

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - August 31, 2015

MEETING NO. 2015-24: The Regular Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Mayor Merrill Sanford.

I. ROLL CALL

Assembly Present: Mary Becker, Karen Crane, Maria Gladziszewski, Loren Jones, Jesse Kiehl, Jerry Nankervis (telephonic), Merrill Sanford, Kate Troll and Debbie White.

Assembly Absent: None.

Staff Present: Rob Steedle, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Rorie Watt, Engineering-Public Works Director; Greg Chaney, Lands & Resources Manager; Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Patricia DeLaBruere, Airport Manager; Jordan Nigro, Zach Gorden Youth Center Manager.

II. SPECIAL ORDER OF BUSINESS

A. John Venables Proclamation

Robert Venables was present for Mayor Sanford's reading of a proclamation honoring the work of his father, John Venables, a beloved historical re-enactor, who portrayed many important figures in Alaska's history. He was instrumental in initiating the Seward Statue project, wrote a book "Journey to Statehood" and he honored all Alaska specific holidays. Mr. Venables said that his father loved Juneau and his family appreciated the honor.

III. APPROVAL OF MINUTES

A. August 10, 2015 Regular Assembly Meeting No. 2015-22

Hearing no objection, the minutes of the August 10, 2015 Regular Assembly Meeting 2015-22 were approved.

B. August 17, 2015 Special Assembly Meeting No. 2015-23

Hearing no objection, the minutes of the August 17, 2015 Special Assembly Meeting 2015-23 were approved.

IV. MANAGER'S REQUEST FOR AGENDA CHANGES

Mr. Steedle requested that the item "Update on Recent Incident at Lemon Creek Correctional Center" be removed from the Agenda. He suggested moving the agenda item "Bicknell v Planning Commission" proposed decision on appeal from Unfinished Business to the end of the agenda to allow for an executive session. Mr. Steedle also noted that the manager's report for Ordinance 2015-41 under introduction of ordinances contained an error. The amount of rebate would be \$225.00, not \$200. This would be corrected in the next version.

Hearing no objection, the manager's requests for agenda changes were approved.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Ben Wilcox spoke about the work of the marijuana committee, and said it would be beneficial to add public members with the interest and time to commit to the issue to the committee. He was disappointed in that some committee members had missed meetings and had stated they did not have time to read the material prior to the meeting, and that some meetings had been cancelled.

Wayne Coogan referred to his recent communication with the Assembly regarding a 60 unit housing project he would like to propose to the community on the site near the Douglas Bridge. This may be a late proposal, but he did not see another parcel like this downtown and said it was worthy to discuss. This was not meant to be an "anti-whale sculpture" and some small adjustments to the plans could be made to allow both projects to go forward on the site.

Ms. Troll said she received the communication and found it intriguing but how did it blend in with the long term waterfront project and accommodate the whale sculpture. She asked if he would be willing to meet with staff on this.

Mr. Coogan said one of the biggest hurdles was parking. He was busy with projects and hoped it would be discussed.

Zeke Smyth said he was working on a housing / recreational project on Douglas Island across the street from the tank farms on USMS 569, and was cooperating with his neighbor on a subdivision project. He would be making a presentation to the Planning Commission at a future date.

VI. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction

None.

B. Assembly Requests for Consent Agenda Changes

None.

C. Assembly Action

MOTION, by Becker, to adopt the consent agenda. Hearing no objections, the consent agenda was adopted.

1. Ordinances for Introduction

a. Ordinance 2015-40 An Ordinance Extending the Limited Moratorium on the Receipt or Processing of Applications, Permits, or Pending Approvals Pertaining to Marijuana Establishments.

On January 12, 2015, the Assembly adopted ordinance 2014-50, establishing a moratorium on the acceptance or approval of any development permit pertaining to marijuana establishments. The purpose of the moratorium was to allow the CBJ time to consider and enact time, place and manner legislation

concerning the operation of marijuana establishments in the CBJ. The moratorium is set to end on October 19, 2015, but the CBJ's work has not yet been completed.

This ordinance would extend the moratorium to December 31, 2015, to allow the CBJ time to adopt land use regulations prior to the deadline set by state law for the State to begin the processing of marijuana establishment registrations.

The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- b. Ordinance 2015-41 An Ordinance Amending the Uniform Sales Tax Code Relating to the Senior Citizen Sales Tax Exemption.

Based on recommendations from both the Assembly Tax Exemption Review Committee and the Finance Committee, this ordinance would amend CBJ 69.05.045, Senior Sales Tax Exemption, by limiting the exemption to purchases of essential items (defined as food, heating fuel, electricity and CBJ water and sewer utilities) except for those seniors with a household income at or under 250% of the federal poverty level established for Alaska, who would retain the full existing senior exemption on all purchases.

On July 30, 2015, the Finance Committee addressed two significant implementation policies and recommended the following:

1. The ordinance should define essential food items based on the Federal Food Stamp / SNAP definition of food items. Additionally, only SNAP program participating merchants will be able to exempt senior purchases of qualifying food.
2. CBJ 69.05.045 would provide for an annual rebate in the amount of \$200 to each senior with a household income under 250% of the Federal poverty level for Alaska. This rebate would represent an estimate of the sales tax that would be paid on a senior's non-essential purchases.

The ordinance would have an effective date of January 1, 2016, to allow time for senior citizen education, merchant implementation and in order to allow the Finance Department sufficient time to plan for the implementation and administration of the program.

The manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- c. Ordinance 2014-24(AW) An Ordinance Appropriating to the Manager the Sum of \$15,390,272 to Fund the City and Borough of Juneau's Fiscal Year 2015 Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of Administration.

This appropriation is the State's FY15 42.41% on-behalf PERS benefit paid for CBJ. Funding was authorized by passage of SB119 during the 2014 legislative session.

This is a housekeeping ordinance to properly account for this on-behalf payment and has no impact on the CBJ's finances.

The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- d. Ordinance 2014-24(AX) An Ordinance Appropriating to the Manager the Sum of \$13,974,804, to Fund Bartlett Regional Hospital's Fiscal Year 2015 Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of Administration.

This appropriation is the State's FY15 42.41% on-behalf PERS benefit paid for Bartlett Regional Hospital. Funding was authorized by passage of SB119 during the 2014 legislative session.

This is a housekeeping ordinance to properly account for this on-behalf payment and has no impact on BRH's finances.

The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- e. Ordinance 2015-20(L) An Ordinance Appropriating to the Manager the Sum of \$543,671 as Funding for the Juneau International Airport Terminal Rehabilitation Capital Improvement Project; Funding Provided by the Federal Aviation Administration and the State of Alaska Department of Transportation.

This ordinance would provide funding to acquire a Passenger Boarding Bridge and ADA Passenger Ramp. Funding is provided as follows:

Federal Aviation Administration grant:	\$526,133
State of Alaska Department of Transportation:	\$ 17,538

The FAA funds 93.75% of the project with the remainder being split between Alaska DOT and Juneau International Airport (Res 2713d Area Wide Sales Tax).

The Airport Board approved this action at its April 9, 2014, May 14, 2014, and August 13, 2014 meetings.

The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- f. Ordinance 2015-20(M) An Ordinance Appropriating to the Manager the Sum of \$500,000 as Funding for the Juneau School District Deferred Maintenance and Minor Improvements Capital Improvement Project, and \$300,000 for the Juneau School District Comprehensive Facility Plan; Funding Provided by the 2009 Special Capital Projects 1% Sales Tax Fund's Fund Balance.

This ordinance would appropriate a total of \$800,000.

The Juneau Board of Education approved this action at its June 9, 2015 meeting.

The Committee of the Whole approved this action at its June 22, 2015 meeting.

The Assembly Finance Committee approved this action at its July 30, 2015 meeting.

The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- g. Ordinance 2015-20(N) An Ordinance Appropriating to the Manager the Sum of \$160,000 as Funding for the Emergency Management Performance Grant; Funding Provided by the State of Alaska, Department of Military and Veterans Affairs.

This ordinance provides funding from the Division of Homeland Security and Emergency Management (DHS&EM) under the 2015 Emergency Management Performance Grant (EMPG), awarded to the City and Borough of Juneau.

Federal Grant Number: EMW-2014-EP-00054

State Grant Number: 20EMPG-GY15

These funds are provided to reimburse the City and Borough of Juneau for payroll and benefit costs incurred in direct support of the goals and activities of the Emergency Management Performance Grant for CBJ emergency programs, police, and fire staff in the performance of emergency management functions in planning, training, exercise, and equipment procurement within the grant performance period.

EMPG performance includes, but is not limited to, the following tasks:

1. Preparing the jurisdiction's Local Capability Assessment (LCA) document for the State.
2. Required attendance of the State's 2016 Bi-Annual Conference, Multi-Year Training, and Exercise Plan Workshop (TEPW), and development of a local jurisdiction Multi-Year Training and Exercise Plan to be submitted to the DHS&EM at the TEPW.
3. EMPG-funded personnel should make every attempt to participate in no less than three exercises during the performance period.
4. Continued utilization and work towards adoption and implementation of the National Incident Management System (NIMS).
5. Complete the FEMA Independent Study Professional Development Series.
6. Timely submissions of quarterly reports.
7. Required dollar-for-dollar, in-kind match is provided through CBJ emergency management staff personnel services.

The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- h. Ordinance 2015-20(O) An Ordinance Appropriating to the Manager the Sum of \$19,018 as Funding for the Local Planning Committee; Grant Funding Provided by the State of Alaska, Department of Military and Veterans Affairs.

This ordinance provides funding from the Division of Homeland Security and Emergency Management (DHS&EM) under the 2016 Local Emergency Planning Committee Grant (LEPC), awarded to the City and Borough of Juneau.

State Grant Program Number: 20LEPC-GY16

These funds are provided to reimburse the City and Borough of Juneau for payroll, benefits, and LEPC program implementation costs incurred in direct support of the goals and activities of the 2016 Local Emergency Planning Committee Grant for the Juneau LEPC. Activities funded under this grant include, but are not limited to:

1. Management to support the day-to-day sustainment of the committee.
2. Payroll and benefits.
3. Outreach to support the committee's baseline goals of public involvement in the emergency planning process, community right-to-know, all-hazards awareness, and LEPC membership.
4. Meeting room rental, office supplies, postal, printing, copying.
5. Promotional items: handouts and media campaigns.
6. Preparedness to support the LEPC's baseline goals of Tier II report monitoring, increasing awareness of and planning for chemical, and all-hazards events, and helping communities prepare and mitigate through planning and preparedness for potential events.
7. CERT program.
8. Preparedness Events (Training, EXPO).

There is no match requirement for this grant.

The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

2. Bid Award

a. Salt and Sand Storage Facility

Bid Award E16-013 Salt and Sand Storage Facility

Project includes construction of an approximately 18,000 square foot pre-engineered fabric structure, site work, concrete foundations, asphalt paving, ecology blocks, and limited lighting and power, for the bulk storage of salt and sand.

Bidders	Total Bid
Dawson Construction Inc.	\$1,139,200.00
Trucano Construction	\$1,161,179.00
North Pacific Erectors, Inc.	\$1,182,475.76
Alaska Commercial Contractors, Inc.	\$1,198,740.00
Miller Construction Co. Ltd.	\$1,287,750.00

ENGINEER'S/ARCHITECT'S ESTIMATE: \$1,191,164.00

The Manager recommends award of this bid to Dawson Construction Company, Inc. for the total bid amount of \$1,139,200.00.

VII. PUBLIC HEARING

A. Ordinance 2015-03(c) An Ordinance Amending the Land Use Code Relating to Subdivisions.

The proposed ordinance would amend portions of Title 49, the Land Use Code, primarily regarding the requirements and improvements related to the subdivision of land.

The most significant proposed changes include increasing the number of lots in a minor subdivision, streamlining the process for major subdivision review, revising remote subdivision requirements, and revising street improvement standards to provide more options for street construction - including the option for developers to construct privately maintained access roads. There are a number of minor changes as well.

The Planning Commission reviewed the proposed ordinance at its May 26, 2015, meeting and recommended forwarding it to the full Assembly for approval. The Assembly Committee of the Whole considered this ordinance at its July 27 and August 3, 2015, meetings. Amendments are reflected in version (c) of the ordinance and are shown by italicized underlines and strikethroughs.

The Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Gladziszewski, to adopt Ordinance 2015-03(c).

MOTION, by Gladziszewski, to amend on page 52 of the ordinance, regarding roadway construction standards, which were not variable, in the section "if more than 500 daily trips, street lights should be continuous" - to change "continuous" to "at all intersections."

Ms. Gladziszewski said she spoke with the Engineering Director who had no issue with the proposed change.

Mr. Kiehl asked if the Planning Commission could review the largest arterial street feeding that subdivision and require lights along that largest street. Ms. Mead said these are minimum standards and the CBJ has the ability to prescribe different or additional standards if there is an unusual situation to allow for health and life safety protections.

Hearing no objections, the amendment was approved.

MOTION, by Troll to amend on Page 7, regarding the purpose of subdivisions, to add to item 5, the words, "while addressing neighborhood harmony, and"

Ms. Troll said much of the revisions in Title 49 was to move subdivisions forward in a more timely manner and this ordinance adjusted the parameters, but this effort needed to be balanced with some site by site accommodations. She said this provided a "soft touch" and attempts to be sensitive to the need to talk with neighbors about making small adjustments that would allow the subdivision to address neighborhood concerns and move the process forward.

Mr. Jones said the words neighborhood harmony were difficult to define. Issues arose when zoning districts abutted each other and conflicts arose based on uses. He thought the words "neighborhood harmony" were in the comprehensive plan and was not sure this was the right place for it. Ms. Mead said that the section proposed for amendment was a general applicability section and was correctly placed. Ms. Mead said CDD the comprehensive plan anticipated that CDD would use tools in Title 49 such as buffers, vegetative requirements and setbacks in the management of development of property to ensure preservation of neighborhood harmony. Mr. Jones suggested it be its own subsection and not related to housing.

Ms. White said she opposed adding this as she felt it would lead to problems.

Mr. Nankervis said he had also been to Planning Commission and has observed the difficulty of defining "neighborhood harmony," which lacks clarity.

Ms. Gladziszewski asked where in the code the Planning Commission was required to address neighborhood harmony. Ms. Mead said it was applicable to conditional use permits. Ms. Boyce confirmed that was the only application now of "neighborhood harmony."

Ms. Becker was opposed to the motion and said there were many ways to address the issues in the subdivision review process.

Mr. Jones said that when a subdivision request went before the Planning Commission there was not a discussion of uses in particular or the purpose of using the land. The issues of neighborhood harmony would come into play in the land use decisions.

Mr. Kiehl asked if neighborhood harmony was a part of the existing subdivision process and Ms. Boyce said yes, in a major subdivision in which a conditional use permit was needed.

Ms. Crane said the director would not be required to consider neighborhood harmony in this new minor subdivision review and that was her biggest problem with this ordinance. She thought addressing it up front would be better than having problems later on.

Roll call:

Aye: Crane, Gladziszewski, Kiehl, Troll

Nay: Becker, Jones, Nankervis, White, Sanford.

Motion failed: 4 ayes, 5 nays.

MOTION, by Troll, to amend on page 8, Item 2 regarding public notice, to have the public notice apply to subdivisions of two to thirteen lots.

Ms. Troll said she wanted to have notice as outlined for subdivisions of 4-13 lots apply for minor subdivisions of 2-13 lots. She did not want to have two classes of public notice.

Ms. White said this issue had been discussed in detail in committee and did not support the motion.

Mr. Nankervis objected.

Roll call:

Aye: Crane, Jones, Gladziszewski, Troll

Nay: Becker, Kiehl, Nankervis, White, Sanford
Motion failed, 4 ayes, 5 nays.

Mr. Jones said if this ordinance was adopted there would be some conflict with current practice and asked if the amendment to this code to allow the current practice to remain was on track. Ms. Mead said CDD intends to apply the ordinance as drafted and there was one change proposed with a subsequent amendment. Currently the frontage and access requirements were standards that could not be varied, and in the draft before the Assembly access was found under the design section and design elements could be varied. It is being left there is so CDD can continue to apply different standards to allow subdivisions to move forward. The plan is for CDD to articulate internally the minimum standards to embody in the code and they were currently working on this. Ms. Boyce said the Planning Commission Committee of the Whole was tentatively scheduled for October 22 to address this topic and provide direction for action.

MOTION, by Nankervis, to amend Division 4, Privately Maintained Access in Rights-of-Way, under 49.15.430, Purpose, to strike the words "located outside the urban service area."

Mr. Nankervis said this was discussed at the COW and said he was concerned about the city being required to take over maintenance of dirt roads, which was more costly to CBJ.

Mr. Kiehl objected and said the previous discussion was to ensure the prohibition of roads inside the urban service boundary to be privately maintained at less than full public street standards. He spoke about the future requests from residents for the city to take over maintenance and do improvements if those type of streets were allowed within the urban service boundary, which would shift costs to the community a few years out.

Roll call:

Aye: Becker, Nankervis, White, Sanford

Nay: Crane, Jones, Gladziszewski, Kiehl, Troll

Motion failed 4 ayes, 5 nays.

Roll call to adopt Ordinance 2015-03 as amended:

Aye: Becker, Jones, Gladziszewski, Kiehl, Nankervis, Troll, White, Sanford

Nay: Crane

Motion passed, 8 ayes, 1 nay.

- B. Ordinance 2015-20(F) An Ordinance Appropriating to the Manager the Sum of \$72,500 as a Transfer to the Parks and Recreation Department, Recreation Division in the Roaded Service Area as Partial Funding for the After School Program and Young Parents Healthy Teen Program; Funding Provided by a Portion of the Social Services Advisory Board and Mayor and Assembly Grants in the General Fund.

This appropriation would consist of a \$47,500 Assembly grant for the Juneau After School Coalition and a \$25,000 Social Services Advisory Board grant for the Young Parents Healthy Teen program.

Parks and Recreation has been offered the opportunity to take over management of the Body and Mind (BAM) After School Program, and the Young Parent Healthy Teen Center (YPHTC). Both of these programs had been previously managed by Catholic Community Services. The senior management team of Parks and Recreation believes this is an excellent fit with the Zach Gordon Youth Center (ZGYC).

BAM operates in both middle schools and the YPHTC operates out of the ZGYC. Both programs will be managed by the ZGYC manager and will allow for Parks and Recreation to be at the forefront of youth offerings in our community. These programs will rely heavily on partnership and collaboration, so as to remain financially viable and offer the highest possible service to our community's youth.

The Manager recommends this ordinance be adopted.

Public Comment:

Kevin Ritchie introduced a video made for a fundraising campaign for the program, which the volunteers would continue. He distributed information on an analysis of the B.A.M. Program from 2012 - 2015.

Assembly Action:

MOTION, by Becker, to adopt Ordinance 2015-20-(F).

Mr. Jones asked about a transfer of funds to the Parks and Recreation Department from the grants program, and if in future budgets this would be a reduction to Assembly grants and an increase in the Parks and Recreation program. Mr. Steedle said that was correct and it would become an annual appropriation subject to Assembly approval.

Ms. Crane did not object but thought this was a good discussion to have at the Finance Committee.

Ms. Troll said she has participated in the program and said it does make a difference in the lives of students.

Hearing no objection, it was so ordered.

- C. Ordinance 2015-20(I) An Ordinance Appropriating to the Manager the Sum of \$669,055 as Funding for the Juneau International Airport Aircraft Rescue & Fire Fighting (ARFF) Truck Capital Improvement Project; Funding Provided by the Federal Aviation Administration and Alaska Department of Transportation.

Funding is provided as follows:

Federal Aviation Administration grant:	\$647,473
Alaska Department of Transportation grant:	\$ 21,582

The FAA funds 93.75% of the project with the remainder being split between Alaska Department of Transportation and Juneau International Airport (Res 2713d Area Wide Sales Tax).

The Airport Board approved this action at its July 18, 2015 meeting, and recommended forwarding it to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Jones, to adopt Ordinance 2015-20-(I).

Mr. Jones asked why Ordinance I and J were not combined into one ordinance.

Ms. DeLabruere said Ordinance I was for the truck, and Ordinance J was to modify the existing building to accommodate the new truck. She said they were still a year out for getting the truck in the purchase process.

Hearing no objection, it was so ordered.

- D. Ordinance 2015-20(J) An Ordinance Appropriating to the Manager the Sum of \$413,333 as Funding for the Juneau International Airport Aircraft Rescue & Fire Fighting (ARFF) Building Modification Design & Environmental Capital Improvement Project; Funding Provided by the Federal Aviation Administration and Alaska Department of Transportation.

This appropriation is for designing the modification of the ARFF station to accommodate a new larger truck, and satisfying environmental requirements. Funding is provided as follows:

Federal Aviation Administration grant:	\$400,000
Alaska Department of Transportation:	\$ 13,333

The FAA funds 93.75% of the project with the remainder being split between Alaska Department of Transportation and Juneau International Airport (Res 2713d Area Wide Sales Tax).

The Airport Board approved this action at its July 18, 2015 meeting, and recommended forwarding it to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Jones, to adopt Ordinance 2015-20-(J).

Mayor Sanford asked about the Sales Tax of \$13,334 in the EIN. Ms. DeLabruere said that this amount was previously appropriated in a resolution.

Mr. Jones asked what the next appropriation for the construction would be and when would that take place. Ms. DeLabruere said the design would determine the work needed and the cost the Airport Board had programmed was roughly \$1.8 million for the work in the FY16 budget. The funding source would be 93.75% FAA funding and the balance split between state and local funds.

Hearing no objection, it was so ordered.

- E. Ordinance 2015-20(K)(b) An Ordinance Appropriating to the Manager the Sum of \$868,025 as Funding for the Juneau International Airport Runway Safety Area (RSA) Phase IIB

Design Northeast (NE)/Northwest (NW) Apron and Continued Perimeter Fencing Capital Improvement Project; Funding Provided by the Federal Aviation Administration, Alaska Department of Transportation, and Juneau International Airport Fund's Fund Balance.

Funding is provided as follows:

Federal Aviation Administration grant:	\$ <u>813,773</u> *
Alaska Department of Transportation:	\$ <u>27,126</u> *
Juneau International Airport (Airport Fund Balance):	\$ <u>27,126</u> *

The FAA 2015 Reauthorization Bill allows federal financial participation on this project at 93.75%*, the remainder being split between Alaska Department of Transportation and Juneau International Airport.

The Airport Board approved this action at its July 18, 2015 meeting, and recommended forwarding it to the full Assembly for approval.

***Updates reflected in the (b) version of the Ordinance available in the packet. Does not constitute substantive change.**

The Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Crane, to adopt Ordinance 2015-20-(K)(b).

Mayor Sanford asked about the changes in version b. Ms. DeLabruere said it was previously anticipated that FAA would fund this at 95%, but through further discussion, they determined that it would be funded at 93.75%. She said the state's budget provided the higher amount necessary.

Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS

A. Bicknell v Planning Commission - Appeal of AME2013 0015 - Request for Rezoning USS 1568 TR B

At the regular Assembly meeting on February 24, 2014, the Assembly accepted the appeal from petitioner Bicknell, Inc., regarding the Planning Commission's Decision in AME2013 0015 denying a request to rezone 82 acres of Rural Reserve land at USS 1568 TR B to a mixture of Industrial, Light Commercial and Rural Reserve. At a special Assembly meeting on March 10, 2014, the Assembly retained John Corso as hearing officer for the matter.

The hearing was held on June 15, 2015. Mr. Corso submitted a draft decision to the parties on July 29, 2015. One party objected. No response in support was received. Mr. Corso responded under separate cover.

The draft decision, the objection, and Mr. Corso's response have been provided to the Assembly for its review. You must decide whether to accept the draft decision as written, accept the decision with modifications, or reject the decision.

Code 01.50.140 Decision on the appeal, provides in (c)

(2)...Unless rejected or modified by an affirmative vote of the appeal agency on a motion to reject or modify, the proposed decision, as amended by the hearing officer if such an amendment has been filed, shall be deemed adopted by the appeal agency and shall be the appeal agency decision. No testimony or evidence of any nature other than that contained in a timely filed objection may be received by the appeal agency at the meeting at which the proposed decision is presented.

(3) If the proposed decision is rejected by the appeal agency, the matter shall be immediately referred to the hearing officer for a rehearing of the appeal after notice to the parties; provided, the appeal agency may refer the appeal to a different hearing officer, may limit the scope of the rehearing to specified issues, may request the hearing officer to reconsider the proposed decision solely in light of new evidence raised in an objection, may place similar or different limits or conditions on the rehearing or reconsideration by the hearing officer, may remand the matter, or may rehear the matter itself after notice to the parties.

As this is a matter before the Assembly, the Manager makes no recommendation.

Discussion of this item was deferred to Executive Session at the end of the meeting.

IX. NEW BUSINESS

A. New Public Convenience Liquor License #5415 - Canton Asian Bistro, LLC d/b/a Canton Asian Bistro

The Assembly Human Resources Committee, at its meeting on Monday, August 31, will be reviewing the application for the above-mentioned liquor license. The HRC packet in your binders contains all the documents pertaining to the application and will provide a recommendation to the Assembly for action.

The Manager recommends the Assembly proceed according to the recommendations of the Assembly Human Resources Committee.

Public Comment: None.

Assembly Action:

MOTION, by Jones, to waive the right to protest this public convenience license.

Following Assembly and staff discussion, and hearing no objection, it was so ordered.

B. Senior Citizen/ Disabled Veteran Exemption Late File Determination - Nicolls

Public Comment: None.

Assembly Action:

MOTION, by Crane, to accept the late file as if timely filed. Hearing no objection, it was so ordered.

X. STAFF REPORTS

Mr. Watt spoke about preparing a bid packet for demolition of the Gastineau Apartments - to be open September 30. A Special Assembly meeting may be needed to award that bid. The basement was full of water with some fuel and other issues had been discovered. Staff hoped to schedule project planning review at the Planning Commission to cover items such as road closure to allow the building to come down safely, efficiently and economically. Another long term issue was the disposition of the park and how much of the park to preserve. To maintain park items during demolition would slow the work. The park is not a particularly successful park and there was a persuasive argument that demolition of the park would allow for a more efficient demolition. Future redevelopment of the park may allow for future options to be considered. Parks and Recreation staff was not attached to preserving the park and it could be put on the tax rolls in the future.

Mayor Sanford asked about any private interest in purchase of the property. Ms. Mead said she heard there was a party meeting with the Barretts regarding a letter of intent to sell. There had been no communication from the Barretts in two weeks and no further progress in that regard to her knowledge.

Mr. Jones asked when the demolition work was anticipated. Mr. Watt anticipated completion by December 31. Mr. Jones asked about the appeal period for a bid award. Mr. Watt said any intent to protest would need to be filed within 24 hours. Staff would seek qualifications and price components in the RFP for an engineered demolition plan. Slope stability must be assured. Mr. Jones said the DBA and the downtown merchants would need some assistance with parking during the holiday time during demolition to balance the construction interruptions.

XI. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Sanford asked everyone to thank CBJ staff for their extra work due to all of the issues within the community and in the absence of the City Manager.

B. Committee Reports

Committee of the Whole: Chair Becker said the COW met on August 24 and discussed the property tax exemptions enabled by the legislature, the coordinated human services transportation plan, biosolids and all items were moved to the Assembly.

City Manager Search Committee: Chair Becker said the committee met on August 24 and distributed information to the full Assembly. The ad would go out the next day, the minimum qualifications and salary were determined and applications would be received until October 2. There was no objection to the ad as proposed to be published.

Finance Committee: Chair Crane said the committee met and discussed payment of overdue property taxes and arrived at a procedure to address taxes that were due for FY13 and FY14. The Law Department was reviewing the procedures but the Assembly was determined that

overdue property taxes should be paid and if not foreclosures would proceed. The next meeting was set for October 21.

Human Resources Committee: Chair Jones said the HRC met and considered annual reports from the Americans with Disabilities Act committee and the Youth Activities Board.

Chair Jones provided the recommendations from the HRC regarding committee appointments. Hearing no objections, the following appointments were confirmed:

Americans with Disabilities Act Committee:

Reappointment of Cheryl Putnam to a term expiring August 31, 2018

Appointment of Charlene Steinman to a term expiring August 31, 2018.

Local Emergency Planning Committee:

Recommendation of State appointment of Ed Quinto to the Fire Services seat to a term expiring December 31, 2016.

Sister City Committee:

Appointment of Larry Snyder to a term expiring January 1, 2017

Utility Advisory Board:

Appointment of William Brown to a term expiring May 31, 2018

Youth Activities Board:

Appointment of Elizabeth Lange to a term expiring August 31, 2018

Appointment of Liz Brooks to a term expiring August 31, 2016

Appointment of Kathy Tran to a youth seat, term expiring August 31, 2018.

Mr. Jones noted that Kristin Bartlett was appointed by the superintendent to represent the school district seat on the Jensen-Olson Arboretum Board.

Lands and Resources Committee: Chair Kiehl said the committee met August 24 and recommended forwarding to the Assembly to approval the Docks and Harbors / Cultural Preservation Lease with Goldbelt, Inc. for the Seadrome property, and reviewed the updated CBJ Lands Management Plan.

Marijuana Committee: Chair Kiehl said the committee met August 27 and heard updates from Treasury regarding issues of a marijuana business license and how it would handle remittance of cash from such businesses, which staff believed to be manageable issues. The committee received new maps showing the 500 ft. buffers recommended by the Marijuana Control Board, and reviewed set three of the proposed MCB regulations. He distributed a letter from the committee for review and submission by the Assembly to the MCB. He outlined the points in the letter and Ms. Becker requested a vote on all points individually.

There was no objection to point 1 to allow local government officials access to the inventory tracking system of marijuana businesses. There was not objection to point 2, to allow violations of local law to be part of the state review of marijuana licenses.

Roll call vote on Point 3, to allow municipalities to determine, rather than the state, whether or not private clubs allowing the consumption of marijuana should be allowed:

Aye: Crane, Jones, Gladziszewski, Kiehl, Nankervis, Troll, White, Sanford

Nay: Becker
Motion passed, 8 ayes, 1 nay.

There was no objection to point 4, as amended, to read, "As you consider enacting testing requirements that sufficiently ensure health and safety, the CBJ asks that you keep in mind the needs of communities outside the Railbelt, especially those not accessible by land-based traffic..."

Public Works and Facilities Committee: Chair Nankervis said the next meeting was set for September 28.

C. Liaison Reports

Affordable Housing Commission: Liaison Troll said the next meeting was September 14 with the consultant of the Housing Plan.

Airport Board: Liaison White said the ARFF index would increase from B to C as the result of the Assembly actions tonight. The runway would shift the magnetic variance in the next year which aligns aircraft to runway.

Alaska Committee: Liaison Becker said meetings would resume this month.

Alaska Municipal League: Ms. Crane said the recent summer meeting in Ketchikan received a presentation from Governor Walker, the Commissioner of Revenue, and Gregg Erickson on past revenue situations in Alaska and why this scenario is different. All discussion focused on the next legislative session and the direction to take.

Aquatic Facilities Board: Mr. Jones said the board has had initial meetings and was determining a policy for setting charges and rates. The next meeting was set for September 15.

Bartlett Regional Hospital Board: Liaison Crane said the Board heard a presentation on email from the Deputy Clerk, an ethics presentation from the Deputy Attorney, and an update on the Juneau Emergency Services contract. The Board received a report from the McDowell Group on a needs assessment for the Child Adolescent Mental Health Unit and there was no consensus from stakeholders on the need. The committee was taking a hard look at the study and numbers. All the conditions for participation have been met regarding the Joint Commission Report. The rural demonstration project remains in limbo which is costing money every month and a bill for extension has been prepared but has not moved. The next meeting was set for September 29. There would be a strategic planning retreat on December 5.

Chamber of Commerce: Liaison Becker said regular lunch meetings continued on Thursdays and a "meet the candidate" cruise was coming up.

Docks and Harbors Board: Liaison Nankervis said the Board received 3 bids for leasing property at the Thane Ore House. The Pacific Coast Conference of Port Managers would be held in Juneau in September 15 - 18 at Centennial Hall. The next meeting was set for September 24.

Downtown Business Association: Mr. Jones said the group met last week and discussed property tax exemptions on deteriorated properties. They formed a subcommittee to review the issues. Parking and marijuana issues were discussed.

Downtown Improvement Group (DIG): Mr. Jones said the group met and discussed smoking issues, marijuana regulations and parking.

Eaglecrest Board: No report.

Juneau Commission on Sustainability: Liaison Troll said the commission was trying to get good data on the energy plan and heard a presentation on locally grown foods.

Juneau Convention and Visitors Bureau: Liaison White said the JCVB was hosting a breakfast series and the next topic was the US Forest Service investment in recreational areas.

Juneau Economic Development Council: Liaison Jones said the next meeting would be held on September 2 to discuss how to move forward with the Economic Development Plan and how they could learn about and take a position on state budget issues.

Local Emergency Planning Committee: Liaison Gladziszewski said the next meeting was set for September 2 and they were planning for the Preparedness Expo to be held September 11 and 12 at Centennial Hall.

Parks and Recreation Advisory Committee: Liaison Gladziszewski said the next meeting was set for Sept 8.

Planning Commission: Liaison Jones said the PC met last week and had only a few issues without contention and discussed CBJ e-mail.

School Board: Liaison Kiehl said the School Board would hold a work session on the proposed STEM charter school and its next regular Board meeting on September 15.

Southeast Conference: Liaison Becker said the SE Conference annual meeting would be held September 15-17.

UAS Campus Council: Liaison Kiehl said first meeting not scheduled yet.

D. Presiding Officer Reports

None.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Jones reported on his work with the Marijuana Control Board.

Ms. Becker said she attended several "eating" events recently, including a tour of the Glacier Seafood processing plant, a meeting with British Columbia mining representative Bill Bennett, the United Way reception, Jim Fowler's artwork dedication at the Bishop Kenny Peace Park, and a joint celebration of the Filipino and Tlingit / Haida communities.

Ms. White enjoyed the meeting with the BC mines and appreciated the discussions.

Mr. Kiehl said the the Alaska Native Sisterhood and Filipino Community Inc. met together and acknowledged each other's contributions. He thanked the Mayor for the proclamation for John Venables.

Ms. Troll reported on her activity with the Tongass Advisory Committee.

Ms. Troll spoke about an email from a constituent asking for support to request that DOT put the Auke Bay Bypass road further up on its list of projects. She said the road was compatible with the Auke Bay Plan and asked the Assembly's thoughts on the matter. Following discussion, Mayor Sanford asked Ms. Troll to draft a letter for his consideration.

Mr. Nankervis asked for information on the trucks purchased for the WWTP: when were they purchased, how much did they cost, and was there an estimate of what the city could get for them if sold on the market. He would like to see all the projects on the DOT's list, including the Auke Bay Bypass, if the Assembly was making a request about DOT priorities.

Mr. Nankervis said he had met with Wayne Coogan about his housing proposal for Bridge Park and thought it was worth looking at this in more depth. He understood the seawalk/whale park project would be put out to bid September 1, but asked for Assemblymembers' thoughts on the matter.

Mr. Watt said there was an ad in the paper tomorrow advertising bids, the plan sets were available - the bid was out the door for the construction of the whale park. The sculpture was expected to arrive in Juneau in the spring. He was in contact with the Whale Committee. The fill needed to be done. Mayor Sanford asked if there was a way to put off the bid process a month to consider an alternative proposal. Mr. Watt said yes, he was not sure a month would give the time needed to evaluate all of the concepts that could be evaluated for that area. It took several years to get to this point with the whale project.

Ms. White said she recognized a lot of work had gone into the location of the whale. Senior housing was identified as a major need and she did not see a harm in taking a look at the project.

Mr. Nankervis said the Assembly would be remiss not to look at this proposal.

Ms. Crane said the Assembly had made a decision about the location of the whale. A look at housing needed to be more broad than just Mr. Coogan's proposal. She asked to stay the course.

Ms. Becker said it was hard to turn down the possibility of housing, but the whale statue location had been researched and she had not seen another location for it and the CBJ was responsible for its location. She agreed with Ms. Crane.

Mr. Nankervis said he thought there was a possibility to get both projects to be located on the site.

Mayor Sanford passed the gavel. He said Mr. Coogan's proposal was a good idea. Whether that idea would even fit had not been reviewed. If the Assembly was truly concerned about housing of any kind it needed all types to accommodate the community and he urged extending the bid a month and look at the proposal.

Ms. Becker asked Mr. Watt if relocating the whale was a possibility. Mr. Watt said this project had been through the Corps of Engineers, Parks and Rec, Docks and Harbors, the Whale Committee, and the Assembly, with a lot of time and effort. Any change would take a long time to consider. The only piece of ground not entirely spoken for is where the Marine

Exchange had proposed a facility and it could be considered a "placeholder" location. Perhaps some housing could go in there, but if this would modify the seawalk and whale location, he foresaw significant public process and permitting considerations.

Ms. White said she understood that the artwork was beautiful but it was not a priority over senior housing.

Ms. Gladziszewski suggested it would take a month to scope the idea - including the disposal of public land. The waterfront plan has been on the table for over ten years. She would limit any look at this to a month's time to tell us how much time and all of the work that would need to be done to change course.

MOTION, by Nankervis, to extend the bid period an additional 30 days to examine the feasibility of co-locating the Whale statue and housing at the site.

Ms. Becker said a month would not be sufficient time.

Mr. Jones said he would prefer to see any land there leased rather than sold.

Mr. Kiehl said he felt Ms. Becker's reluctance and spoke about the extensive process for the whale project development. He would be amenable to look at the land considered for the marine exchange or any other location that was not part of the current bid. The city had made a decision, had the corps permits and it was time to move forward with the project.

Roll call vote

Aye: Becker, Gladziszewski, Nankervis, White, Sanford

Nay: Crane, Jones, Kiehl, Troll

Motion passed 5 ayes, 4 nays.

MOTION, by Jones, to extend the meeting to 11:30 p.m. Hearing no objection, so ordered.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV. EXECUTIVE SESSION

MOTION, by Becker, to enter executive session to discuss the proposed Bicknell v Planning Commission Appeal decision, per CBJ 01.50.140.6.3. Hearing no objection, the Assembly entered executive session at 10:34 p.m. and returned to regular session at 11:20 p.m.

Mayor Sanford said that during executive session, the Assembly discussed the draft decision.

MOTION, by Crane, to concur with the hearing officer that this appeal is a legislative decision of this body. Hearing no objection, so ordered.

MOTION, by Crane, to concur with the Planning Commission, that the proposed rezone did not substantially conform with the lands use maps, and therefore the Assembly declined to have an ordinance brought before the Assembly for such consideration.

Ms. White and Ms. Becker objected.

Ms. White said the staff recommendations were actually closer to what is going on as the land was experiencing isostatic rebound and was changing, it was adjacent to the airport, close to two heliports, a four lane highway, window manufacturing, welding shop, Fred Meyers and it was not wilderness. In another 20 years, it would be another 20 inches out of wetlands status would prefer a rezoning ordinance.

Mr. Nankervis said he agreed with Ms. White. He attended all of the Planning Commission meetings on the topic and he disagreed with the commissioners decision at the time and still did.

Ms. Becker said that land should be rezoned and be used for something valuable to the community.

Mr. Kiehl supported the motion and said the landowner had significant rights in its current zoning. He read a significant amount of the material and Planning Commissioner Bishop was eloquent in speaking about the will of the public. He did not see the land remaining untouched in its current zoning as there were still options for development there.

Roll call:

Aye: Crane, Jones, Gladziszewski, Kiehl, Troll

Nay: Becker, Nankervis, White, Sanford.

Motion passed, 5 ayes, 4 nays.

MOTION, by Kiehl, to adopt the hearing officer's findings, except the section which states that the decision of the Planning Commission was not supported by adequate findings. Hearing no objection, it was so ordered.

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 11:26 p.m.

Signed: _____
Laurie Sica, Municipal Clerk

Signed: _____
Merrill Sanford, Mayor