

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes – October 28, 2013

MEETING NO. 2013-27: The Special Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 6:00 p.m. by Mayor Merrill Sanford.

I. ROLL CALL

Assembly Present: Mary Becker, Karen Crane, Loren Jones, Jesse Kiehl, Jerry Nankervis, Merrill Sanford, Carlton Smith, Kate Troll and Randy Wanamaker.

Assembly Absent: None.

Planning Commission Present: Nathan Bishop, Nicole Grewe, Ben Haight, Karen Lawfer, Jerry Medina, Dan Miller, Michael Satre, Dennis Watson.

Planning Commission Absent: None.

Staff Present: Kim Kiefer, City Manager; Rob Steedle, Deputy City Manager; Amy Mead, City Attorney; Laurie Sica, Municipal Clerk; Bob Bartholomew, Finance Director; Hal Hart, Community Development Director; Travis Goddard, Planning Manager; Ben Lyman, Senior Planner; Sarah Bronstein, Planner I; Kirk Duncan, Public Works Director; John Kern, Transit Superintendent.

II. CONSENT AGENDA

MOTION, by Becker, to adopt the consent agenda. Hearing no objection, it was so ordered.

A. Resolution 2666

A Resolution Providing For Interest Rates For The General Obligation School Bond Being Issued Through The Alaska Municipal Bond Bank.

Administrative Report: Attached. The manager recommended adoption of Resolution 2666.

III. STAFF REPORTS

A. Disturbing the Peace Code

Ms. Mead said the direction she received from the Assembly was to simplify the existing "Disturbing the Peace" code in addressing noise issues. There was a draft ordinance in the packet that changed the standard for violations to hinge upon a "reasonable person" standard, which was a well-recognized standard by the court. The ordinance hinged solely on whatever a "reasonable person" found to be "unreasonable." The ordinance defined what was prohibited as "unreasonable noise." This ordinance did not change any of the existing other provisions, such as the provisions related to construction vehicles or noise coming from vehicles, but simplified what was already in place and made it more clear. Violations of the code were infractions.

Ms. Crane asked if frequency of a noise event occurring more for than one incident was covered in this ordinance. Ms. Mead said that there was a new violation each time a noise event occurred, so there was no requirement that JPD wait for the noise event to happen multiple times in a row, if the original time was unreasonable. Ms. Crane referred to “unreasonable” fireworks, and asked if this ordinance allow JPD to recognize firework noise as a problem and end the response that fireworks were “not against the law.” Ms. Mead said there was nothing in the proposed ordinance that would require such a response. Ms. Kiefer said the report of fireworks noise may be unreasonable, but on the 4th of July it would likely fall low on the priority list on that busy day for JPD.

Mr. Nankervis said the proposed ordinance was much better than what was previously distributed and liked that the penalty was an infraction. He asked about the section of the ordinance regarding “liability,” and gave an example of a house sitter creating a noise issue. Would the homeowner receive the ticket or the house sitter? He asked about the same issue regarding vehicle noise. He thought the person creating the noise should be the responsible party. Ms. Mead said this is not new language and in most circumstances, the police would cite the person making the noise. The purpose of the ordinance was to allow a citation to be issued to a person who knew about a situation and allowed the situation to continue – it was a rebuttable presumption, and the person who was the homeowner or vehicle owner could provide a defense that they were not aware of a situation. It did allow responsibility to attach to the correct person.

Ms. Crane asked about the reference to “pure tones.” Ms. Mead was unclear about that language, which was currently in the code and was also in the model ordinance.

There were some questions about the section on noise emanating from vehicles and the hours that such noise would be unreasonable, and if there was a separate standard for vehicles so that they were exempted from the “unreasonable” standard during daytime hours.

Mr. Bishop said that when the Planning Commission first took on the review of the noise issue, it originated from a complaint about the noise from refrigeration units, and this was not addressed specifically in this ordinance. Mayor Sanford said that issue could now be addressed through CDD permitting of that type of equipment. Mr. Bishop was satisfied with that.

Mr. Satre explained the significant staff and Planning Commission time that went into reviewing regulating noise through Title 49, the Land Use Code. There was an extended community conversation regarding noise at that time. They found there were multiple legal issues and ultimately the effort ended. The recommendation was to go back to the “Disturbing the Peace Code” and make it easily understood and enforceable. He supported the way this ordinance was drafted.

Mr. Watson said that the Planning Commission could still comment on the construction hours. The hours in this ordinance were fairly liberal and as long as the Planning Commission could still adjust hours of noise as conditions of permits he was supportive.

Mayor Sanford summarized that there were still concerns about “pure tones” and the hours of vehicle noise.

MOTION, by Becker, to forward this ordinance to the Committee of the Whole and Assembly.
Hearing no objection, it was so ordered.

B. Subdivision Streets Construction Standards

Rorie Watt referred to his memo co-written with Laura Boyce of the Planning Division regarding whether sidewalks should continue to be required of land developers by CBJ Code. The Planning Code required sidewalks and the Engineering Department enforced the installation. Various adopted plans gave direction and through the CIP various projects were funded. They tried to estimate costs and included a map of existing sidewalks in the valley.

Mayor Sanford- this topic came up while reviewing the housing issues with the community through the ad-hoc housing committee.

Some issues discussed by the Assembly and the Planning Commission included: requirements for paving due to dust issues for air quality, the required widths of streets, whether sidewalks should be required on only one side of the street or on both sides, whether required sidewalks would need to be installed during street construction or if they could be installed at a later date through the LID process, the conflicting interests of CBJ's and the State of Alaska Department of Transportation requirements, safe walking routes to schools and bus routes, and the standards to which streets and sidewalks were built.

Mayor Sanford said there were several ideas in the housing matrix regarding subdivision standards and he recommended assigning the Public Works and Facilities Committee to investigate all ideas and proposed changes to the standards.

Mr. Wanamaker requested anyone with specific comments to forward their ideas to the PWFC in writing.

MOTION, by Becker, to forward the topic of subdivision street construction standards to the PWFC for discussion. Hearing no objections, it was so ordered.

C. Transit Development Plan Update

Paul Lutey and Geoff Slater of Nelson/Nygard Consulting Associates were hired by CBJ to gather public input, study the current transit system, and develop scenarios for transit system improvement. Some problems are include overcrowding on some routes, missed connections, too much service for low demand areas and not enough service for high demand areas. The consultants presented three scenarios for consideration.

Scencario One – Cost Neutral

- Shifts Valley local service from outer loop to Riverside Drive
- Shifts Valley transfer location from Nugget Mall to Mendenhall Mall
- Extends express route to Montana Creek and Ferry Terminal (alternating trips)
- Service on downtown loop every 15 minutes
- Fixes major operational issues

Scenario Two – Cost Neutral

- Express service to Valley instead of to UAS (with service to Riverside Drive)
- Local service to UAS instead of Valley

- Shifts Valley transfer location from Nugget Mall to Mendenhall Mall
- Fixes major operational issues
- Does not include downtown loop

Scenario Three – Expanded Service (12 – 15% increase in costs)

- Express service to Valley instead of UAS (with service to Riverside Drive
- Local service via Lemon Creek industrial area (Costco, Home Depot, etc.)
- New route between Mendenhall Mall and Montana Creek and Ferry terminal
- Service on downtown loop every 15 minutes
- Fixes major operational issues
- Requires a 12-15% increase in the operating budget

Mr. Lutey said that the primary goals of their study were to fix current schedule problems, and provide options to get to new areas and to provide high quality and convenient service. The Assemblymembers and Planning Commissioners all weighed in with thoughts on scenarios and transit service in general. Mr. Lutey said that his firm would solicit feedback from the community and would return with a draft plan for the Assembly to review in December.

Mr. Kern announced the dates, times and locations of upcoming public meetings and invited those present and the public to attend.

IV. ASSEMBLY AND PLANNING COMMISSION COMMENTS AND QUESTIONS

Mayor Sanford reminded Assemblymembers about the upcoming Assembly Retreat on Wednesday, October 30, from 8 a.m. to Noon, and asked the Assemblymembers to get their top three goals in to the Clerk's office.

Mayor Sanford added a review of a recent funding request from Sealaska Heritage Institute's Celebration to the Finance Committee.

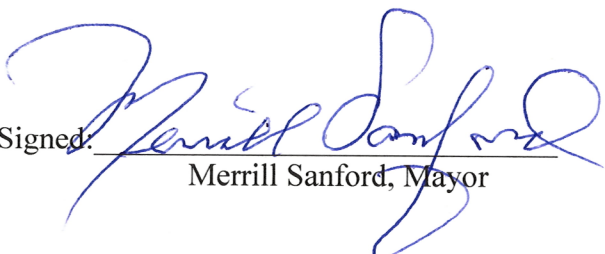
Mayor Sanford gave an update on the status of the Gastineau Apartments, which is currently determining whether reconstruction or demolition would occur. Centennial Hall would be hooking up its new generator soon. The gate to the Auke Lake Boat Ramp would be closed when the lake froze. He encouraged all to read the department summary provided by the City Manager.

Planning Commissioner Chair Satre thanked the Assembly for the opportunity to meet jointly and go over issues of common concern.

Mayor Sanford thanked the Planning Commissioners for their time and attendance. He noted that the time for Planning Commission appointments was near.

V. ADJOURNMENT – 8:35 p.m.

Signed: 
Laurie Sica, Municipal Clerk

Signed: 
Merrill Sanford, Mayor