THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - August 21, 2017

MEETING NO. 2017-17: 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 Ken Koelsch.

I. FLAG SALUTE

II. ROLL CALL

Assembly Present: Mary Becker, Maria Gladziszewski (teleconference), Norton Gregory, Loren Jones, Jesse Kiehl, Ken Koelsch, Jerry Nankervis (teleconference), Beth Weldon (teleconference) and Debbie White.

Assembly Absent: None.

Staff Present: Rorie Watt, City Manager; Mila Cosgrove, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Bob Bartholomew, Finance Director; Carl Uchytil, Port Director; Patricia Wahto, Airport Manager; Dave Scanlan, Eaglecrest Manager; Beth McKibben, Planning Manager; Allison Eddins, Planner; Trinidad Contreras, Assistant Attorney; Sherri Layne, Assistant Attorney; Emily Wright, Assistant Attorney.

III. SPECIAL ORDER OF BUSINESS

Ms. Mead introduced a new prosecutor, Emily Wright, who has done prosecution work in Colorado, was a project director for the Legal Advocacy project with the Alaska Network on Domestic Violence and Sexual Assault, and most recently was Deputy Director for labor relations for the State of Alaska.

IV. APPROVAL OF MINUTES

A. July 31, 2017 Regular Assembly Meeting 2017-16

Hearing no objection, the minutes of the July 31, 2017 Regular Assembly Meeting 2017-16 were approved with minor corrections.

V. MANAGER'S REQUEST FOR AGENDA CHANGES

None.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

William Quayle said he would finally be able to have enough funds to pay for his pedicab permit at the cost of $1500. He said the lighting for his pedicab was sufficient to operate at night, but the regulations prohibited night operations.

Saralyn Tabachnick, Director of AWARE (Aiding Women in Abuse and Rape

Emergencies), spoke about a 2011 victimization survey which said that 55% of the women in Juneau had been a victim of domestic or sexual violence in their lifetime. They are busy at AWARE. They manage a 32 bed shelter and they have 38 residents today. There are many reasons why people use their services but currently their services are stretched in terms of capacity and staffing. In response to Mr. Jone's question, Ms. Tabachnick said the 4, 1-bedroom and 4 2-bedroom apartments in the transitional housing units AWARE maintains are also full.

VII. CONSENT AGENDA

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

Jim Powell asked to remove Resolution 2804 from the consent agenda.

B. Assembly Requests for Consent Agenda Changes

None.

C. Assembly Action

MOTION, by Becker, to adopt the consent agenda, with the removal of Resolution 2804. Hearing no objections, the consent agenda was adopted.

1. Ordinances for Introduction

a. Ordinance 2017-06(C) An Ordinance Appropriating to the Manager the Sum of $9,939 as Funding for a New Master Plan for Riverside Rotary Park; Donation Provided by The Glacier Valley Rotary Club.

The FY17 CIP provided $250,000 from the voter-approved special 1% sales tax to perform improvements and upgrades to Riverside Rotary Park. The improvements include renovating and improving the playground and creating a new master plan for the entire park space.

The Glacier Valley Rotary Club has raised $9,939 as a donation toward the project. These funds will be used to complete a new park master plan as part of these improvements.

The Public Works and Facilities Committee approved this request at its meeting on August 7, 2017.

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

b. Ordinance 2017-06(D) An Ordinance Appropriating to the Manager the Sum of $25,000 as Partial Funding for the Historic Preservation Plan, Phase II; Grant Funding Provided by the State of Alaska Department of Natural Resources.

The State Historic Preservation Office has awarded the CBJ a $25,000

grant to update Juneau's Historic Preservation Plan. The funds, which will be used to pay a consultant to assist staff in updating the plan, come with a 40 percent match requirement. CBJ will meet this obligation with budgeted staff time.

CBJ's current preservation plan was completed 20 years ago. It remains in draft form, as it was never brought before the Assembly for adoption. CBJ is classified as a Certified Local Government (CLG), which makes it eligible for preservation grants. In order to maintain CLG status, cities are required to have adopted historic preservation plans. CBJ has been using the draft preservation plan for many years, but as funding becomes more competitive, it is prudent to have an adopted plan. Staff anticipates bringing the updated historic preservation plan before the Assembly to consider adoption in September, 2018.

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

c. Ordinance 2017-06(E) An Ordinance Appropriating to the Manager the Sum of $109,800 as Supplemental Funding for the Law Department Fiscal Year 2018 Operating Budget; Funding Provided from the General Fund's Fund Balance.

The requested appropriation would fund a new attorney position. The position would have a dual focus, working for both the criminal and civil sections. The position would alleviate the strain on the criminal side created by a dramatic increase in criminal cases being prosecuted as a result both of the criminal justice reform bill as well as the impact that bill has had on the local District Attorney's Office's resources and ability to handle a share of the misdemeanor caseload. The addition of the new position would also allow the civil section to significantly increase the CBJ's collections efforts with respect to unremitted sales tax, as well as civil and criminal fines that have gone unpaid and the recovery of damages through the initiation of civil litigation.

The FY18 funding source is an increased draw on General Fund fund balance of $109,800 over the recently adopted budget. The FY18 adopted Law budget reduced their budget's draw on the general fund due to $100,000 increased cost reimbursement from BRH. Thus this requested increment only draws $13,000 more on the general fund than their FY17 budget. This requested increase was discussed at the July 12 Committee of the Whole meeting. The direction to prepare an ordinance for Assembly introduction passed without objection.

The City Manager recommends this ordinance be introduced and set

for public hearing at the next regular Assembly meeting.

2. Resolutions

a. Resolution 2801 A Resolution of the City and Borough of Juneau in Support of Alaska Department of Transportation and Public Facilities Harbor Facility Grant Submission.

Docks & Harbors desires to apply for an ADOT Harbor Facility Grant to retrofit Mike Pusich Douglas Harbor and Harris Harbor with zinc anodes to extend the useful life of the steel pilings. The approximate construction cost for Douglas Harbor is $280,000 and for Harris Harbor, $250,000. The Harbor Facility Grant requires a 50% local match. Docks & Harbors is prepared to provide up to $265,000 from its Harbor Fund fund balance for this purpose.

The application is due on September 1, 2017, and the applicant receives an additional point (out of 56) with a local resolution of support.

The Docks & Harbors Board reviewed the language at its July 31, 2017, regular board meeting and recommends the Assembly adopt Resolution 2801.

The City Manager recommends adoption of this resolution.

b. Resolution 2802 A Resolution Reestablishing the Juneau Commission on Aging and Repealing Resolution 2279.

The Juneau Commission on Aging has struggled for the past year to maintain enough members to meet the quorum requirements necessary to take action and hold meetings. Assembly Human Resources Committee (HRC) Chair Loren Jones and members of the clerk's office met with current and former members of the commission in a series of public meetings in May and June of 2017 to discuss the status of the commission and the possibility of refocusing its mission. A resolution was drafted incorporating the changes discussed.

The Assembly Human Resources Committee reviewed the draft resolution at its June 26 and July 31, 2017, meetings, and recommended forwarding Resolution 2802 to the Assembly for adoption.

The City Manager recommends this resolution be adopted.

c. Resolution 2803 A Resolution Repealing Resolution 2288 Approving Fees Relating to the Disclosure of Public Records.

With the adoption of a new public records act, Resolution 2288, which established fees for the copying, certifying or conforming of public documents in response to a request, is now obsolete. This resolution would

repeal Resolution 2288.

The City Manager recommends the adoption of this resolution.

3. Other Items for consent

   a. Renewal of Marijuana License 10271 - Marijuana Product Manufacturing Facility, Licensee: Top Hat Concentrates, LLC at 2315 Industrial Blvd., Suite B, Juneau

   The above marijuana license renewal is before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development departments have reviewed this renewal and found the business to be in compliance with CBJ Code. Your packet contains the renewal application along with the AMCO notice to the local governing body. Additional license application documents are available through the Clerk's office upon request.

   In the event the Assembly does protest this renewal, CBJ Code 20.30 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise its right to an informal hearing before the Assembly. The sixty-day comment period for local governing body action will expire as of Saturday, September 16, 2017.

   The City Manager recommends the Assembly waive its right to protest the renewal of AMCO marijuana license #10271.

   b. Renewal of Marijuana License 10315 - Standard Marijuana Cultivation Facility, Licensee: Green Elephant, LLC at 101 Mill Street, Suite A, Juneau

   The above marijuana license renewal is before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development departments have reviewed this renewal and found the business to be in compliance with CBJ Code. Your packet contains the renewal application along with the AMCO notice to the local governing body. Additional license application documents are available through the Clerk's office upon request.

   In the event the Assembly does protest this renewal, CBJ Code 20.30 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise its right to an informal hearing before the Assembly. The sixty-day comment period for local governing body action will expire as of Tuesday, September 5, 2017.

   The City Manager recommends the Assembly waive its right to protest the renewal of AMCO marijuana license #10315.

c. Renewal of Marijuana License 10844 - Retail Marijuana Store, Licensee: Green Elephant, LLC at 101 Mill Street, Suite B, Juneau

The above marijuana license renewal is before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development departments have reviewed this renewal and found the business to be in compliance with CBJ Code. Your packet contains the renewal application along with the AMCO notice to the local governing body. Additional license application documents are available through the Clerk's office upon request.

In the event the Assembly does protest this renewal, CBJ Code 20.30 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise its right to an informal hearing before the Assembly. The sixty-day comment period for local governing body action will expire as of Tuesday, September 5, 2017.

The City Manager recommends the Assembly waive its right to protest the renewal of AMCO marijuana license #10844.

4. Transfers

a. Transfer T-989 Transfer of $1.558 Million from 4 CIPs to the Pederson Hill Subdivision CIP.

This transfer will move $1.558 million from 4 CIPs into the Pederson Hill Subdivision CIP. The Pederson Hill Subdivision project is moving forward with the first phase of construction expected to begin in the fall of 2017. The $1.3 million being transferred from the Whittier Street CIP was a loan from the West Juneau/Douglas Access Study CIP in February 2016 allowing the project to be constructed during the spring of 2016, ahead of the opening of the state library and museum complex. CIP funding was allocated for Whittier in the FY17 CIP which became available until July 2016.

The Public Works and Facilities Committee forwarded this request at its August 7, 2017, meeting.

The City Manager recommends this transfer be approved.

b. Transfer T-990 Transfer of $100,000 from the Construct RSA IIB CIP to the Taxiway A & Taxiway E CIP.

This transfer will move $100,000 from the Construct RSA IIB CIP to the Taxiway A & Taxiway E CIP.

The funding source is Airport Fund fund balance, which will be used to forward-fund weather-critical field work, including topographic surveying

and geotechnical investigation, until a federal grant is received for this work.

At its August 8, 2017, meeting, the Airport Board approved this transfer.

The City Manager recommends this transfer be approved.

Removed from Consent Agenda:

c. Resolution 2804 A Resolution Affirming the City and Borough of Juneau's Commitment to Climate Action.

At the June 26, 2017, regular Assembly meeting, during Assembly comments, a motion was made to have the Assembly support the Mayors' Climate Change Initiative. The motion passed. At the July 31, 2017, regular Assembly meeting, a motion was made to reconsider that vote. The motion passed. Subsequently a motion was made to introduce a resolution for the next Assembly meeting affirming Juneau's commitment to climate action. That motion passed.
The Assembly directed that such a resolution be included on the agenda for the August 21, 2017, regular Assembly meeting.

As this is an Assembly directed resolution, the City Manager has no recommendation.

Public Comment:

Jim Powell spoke in support of Resolution 2801. He said he served on the Assembly for nine years, and is an Assistant UAS professor, but was representing his own opinions in his testimony. He applauded CBJ's work on climate change which began over ten years ago. At that time, CBJ was one of the first communities to take action, and we put together predicted impacts of climate change upon Juneau. The resolution accomplishes a nice history of where Juneau has been and emphasizes continued action. This is a statement of policy and when he was on the Assembly the body passed several resolutions on local, state and national issues of the group's policy. State and federal officials need to know what local government perspectives are and the current national administration has joined Syria and Nicaragua as the only three non-participating countries in the Paris Climate Agreement. Hundreds of cities across the country are taking action. We need to continue to understand what is coming and how climate will change over the next century, which is vital to our economy and the community.

Geron Bruce spoke in support of Resolution 2804. He arrived in Juneau in 1959 and his family has all been through the Juneau school system. He has seen many changes for the good in the community, but one change that has been bad is the change in the climate. The winters are wetter and warmer and the summers are cooler and wetter. The king salmon are not around like they used to be and the future of skiing in the area is threatened. Global warming is real despite the President calling it a Chinese "hoax." The current administration has rolled back measures to reduce CO2 emissions and has introduced policies that will speed up global warming. We need to acknowledge that this community takes global

warming seriously and the resolution takes modest steps along those lines.

Elaine Schroeder spoke in support of Resolution 2804. She is the co-chair of 350 Juneau, Climate Action for Alaska. It is one of 180 local groups in North America affiliated with the international group 350.org. They have over 400 residents on their email notification list. She read from a letter from the Alaska Dispatch News Op-Ed page written by five Alaskan clergy, "Alaska Stewardship Demands Transition from Fossil Fuels."

William Quayle said as long as the trees were not cut, Juneau would be in good shape in regards to CO2.

Assembly Action:

MOTION, by Gladziszewski, to adopt an amended Resolution 2804, striking the words in Section 3 as follows: "The City and Borough of Juneau joins other cities to undertake local action to contribute to worldwide efforts to mitigate and manage climate change. ~~Among the organizations compiling and quantifying such efforts are the Global Covenant of Mayors for Climate and Energy, the Compact of Mayors, Climate Mayors, and America's Pledge.~~"

She said she brought this forward in response to local citizens' interest in re-committing to the work of CBJ on this issue. In the beginning Juneau looked to ICLEI - Local Governments for Sustainability - to provide a framework for action on climate change. In more than a decade, CBJ has done two greenhouse gas surveys, committed to a reduction target, adopted a Climate Action Plan, and is still doing the work. As part of the plan, the Juneau Commission on Sustainability (JCOS) has been working on an energy strategy for over a year. They are done and are drafting a letter of transmittal to the Assembly. Citizens asked Juneau to join Climate Mayors. There have been some questions about which organizations the CBJ works with. She did research and discovered many local government organizations doing this work. She now believes that the Global Covenant of Mayors for Climate and Energy is the organization most consistent with CBJ's current actions. ICLEI was a founding leader of this work. This resolution commits to this work. Because she was hoping for unanimity and to show the community there is broad support for the work, she restated the amendment to resolution 2804. This would provide time to understand which organization was best for Juneau to affiliate with in the future.

Ms. White asked why now, why not wait until the energy report was in and asked if this resolution was premature. Ms. Gladziszewski said that the JCOS supported this resolution - it is the work it is engaged in, and there was no conflict. Ms. White said three of four people speaking tonight mentioned that they wanted this as a reaction to what was happening on the federal level and asked if the resolution was intended to thumb CBJ's nose at the federal government.

Ms. Becker asked if this resolution was jumping ahead of the JCOS and if that group would have written this resolution in this manner.

Ms. Gladziszewski said the JCOS supports this, it is a litany of things that have been done and a reaffirmation of the commitment to the work.

Mr. Nankervis objected to the resolution, as amended, and spoke about the public testimony at this meeting. He believes that this is a statement on what is happening in national politics and he did not want to start weighing in on national politics. Since we are spending our time this way, he wanted to state that he does not believe it was CBJ's role to comment on what the federal government is doing. The statement has been toned down with this amendment. We have a previous resolution, we have a draft plan, and we have tried to align costs with energy savings.

Mr. Kiehl spoke in support of the amended resolution. In most respects this resolution reads just as the JCOS letter was written. This resolution has removed the parts that were objectionable to members of the Assembly and the public. He said he was aware of a number of actions the Assembly has taken that address issues on the national level and we have long made comments on big issues that have a local hook. This resolution now speaks just to Juneau and the impacts of climate change on Juneau.

Roll call:
Aye: Gladziszewski, Gregory, Jones, Kiehl, Weldon, Koelsch
Nay: Becker, Nankervis, White
Motion passed, 6 ayes, 3 nays.

VIIIPUBLIC HEARING

A. Ordinance 2017-18 An Ordinance Amending the Penal Code.

This ordinance aligns the CBJ penal code with state statutes and adds penalty provisions. An annotated version of this ordinance, which explained each amendment, was presented to the Committee of the Whole on July 12, 2017. The Committee of the Whole approved a motion to forward the ordinance to the Assembly for introduction.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Gregory, to adopt Ordinance 2017-18. Hearing no objection, it was so ordered.

B. Ordinance 2017-21 An Ordinance Amending the Discharging Firearms Ordinance.

This ordinance would amend the code section prohibiting the discharging of firearms in

certain areas to remove an incorrect geographic reference.

CBJ 42.20.050 prohibits the discharge of firearms within a quarter mile of the Mount Roberts Trail. In describing the trail, the code specifically identifies the trailhead as beginning at Sixth Street. Although that trailhead still exists and is still in use, the official trailhead is now at Basin Road. Eliminating the specific reference to Sixth Street would result in both trailheads being recognized for purposes of CBJ 42.20.050.

At the April 3, 2017, meeting, an Assembly member questioned the reference to Sixth Street and asked staff to look into the question. This ordinance is a result of that inquiry.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by White, to adopt Ordinance 2017-21. Hearing no objection, it was so ordered.

C. Ordinance 2017-22 An Ordinance Providing for the Levy and Collection of a Temporary 1% Areawide Sales Tax on the Sale Price of Retail Sales, Rentals, and Services Performed within the City and Borough of Juneau, to be Effective October 1, 2018, and Providing for a Ballot Question Ratifying the Levy.

This ordinance would place the question of extending the 1% temporary sales tax on the ballot at the next regular municipal election. The current 1% temporary sales tax expires on September 30, 2018. If approved, the temporary 1% tax would be extended five years, until September 30, 2023.

It is estimated that the temporary tax would generate a total of $43.3 million in sales tax revenue. It is intended that this revenue be used for a variety of capital projects focused on addressing deferred maintenance needs of public utilities and facilities. These projects would improve the condition of city owned assets, thereby helping to hold down operating costs and allowing for smaller utility rate increases moving forward. The earmarked projects include the following:

- Wastewater: infrastructure maintenance and improvements
- CBJ-owned building maintenance
- Water: infrastructure maintenance and improvements
- Airport: matching funds for federally funded projects
- Augustus Brown Pool deferred maintenance
- Centennial Hall upgrades and deferred maintenance

- Schools: major building maintenance
- Bartlett Regional Hospital: Rainforest Recovery Center upgrades
- Information Technology: infrastructure upgrades
- RecycleWorks: Wastewater diversion program
- Affordable Housing Fund
- Park deferred maintenance
- Aurora Harbor reconstruction

This issue was reviewed by the Assembly Finance Committee at its meetings on June 14, June 28, and July 13, 2017. The Finance Committee recommended the ordinance be brought to the full Assembly for consideration.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Jones, to adopt Ordinance 2017-22, as amended by the manager, changing the wording "RecycleWorks: Wastewater diversion program" to "RecycleWorks: Waste diversion program." Hearing no objection, it was so ordered.

D. Ordinance 2017-24(c) An Ordinance Increasing the Hotel-Motel Room Rental Tax by Two Percent and Providing for a Ballot Question Ratifying the Increase.

This ordinance would place the question of increasing the hotel-motel room rental tax from seven to nine percent on the ballot at the next regular municipal election. In accordance with an amendment proposed by the Finance Committee at its meeting on August 9, 2017, the increase would be temporary, with an effective date of January 1, 2018, through December 31, 2022.

The hotel-motel room rental tax was last increased in 1988. The increased rate authorized by this ordinance would generate an estimated additional $400,000 per year in revenue for each of the four years the temporary increase would be in effect. The intent is to use the funding initially for renovations to the Juneau Arts and Cultural Center, and then for improvements to Centennial Hall, visitor information and marketing services, and other tourism and visitor services and facilities.

Version (c) of the ordinance incorporates the changes approved by the Finance Committee on August 9, 2017:

1. Makes the two percent increase a temporary increase that automatically sunsets on December 31, 2022; and
2. Removes "parking infrastructure" from the list of items the increased revenue is intended to fund.

Version (c) also incorporates the changes made in version (b) from the ordinance as it was originally drafted: corrects the effective date in Section 5 to read "January 1, 2018," and adds a title to the proposition (Section 4).

On Tuesday, August 15, the board of the New JACC wrote to the Assembly requesting that you indefinitely postpone action on this ordinance. The City Manager recommends that you reject this ordinance.

Public Comment:

Maryann Ray, owner of Pearson's Pond Bed and Breakfast, said she had spoken to most of the bed and breakfast and hotel owners in Juneau and they were opposed to using a hotel tax to rebuild the Juneau Arts and Culture Center. The hotel tax is significant as it is, and was a factor in the decision making of potential visitors regarding whether to visit the area. She said the use of the funds for conventions and an arts center benefited the downtown population of hotels, shops and restaurants. She discussed a zone tax in Seattle that had varied rates depending on location of the properties, such as an airport zone rate. This does not place the burden solely on the lodging industry, but upon those businesses that benefit. She volunteered to work on the idea of a zone tax, which she believed had potential for Juneau.

Assembly Action:

MOTION, by Kiehl, to postpone Ordinance 2017-24(c) indefinitely. Hearing no objection, it was so ordered.

Ms. Becker asked the Assembly to join her in commending the partnership board that has worked to construct a new arts and culture center in Juneau, which has long been supported by the CBJ. She listed the activities taken to this end and offered encouragement.

IX. UNFINISHED BUSINESS

None.

X. NEW BUSINESS

A. Senior Citizen and Hardship Late-File Application Extension Requests

The following listed property owners are requesting that the Assembly authorize the Assessor to consider a late-filed appeal of their property assessment. The action required by the Assembly is to determine whether or not the late-filed tax assessment appeal will be heard. Evidence on the assessment itself or the merit of the appeal is not relevant. The Assembly should consider each request separately and determine whether or not the property owner was unable to comply with the 30-day filing requirement.

The burden of proof is upon the property owner to show the inability to file a timely appeal. In this context, the word "unable" does not include situations in which a

property owner forgot about, or overlooked, the assessment notice, was out of town during the period for filing an appeal, or similar situations. Rather, it covers situations that are beyond the property owner's control and would prevent a property owner from recognizing what is at stake and dealing with it. Examples of this would include physical or mental disability serious enough to prevent a person from dealing rationally with their private affairs. Disagreeing with the amount of the assessment does not constitute inability to submit a timely appeal, nor does a notice of assessment being sent to a wrong address. The property owner is responsible for keeping a current, correct address on file with the assessor's office.

If the Assembly decides to accept the late-filed appeal, the assessment appeal will be referred to the Assessor for review and action.

- Senior Citizen Late File - Trivette and
- Hardship Late File - Trivette

- Senior Citizen Late File - Sumdum and
- Hardship Late File - Sumdum - one letter attached for both

- Senior Citizen Late File - Eldridge
- Senior Citizen Late File - Barron
- Hardship Late File - Preston
- Hardship Late File - Chantry
- Hardship Late File - Haight
- Hardship Late File - Myers
- Hardship Late File - Donnelly

The Assembly asked questions about this process and Ms. Mead and Mr. Bartholomew provided clarification. The action before the Assembly is to review the acceptance of the filing due to the missed deadline. The Assembly was authorizing the Assessor to process these applications as if timely filed.

No appellants were present to represent their appeals.

MOTION, by Jones, to accept the late filed Senior Citizen and Hardship Exemption applications for Trivette, as if timely filed. Hearing no objection, it was so ordered.

MOTION, by Becker, to accept the late filed Senior Citizen and Hardship Exemption applications for Sumdum, as if timely filed.

Mr. Gregory said the letter does not specify the burden that prevented the requestor from addressing the application in a timely manner. He did not see the burden of proof as met. Mr. Kiehl said he thought this was one of the more clear cut requests due to the medical issues cited.

Hearing no objection, the Assembly accepted the late filed application of Sumdum.

MOTION, by Gregory, to accept the late filed Senior Citizen application for Eldridge, as if timely filed.

Mr. Kiehl objected. Mr. Jones explained his view that there was an issue with processing this application and not a matter the homeowner was responsible for. Mr. Kiehl removed his objection.

Hearing no objection, the Assembly accepted the late filed application of Eldridge.

MOTION, by White, to accept the late filed Senior Citizen application for Barron, as if timely filed. Hearing no objection, it was so ordered.

MOTION, by Jones, to accept the late filed Hardship Exemption application for Preston, as if timely filed.

Mr. Kiehl objected. He said he did not see any arguments that spoke to an inability to file or fault by the city in this case.

Roll call:
Aye: Becker, Gladziszewski, Jones, Nankervis, Weldon, White, Koelsch
Nay: Kiehl, Gregory
Motion passed, 7 aye, 2 nay. The late filed hardship exemption application for Preston was accepted.

MOTION, by Kiehl, to accept the late filed Hardship Exemption application for Chantry, as if timely filed. Hearing no objection, it was so ordered.

MOTION, by Becker, to accept the late filed Hardship Exemption application for Haight, as if timely filed.

Mr. Gregory objected. Mr. Gregory said he did not see a reason provided that showed the matter was beyond the ability of the applicant to file timely.

Roll call:
Aye: Becker, Gladziszewski, Jones, Nankervis, Weldon, White, Koelsch
Nay: Kiehl, Gregory
Motion passed, 7 aye, 2 nay. The late filed hardship exemption application for Haight was accepted.

MOTION, by Gregory, to accept the late filed Hardship Exemption application for Myers, as if timely filed. Hearing no objection, it was so ordered.

MOTION, by White, to accept the late filed Hardship Exemption application for

Donnelly, as if timely filed.

Mr. Kiehl objected stated that he did not see the evidence of inability to file a timely appeal.

Roll call:
Aye: Becker, Gladziszewski, Jones, Nankervis, Weldon, White, Koelsch
Nay: Kiehl, Gregory
Motion passed, 7 aye, 2 nay. The late filed hardship exemption application for Donnelly was accepted.

B. Notice of Appeal - Affordable Auto Sales v CBJ

On July 17, 2017, the City Manager rejected a recommendation from the Sales Tax Board of Appeals relating to a request to abate penalties owed by Affordable Auto Sales stemming from unpaid sales tax from calendar year 2013. The July 17 letter also gave notice to Mr. Khmelev of his right to appeal the City Manager's decision within twenty days of receipt. The letter was sent certified mail. The return receipt indicates the letter was received on July 21, 2017, making the appeal deadline August 10, 2017.

On August 10, Mr. Khmelev sent an email to the Sales Tax Officer and the City Manager inquiring about the appeal process. The City Clerk responded, providing Mr. Khmelev an appeal form. On August 11, she followed up with an email giving Mr. Khmelev until the close of business on August 11 (one day past the twenty day deadline) to file any appeal.

Mr. Khmelev filed the appeal on August 14, 2017.

CBJ 01.50.030(c) provides:

> Time for filing a notice of appeal. Unless otherwise provided in the Code, ordinance, resolution, or other provision which creates the right of appeal, no person shall be entitled to an appellate review of a decision who fails to file a proper notice of appeal with the municipal clerk within 20 days of the date the decision is filed with the municipal clerk if the decision is one which is required to be so filed; or, if the decision is not one which is required to be filed with the municipal clerk, then within 20 days of the later of:
>
> (1) The date the decision becomes effective; or
>
> (2) The date the appellant received personal notice of the decision, if such notice is required.

In accordance with the Appeals Code, the Assembly must now decide whether to accept or reject the appeal. If you determine, after liberally construing the notice of appeal in order to preserve the rights of the appellant, that there has been a failure to comply with the appellate rules, or if the notice of appeal does not state grounds upon which any of the relief requested may be granted, you may reject the appeal.

If the appeal is accepted, you must decide whether the Assembly will hear the appeal itself or if it will assign the appeal to a hearing officer. If you decide to hear the appeal yourselves, a presiding officer should be appointed.

In hearing an appeal, the Assembly sits in its quasi-judicial capacity and must avoid discussing the case outside of the hearing process. (See CBJ 01.50.230, Impartiality.)

As this is a quasi-judicial matter, the City Manager makes no recommendation.

MOTION, by Jones, to reject the appeal, on the grounds that it was filed 4 days late after given a one day extension to file, and did not comply with the appellate rules. Hearing no objection, it was so ordered.

XI. STAFF REPORTS

Mr. Watt said that Mr. Keith Gregory, the new CEO of the Tlingit and Haida Regional Housing Authority, was present in the audience and he welcomed him to Juneau.

XII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Koelsch said the manager's evaluation has been compiled, discussed and forwarded to Human Resources. He asked for an Assembly subcommittee to look at the compensation package, and if interested to email him by Wednesday.

Mayor Koelsch spoke at the 10th anniversary ceremony of the opening of the Ted Stevens Marine Research Institute and attended the Mayor's Awards for the Arts. Frank Katasse, Mia Lager, James Hoagland, Betsy Sims, Tom Locher, Mary Watson and Jim Barron were all recognized, honored and congratulated.

B. Committee and Liaison Reports

Affordable Housing Commission: Liaison Gregory said the next meeting is set for August 29.

Eaglecrest Board: Liaison Gregory said the Board welcomed Dave Scanlan, new manager, who has great enthusiasm and ideas. The board discussed electrification of the Black Bear chair (off diesel), night skiing, future beer/wine sales and new cabins in the area for rentals and other uses.

School Board: Liaison Weldon said the board has adopted a new policy manual and approved the talent enrichment program. The next meeting is set for September 12 at JDHS.

Juneau Economic Development Council: Liaison Weldon said JEDC is working with a local videographer to create promotional videos about recreation and arts and culture. They are working to raise funds with JCF and UAS for the UAS Teacher of Excellence fund and

they are hosting a statewide discussion about growing the "ocean cluster" at JEDC on August 22 and collaborating with DBA, JCVB and AEYC to encourage winter windows for the winter season downtown. The next meeting is Sept. 6 or 13.

Aquatics Board: Liaison White said the Aquatics Board provided its annual report to the Assembly Human Resources Committee.

Lands Committee: Chair White said the next meeting is tentative for August 28.

Planning Commission: Liaison White said the August 22 meeting was cancelled and the next meeting is set for September 12 to discuss a rezone for Front St. in Douglas, a review of the extension of the West Douglas Road and a drainage easement for an apartment building near Bartlett Hospital.

Assembly Task Force on Homelessness: Chair White said the next meeting is set for August 29 and the meeting on August 22 was cancelled.

Alaska Municipal League: Ms. White attended AML in Haines. Speakers included Fred Parady, Larry Persily and Governor Walker, who was quite engaged and attentive to the comments of the membership. An auction benefited a local Haines charity, a safehouse for women called Becky's Place.

Bartlett Hospital Board: Liaision Gladziszewski said the next meeting was August 22.

Parks and Recreation Advisory Committee: Liaison Gladziszewski said the last meeting was a tour of CBJ parks and the next meeting is set for September 5.

Juneau Commission on Sustainability: Liaison Gladziszewski said the next meeting is a subcommittee on August 30 to review the transmittal letter with the energy report to the Assembly.

Human Resources Committee: Chair Jones said the HRC heard annual reports from the Aquatics Board, the ADA Committee and the Youth Activities Board. Hearing no objection, the Assembly accepted the following recommendations from the HRC and appointed the following board members:

Americans with Disabilities Act:
Reappointment of Marianne Mills, Ross Douglas and Allen Hewitt to terms expiring August 31, 2020;

Historic Resources Advisory Committee:
Reappointment of Myra Gilliam to a term expiring June 30, 2020;

Juneau Commission on Sustainability:
Appointment of Christine Woll and Kaley Bangston to terms expiring June 30, 2020;

Youth Activities Board:
Reappointment of Joyce Vick to a term expiring August 31, 2020.

Mr. Jones thanked John White who was ending after 16 years of service on the Youth Activities Board.

Downtown Business Association: Liaison Jones said that DBA appointed Kenny Soloman as its representative to the Assembly Task Force on Homelessness. The Neighborhood Day was well attended at the JACC. The next meeting is set for September 12.

Airport Board: Liaison Jones said that David Epstein is the new chair. The Board is working on promoting the benefits to the community of the economic impact of the airport and the issues with parking in the front of the airport and will be working with PIO Lisa Phu to help get the word out.

Local Emergency Planning Committee: Liaison Jones said the next meeting is set for September 13 and the Preparedness Expo will be September 15 and 16. They are asking for "survivor stories" from community members.

UAS Campus Council: Liaison Kiehl said the next meeting is set for September 11.

Alaska Municipal League: Liaison Kiehl reported on attendance at the AML meeting in Haines and said the Conference of Mayors plans to take a stronger role to push the legislature to develop a fiscal plan soon. Mayor Kassel of Fairbanks presented on a commercial business owners' energy assistance program which has great potential and Anchorage, Fairbanks and Juneau may be able to work together on this. Haines did a great job welcoming everyone.

Finance Committee: Chair Kiehl said the next meeting is set for September 13 and the committee will hear from the working group regarding the Southeast Senior Services Inc. request for a funding package for senior assisted living and memory care. A future finance meeting will look at the ownership of the electric utility issue. Staff will report at a high level on pros and cons before any discussions are initiated. Ms. Weldon and Ms. Gladziszewski expressed concerns about spending staff time on this issue. Ms. Becker said she was interested in hearing more information. Mr. Watt said the goal is to identify the structural issues that advantage certain types of ownership and structuring of the existing debt. This is identifying the big picture issues of interest to the Assembly and the public.

Public Works and Facilities Committee: Chair Becker said the August 28 meeting was cancelled.

Chamber of Commerce: Liaison Becker said she attended several events to hear author Mark Laughton speak.

Docks and Harbors Board: Liaison Becker said the next meeting is set for August 23. The Port Director is meeting with DOT to advocate for a Tiger Grant for a new lift. The NOAA agreement is complete with D&H and UAS. An application was submitted to the Corps of Engineers for the for-hire floats at Statter Harbor. The downtown planning effort is underway and will be before the board for final approval on November 30.

Assembly Public Safety Task Force: Chair Nankervis said the group met August 9, made introductions, assigned homework, and the next meeting will be set for September 7.

Committee of the Whole: The August 28 meeting was cancelled.

C. Presiding Officer Reports

None.

XIIIASSEMBLY COMMENTS AND QUESTIONS

Ms. Becker asked the Assembly and audience to look at the Herb Bonnett painting by Herb Bonnett, who recently passed away and said it was a welcome remembrance of him.

Mr. Kiehl attended the Helping Hands dinner/auction and Filipino community annual scholarship awards dinner.

Mr. Jones noted the Docks and Harbors workshops to discuss planning for the Seawalk areas from Marine Park to Taku Dock. The first workshop is August 29 and he was hoping for a good turnout.

Mr. Jones thanked the Assembly for the support of the Juneau Commission on Aging (JCOA) and noted the sunset dates in the resolution. He distributed a letter that will invite people providing services to seniors to a meeting about the JCOA and to recruit members, and hearing no objection from the Assembly, the letter will be sent.

Mr. Jones asked about tax collection from businesses such as Air BNB and said he had concerns about how the sales tax office is monitoring and auditing this industry.

Ms. White noted receiving correspondence about drainage issues on Vista Drive and said she passed that letter on to the city manager. She noted the pending retirement of "Juneau's kindest police officer," Kris Sell, on August 31.

XIV.CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XV. EXECUTIVE SESSION

None.

XVI.ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at

9:12 p.m.

Signed:_____ Signed:_____
Laurie Sica, Municipal Clerk Kendell D. Koelsch, Mayor