ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
MINUTES

April 13, 2015, 6:00 PM.
City Hall Assembly Chambers

Assembly Worksession - No Public Testimony

I. ROLL CALL

Deputy Mayor Mary Becker called the meeting to order at 6:10 p.m. in the Assembly Chambers.

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

Assemblymembers Absent: None.

Staff present: Kim Kiefer, City Manager; Amy Mead, City Attorney, Rob Steedle, Deputy City Manager; Laurie Sica, Municipal Clerk;Tom Mattice, Emergency Programs Manager; Hal Hart, Community Development Director; Kirk Duncan, Parks and Recreation Director; Matt Lillard, Eaglecrest Ski Are Manager; Beth McKibben, Planning Manager; Brent Fischer, Superintendent of Maintenance, Parks and Landscaping; Lauren Anderson, Treadwell Ice Arena Manager; Myiia Wahto, Recreation Superintendent.

II. APPROVAL OF AGENDA

Ms. Kiefer requested the Assembly add a discussion about new information received on the status of the Gastineau Apartments. Hearing no objection, the matter was added to the agenda.

III. APPROVAL OF MINUTES

None.

IV. AGENDA TOPICS

A. HB 75 Letter at the Request of the Marijuana Committee

Ms. Kiefer said the Marijuana Committee requested that the Assembly send a letter in support of HB75 to the lobbyist and legislature. The draft letter was in the meeting packet for review.

Ms. Gladziszewski distributed an amendment to the letter for Assembly review, "The CBJ Assembly requests the bill be amended to include a "dual registration" process with respect to marijuana establishments. The Assembly believes that having the ability to regulate marijuana establishments through a local registration process independent of the State will provide the CBJ with effective additional enforcement tools... and included statutory language from Colorado Col. Rev. Stat.12-43.4-301. Local approval -- licensing." She would like to ask the legislature to allow local governments to regulate time/manner/place and other issues.

Mr. Kiehl said the marijuan committee considered both items. He recommended authorization of the letter in the packet and that the committee ask the lobbyist to work with Ms. Gladziszewski's amendment in any appropriate vehicle. He supported both but separately.

Mr. Jones asked about the variety of bills still under discussion at this late date of the session.

Ms. Mead said that the next hearing was scheduled for Wednesday on what was HB75 and now was in the Senate CRA. SB 30 was a separate criminal bill. HB 75 was the bill municipal attorneys worked with Representative Tilton's office on drafting. Mr. Kiehl said there were marijuana control board bills in various locations.

Mayor Sanford asked why CBJ would want a dual responsibility. Ms. Gladziszewski said so there was a clear vehicle for what the locality wanted to do in order to regulate time, place and manner similar to the conditional use permit for marijuana establishments, in a body that was specifically knowledgeable about those issues. Mayor Sanford asked how this would relate to the action of the ABC Board and its relationship with the municipalities.   Mr. Kiehl said this would be dual registration at the initial licensing with local criteria in a manner to "fit" Juneau. Colorado has a dual state and local license issued. This would allow the municipalities to set up a separate license, not require it. Mayor Sanford said the language cited referred to initial license and renewal of a license. Mr. Kiehl said that could be determined locally. Mayor Sanford said the local issues seemed to be covered now through the ABC and it just seemed like more government.

Mr. Kiehl said the committee did not pass on whether we needed a separate local regulatory authority, but from time to time we have found we have limited regulatory authority, so with something this important we want to make sure our rules count and to be able to tailor it to Juneau. Applications for marijuana establishments would be accepted by the state in February and there would be no further legislative session so we may not know all of the regulations.

Ms. Crane said this provided an option for municipalities and AML had been advocating for flexibility on the local level.

<u>MOTION</u>, by Kiehl, to approve the draft letter regarding HB75. Hearing no objection, it was so ordered.

<u>MOTION</u>, by Kiehl, to ask the lobbyist and legislative delegation to work toward the dual licensing.

Mr. Nankervis objected ask this seemed premature and would double up on regulations. There was not a local governing body on liquor. He was not comfortable with a second layer of licensing and regulation.

Ms. Troll supported moving ahead with dual registration as a placeholder to allow the community to have an option. Colorado shared this experience and found it was important for municipalities to have this option.

Mayor Sanford spoke about state regulation of alcohol and said he was open to listen but not ready to vote for it.

Roll call:
Aye: Crane, Jones, Gladziszewski, Kiehl, Troll
Nay: Becker, Nankervis, White, Sanford.
Motion passed 5 ayes, 4 nays.

B. **Gastineau Apartment Building Update**

Ms. Kiefer said the owner of the Gastineau Apartments contacted the Law Department today to talk about the option of establishing a demolition agreement with the CBJ and staff would like direction from the Assembly on whether or not to draft such an agreement and return it to the Assembly for review.

Ms. Mead said Mr. Barrett, the owner, contacted Mr. Palmer about this option. The appraiser would like access to the building and Mr. Barrett is being cooperative.

Ms. Crane said she would support this only if there was certainty on how to proceed with a reasonable date. Ms. Mead said the timeline and actions could be specified upon direction from the Assembly. She said that Mr. Barrett and his mother originally thought they would have the building demolished by July.

Ms. Mead said if the owners failed to comply with a written demolition agreement, the city would need to step in and there was a process to obtain contractors and do the work which would take additional time. Mayor Sanford suggested two weeks to sign an agreement and August would be a stretch for demolition, he would rather see July.

Ms. Mead said the owners agreed the building needed to be demolished. The agreement would include the owners acknowledgement that if they failed to demolish the building, the city would do so at the owner's expense and would agree to the placing of a consentual lien for the amount of the work done. Ultimately if there were not compliance the CBJ could foreclose on the lien. She said this differed from eminent domain, in which a public purpose was defined for the property and the property was taken by the CBJ.

Mr. Jones supported the route the Assembly had chosen for eminent domain and Ms. Mead reported on that process and said through that the building could be demolished in early summer through that action. Mr. Jones asked how the two processes could run together. Ms. Mead said if the Assembly identified a public purpose, the Assembly would always retain a right to file for eminent domain - the two processes were not tied together and she was moving forward with the direction from the Assembly on eminent domain, but the owner had approached the CBJ with this option for action.

Ms. Troll asked about the options the Assembly had considered and Ms. Mead said that the declaratory judgment process would secure the right to place a lien on the property whereas the code enforcement process was slightly more chancy in regards to the placement of a lien.

Mr. Kiehl expressed his concerns about eminent domain. He said it was important to establish a project completion date vs. a start date. The benefit of this route was avoiding eminent domain, the downside was there could eventually be a vacant lot that stays vacant in the heart of downtown for an undetermined period of time

Ms. White said that the owner said he would have demolition bids back by April 30. Ms. Mead said that the owner said he had been in contact with 37 contractors and had not heard back from any. Ms. White stressed the need for the owner to take responsibility as soon as possible and Ms. Mead said she could have a draft agreement for the Assembly to review in the next two days for review at the Finance Committee meeting. Ms. Mead said the process taken depended on the end result.

Mayor Sanford said a cleared site would be easier to sell and he was not supportive of eminent domain at this time. He would need more information on costs.

The Assembly continued discussion and Ms. Becker summarized a motion for the committee:

<u>MOTION</u>, by Becker, to work with the Gastineau Apartment owner Mr. Barrett to sign a demolition agreement by April 30, to remove the building completely by July 1, 2015, and to continue the eminent domain process.

Roll call:
Aye: Becker, Crane, Gladziszewski, Nankervis, Troll, White, Sanford
Nay: Jones, Kiehl
Motion passed, 7 ayes, 2 nays.

C. **Emergency Plan and Mitigation**

Ms. Kiefer said Tom Mattice, Emergency Programs Manager, was present to discuss the all hazards mitigation plan and recent happenings that affected the plan.

Mr. Mattice said the All Hazards Plan was adopted in 2012. It was then updated with results from the Swiss Avalanche study - with recommendations to purchase property or do structural control in the avalanche path when grant funding was available. He said there was no money in a grant now to address mitigation. By using the study to define the problem and solution it opens the door for future funding. Lack of mitigation leaves exposure for future problems.

CBJ had been contacted by homeowners for assistance for mitigating the flooding of the Mendenhall River due to the glacial outburst, including home flooding and bank stabilization. The city held the vehicle to access federal grants for the homeowners. Homeowners were not able to apply for federal grants directly. The plan does discuss prioritization of projects but this needed to be updated so that funds could be issued fairly. He spoke about the grant process. He was trying to figure out the best way to spend potential mitigation grant funds and develop a methodology for funding mitigation projects. He was developing a grant funding matrix to consider as a template. He discussed benefits to the public, to the private property owner or to both.

Mr. Mattice said he was gathering information and cataloging information from the flooding events which identified the trouble spots and was creating new inundation mapping with the Corps of Engineers. In the next two months he would have a thorough catalog of damages from flooding incidents. He was working to understand the grants that were available. Many grants did not have pots of money associated but the application for funding would start the funding process. He reported on how some property had been bought by CBJ using grants in the Montana Creek area, which was a project that benefited the homeowners, the city, the roadway and fisheries.

The Assembly provided some thoughts on the matter and thanked Mr. Mattice for his work and report.

D. **Ordinance 2015-23 An Ordinance Amending the Recreation, Parks and Community Centers Title to Add a New Chapter on Aquatics Facilities.**

Ms. Kiefer said the packet included the past information brought to the committee, and added a memo from her based on questions from the Assembly on the direction that the Parks and Recreation Department was taking and the specific plan for the upcoming year.

<u>MOTION</u>, by Jones, to direct the attorney to draft a version b for consideration by the Assembly at the public hearing on April 27, amending the ordinance designating the Parks and Recreation Department Director as the empowered board's facility manager / chief executive officer.

Mr. Jones spoke to the motion and said that the Parks and Recreation Director would have a dual reporting requirement - to the empowered board and to the city manager. He said he had seen this work in his experience and explained his rationale.

The Assembly discussed the concept and took turns expressing their thoughts and concerns on the matter. There were concerns about how the chain of command would work, how conflicts between direction from the board and from the manager would be resolved, resolving conflicts at the Assembly level and/or through discussion, dialogue and review of the rules, and setting up a "no-win" situation. Ms. Mead suggested general language would be needed to state that the Parks and Recreation Director in such a case was a CBJ employee first and answerable to the manager for all employment purposes. Ms. Crane asked for a three-year sunset clause, at which time the efficacy of the empowered board could be reviewed.

<u>Mr. Jones restated and augmented his motion:</u> to direct the attorney to draft a version b for consideration by the Assembly at the public hearing on April 27, amending the ordinance designating the Parks and Recreation Department Director as the empowered board's facility

manager / chief executive officer, clarifying issues in 67.10.080 (2) and adding a sunset clause of three years.

The Assembly and Manager discussed the elements of the budget of an empowered pool board and the budget process.

Ms. Becker asked if there was objection to the motion on the floor. Noting an objection, she asked for the roll to be called.

Roll call:
 Aye: Becker, Crane, Jones, Gladziszewski, Kiehl, Sanford
 Nay: Nankervis, Troll, White
Motion passed, 6 ayes, 3 nays.

V. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

None.

VI. ADJOURNMENT

There being no further business to come before the committee, the meeting adjourned at 7:53 p.m.

Submitted by Laurie Sica, Municipal Clerk