

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes – January 28, 2013

MEETING NO. 2013-03: 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 (teleconference), Karen Crane (teleconference), Johan Dybdahl, Loren Jones, Jesse Kiehl, Jerry Nankervis, Merrill Sanford, Carlton Smith, and Randy Wanamaker.

Assembly Absent: None.

Staff Present: Kim Kiefer, City Manager; John Hartle, City Attorney; Laurie Sica, Municipal Clerk; Beth McEwen, Deputy Clerk; Bob Bartholomew, Finance Director; Mila Cosgrove, HRRM Director; Hal Hart, Community Development Director; Greg Chaney, Planning Manager; Rich Etheridge, Fire Chief; Carl Uchtyl, Port Director, George Schaaf, Parks and Landscape Supervisor; Barbara Berg, Library Director

II. SPECIAL ORDER OF BUSINESS

A. Barbara Berg

Kim Kiefer congratulated Barbara Berg, who began her library career with CBJ in 1985. Created in 1995, the CBJ's website was Barbara's "brain child," and she was responsible for CBJ's presence on the World Wide Web. She had performed scholarly service on the reference desk as she cared deeply to find the right answers. Ms. Berg was active in the state and national library associations and assisted the Library Endowment Fund, the Friends of the Public Library and the Amazing Bookstore. Ms. Berg took on challenges and changes such as e-books, podcasts, auto downloads and blogs with a can do attitude and great determination. Ms. Kiefer thanked Ms. Berg for all she had done for the community.

Ms. Berg said she also worked in 1972 for the Juneau Library. She said Dale de Armond had instructed her to get the old books out of the Douglas Library and get the kids in line. That was when the library was over the old fire station. She said she had enjoyed almost every minute of her work and it had been a wonderful experience.

III. APPROVAL OF MINUTES

A. January 7, 2013 – Regular Assembly Meeting 2013-01

Hearing no objection, the minutes of the January 7, 2013 Regular Assembly Meeting 2013-01 were approved.

IV. MANAGER'S REQUEST FOR AGENDA CHANGES – None.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.

Liz Clement, with her four-year-old son, spoke about the problem of dog waste in Capital Park. Her son's pre-school teacher counted 13 piles one day at the park. They often cleaned the park but some days it was not practical and the children of the preschool used the park virtually every day. She was a dog owner and expected all dog owners to be responsible. She said signage was not enough and asked the Assembly to provide funding for a small fence around the playground area to keep the dogs out.

Mayor Sanford asked for staff comment. Ms. Kiefer said that recent discussions with the Gastineau Humane Society Animal Control resulted in a plan to ticket violations without warning.

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 Dybdahl, to adopt the consent agenda. Hearing no objection, it was so ordered.

1. Ordinances for Introduction

a. Ordinance 2012-20(AD)

An Ordinance Appropriating To The Manager The Sum Of \$16,906 As Funding For High Visibility Enforcement Related to Driving Under the Influence and Seatbelt Enforcement; Grant Funding Provided By The Alaska Department of Transportation and Public Facilities, Alaska Highway Safety Office.

Administrative Report: Attached. The manager recommended Ordinance 2012-20(AD) be introduced and set for public hearing at the next regular meeting.

b. Ordinance 2012-20(AE)

An Ordinance Appropriating To The Manager The Sum Of \$5,434 As Funding for the Purchase of Bullet Proof Vests; Grant Funding Provided By The United States Department of Justice.

Administrative Report: Attached. The manager recommended Ordinance 2012-20(AE) be introduced and set for public hearing at the next regular meeting.

c. Ordinance 2012-12(AF)

An Ordinance Appropriating To The Manager The Sum Of \$881,277 As A Transfer To The Lands Fund; Funding Provided By Various Capital Projects.

Administrative Report: Attached. The manager recommended Ordinance 2012-20(AF) be introduced and set for public hearing at the next regular meeting.

d. Ordinance 2012-20(AG)

An Ordinance Appropriating To The Manager The Sum Of \$225,000 As Partial Funding For The New Mendenhall Valley Library; Funding Provided By The Friends of the Juneau Public Libraries.

Administrative Report: Attached. The manager recommended Ordinance 2012-20(AG) be introduced and set for public hearing at the next regular meeting.

e. Ordinance 2013-04

An Ordinance Amending the Second-Hand Smoke Control Code to Prohibit Smoking in Areas Designated by Appropriate Signage.

Administrative Report: Attached. The manager recommended Ordinance 2013-04 be introduced and set for public hearing at the next regular meeting.

f. Ordinance 2013-05

An Ordinance Restricting Off-site Commercial Solicitation Within the Downtown Historic District.

Administrative Report: Attached. The manager recommended Ordinance 2013-05 be introduced and set for public hearing at the next regular meeting.

2. Resolutions

a. Resolution 2633

A Resolution Authorizing the Manager to Grant an Easement to the State of Alaska, Department of Transportation and Public Facilities, on the South Side of Little Rock Dump on Thane Road.

Administrative Report: Attached. The manager recommended adoption of Resolution 2633.

3. Bid Award

a. Bid E13-087 Bayview Subdivision Water System Improvements

Administrative Report: Attached. The manager recommended award of this project to Arete Construction Corp. in the Base Bid amount of \$1,348,030.00.

4. Liquor License

a. Liquor License 2013/2014 Renewals

Administrative Report: Attached. The manager recommended the Assembly waive its right to protest the following liquor license renewals:

Beverage Dispensary License:

License # 2766 – Alaska Red Dog Saloon LLC d/b/a Red Dog Saloon, Location: 278 S. Franklin Street (also includes building reconfiguration)

Beverage Dispensary – Seasonal License:

License # 3720 – Mt. Roberts Tramway Ltd Partnership d/b/a Timberline Bar & Grill

Location: 1800 Foot Level (Mt. Roberts)

Restaurant/Eating Place License:

License # 2175 – The Silverbow, LLC d/b/a Silverbow Bakery and Catering, Location: 120 Second Street, Juneau

Recreational Site – Seasonal Licenses:

License # 4881 – Alaska Travel Adventures Inc. d/b/a Alaska Travel Adventures, Location: 9999 Glacier Hwy.

License # 3409 – Alaska Travel Adventures Inc. d/b/a Gold Creek Salmon Bake, Location: 1061 Salmon Creek Lane

Package Store License:

License # 300 – DeHart's LLC d/b/a DeHarts Grocery, Location: 11735 Glacier Hwy.

VII. PUBLIC HEARING

A. Ordinance 2012-20(AC)

An Ordinance Appropriating To The Manager The Sum of \$6,186.03 As Funding To Support Emergency Medical Public Safety Awareness, Funding Provided By A Donation From The Medic I Fund.

Administrative Report: Attached. The manager recommended Ordinance 2012-20(AC) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Kiehl, to adopt Ordinance 2012-20(AC). Hearing no objection, it was so ordered.

B. Ordinance 2013-01

An Ordinance Amending the Land Use Code By Adopting a Revised Juneau Downtown Historic District Map.

Administrative Report: Attached. The manager recommended Ordinance 2013-01 be adopted.

Public Comment:

Bill Martin, Grand President, Alaska Native Brotherhood said that Dr. Soboleff was a wonderful man held in high esteem, known by all. The design of the proposed Sealaska Heritage Institute's (SHI) Walter Soboleff Center correctly portrayed the native people who had lived in this area for years. We hope to keep the existing design and when you see it from Front Street in Juneau, it will be an attraction for those visiting to come in and show our artwork. It will show visitors what this community means to us. He asked the Assembly to honor their request and pass the ordinance as the facility would be a great value to all.

Freda Westman, Grand President, Alaska Native Sisterhood, said these organizations were founded on civil rights for Alaska native people. ANB/ANS joined to present their cases to different bodies such as this. The Alaska native people were here much earlier than the mining industry in Juneau and so it was important to honor the design of this building. It would not detract, but would enhance Juneau, and would portray important aspects of the Tlingit people. She would encourage SHI to consider building the facility in another community if this design was not approved, as it was important to use the presently designed plans. She spoke about the camps she represented and said visitors from surrounding villages would want to see this building built in the manner it was designed.

Joe Nelson said he was hopeful that the Assembly was poised to do the right thing and spoke in favor of adoption of Ordinance 2013-01. He was opposed to the amendment brought forth by the HRAC and supported by the Planning Commission to remove 5 feet of the Front Street façade of the block to remain in the Downtown Historic District. The idea of a historic district was relatively new in American society. In the 1960's the country was trying to get a sense of place by maintaining the historic integrity of the community. The idea that a native communal building would need a Victorian face on it had the potential of unnecessarily peeling some scabs in the community. There had been so much progress in acknowledging native history and the hint of needing to put a different face on this building was troubling. He meant no offense to the HRAC or Planning Commission, and said the Assembly should ask them to articulate the purpose of the historic district in the first place.

Rosita Worl and Lee Kadinger, President and CEO of the Sealaska Heritage Institute, respectively, spoke in favor of the ordinance to revise the boundary of the historic district. Ms. Worl offered her traditional identity. She thanked the Assembly and the citizens of Juneau for the portion of the 1% sales tax to support this facility. She acknowledged the support of former Mayor Bruce Botelho to build the facility in the heart of downtown Juneau. Cultural diversity was one of Alaska's greatest resources. She spoke about SHI's partnerships with the University of Alaska and the Juneau School District. SHI had generated millions of dollars for the community through Celebration. One of Dr. Soboleff's last acts as a board member was to approve the Center's design on April 27, 2011. SHI determined that further changes to the native inspired art and architecture incorporated in the Soboleff center would create significant financial costs and delays. She said this could have the potential of opening old wounds regarding the attitudes towards native people in the historic district and she encouraged the Assembly to project a more diverse cultural heritage. The project would create 100 construction jobs and ten new jobs in the facility. The present design enhanced the downtown district and would allow Juneau to celebrate its cultural heritage without compromising the historic district.

Allison Eastaugh Browne urged the Assembly to approve all four sides of the building as designed to be built. This would be an exciting new attractive building and nothing like it had been constructed in Juneau since the Sealaska Building was built. The Sealaska Corporation purchased and cleaned the property formerly known as the "pit," taking good care of the property. There was room in the downtown area to host both traditions and she urged the Assembly to not muddle a fitting design. Making even one side of the building conform to a design standard was wrong. She compared the situation to building the Guggenheim Museum in New York and asking the Guggenheim to change its design to conform with the neighboring buildings.

Rick Harris, Sealaska Executive Vice President, spoke in favor of the ordinance, and supported the previous testimony. Sealaska cleared off “the pit” property within 30 days of the purchase, filling a hole and adding landscaping. As a shared relationship and partnership and as good citizens, he hoped the Assembly would see a way to support the property’s removal from the historic district. Changing the design to a Victorian style building would be troubling.

Assembly Action:

MOTION, by Wanamaker, to adopt Ordinance 2013-01. Hearing no objection, it was so ordered.

C. Ordinance 2013-02

An Ordinance Creating Local Improvement District No. 96, Auke Lake Sewer 2013, Consisting Of Construction of a Sanitary Sewer System That Would Provide Municipal Sewer Service to the Properties Along Glacier Highway From the Top Of Pederson Hill to Fritz Cove Road.

Administrative Report: Attached. The manager recommended Ordinance 2013-02 be adopted.

Public Comment:

Assembly Action:

MOTION, by Wanamaker, to adopt Ordinance 2013-02. Hearing no objection, it was so ordered.

D. Ordinance 2013-03

An Ordinance Amending the Land Use Code Relating to Minimum Vegetative Cover Requirements in Mixed Use Zoning Districts.

Administrative Report: Attached. The manager recommended Ordinance 2013-03 be adopted.

Public Comment:

Assembly Action:

MOTION, by Smith, to adopt Ordinance 2013-03. Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS – None.

IX. NEW BUSINESS

- A. Dau Appeal of Planning Commission Notice of Decision Regarding Conditional Use Permit USE2012-0019, for Lemon Creek Gravel Extraction.

Administrative Report: Attached. Mr. Hartle said he had reviewed the matter and saw no reason why the Assembly should not accept the appeal or for the Assembly not to hear the appeal itself. He reminded all that this was an appellate function of the Assembly, not a legislative function and the Assembly could not discuss this matter with the public.

Public Comment: None.

Assembly Action:

MOTION, by Wanamaker, to accept the appeal, for the Assembly to hear the appeal itself, and to appoint Ms. Crane as presiding officer. Hearing no objection, it was so ordered.

X. STAFF REPORTS – None.

XI. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Sanford reported on his meeting with Governor Parnell, Kim Kiefer, Randy Wanamaker and Mary Becker. This was a good discussion on local issues and a much appreciated invitation.

B. Committee Reports

Human Resources Committee: Chair Kiehl said the HRC heard annual reports from six committees and reviewed and recommended the following board appointments. Hearing no objection, the following appointments were made:

Jensen Olson Arboretum Advisory Board:

Peter Froelich and Deborah Rudis were reappointed to terms expiring January 31, 2016.

Juneau Public Library Endowment Board:

Jeff Vogt was appointed for a term expiring January 31, 2016.

Local Emergency Planning Committee:

Nominations of:

Bill Legere to Seat 6 (Media) – term expiring December 31, 2015

Mikko Wilson to Seat 6a (Media Alternate) – term expiring December 31, 2015

Scott Novak to Seat 7a (American Red Cross Alternate) – term expiring December 31, 2013

Dan Garcia to Seat 8 (Right to Know Act Facility) – term expiring December 31, 2015

Matthew Musslewhite to Seat 9 (Community Group) – term expiring December 31, 2015

Edward Williams to Seat 9a (Community Group Alternate) – term expiring December 31, 2015

Joel Curtis to Seat 10a (Haz/Mat Transporter) – term expiring December 31, 2014

Personnel Board:

Nicki Neal (reappointment) and Joan Cahill to Administration seats with terms expiring January 31, 2016.

Wetlands Review Board:

Amy Sumner and Harold Geiger to seats with terms expiring December 31, 2015.

Committee of the Whole: Chair Becker said the next meeting was set for February 4 and she hoped for a report from the Lender's group regarding the charge from the Assembly Ad-Hoc Committee on Housing. Mr. Smith said the group had met two times and would meet a third, and he hoped for a report by that time.

C. Liaison Reports

Docks and Harbors: Liaison Jones said vacancies on the 1% for Art project for Dock Project 16b were advertised. The Statter Harbor project was proceeding with a May 15 deadline. The Board held a special meeting for the public to review proposed changes to Aurora Harbor. The next meeting was set for January 31.

Parks and Recreation Advisory Committee: Liaison Nankervis said the PRAC would hold a meeting to gather public comments on staff's proposed Auke Lake Management Plan on January 29, at 6:00 p.m. in the Chambers.

Commission on Sustainability: Liaison Nankervis said the JCOS held its annual retreat on January 26 and mapped out three main areas of focus – an energy plan, a solid waste plan and public outreach.

Planning Commission: Liaison Smith said the PC had completed a draft Comprehensive Plan update and public meetings would be held throughout the community on the draft plan.

Eaglecrest Board: Liaison Kiehl said the next meeting was set for February 7.

Local Emergency Planning Committee: Liaison Kiehl said the next meeting was set for February 13.

Affordable Housing Committee: Liaison Kiehl said the next meeting was set for February 12. Mayor Sanford said it would be good to hear a report from the AHC to get the Assembly up to date on the committee's issues.

Juneau Economic Development Council: Liaison Wanamaker said the JEDC Innovation Summit would be held February 12 - 13.

School Board: Liaison Wanamaker said the School Board Budget committee had scheduled several public meetings: www.juneauschools.org

Southeast Conference: Mayor Sanford said the Assembly had an open invitation to attend a breakfast with legislators hosted by the Southeast Conference on January 29.

D. Presiding Officer Reports

Mr. Jones said a Pre-Hearing Conference was held and an order was issued in the matter of the Veterans For Peace Appeal of USE2012-0016 for a shooting range. He said the meeting was productive and a second Pre-Hearing Conference would be held on February 12.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Jones said he attended the Capital City Fire and Rescue annual dinner and he learned a lot about the Fire Department.

Mr. Jones noted that the JEDC Innovation Summit was the same days as the Alaska Municipal League meetings and there may be some conflicting events for Assembly meetings as well.

Mr. Smith said there had been a My Turn article in the Juneau Empire, among other comments he had heard about a perceived deficiency in the CBJ's public notice process. He thought that CBJ did a good job with notice but perhaps that was not being articulated to the public. Mayor Sanford asked Mr. Kiehl if the HRC would hear a report from staff on the public notice process.

Mr. Kiehl said he attended MLK day observances with Ms. Crane and said the event was inspiring and remarkable. He complimented the Black Awareness Association and other groups, which put the event together.

Mr. Kiehl said he attended the Officer Installation at the Filipino Hall. The legislators were invited and he did not know that ovens were made big enough to make that much food. It was a fantastic event.

Mr. Kiehl asked if Mr. Schaaf could report on dogs and cleanliness in the parks and provide an update on ticketing.

Ms. Kiefer said Capital Park had been a catalyst, but this was a community wide problem. Parks and Recreation did not want to have to ban dogs from the parks but despite providing bags and cans, many people did not pick up after their dogs.

Mr. Schaaf said he met with the Grateful Dogs group and they had a dedicated volunteer that cleaned up Capital Park, which was one of the most heavily used parks in town. Students and teachers also helped, but CBJ staff cleaned up ten gallons of waste from the park last week. Announcements went out about a new zero tolerance policy for dog waste, which would be enforced by Gastineau Humane Society Animal Control. There would be no warnings and dog owners would be cited if caught allowing their dog to leave a mess. CBJ provided 250,000 - 300,000 bags per year and trash cans and pickup. Most dog owners were responsible but it just took one dog a day to make a mess and have a problem.

Mary Becker said she attended the ground-breaking event for the State Library, Archives and Museum Building, along with several other Assemblymembers. She distributed pictures of the event to the mayor and the city clerk.

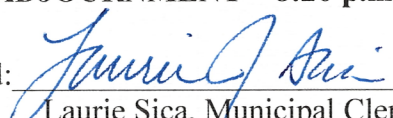
Mayor Sanford said he attended the wonderful event at the Filipino Hall and spoke about the movement by the Sister Cities Committee to re-establish a sister city in the Phillipines.

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

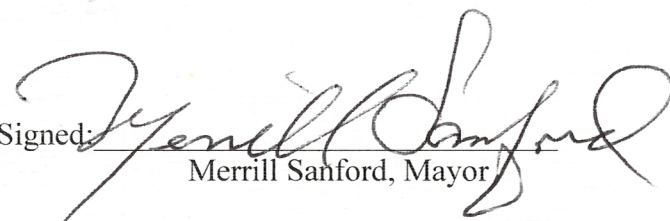
XIV. EXECUTIVE SESSION – None.

XV. ADJOURNMENT – 8:20 p.m.

Signed:


Laurie Sica, Municipal Clerk

Signed:


Merrill Sanford, Mayor