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## THE CITY AND BOROUGH OF JUNEAU, ALASKA

April 3, 2000

**MEETING NO. 2000-07:** 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 Dennis Egan.

I. **FLAG SALUTE** was led by Mayor Egan.

II. **ROLL CALL**

Assembly Present: Garrett (arrived after roll call), Etheridge, MacKinnon, Perkins, Powell, Egan, Pillifant, Muñoz and Koelsch

Assembly Absent: None

A quorum was present.

Staff Present: Laurie Sica, Municipal Clerk; Dave Palmer, City Manager; John Corso, City Attorney; Donna Pierce, Deputy City Manager; Joan Wilkerson, Personnel Director; Chief Doyle, Fire Department; Ernie Mueller, Public Works Director; Al Heese, acting Airport Manager; Cheryl Easterwood, CDD Director

III. **APPROVAL OF MINUTES**

1. **02/14/00 - Regular Meeting No. 2000-04**
2. **03/06/00 - Regular Meeting No. 2000-05**
3. **03/20/00 - Regular Meeting No. 2000-06**

*MOTION - by Koelsch, to approve the minutes of Regular Meeting No. 2000-04, held February 14, 2000, and he asked unanimous consent. There being no objection, it was so ordered.*

*MOTION - by Koelsch, to approve the minutes of Regular Meeting No. 2000-05, held March 6, 2000, and he asked unanimous consent. There being no objection, it was so ordered.*

*MOTION - by Koelsch, to approve the minutes of Regular Meeting No. 2000-06, held March 20, 2000, and he asked unanimous consent.*

Ms. Pillifant wanted the record to reflect that for Resolution 2025, her motion to adopt the resolution with the Manager's recommendation to remove "the Main Street" from the title included removing "the Main Street" from the body of the resolution as well.

There being no objection, it was so ordered.

**SPECIAL ORDER OF BUSINESS**

1. **April Alcohol Awareness Month Proclamation**

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Mayor Egan read the proclamation into the record. It was accepted by Wayne Le Blanc.

## 2. **Collective Bargaining Strategies**

*MOTION* – by MacKinnon, to suspend the rules and postpone the collective bargaining strategies for an executive session to be held at the end of the meeting. There being no objection, it was so ordered.

Mr. Corso also wanted to report on litigation during the executive session.

## IV. **MANAGER’S REQUEST FOR AGENDA CHANGES**

Mr. Palmer noted the red folder item, Ordinance 2000-09 and he asked that it be added to the Consent Agenda. There being no objection, it was added to the consent agenda.

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

*Robert Garrison*, 528 West 11<sup>th</sup>. He was upset that meetings facilitated by the borough do not have a clear agenda, and perimeters for the meeting are not laid out at the beginning of the meeting. If a person is allowed three minutes, they should not be allowed to ramble on for ten minutes about something that is way far afield. Often times, people get into things that they don’t know what they are talking about and often times he finds it on the borderline of even being untrue. He suggested that the borough either educate them or have a pamphlet on how to conduct meetings in a proper way so that people who attend do not have to listen to garbage every time they go to a meeting, or listen to someone doing PR for themselves.

Mayor Egan pointed out that committees operate differently than the Assembly and it is the prerogative of the chair to let someone talk on. Mr. Garrison said three minutes should be kept to three minutes and the topic should stay on course.

Mr. MacKinnon asked if there was some meeting in particular but Mr. Garrison would not say. He said this had been generally true over the years and people have told him that they don’t even bother going to meetings because they don’t want to listen to the nonsense that goes on.

*Kim Metcalf-Helmar*, 730 Gold Street. Her concern was the issue of heliport development as a solution to the noise problem. Recently she wrote a *My Turn* column outlining those concerns, in particular, regarding development of Sheep Creek Valley. Two new developments have added to her concern lately. She had called Cheryl Easterwood to check up on a detail about heliport development and she found out Ms. Easterwood was putting the finishing touches on a lengthy, nine page, amendment to the Land Use Code that would allow more heliports in more zoning districts than are currently allowed. In particular, Thane is zoned RR now and heliports would be allowed there, as well as locations in D1 zones. The next development is a proposal that will be before the Planning Commission next Tuesday, April 11<sup>th</sup>. If okayed by the Planning Commission, it will grant a conditional use permit to AJ Mine/Gastineau Mill Enterprises to build a tourist facility at the site of the Gastineau Mill site (at the Sheep Creek Road). That is the same site that has been suggested as a heliport site. She has not spoken with Murray Walsh, the contact person listed, but the plan could be a simple tourist venture of ten buses a day back and forth to the site. But, the fact there is a new zoning amendment out there and this new plan to build a tourist facility at the same location, is bothersome. She suggested that a committee be formed, in the same manner as the Trails Committee was, bringing in members of the public, the industry, the assembly, and the affected agencies, first to discuss if we really need heliports as a solution to the noise problem. She was concerned that it was only spreading out the problem and she said

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she did not hear the public crying out for heliports to solve the problem so perhaps there are other ways of doing it.

Ms. Muñoz asked staff where direction came from for drafting this amendment; she was not aware of the full Assembly requesting it. Mr. Palmer said it would make heliports a conditional use; it does not place heliports any place. Ms. Easterwood came forward and said the idea came up in the October meeting. At that time, she stated that heliports were not allowed in outlying areas. After that, she received a number of phone calls asking if the code was going to be amended, or would there be a proposal to amend the Land Use Code to allow heliports in more zoning districts. She could not say that one person asked her to start the ball rolling as she had interest from lots of different parties and lots of different areas. What she put together was a discussion draft preliminary amendment to the Land Use Code. She has spoken with several people about it and she is planning to distribute it widely among the interested parties and then collect comments to see if the direction she has put out for consideration is an appropriate direction to go. The proposal would allow heliports in two additional zoning districts, would establish standards for application and review, and would apply to any new heliport.

Ms. Pierce said the question of whether heliports are a feasible way to mitigate helicopter noise is the subject of a study that they have been discussing with the Planning and Policy Committee (PPC). It will be before the Assembly to determine if staff should proceed with the study. There are a lot of questions that need to be answered and a lot of data to consider before the Assembly can make an informed decision.

Mr. Powell said there had been a lot of discussion at the PPC meetings and this ordinance was probably way ahead of the curve on our thinking as far as policy, and also technically as far as data gathering. He hoped it had not raised too much concern in the public because the PPC has not yet begun to determine if they even want heliports. The discussion draft is very premature.

Mr. Perkins was concerned that it was going out to the public for discussion. Ms. Easterwood said it was a complex amendment to the Land Use Code and instead of trying to unilaterally, or on her own, craft the amendment, she thought it best to have some discussion ahead of time. While the Law Department has seen it, no one has asked Mr. Corso to finalize anything into ordinance language because first she thought there needed to be discussion on what is involved in permitting heliports and if it would be appropriate for an ordinance in Juneau. Mr. Perkins asked for a copy of the discussion paper and a copy of any correspondence received back on it.

Ms. Pillifant said dealing with the noise issue is a multi-pronged effort and she appreciated Ms. Easterwood's initiative in beginning to delve into it. She asked Ms. Easterwood if she was looking at closing out the non-conforming land uses in that as well and then moving operations to what would be properly zoned areas in that amendment. Ms. Easterwood said at this point, that was not a feature of the ordinance.

Ms. Muñoz said it has always been her impression that with major pieces of legislation, or drafting, there be the backing of the full Assembly or the backing of a committee. It appears that direction has been given to staff to draft a major piece of legislation without a lot of the Assemblymember's even knowing about it.

Mayor Egan assumed that the Planning Commission would discuss this as well. Ms. Easterwood said the Planning Commission had not discussed it, it has only been within the PPC. The ordinance establishes things such as parking requirements, buffers, landscaping requirements, the usual requirements for any type of major facility, as well as noise monitoring requirements. Parts

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of it are very common and parts are different. Mayor Egan clarified that there could not even be a heliport if there were not amendments to the Land Use Code. Ms. Easterwood said heliports were currently allowed as a conditional use permit in an industrial and general commercial zoning district. There are no standards for reviewing heliports though, and no particular application requirements.

Ms. Metcalf-Helmar said she did not want to represent this as anything but a draft. She had been asking about where heliport were currently allowed and she really appreciated Ms. Easterwood's honesty and willingness to share this with her as soon as it became available to others.

## VI. **CONSENT AGENDA**

Ms. Muñoz asked for the removal of item C1, 2, 3 and 4. Mr. Palmer asked to remove item A-1, Ordinance No. 99-17 (W) to amend the title.

*MOTION - by MacKinnon, to adopt the Consent Agenda as amended with the removal of Ordinance 99-17(W), Items C1, C2, C3 and C4, and the addition of Ordinance 2000-09 for introduction. There being no objection, it was so ordered.*

### A. **Ordinances for Introduction**

#### 2. Ordinance No. 99-17 (X)

AN ORDINANCE APPROPRIATING TO THE MANAGER THE SUM OF \$100,000 AS ADDITIONAL FUNDING FOR THE RIVERBEND ELEMENTARY SCHOOL. SUCH FUNDS PROVIDED BY INTEREST INCOME EARNED FROM UNSPENT PROJECT FUNDING.

Administrative Report: Attached. The Manager recommended this ordinance be scheduled for public hearing at the next regular Assembly meeting.

#### 3. Ordinance No. 2000-09

AN ORDINANCE AMENDING THE COMMERCIAL PASSENGER VEHICLE CODE TO AMEND THE DEFINITION OF COURTESY VEHICLE; AMEND THE CODE TO CLARIFY THAT THE CHIEF OF POLICE APPOINTS THE CPV ADMINISTRATOR; ESTABLISH THE OFFENSES OF RADAR DETECTORS PROHIBITED, EXCESS NUMBER OF PASSENGERS PROHIBITED, RADIO SCANNERS IN TAXIS RESTRICTED, AND USE OF COMMERCIAL PASSENGER VEHICLE AS COURTESY VEHICLE, AND ESTABLISHING PENALTIES FOR THE VIOLATION THEREOF; AND AMENDING THE PURPOSE AND CONDITIONS OF THE SHUTTLE ENDORSEMENT TO INCLUDE SCHEDULED STOPS AND ESTABLISHING AS AN INFRACTION A FAILURE TO FOLLOW THE SCHEDULE.

Administrative Report: The Manager recommended this ordinance be scheduled for public hearing at the next regular Assembly meeting.

### B. **Resolutions**

#### 1. Resolution No. 2027

A RESOLUTION TO THE STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES EXPRESSING CONTINUED SUPPORT FOR THE DOUGLAS HIGHWAY SAFETY IMPROVEMENT PROJECT, CORDOVA STREET TO DOUGLAS.

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Administrative Report: Attached. The Manager recommended approval of this resolution

2. Resolution No. 2028  
A RESOLUTION AUTHORIZING THE MANAGER TO AMEND THE EXISTING LEASE OF LAND WITH ST. ANN'S CARE CENTER, INC., TO ADD AN ADDITIONAL 4,100 SQUARE FEET AND TO EXECUTE A NO-BUILD EASEMENT.

Administrative Report: Attached. The Manager recommended approval of this resolution.

- A1. Ordinance No. 99-17 (W)**  
**AN ORDINANCE APPROPRIATING TO THE MANAGER THE SUM OF \$100,000 FOR AN ACOUSTIC STUDY OF NEIGHBORHOODS AFFECTED BY FLIGHTSEEING NOISE. SUCH FUND PROVIDED BY THE GENERAL FUND UNAPPROPRIATED FUND BALANCE.**

Administrative Report: Attached. The Manager recommended amending the title to include after the word noise, "and to conduct feasibility studies for alternate heliport sites." The estimate to do the noise component was in the order of \$100,000. The estimate to do the alternate heliport sites was almost equal to that, depending on how they write the scope.

Public Participation: None at this time.

Mayor Egan wanted to be sure that this ordinance could still be introduced tonight with that change. Mr. Corso said it simply added an additional item for the same amount of money and the same purpose.

Assembly Action:

MOTION - by Garrett, for introduction, Ordinance 99-17 (W) with the Manager's amendment, for the purposed of discussion.

Mr. Perkins clarified this would expand the scope of the ordinance for the same amount of money. Mr. Palmer said this appropriation would be sufficient to allow staff to get the RFP out on the street. Once they have proposals come in and they negotiate with the proposers, staff would have a better idea of the actual cost. The RFP would have two components and the \$100,000 would fund the first component, the noise study. Mr. Perkins thought if the title was changed and the scope of work was expanded, there should be a fiscal note of what it was really going to take. Mr. Palmer said the PPC asked for the work, but they did not identify a source of funds. There is \$119,000 in the general fund unappropriated fund balance so they used \$100,000 of that. They expect that once they get in to the spending of passenger fee money, they will identify that as a source. The effort was to get the RFP moving because it would be a push to get a consultant on board, equipment here, and a plan in place to do the noise study for the summer. They wanted to have the ability to write the RFP for both pieces so they could have one consultant on the hook to do both phases.

Mr. Powell clarified they did not know the cost of the other component. Ms. Pierce said they had estimates on the heliport feasibility study as well as on the noise study. They could add the extra money but they would have to designate yet another source because there is not enough money in

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the unappropriated fund balance to cover both. Without the data, it would be hard to proceed on any of the goals that the PPC has laid out. Mr. Powell said it appeared they were being asked to conceptually go after two things: the noise study and then the heliport, which was an issue he was not sure the Assembly embraced. Ms. Pierce said the purpose of the study would provide the data to help the Assembly answer the question of if heliports were a feasible way to mitigate flightseeing noise.

Mr. MacKinnon could see the value of getting on with the acoustical study right away, but said it would be a while before they would have the ordinance that Ms. Easterwood was working on.

## Assembly Action

AMENDMENT – by MacKinnon, that the title not include that section that says “and to conduct feasibility studies for alternate heliport sites”.

Ms. Pierce said there were advantages to doing these together in that they were really connected; there is a lot of coordination. If they were done as two separate studies, staff would then have to create and manage the coordination between the two. If it were done as one, then the consultant would have the obligation of managing all the components as one RFP.

Ms. Pillifant said the draft for discussion that Ms. Easterwood has, talks to remote heliport zoning. “Alternate”, to her, would mean that an alternate heliport site could include the airport as well as an appropriately zoned site. A remote heliport site speaks to adding additional heliport sites. Right now we do need to take a closer look at the possibility of alternate heliport sites. Ms. Pierce agreed that was the intention.

Mr. Perkins could see the validity of linking the two together, but his concern was that the fiscal note did not show the true cost.

Mr. Garrett did not support Mr. MacKinnon’s amendment. He felt that two issues, that were not necessarily related, had become confused. The PPC spent a lot of time and has reviewed a very comprehensive RFP to secure the services of an environmental consultant to determine whether or not alternate heliport sites would reduce noise and if so, what steps would need to be taken in order to move those steps. A big piece of that is noise analysis and noise monitoring. Totally separate from that, Ms. Easterwood has been working on another task the PPC gave staff, which was to come up with an RFP to come up with an overall noise-monitoring program for Juneau. When we looked at the two studies, it made no sense to spend more money to hire two consultants to get something that one consultant could do for less money. If the amendment is not made tonight, it cannot be added next week.

Mayor Egan was not happy about getting the amendment tonight. Mr. MacKinnon did not have a problem introducing the ordinance, but he was not in favor of debating the merits of the substance of the ordinance at this meeting. *He withdrew his amendment.*

Mr. Corso pointed out that if the Manager’s proposed amendment were adopted, the amendment should include the body of the resolution in Section 2, and not just the title.

Mr. Perkins objected to the late hour of making this kind of change to the title.

## ROLL CALL

Ayes: Garrett, Koelsch, MacKinnon, Muñoz and Pillifant

Nays: Etheridge, Perkins, Powell and Mayor Egan

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Motion carries: 5:4

## C. Liquor license Renewals:

1. Beverage Dispensary  
The Baranof Hotel – Bubble Room  
Imperial Bar  
The New Penthouse  
Mike’s  
Rendezvous  
Triangle Club
2. Restaurant/Eating  
Olivia’s De Mexico  
Fernando’s  
Pizzeria Roma  
Taku Glacier Lodge/Flight seeing
3. Club  
Eagles #4200
4. Package  
Alaska Cache Liquor  
Budget Liquor  
Oaken Keg Spirit Shop #1820

Administrative Report: Attached. The Manager recommended the Assembly adopt the Human Resources Committee recommendation from its April 4,2000 meeting regarding its right to protest the licenses as reported.

### Assembly Action

*MOTION – by Muñoz, that the Assembly waive its right to appeal the liquor licenses for the Baranof Hotel - Bubble Room, the Imperial Bar, Mike’s Place, the Rendezvous, the Triangle Club, Olivia’s De Mexico, Fernando’s, Pizzeria Roma, the Eagles Club, and the package liquor license for the Alaska Cache Liquor, Budget Liquor and Oaken Keg Spirit Shop. There being no objection, it was so ordered.*

*MOTION – by Muñoz, that the Assembly waive its right to appeal the license for the Taku Glacier Lodge/Flight Seeing Company pending approval from the Fire Department of their building code issues. There being no objection, it was so ordered.*

She said the Fire Department was unable to get into the building because it was closed for the season. The New Penthouse would be taken up at their next meeting pending information that was requested by one of the committee members.

## VII. ORDINANCES FOR PUBLIC HEARING

1. **Ordinance No. 99-17 (V)**  
**AN ORDINANCE APPROPRIATING TO THE MANAGER THE SUM OF \$83,500 FOR THE FOLLOWING CAPITAL PROJECTS: AIRPORT REVOLVING CAPITAL RESERVE ACCOUNT, GENERAL AVIATION AND AIR CARRIER RAMP DESIGN, AIRPORT MASTER PLAN,**

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**REHABILITATION OF BLAST PADS, HARD STANDS AND CHIP SEAL, AIRPORT PERIMETER FENCE I AND AIRPORT TERMINAL WALL AND CEILING REHABILITATION. SUCH FUNDS PROVIDED BY PASSENGER FACILITY CHARGES.**

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

Public Participation: None

Assembly Action:

MOTION - by Perkins, to adopt Ordinance 99-17 (V), and he asked unanimous consent.

Mr. Perkins noted that the board should be commended for putting the passenger facility charge dollars back into the airport; it is one of the success stories.

There being no objection, it was so ordered.

VIII. **UNFINISHED BUSINESS** - None

IX. **NEW BUSINESS** - None

X. **ADMINISTRATIVE REPORTS ON NON-AGENDA ITEMS**

A. **Manager's Report - Action Items**

1. *2000 Voluntary Compliance Program*

Administrative Report: Attached. Mr. Palmer deferred to the chair of the PPC. Mr. Garrett said the PPC and a special subcommittee of the TAC had been at work for the past month making revisions to the 2000 Voluntary Compliance Program. Because of the intense interest in flightseeing issues and some of the suggestions that were regulatory and legal in nature of actions the city might take, they undertook all flightseeing issues in the PPC. Then a subcommittee, chaired by Dennis Mieners of the TAC and having Kirby Day and Kim Metcalf-Helmar as members, reviewed all the other items in the previous voluntary compliance program and recommended some changes. He passed out a memo from Caryl McConkie, staff support for the PPC, which highlighted what the changes were. There were a number of changes to get the industry to behave more responsibly and to allow citizens to live their lives without being unduly effected by the tourism industry. He called attention to item No. 3 and said each year there are two letters of agreement that are negotiated between all the aircraft operators and the FAA. The first letter regards operations procedures at the Juneau International Airport control zone, which are negotiated with the people who operate the tower. A separate letter of agreement is negotiated for all the aircraft activities outside the control zone. Those agreements are signed off by non-tourism operators, and he explained the complexity of the issue. Getting this negotiated and signed takes time and they hope to have it distilled into laymen's terms for the Assembly.

Mr. Perkins thanked Mr. Garrett and his committee for all their hard work. There being no objection, it was so ordered.

**B. Manager's Report - Information Items**

1. *Street Painting Memo from Public Works.*

Administrative Report: Mr. Palmer said as soon as the streets are swept, cleaned up and the sun comes out enough to dry the pavement, the striping will be done.

2. *Junk Cars on commercial property*

Administrative Report: Mr. Palmer said that Mr. Garcia met with folks at Kmart and with Charlie Robinson about the lot next to Taco Bell in the Valley. A manager for Kmart arrived yesterday and this morning when he went out, there were seven new cars in the lot that came in over night. He found out it would cost about \$5,000 to haul those cars away and he was talking with Corporate Headquarters to get authorization to do that. The cars that have been left on private property become the problem of the private property owner who must then go to DMV to try to track down the previous owner. If the people are caught, the city will respond right away and charge people with trespass. One problem is that people do not notify DMV that they have sold the car. Judges have thrown citations out of court when the city has cited a registered owner who showed up with a contract that could prove that the car was sold. The Attorney's Office is looking into whether or not failure to notify DMV could become a separate offense. As the private property owners get better at keeping the cars off their lots, he expects to see more show up on city property, bringing the city back to the problem to trying to find a way to dispose of cars that are left on public property. The Assembly had amended the zoning ordinance to allow some waterfront property be used as a storage area for cars, but the owners never came through with a plan. Mr. Tongsgard has the site where he loads vehicles onto the barges. Waste Management stores the vehicles on their property at the charge of \$150 each. The cost to dispose of a car, to clean it, to empty the oil and gas and dispose of that, get rid of the battery and tow the car to the lot and then pay the holding fee of \$150 is a total of \$400-500. Staff continues to look at city property for an alternate site. Mr. Tongsgard would like to continue the business but is having a hard time paying the \$150 holding fee. The manager at Kmart said he and other business owners were willing to get together with the city and bring in a portable crusher if that would help. Staff will help people to try to do the right thing and dispose of their vehicles properly.

Mayor Egan said he thought it was wrong that the private property owner was the person who was liable. They have a parking lot and they cannot control who comes in and out of their parking lot dumping cars. The private sector should be able to call the city and have the owner ticketed, fined and removed.

Mr. Palmer said some companies are very aggressive and tow cars within 24 hours. Some businesses have not done that and junk cars attract more junk cars. Mayor Egan really wanted to see some laws in place to deal with this issue.

Mr. MacKinnon said one suggestion had been to add a charge to the Hazardous Waste and Recycling charge but nothing has come through on that. The Junk Buster Ordinance could also be amended and toughened up. Mr. Powell agreed and asked staff to come back to the Assembly with a fee to the Hazardous Waste

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and stiffer fees in the ordinance. He added that it should be two pronged with incentive and disincentive.

Assembly Action:

*MOTION - by Garrett, that the Assembly directs the Manager to use funds from the Hazardous Waste and Recycling Fund, and immediately remove those cars from the Kmart parking lot and from the lot between Taco Bell and the Thunder Mountain Café.*

Mr. Garrett said this had become an unbelievable embarrassment to the community. Lets fix the problem, get rid of the cars, and then deal with the long term solution. He directed staff to pursue the owner and send the bill to them. He did not care whether they registered or did not register. It is not the responsibility of the businesses to get rid of those cars.

There being no objection to the direction, it was so ordered.

Ms. Pierce clarified it was the Assembly's interest to have this back before them with a proposal to raise the waste management fee for a long-term solution.

Mr. MacKinnon also wanted procedures followed with cars that were abandoned on city streets.

Mr. Corso pointed out that it was the obligation of Kmart and every other private property owner to remove vehicles on their property, just as it is the city's obligation to reduce junk cars on its property. If the city chooses to help out Kmart at the direction of the Assembly, that is one thing, but it none the less remains the property owner's obligation. Mayor Egan thought the Assembly had pointed out that they do not feel that is correct. It is not Kmart that is attracting and inviting those vehicles to their lot.

Mr. Palmer went on to note the Capital School, soon to be the Terry Miller Legislative Hall, Dedication was scheduled for Wednesday from 5-7 p.m. May 12<sup>th</sup> they will have the dedication of the Juneau Police Department Building at 3 p.m. with an open house for the community until 7 p.m.

**C. Attorney's Report - None**

**XI. MAYOR AND COMMITTEE REPORTS ON NON-AGENDA ITEMS**

**A. Revised Pending Items**

**B. Unappropriated General Fund Unreserved Fund Balance**

**C. Assembly Contingency Fund Balance**

**D. Committee Reports**

1. Standing Committees:

a) *Committee of the Whole* – Mr. MacKinnon said they would have a meeting on Monday night at 5 p.m. in the chambers. The subject would be the Wetlands Mitigation banking. Staff and the consultants would be present.

b) *Finance Committee* – Mr. Perkins said there would be a meeting on Thursday at 5 p.m. in chambers for the purpose of rolling out the Manager's first cut at the budget.

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He asked the Clerk to add a revised pending to the Finance Committee about the previous request from Community Cable Access for a \$600 piece of equipment.

- c) *Human Resources Committee* – Ms. Muñoz had a request from the Energy Advisory Committee to appoint a liaison to that committee. Mayor Egan said it was tough having Assembly liaison's because Assemblymembers were already involved in other enterprise boards, the Chambers, and JCVB. He asked for any volunteer to notify him in the morning. Ms. Muñoz asked that the volunteer contact the chair of the committee.

MOTION – by Muñoz, to confirm the appointment of Earl Clark, Kenneth Dean, Elizabeth Bachmeier, and Beau Kelly for full terms, and Matt Kemp for one unexpired term to the American's with Disabilities Committee. There being no objection, it was so ordered

MOTION – by Muñoz, to confirm the appointments of Patrick Gornan and Steve Burnett to the Building Code Advisory Board. There being no objection, it was so ordered.

MOTION – by Muñoz, to confirm the reappointment of Peter Bibb, Kurt Dzinich and Paul Rusanowski to full terms, and the appointment of Patty Zimmerman for an unexpired term on the Energy Advisory Committee. There being no objection, it was so ordered.

MOTION – by Muñoz, to confirm the appointments of Ronald Ross, Stephen Wright and Sandro Lane to the Fisheries Development Committee. There being no objection, it was so ordered.

MOTION – by Muñoz, to confirm the appointment of Elfrida Nord to the Juneau International Relations Advisory Board. There being no objection, it was so ordered.

MOTION – by Muñoz, to confirm the appointment of Kathy Stepien to the Juneau Women's Council. There being no objection, it was so ordered.

MOTION – by Muñoz, that the membership on the Advisory Committee on Housing be reduced from nine members to seven members. There being no objection, it was so ordered.

MOTION – by Muñoz, to disband the Juneau Youth Commission and pull it together on an ad hoc basis as needed. There being no objection, it was so ordered.

Mr. MacKinnon noted that a member of the Youth Activity Board was a member of the Youth Commission so an amendment may need to be made to the enabling resolution to make the source of that one person from some where else.

Ms. Muñoz said the committees have been good about submitting their reports and the Clerk's Office has them on file.

- d) *Lands and Resources Committee* – Mr. Powell said there would be a meeting on Wednesday at 11:30.

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- e) *Public Works and Facilities Committee* – Mr. Koelsch said they would meet Wednesday at noon to discuss the work to be done on Gastineau Avenue.
  - f) *Planning and Policy Committee* – Mr. Garrett said their next meeting would be Monday, the 17<sup>th</sup> of April at noon. He suggested that at the beginning of May, a COW be scheduled to review everything that has gone on in the PPC for the last several months. Mr. MacKinnon said he would schedule that.
2. Board Liaison Reports
- Mayor Egan said the Alaska Committee would meet in the Assembly Chambers on Wednesday at 7 a.m. to receive an update on the Accelerated Transportation Proposal from Kurt Parkan and Bob Dahl.

Mr. Garrett said the Harbor Board would be sending revisions to regulations governing basic tour permit sales. They are also adopting some regulations with regard to the issuance of commercial use permits on harbor property. Those may be coming before the Assembly the first part of May.

Ms. Muñoz reported that the Hurlock appeal was settled in a pre-hearing conference so it would not be coming before the Assembly. She then reported that the Trails Working Group would meet tomorrow at noon in the Downtown Library to consider the written comments that were received in the last two weeks and also the public comments from the meeting held at Centennial Hall. They plan two more meetings as a group and then they expect to wrap up their work and send a recommendation to the Assembly.

Mr. Powell said he had been attending the Industry Government/Citizen/Cruise Ship working group and he diagramed the group that has been meeting. The steering committee has heads of agencies, industry representatives, federal, state and citizens. They came together to address the issues of cruise ships and emissions and then they divided into four groups including oil spill, water, air and environmental leadership, which is volunteer compliance. The steering committee met today and received draft reports from all the subcommittees and he expects action items would be reported in the up coming weeks. He said positive outcome for the community included the industry and government doing additional air monitoring for ambient air. This year looks like a year of collecting data and establishing systems and trying to figure out where the systems need to be set up to determine if there is a problem as far as health risk and pollution and the other medias. He said he has been attending the meetings as much as he can and he is a member of the air group.

## XII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Etheridge asked for a resolution urging the Alaska State Legislature to fund the fairly negotiated contracts from this body. Mayor Egan said this was discussed at the delegation meeting. Mr. Perkins said the language was along the lines that because of their good faith bargaining on both the Administration and the public employees, that this body go on record that the legislature fund those contracts as negotiated. Mr. Palmer said a letter could be drafted for the Mayor's signature so it could go out right away and Mr. Etheridge said a letter would be fine. Mr. Powell asked Mr. Corso if his being a state employee was a conflict of interest. Mr. Corso agreed it would be and Mr. Powell was allowed to step down. Mr. Etheridge noted that Mr. Perkins did not have a tie into this contract because he was an exempt employee. Mayor Egan

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said language had been discussed at the delegation meeting and the letter would be no problem. Mr. Powell returned to his seat.

Mr. Koelsch commented that he worked with Terry Miller in the '80's and he is an outstanding legislator and Alaskan. He was a great friend of Juneau and Mr. Koelsch felt it was very appropriate to have a building in Juneau named after him.

Ms. Muñoz referred to the sales tax delinquencies in the Juneau Empire. Most notable were the delinquencies from some of the pull tab operations: one was delinquent over \$200,000 and another was close to \$150,000. She said it was getting out of hand and she hoped the city could effectively go after organizations to collect the revenue. Mr. Corso said they were presently engaged in intense litigation with that very goal in mind. They had asked the Superior Court to require the taxpayers to pay the money that is owed into the registry of the Court but the Court declined to do that. Mr. Perkins said there was five outfits owning about a half million dollars that could be used in the city's budget. He asked Mr. Corso the time frame. Mr. Corso said the case was presently in Superior Court, a hearing officer was secured and that officer rendered a decision in favor of the city. Some preliminary motions are out of the way and the Motion for Summary Judgment by the Plaintiff's has been denied. Presently the city's motion for a judgment is being considered by the Court. He warned Mr. Perkins not to count on anything for the budget that was being prepared. Mr. Koelsch said that even if the city wins this, it may be a hollow victory if the plaintiff does not have the money. Mr. Corso said some of the plaintiff's have substantial assets in Juneau, including large buildings and property in other locations around the State. These charities behind the pull tab operators are liable for payment and the city has the ability to cease their property if payment is not made in good faith. Mr. MacKinnon shared the same concern as Mr. Koelsch and said there may be a separation from the parent company and their assets. Mr. Garrett asked if it would be prudent to establish a gaming permit for Juneau that could be withheld in the event that people were delinquent in their sales tax. Mayor Egan said prior arguments on that suggestion were that the businesses have to be allowed to stay in business because that is the only way the revenue would be generated to pay the past taxes. He would be happy to reconsider that. Mr. Corso said he thought a lot of the prior work on the issue was still available and he would try to bring it forward for discussion. Mayor Egan commended staff that the outstanding amounts due were a lot less than they used to be. Ms. Muñoz agreed that staff had done a great job.

Ms. Muñoz then brought up the Juneau Energy Advisory Committee's letter requesting the inclusion of energy efficiency as one of the selection criteria for the High School. Ms. Pierce said that had been brought to her attention and Ms. Fritz had replied that those were criteria that would be considered in the contract, although it was not specifically called out the way the Energy Committee had suggested; the RFP is already on the street. Mayor Egan directed Ms. Pierce to provide the Assembly with a copy of Ms. Fritz' response. Ms. Muñoz said that with this site, there was opportunity for efficiency with the water heat source. She asked that the Energy committee be involved as much as possible through this initial stage.

Ms. Pillifant said she received a nice letter from a neighborhood person thanking Ms. Kiefer and several of her staff members who worked with folks in the downtown neighborhood on some upgrades to Chicken Yard Park. Everyone was very happy

Mr. Powell thanked Mr. Mueller for getting the response out regarding flooding and design work. A letter came in from the Mendenhall Watershed Partnership about some reconstruction on Mendenhall Blvd. and Aspen and he asked if there had been a response to that yet and if not, please do.

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Mr. MacKinnon asked when the ordinance dealing with neighbor access in remote subdivisions would be coming back to the Assembly.

Mayor Egan said the CBJ was only at 44% for the census returns. There were a lot of communities ahead of us and it behooves Southeast Alaska, especially Juneau, not to be undercounted. He urged everyone to get their census forms filled out and turned in because it does translate to about \$1,000 in federal funds to the community, per individual. The census numbers are used for reapportionment and redistricting. Anyone who has not received a census form can call Brad Marshall at 586-5230; the forms are also available at the libraries.

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

Assembly Action:

MOTION – by MacKinnon, to recess into executive session to discuss matters which may effect the finances of the CBJ, employee bargaining, and to discuss litigation. There being no objection, it was so ordered.

EXECUTIVE SESSION

8:45 p.m. – 9:22 p.m.

Ms. Wilkerson said the Airport Manager Selection Center would be held on April 24 and 25. There is a public presentation segment on the evening of April 24<sup>th</sup> and everyone is invited to attend.

Mr. MacKinnon reported that during the executive session, the Assembly heard a report from the personnel director on the status of the upcoming negotiations with the MEBA Bargaining Unit. In addition, Mr. Corso gave a report on the nature of a couple of items of litigation.

XIV. **ADJOURNMENT** - There being no further business to come before the Assembly, and no objection, the meeting adjourned at 9:25 p.m.

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

Signed: \_\_\_\_\_  
Mayor Egan