

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

June 11, 2018 5:00 P.M.
City Hall, Assembly Chambers

I. ROLL CALL

Chair Mary Becker called the meeting to order at 5:01pm.

Members Present: Mary Becker; Rob Edwardson; Beth Weldon (telephonic participation after some initial difficulty establishing a connection); Jerry Nankervis (arrived shortly after the start of the meeting)

Mayor Present: Ken Koelsch

Liaisons Present: Chris Mertl, Parks & Recreation; Paul Voelckers, Planning Commission; Weston Eiler, Docks and Harbors

Staff Present: Greg Chaney, Lands Manager; Rachel Friedlander, Lands and Resources Specialist; George Schaaf, Parks and Recreation Director

II. APPROVAL OF AGENDA

Hearing no objection, the agenda was approved with an initial two-person quorum of Chair Becker and Mr. Edwardson. After a short time, Ms. Weldon called in to participate telephonically and then Mr. Nankervis joined in person.

III. APPROVAL OF MINUTES

The March 19, 2018 and May 21, 2018 minutes were approved with minor modifications.

IV. PUBLIC PARTICIPATION

There was no public participation on non-agenda items. A member of the public requested hearing support (assistive listening device) and Deputy City Clerk Beth McEwen assisted them.

V. AGENDA TOPICS

A. Indian Point Update- Mayor's Communication with Aak'w Kwaan Members

Mayor Koelseh shared with the Committee that Aak'w Kwaan member Janine Canul requested a meeting with the City last Thursday to discuss Indian Point. Mayor Koelsch then invited Liana Wallace to address the Committee with the outcomes of the meeting.

Ms. Wallace said at the meeting, there was discussion on the strategies they would like to take for their land management plan and their conservation group. Ms. Wallace said members of the Aak'w Kwaan have formed a non-profit and are seeking federal recognition, which was not discussed at the City meeting too much as they need more time to internally address Indian Point.

Chair Becker asked if there was a specific time in mind to bring this topic back before the Committee and Ms. Wallace replied the timing is not in her hands since the group is seeking the assistance of Senator Lisa Murkowski and Cathy Munoz, and that they are going through the federal process.

Mr. Voelckers asked Ms. Wallace to explain how the Aak'w Kwaan is defined and requested Ms. Wallace to define who her group represents and what geography it represents. Ms. Wallace replied the Aak'w Kwaan is a historic group that has been here since the glaciers receded; that they have stories for every island, bay, and point; and that they have traditions about things that are tied to the land and that are based on the tides and winds. Ms. Wallace said they are not recognized as a historic group because other organizations have come in to say they represent the Aak'w Kwaan. There is a Tlingit-Haida case that was passed in 1935 which made the Aak'w Kwaan all Tlingit and Haida Indians, said Ms. Wallace, but before that they were all clans and in the Juneau area called Aak'w Kwaan. Ms. Wallace said a lot of people consider themselves Aak'w Kwaan because they live in Juneau but the traditional council are from certain houses of the groups in Juneau. Ms. Wallace said there is also the Goldbelt Heritage Foundation, a non-profit that is an offshoot of the Goldbelt Corporation that was established during ANCSA, which is also based on the original Aak'w Kwaan people when they were fighting for their land. The Aak'w Kwaan have been here as the historic group forever, said Ms. Wallace.

Mr. Edwardson asked how the Aak'w Kwaan were federally organized and Ms. Wallace replied as a 501(3c) and that they have been submitting applications now for tribal recognition. Ms. Wallace said she is working on land management so it is very thorough as to what they are doing and that they are submitting the IRS 1023 form in addition to putting money in the bank so they can submit their application.

Chair Becker thanked Ms. Wallace for coming and updating the Lands Committee on the Aak'w Kwaan's status.

Mayor Koelsch asked Chair Becker if Mr. Schaaf, CBJ Parks and Recreation Director, could come up to the podium to discuss the status of Indian Point as parklands. Mr. Schaaf said the Aak'w Kwaan group at the meeting last week expressed concerns regarding activities currently taking place at Indian Point, which included long term camping, the removal of culturally sensitive trees for firewood, and digging in the area. Mr. Schaaf asked a park ranger to visit the site and was not sure if the ranger made it to the site on Friday but would follow up with him soon. The group also discussed posting signs reminding the community that tree removal is not allowed, as well as interpretative signage to help the community understand the cultural resources in the area with the hope that it might inspire more respect in the future.

Mr. Eiler asked where the dock was located at Indian Point and what its status was and Mr. Chaney replied the dock is on CBJ tidelands and is leased to the National Park Service. Mr. Chaney thought the dock was in pretty good shape.

Mr. Voelckers asked if there was any prohibition on public access and recreating on the CBJ lots that comprise Indian Point and Mr. Schaaf replied no, there are no specific restrictions and that it is general parkland. Mr. Voelckers specified no present restrictions and Mr. Schaaf confirmed it so by stating restrictions that are applicable to all City parks apply to this area. Mr. Voelckers asked where camping crosses the line and Mr. Schaaf replied there is a grey area in City code when it comes to camping but that Parks relies on the lands code which imposes a 72 hour limit for camping.

B. Process for CBJ Acquiring Eagles Cemetery

Mr. Chaney gave a PowerPoint presentation which displayed the locations of the historic cemeteries on Douglas Island. Mr. Chaney said at the last Lands Committee meeting, the Committee received a presentation from Merrill Sanford regarding the historic Eagles cemetery. The question '*what would be the process to acquire the cemeteries?*' was posed to Lands staff at the last meeting and Mr. Chaney replied that out of all the cemeteries, the Eagles cemetery would be simplest to acquire since current ownership is known and because it is being offered to the City as a gift. Mr. Chaney said in order for the City to receive the cemetery as a gift, all that is required would be Assembly approval by resolution as stated in CBJ§53.04.030- *Grants and Gifts*. Mr. Chaney said if the Lands Committee finds this action to be appropriate, they could forward this item to the Assembly with that as a recommendation.

Mr. Schaaf then addressed the maintenance options for the cemeteries with high, medium, and low maintenance options. Mr. Schaaf wanted to emphasize two key points:

(1) Parks maintenance depends on what the Committee's expectations are since in the City, there are cemeteries that are well maintained like Evergreen while in other areas there are cemeteries that are maintained on a monthly basis. The cemetery maintenance budget drafted by Mr. Schaaf that is before the Lands Committee tonight is for minimal maintenance of the cemeteries; and

(2) The Eagles Cemetery is in really good condition and would not require a lot of work to keep it maintained and that it is not a large area. The City Cemetery next door is overgrown and Parks does not have the capacity to maintain this site. Parks would have to bring in a contractor, and this area cannot be mown said Mr. Schaaf. As the City accumulates more properties said Mr. Schaaf, it is starting to stretch Parks' staff capacity, and if these cemeteries are added incrementally, it

will erode Parks' abilities to maintain other City properties and will cause an overall decline in service.

Mr. Mertl asked if there had been a discussion on what level of maintenance is desired by the City and Mr. Schaaf replied he had not. Mr. Mertl then asked for confirmation that the numbers drafted by Mr. Schaaf were for minimal maintenance and Mr. Schaaf confirmed it so and said that to get the cemeteries to a higher level, it would involve a lot of work.

Mr. Edwardson asked what City services would be impacted if the City did acquire the 9 or so smaller cemeteries and Mr. Schaaf replied it is not something Parks has looked at but Parks does provide landscaping services to all City parks and downtown facilities, which are prioritized on a list, and that it would probably be parks at the bottom of that list that would be postponed as a result of the City assuming the cemeteries.

Chair Becker asked why the City's estimate differed from the estimate Mr. Sanford had provided the City for Eagles Cemetery and Mr. Schaaf said Parks went out with the Landscape Supervisor who estimated about 40 hours of labor per year and based their expenses for that amount of time. Chair Becker commented that the estimate provided by Mr. Sanford was probably based on a lower wage or even some free labor.

Chair Becker asked if the process to acquire the Eagles Cemetery would require a resolution and Mr. Chaney confirmed it so. Ms. Weldon asked if the City agreed to give the Parks and Recreation Department \$31,000 dollars from fund balance, how would the City do that and Chair Becker said the memo from Mr. Chaney states if the Lands Committee finds the City taking over the cemeteries is appropriate, they should direct the manager to draft a resolution accepting the Eagles Cemetery, which would then be forwarded to the full Assembly. Ms. Weldon replied she is not willing to take ownership yet considering the costs of the cemeteries. Ms. Weldon said if the City just wanted to maintain the cemeteries, what would be the next step and Mr. Schaaf replied it would be an increment in their staffing schedule of 0.3 FTE. Ms. Weldon said the City is also going to need to hire a contractor and if the costs reflected this in the 0.3 FTE or not and Mr. Schaaf replied the initial contractor cost to maintain all the cemeteries for the City to move forward would be about \$10,500 and that staff time would be \$21,600 on top of that amount, which would require a staff increment, and that he cannot say where the budget to hire the contractor would come from. Ms. Weldon replied if the City wants to do this, this issue should go to Finance Committee. Chair Becker asked if the Lands Committee would be the next logical place for this issue to be discussed and Mr. Chaney replied that if it is a fiscal question, then that would be a good place for this topic to go. Mr. Chaney summarized there are two questions being asked:

- Does the City want to acquire ownership of the Eagles cemetery?

- Does the City want to maintain any of the cemeteries and if so, how much is the City willing to spend?

Mr. Edwardson said he believes the reason why the City would take the Eagles Cemetery is because the City believes it would be the right thing to do and therefore the City should take all the cemeteries. Chair Becker said they could acquire just the Eagles Cemetery since it's clean and the rest would take more investigation. Mr. Edwardson said he agrees with Chair Becker but if the City is talking about maintenance, it looks like Parks included the costs for all of the cemeteries and he likes the idea that if the City considers one, they consider them all.

Mr. Voelckers asked if the City investigated what it would take to acquire all of the other cemeteries and Mr. Chaney replied some cemetery titles are more clear than others and that he would recommend the City take on the process one at a time rather than all at once because all at once would mean the City will only be able to go as fast as the most complicated case.

Mr. Mertl said if these important cultural sites are not being maintained, he is comfortable with the City maintaining them but it should come before PRAC out of professional courtesy and that Parks and Recreation needs the necessary funds in order to do so.

Chair Becker said for her, it makes sense to go for the Eagles cemetery since it's clean cut along with the Catholic cemetery and that the other cemeteries are more questionable. Chair Becker said Lands Committee could direct staff to acquire the two cemeteries that have clean ownership while investigating the other cemeteries because if the City waits for all of the cemeteries ownership status to clear up, this process will take a long time.

Mr. Nankervis said he would also be in favor of doing all of the cemeteries and not just one and that he agreed with Ms. Weldon concerning not taking over the ownership of Eagles cemetery but that the City should look into maintaining the cemeteries. Mr. Nankervis said this item could have been before PRAC now even before Lands Committee directs it there, and that his big concern is not with the Eagles cemetery but instead maintaining cemeteries where the City does not have permission.

Chair Becker clarified she did not mean the City should take over any of the cemeteries but that the City could take over the two more claimable cemeteries and wait on the others.

Ms. Weldon suggested a motion to direct the ownership of the cemeteries to the PRAC and simultaneously move the maintenance and financial questions to the Finance Committee.

Mr. Nankervis asked if Ms. Weldon was talking about one specific cemetery or all of them and Ms. Weldon replied all of them. Ms. Weldon then clarified that PRAC should weigh in on the ownership of all of the cemeteries. Ms. Weldon also disclosed she has family members in the City cemetery.

Mr. Edwardson said he did not see the Odd Fellows cemetery on the Parks and Recreation budget list and Mr. Chaney replied it should be on the list.

Mr. Mertl shared PRAC is not meeting in July so the soonest this could come before the PRAC is in August and that Mr. Schaaf has only proposed maintenance costs for minimal level of landscaping and that if the City wants something higher, like what is currently happened at the Eagles and Evergreen cemeteries, there will be higher costs.

Mr. Nankervis asked that the Committee also direct staff to investigate and determine the owners of the other cemeteries.

The Lands Committee unanimously moved: to send the Douglas Cemeteries topic to the Parks and Recreation Advisory Committee to receive all the information on the other cemeteries, to send the Douglas Cemeteries topic to the Assembly Finance Committee to receive input on the costs associated with the cemeteries, and that Lands staff further inquire to determine the owners of the other outstanding cemeteries.

Mr. Chaney said he was not sure about a non-committee member making a motion, and Chair Becker confirmed the motion(s) did originate from committee members.

C. Biennial Status Report to the 2016 Land Management Plan

Mr. Chaney said that according to City code, the Land Management Plan must be updated every two years and that this is the first time this part of the code has come into effect. Based on his June 6th, 2018 memo, Mr. Chaney gave a quick overview of the eleven parcels the City has disposed of over the past two years; the eleven properties the City has prioritized for the next two years; a description of the eleven planned land disposal activities and an analysis of the Lands Fund's ability to support these activities; a list of the single property acquired by the CBJ during the previous two years; and a list of priorities for land acquisitions over the next two years.

Mr. Eiler asked if staff had identified and discussed property for acquisition in the Norway Point region and Mr. Chaney confirmed it had been discussed, and that staff members have been working with the condominium association and the Community Development Department. Mr. Chaney said one thing that Lands staff have been told is not to list properties the City is not sure it is going to acquire. Mr. Eiler said the only reason why he asked was because last year the Docks and Harbors board did a master plan for their assets between the bridge and Norway Point and one of the issues that came up was housing, which is why he remembered this development proposal.

Mr. Voelckers asked if this process is going to go before the Planning Commission or Assembly and Mr. Chaney said the update is primarily through the Assembly and that staff can go to the Planning Commission if directed. Mr. Chaney said any sale would have to go before the Planning Commission. Mr. Voelckers said there are a couple examples with the Land Management Plan where different entities of the City manage different properties and that there were a couple cases where the City tried to open up more land for development but couldn't because there were CBJ departments with different management priorities. Mr. Voelckers said it would be useful homework for staff to look at the departmental land designations of City properties and how they could hinder development and Mr. Chaney replied that was appropriate and if Lands takes this issue to the Planning Commission, staff will address related policy issues. Mr. Chaney then clarified that City Code does require the Biennial Status Report Update to go before the Planning Commission with public testimony prior to approval by the Assembly.

Mr. Mertl asked that of the eleven properties listed for disposal, how many of the properties are managed by a different department within the City other than Lands, and of those, has Lands communicated its intent for the property's disposal and Mr. Chaney replied to his knowledge, only the USS 3051 Lot 10A (Matsumoto property) is managed by Parks and none are managed by Docks and Harbors or other departments. Mr. Chaney said the Matsumoto property would have to be discussed by the PRAC before any action was taken.

Mr. Nakervis asked Mr. Chaney to go to the slide that had the motion and modified it to include the PRAC, Planning Commission, and Full Assembly.

The Lands Committee unanimously forwarded the proposed 2018 Biennial Status Report for the 2016 Land Management Plan to the Parks and Recreation Advisory Committee and Planning Commission for comments, and then to the Full Assembly with a positive recommendation.

VI. STAFF REPORTS

There were no staff reports.

VII. COMMITTEE MEMBER / LIASION COMMENTS AND QUESTIONS

Mr. Mertl invited the Committee to the Bill Overstreet Park Grand Opening on July 3rd at 5:30 P.M.

Mr. Eiler said Docks and Harbors had a presentation from the Morris family regarding the Archipelago property.

VIII. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:59 PM.