

**ASSEMBLY STANDING COMMITTEE MINUTES
LANDS AND RESOURCES COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
MINUTES**

August 27, 2018 5:00 P.M.
City Hall, Assembly Chambers

I. ROLL CALL

Chair Mary Becker called the meeting to order at 5:00pm.

Members Present: Mary Becker; Rob Edwardson; Jerry Nankervis

Liaisons Present: Chris Mertl, Parks & Recreation joined the meeting shortly after roll was called

Liaisons Absent: Paul Voelckers, Planning Commission; Weston Eiler, Docks and Harbors

Staff Present: Greg Chaney, Lands Manager; Dan Bleidorn, Deputy Lands Manager; Bhagavati Braun, Lands & Resources Specialist

II. APPROVAL OF AGENDA

Ms. Becker noted that Mr. Chaney will be giving a staff report under agenda item VI Staff Reports.

Hearing no objection, the agenda was approved as presented.

III. APPROVAL OF MINUTES

Motion by Mr. Nankervis to approve the minutes as amended.

Hearing no objection the August 6, 2018 minutes were approved as amended.

IV. PUBLIC PARTICIPATION

There was no public participation on non-agenda items.

V. AGENDA TOPICS

A. Rainforest Telecom Request for a Utility Easement

Mr. Bleidorn began by noting that the applicant, Mr. Wade McKeown, was in the audience and available to answer any technical questions. Mr. Bleidorn then presented the request for utility easement through City property for a ground laid power and communications cable that would service an existing communications tower on Forest Service property; the easement would allow the tower to accommodate more users. Mr. Bleidorn stated that the request was heard by the Planning Commission which recommended the Assembly approve this easement on June 12, 2018. Mr. Bleidorn also noted that the applicant applied for and received an easement through adjacent Forest Service property.

Mr. Bleidorn noted that in their review CBJ staff confirmed that the cable meets city building code, Mr. Bleidorn pointed to a memo in the packet that outlined the suitability

of this cable choice for the location. He continued that the City received an appraisal for the property and the proposed lease rate is \$500 per year.

Mr. Nankervis asked if the cable is bear proof. Mr. McKeown answered that the cable is as bear proof as it could be, stating that similar cables have been laid in town and haven't had problems. He added that having it laid tight to the ground, which they plan to do, it is less likely to attract notice from bears.

Mr. Nankervis asked if there are any issues with the appraisal at \$500. Mr. Bleidorn replied that the price was agreed upon between the City and the applicant. Mr. McKeown stated that he had no issue with the price.

Mr. Merti asked how the cable is connected to power. Mr. McKeown answered that the cable will connect near the ferry terminal and run along the water side, a utility pole would be added in the right-of-way, and the cable would run above Glacier Highway to a pole on the mountain side of the street. From there the cable will run down into the woods to an H-frame where equipment would be mounted, and from there it will be ground laid out on a path away from normal traffic.

MOTION by Mr. Edwardson that: **The Lands Committee pass a motion of support for the Assembly to grant an easement across City property for power and communications cables as proposed in the staff report.**

Hearing no opposition the motion passed.

VI. STAFF REPORTS

Mr. Chaney presented an informational item to the Committee regarding the Mayflower Building which hosts the Juneau Montessori School and has been undergoing some general remodeling. In the regular course of the work encapsulated lead paint was found beneath layers of paint on window frames. Mr. Chaney continued that following the findings of encapsulated lead paint on window frames, over 90 locations in the building were tested for lead and around 1/3 of the areas tested positive for encapsulated lead paint. Mr. Chaney noted that this lead that was detected was at a very low level and was encapsulated, not posing a threat to the students or staff unless the paint was disturbed (flaked, chipped, chewed, etc.) and ingested, and there is no evidence that anyone was exposed to the lead paint as disturbance of encapsulated paint is fairly easy to see.

Mr. Chaney continued that the City hired Sigrid Dahlberg, an environmental consultant, to test the building, and has ordered rush tests for lead spanning the whole building including the air, water, dust, and soil. Mr. Chaney stated that contractors have wrapped every surface that tested positive for lead paint in a non-permeable surface that guards against flaking or chewing which is the most likely way a young child would ingest lead paint. Mr. Chaney noted that those elements will be replaced as soon as possible with historically appropriate replacements. Mr. Chaney stated there has been no indication that anyone has been exposed to lead and based on what we know the tests should come back with safe or undetectable levels. If not, we will take proper

action, adding that it is important for people to be and feel safe so the City is doing all we can to clarify and remedy the situation in a way that will not disrupt the school in its normal operations.

Mr. Edwardson asked what the long range plans are, Mr. Chaney stated that the plan right now is to replace all of the areas of the building that have tested positive for lead paint, focusing on the areas that are accessible to young children first. The timeline for addressing this is in weeks.

Mr. Mertl asked about the ownership of the building, Mr. Chaney clarified that the school is owned by the City, but it is not part of the School District.

Mr. Nankervis asked if this should be discussed with the Public Works & Facilities (PW&F) Committee. Mr. Chaney noted that the Lands Division is the managing agency for the Mayflower Building, stating that it would be fine to bring this to the PW&F Committee; however the Lands Division has responsibility for the Mayflower Building and pays for repairs and maintenance and is hoping that the results come back negative and the issue can be resolved easily. Mr. Chaney stated that if that was not the case more action would be taken.

Mr. Nankervis also noted that several years ago the City was trying to update a series of bus stops around the Borough and wondered if staff could give an update on this issue at a later date. Mr. Chaney stated that staff could give an update on this at a later date.

Mr. Edwardson asked if there was testing for asbestos in the building. Mr. Chaney answered that the building has been tested in the past for asbestos and the Ms. Dalberg looked through the building and indicated that there is no reason for concern about asbestos in this building.

VII. COMMITTEE MEMBER / LIASION COMMENTS AND QUESTIONS

Mr. Mertl reported to the Committee about the recent Parks & Recreation Advisory Committee (PRAC) meeting regarding Chicken Yard Park. He stated that the general consensus voiced by community members was that the current use (of the park as both a playground and driveway) is alright for the park and should continue which is difficult for Mr. Schaaf, the Director of Parks & Recreation (P&R) who sees the conflict between the two uses. The PRAC gave direction for Mr. Schaaf to continue working with the homeowner to see if an agreement or compromise can be found, noting that the P&R Director is not empowered to negotiate land leases, which makes this difficult. Mr. Mertl noted that since the property has been used as a vehicle right-of-way since the 1930's it seems that it will be difficult to halt the use of the property as a driveway. Mr. Mertl stated that it looks like it will come down to a question of law.

Mr. Edwardson asked who would have the power to negotiate this issue. Mr. Mertl stated that Mr. Watt or the Assembly would be empowered to negotiate. He added that the money allocated for improvements to the park cannot be used until the matter is resolved.

Mr. Chaney stated that only the Assembly could grant an easement, though Mr. Watt could negotiate on the Assembly's behalf. Ms. Becker asked if a prior Assembly granted an easement for this parcel, Mr. Chaney answered that the property owners adjacent to the park are asserting that there was use prior to the City purchasing the lot which has continued and thus the owners have a right to drive through the property. They believe the access right was established before the City purchased it but there is no documentation (such as a recorded easement) so the matter would have to be settled through a legal process. The ideal outcome would be for the community to negotiate an acceptable way to settle this issue.

Ms. Becker asked if there are any options for other access to the house. Mr. Chaney noted that the house has frontage on Fourth Street, but that right-of-way is a stairway and there isn't another way to drive to the house.

Mr. Edwardson clarified that prescriptive easements are always complicated and noted that in Alaska recording is not required. He continued that because the property was used as a driveway before City acquired the lot it could be considered a taking if the driveway use was not allowed to continue.

Ms. Becker asked where the liability lies if a child was hurt, to which staff stated that they didn't know the answer, it was noted that this question would be a matter for attorneys.

Mr. Mertl continued his update stating that the Project Playground community build was a success and the playground should be completed in mid to late September.

Mr. Mertl outlined the PRACs discussion of the possible purchase of Gunakadeit Park, the PRAC noted that the park is only a portion of the larger area that the purchaser is looking for and a larger collaboration may be needed to move forward on this possible sale.

Mr. Mertl noted that Saturday, August 25, 2018 was the P&R Day of Play which had great participation, noting that numbers will probably be available at the next PRAC meeting.

Mr. Nankervis asked who donated the tent that was located at the community build for Project Playground. Mr. Mertl stated that he didn't know and suggested that Ms. Alix Pierce might know the answer to that question.

VIII. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:30 PM.