** None.

**Assembly Action:**

*Motion*, by Wanamaker, to adopt Ordinance 2005-30 and he asked for unanimous consent. Hearing no objection, Ordinance 2005-30 was adopted.

D. Ordinance 2005-11 (H)

**An Ordinance Appropriating To The Manager The Sum Of $769,737 As Partial Funding For Juneau International Airport Environmental Impact Statement, Funding Provided By The Federal Aviation Administration And The Alaska Department Of Transportation And Public Facilities.**

**Administrative Report:** Attached. The manager recommended Ordinance 2005-11(H) be adopted.

**Public Comments:** None.

**Assembly Action:**

*Motion*, by Sanford, to adopt Ordinance 2005-11(H). Mr. Sanford said that almost $4 million has been spend on the Draft Environmental Impact Statement to date, over many years of work, and he found it frustrating that it took so much time and money to improve the airport.

Hearing no objection, Ordinance 2005-11(H) was adopted.

E. Ordinance 2005-11(I)

**An Ordinance Appropriating To The Manager The Sum Of $9,900 As Partial Funding For Interpretive Signs At Marine Park, Funding Provided By The Alaska Department Of Natural Resources.**

**Administrative Report:** Attached. The manager recommended Ordinance 2005-11(I) be adopted.

**Public Comments:** None.

**Assembly Action:**

*Motion*, by Ridgeway, to adopt Ordinance 2005-11(I) and he asked for unanimous consent. Hearing no objection, Ordinance 2005-11(I) was adopted.
F. Ordinance 2005-11(J)
An Ordinance Appropriating to the Manager the Sum of $18,322 as Partial Funding for the Ski-to-Sea Trail at Eaglecrest and the Dive Park Underwater Trail, Funding Provided by the Federal Highway Administration.


Public Comments: None.

Assembly Action:
MOTION, by Wheeler, to adopt Ordinance 2005-11(J) and he asked for unanimous consent. Hearing no objection, Ordinance 2005-11(J) was adopted.

G. Ordinance 2005-11(K)
An Ordinance Appropriating To The Manager The Sum Of $280,000 As Funding For The Purchase Of A Snow Grooming Vehicle, Funding Provided By Lease Purchase Agreement.


Public Comments: None.

Assembly Action:
MOTION, by Ridgeway, to adopt Ordinance 2005-11(K) and he asked for unanimous consent. Hearing no objection, Ordinance 2005-11(K) was adopted.

H. Ordinance 2005-11(L)
An Ordinance Appropriating To The Manager The Sum Of $45,000 As Partial Funding For Mendenhall River Erosion Control For The Construction Of The New High School, Funding Provided By The Alaska Department Of Fish And Game.


Public Comments: None.

Assembly Action:
MOTION, by Wanamaker, to adopt Ordinance 2005-11(L) and he asked for unanimous consent. Hearing no objection, Ordinance 2005-11(L) was adopted.

I. Ordinance 2005-11(M)
An Ordinance Appropriating To The Manager The Sum Of $9,900 As Funding For The Juneau-Douglas City Museum To Develop A Permanent Exhibit On Juneau As Alaska’s Capital City, Funding Provided By The Alaska Department Of Education And Early Development.


Public Comments: None.

Assembly Action:
MOTION, by Peterson, to adopt Ordinance 2005-11(M) and he asked for unanimous consent. Hearing no objection, Ordinance 2005-11(M) was adopted.

J. Ordinance 2005-11(N)
An Ordinance Appropriating To The Manager The Sum Of $87,750 As Funding For The Purchase And Installation Of Two Cranes And A Key Card System At The Auke Bay Commercial Loading Facility, Funding Provided By The Alaska Department Of Commerce, Community And Economic Development.


Public Comments: None.

Assembly Action:

MOTION, by Dybdahl, to adopt Ordinance 2005-11(N) and he asked for unanimous consent. Hearing no objection, Ordinance 2005-11(N) was adopted.

The Assembly recessed from 7:30 – 7:35 p.m.

IX. UNFINISHED BUSINESS - None

X. NEW BUSINESS

A. Liquor Licenses

Mr. Peterson reported that the Island Pub, 1102 2nd Street, Douglas, had withdrawn its request for a Restaurant Designation Permit.

MOTION, by Peterson, that the Assembly, at the recommendation of the Community Development Department and the Human Resources Committee, withdraw its protest of the pending liquor licenses for Bullwinkle's Inc. d/b/a Bullwinkle's Pizza - License #188 (location 318 Willoughby) and Ri D Kwag d/b/a Canton House - License #2185 (location 8585 Old Dairy Road). Hearing no objection, it was so ordered.

B. Parke v. Planning Commission – Notice of Appeal

MOTION, by Wheeler, to accept the appeal, that the Assembly hear the appeal itself, and that the Mayor preside.

Mr. Dybdahl objected. He said in reviewing the deliberations held by the Planning Commission, he felt that this appeal was a waste of the Assembly’s time.

Roll call:
Aye: Peterson, Ridgeway, Sanford, Stone, Wanamaker, Wheeler, Botelho
Nay: Dybdahl
Motion passed: 7 aye, 1 nay.

XI. STAFF REPORTS

A. Community Development Department Report – Dale Pernula
Mr. Pernula reported on action at recent Planning Commission meetings. He said the Planning Commission had reviewed the remodel of the School District Central Office for conversion for use as an Alternative High School, Pt. Lena Heights Subdivision, the Cottage Housing ordinance, the construction of a new thrift store for St. Vincent De Paul and conversion of the existing thrift store to apartment units as part of a CDBG city grant, the Park appeal, two rezoning requests which were on the Assembly’s agenda at this meeting, the Pt. Lena Subdivision, the Seawalk ordinance, and a construction yard on Sherwood Drive for Miller Construction.

Mr. Pernula said that there would be a public hearing for the Cottage Housing ordinance on October 11, 2005.

XII. ASSEMBLY REPORTS

A. Committee Reports

Committee of the Whole: Chair Wheeler set a COW October 3, Monday, to review comments on Ordinance 2005-32 comments, Bartlett Preferred Provider Status and to have a report on the emergency planning status.

Human Resources Committee:

MOTION, by Peterson, to adopt the Human Resources Committee recommendation to appoint Rick Reyes to the ADA Committee, for a seat with a term ending August 2008. Hearing no objection, it was so ordered.

MOTION, by Peterson, to adopt the Human Resources Committee recommendation to appoint Mike Chambers to a Public Seat of the Parks and Recreation Advisory Committee, term ending February 2008. Hearing no objection, it was so ordered.

Mr. Peterson said that the HRC heard an annual report of the Douglas Service Area Advisory Board, which had requested a change to its establishing resolution.

Mr. Peterson requested, with the concurrence of the HRC, that the city attorney be asked to draft a resolution reducing the number of members from 9 to 7 and to change to board’s name. Hearing no objection, it was so ordered.

Public Works and Facilities Committee: Chair Sanford said the next meeting would be October 10, 2005, at Noon.

Lands and Resources Committee: Chair Wanamaker said the next meeting would be October 10, 2005, at 5 p.m.

C. Liaison Reports – None.

D. Presiding Officer Reports

1. Williams v Planning Commission – Decision on Appeal

Mayor Botelho noted the Decision and Order in the packet, and Mr. Williams’s comments, which he considered a motion for reconsideration.

MOTION, by Wheeler, to adopt the Decision and Order in the case of Williams v. Planning Commission. Hearing no objection, it was so ordered.
XIII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Sanford said tourist pedestrian traffic downtown was very busy, however there were no crossing guards on duty. He asked staff to look at jaywalking fines or signage to encourage people to use the crosswalks. The roundabout at the library was a particular problem.

Ms. Pierce said the Wayfinding Project, which will be established next summer, should help – the signs had been ordered. Peter Freer was asked to look at the roundabout area specifically, and they understood the nature of the problem at the roundabout for pedestrians.

Mr. Wheeler asked for a report on the work done on a bus stop in front of the Aware Shelter to be presented to the Public Works committee.

Mr. Wheeler said he wanted to clarify for voters that the ballot was clear on Proposition 1. People could vote yes or no on all three options individually, and urged people to read the ballot closely. He thanked people for work on the Vigil and Katrina Mardi Gras party, which was good family event and raised more than $11,000 for relief efforts.

Mayor Botelho thanked Juneau for its generosity and those who organized events for their efforts. He said it was gratifying to see the number of young people raising funds, and he congratulated Mr. Wheeler on his gumbo.

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

XV. EXECUTIVE SESSION

XVI. ADJOURNMENT - 7: 52 p.m.

Signed: ______________________  Signed: _______________________
          Laurie Sica, CMC, Municipal Clerk       Bruce Botelho, Mayor