

Minutes
ASSEMBLY STANDING COMMITTEE
LANDS COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
Monday, March 24, 2014, 5:00pm
Assembly Chambers

I. ROLL CALL

Carlton Smith called the meeting to order at 5:00pm.

Members Present: Mary Becker; Jesse Kiehl; Carlton Smith; Loren Jones

Other Assembly Members Present: Karen Crane

Liaisons Present: Karen Lawfer, Planning Commission; Jeff Wilson, Parks & Recreation Advisory Committee; Mike Peterson, Docks & Harbors Board

II. APPROVAL OF AGENDA

There were no agenda changes.

III. APPROVAL OF MINUTES

The minutes of the following Lands Committee were approved:
February 10, 2014

IV. PUBLIC PARTICIPATION

Anthony Zenk: I would like to talk about fair and equitable land lease procedures. The current procedure could be improved so the public has a chance to act before decisions are made. Currently the potential lessor brings a proposal to the Land Manager, who reviews the proposal to ensure the CBJ interests are met. Secondly, the Land Manager gets an appraisal to ensure the lease reflects fair market value. Thirdly, the lease is brought before the Planning Commission for vote and if ratified, it's brought to the Assembly. As a concerned taxpayer, I believe the above procedure can be improved so that the public and all potential lessees have the opportunity to be informed and if applicable, to submit a fair lease proposal. The procedure that I'm proposing would setup public notice prior to decisions to ensure a fair and equitable process. Also, this proposal is similar to the competitive bid process that is currently being circumvented through regulation. I've outlined the steps: The Land Manager receives a lease application from somebody. It could be a potential vendor who wishes to lease a parcel of CBJ land. The Land Manager then posts on the CBJ website a Notice of Interest to lease a parcel of land, describing in detail the parcel of land and acceptable uses. This posting is for a defined period (20 working days) which in effect communicates to the public the intent and elicits interest from potential lessees as well as it informs the public. The public and potential lessees have the opportunity to communicate directly with the Land Manager or staff during this period. Questions are asked and answered and information is exchanged. Thirdly, the Land Manager reviews potential lease proposals that are received and public concerns, which meet the intent, or not. Basically, the Land Manager, after submitting a public notice, is going to receive interest or not. With sufficient interest from potential lessees and adheres to the CBJ comprehensive plan, the Land Manager then formally posts the Notice of Intent to Lease. This is a formal process. The fifth step is the Land Manager selects the most qualified lease proposal from those submitted and makes a recommendation and why they made that particular recommendation and submits that. The step 2 of the current process continues. The advantage of this new land lease procedure is that it informs the public

early. It helps to protect the Land Manager from perceptions of impropriety. It follows CBJ code 53.20.020 and it helps to ensure that the CBJ taxpayers receive the best possible use and terms, not the first lessee that walks through the door. In summary, I ask you to be fair to CBJ taxpayers, follow ordinance, inform the public early of intentions and above all, to help ensure the CBJ government processes are transparent.

V. AGENDA TOPICS

A. Ordinance 2014-16

Mr. Chaney reviewed his memo included in the packet. This ordinance change is really just a big arrow in one lease section of the code pointing to the other lease section of the code so the readers know that there is another leasing section. Staff is recommending a motion of support for this change.

Mr. Kiehl: It is an interesting coincidence that we just heard from Mr. Zenk. It seems that under 53.09.260 the only way you can engage in negotiations for lease is with the assembly approval. It seems as though this allows the public to be noticed to see if there's another piece for public notice.

Mr. Chaney: You are reading it right. If we receive an application from someone to lease a piece of CBJ land, we bring it to the Assembly for approval, just to begin negotiations. At the Assembly meeting, you can decide to see what other lease proposals there are. From the suggestion from Mr. Zenk, every time we received a lease application, we would have to ask the public for all concepts. The current code allows us to negotiate with a specific person rather than asking for other proposals.

Motion: Mr. Kiehl moved the Lands Committee forward the proposed Ordinance 2014-16 to the Assembly.

Hearing no objections, motion passes unanimously.

B. St. Nicholas Church

Mr. Chaney reviewed Dan Bleidorn's memo included in the packet. The Russian Orthodox Church is asking for a use permit and easement. The church projects onto CBJ property. There are serious foundation issues that need working on. In addition, they would like to channel some of the onsite drainage and improve it. They are hoping to improve the drainage that would need an easement from the CBJ for the work and would need a use permit for the foundation work. The Historic Resources Advisory Committee passed a motion of support for the proposed drainage easement and use permit.

Ms. Becker: Is there any cost to the city for this work?

Mr. Chaney: Very little, if any. They are currently doing the maintenance and will continue to do the maintenance.

Mr. Kiehl: My day job, I help get a small preservation grant for St. Nicholas through a nonprofit, but I don't think it creates a conflict. Frost heaving? Is there a walkway in the back?

Mr. Chaney: Yes, the walkway around the buildings.

Mr. Kiehl: Where are we thinking the drainage would go?

Mr. Chaney: It would go to the street. It all feeds into the city storm drain underground.

Mr. Smith: Can you review the outline of the church itself, the sidewalk and the rectory?

Mr. Chaney: The shape of the church is an octagon. The sidewalk around and there is significant frost heaving and water flows over the sidewalk.

Motion: Ms. Becker moved the Lands Committee forward a motion of support for granting the Saint Nicholas Russian Orthodox Church a use permit and an easement for drainage through the city owned adjacent parcel.

Mr. Jones: If the Planning Commission were to deny the use permit, how would the Assembly be in the position in case there is an appeal? As we've done in the past, we don't usually approve them until it's been to the Planning Commission. I object on point of order.

Mr. Chaney: It's an interesting point. It's traditional for things to come to the Lands Committee. The Planning Commission has often referred to the Lands Committee recommendation as something valuable to rely on. We can reverse that order.

Mr. Kiehl: I agree about the use permit with Mr. Jones about the appeal. With the easement, how does that need to flow?

Mr. Chaney: The use permit allows them to go onto our property to do the improvements. The easement allows for future improvements once it's done.

Mr. Kiehl: There's a corner of that church on CBJ land. I am in support of the easement, but not the use permit.

Ms. Crane: Will this slow down their project?

Mr. Chaney: If we want to wait for the Planning Commission, we would have to wait for a Lands Committee after the April 8th Planning Commission meeting.

Ms. Becker: I'm not as hung-up on this as others are. We're supporting the project. The Planning Commission will make the decision based on tons more information than we have here tonight.

Roll Call:

Aye: Becker, Smith

Nay: Kiehl, Jones

Motion fails, 2 ayes, 2 nays.

C. Smith Family Donation

Mr. Chaney reviewed his memo included in the packet. The Smith family has a little over 5 acres on the Mendenhall River. There is not much frontage on Killewich Drive. Why is it vacant? It was used as a gravel pit. It was a stump dump. It would come off the tax rolls. It could be used for one lot on the road, but the rest of it would not be used. In 2013, they paid \$1,812 for property taxes. In terms of value for the community, it could be used for FEMA to help reduce flood insurance rates in the future, if we adopt the Community Rating System. It would be real dollars to people who pay flood insurance. It could be used for wetland mitigation with the Army Corps if needed in the future. It could be used for a future park. Another organization could come in and develop it as a park. There are opportunities and also the financial liability. I would get an environmental review before we accepted the site. I believe there are some cars on the site; it was used as a construction staging area.

Ms. Becker: Would we have to pay if there are cars, etc.?

Mr. Chaney: We haven't done any negotiations. I've done a site visit but that's the extent so far. Currently we're not committed to spend any money.

Mr. Kiehl: What is the cost for the hazmat analysis?

Mr. Chaney: A ballpark guess, \$3000

Mr. Kiehl: What is the zoning?

Mr. Chaney: D5

Mr. Kiehl: Is this the one that's listed as Smith Park 6, Open Space on the Assessor's database?

Mr. Chaney: I don't remember seeing it listed that way.

Mr. Kiehl: Can you help me with the 5.5 acres and flood insurance? Most of the flood insurance is oceanic, not estuarian.

Mr. Chaney: We haven't applied to be part of the Community Rating System yet. That's up to the Community Development Department. FEMA looks at different things. What has the community done to minimize flood risk? One is taking flood prone properties out of private hands and holding them in public open space. The more we do that, the more points we get. It's in 5% increments. If you have a house and you're paying flood insurance, it's community wide. Everyone in the town would get a benefit. It's speculative, that we could get into the Community Rating System.

Mr. Kiehl: Is it possible to use it for both wetlands mitigation and flood plains mitigation.

Mr. Chaney: I'm pretty sure. I don't see why they would be mutually exclusive.

Ms. Becker: I would be much more comfortable supporting the environmental review, not the acceptance of the property.

Motion: Ms. Becker moved the Lands Committee support an environmental investigation of the Smith Family property along the Mendenhall River and then have staff report back to the Lands Committee with the results.
Hearing no objection, motion passes.

D. Ordinance 2014-20

Mr. Chaney reviewed his memo included in the packet. A potential revision to code would eliminate the 16ft vessel length requirement on Auke Lake and would prohibit the flushing of motors on the lake.

Mr. Jones: In the memo, it says this change was from direction given at a COW meeting. There's nothing in the minutes that indicates that.

Ms. Kiefer: It wasn't at the COW. It was at a following meeting that Mr. Nankervis made the suggestion and the Assembly agreed. These were the suggested changes he made.

Mr. Jones: Would like a reference to that.

Ms. Becker: I've never been on a 16ft boat. Why is this good? What does this do?

Ms. Kiefer: That is the problem, there's no magic to the 16-foot length. There have been other longer boats fishing in the lake. The larger boats don't seem to be the problem. The issues actually seem to be with the shorter boats going in and out of the buoys. From an enforcement standpoint, we have to look it up online to see the length of the boat to enforce it.

Mr. Kiehl: I don't remember anyone objecting to stopping people from flushing out their boats and motors. The question of eliminating the length restriction, there are two factors. One is that water ski boats are longer than 16 feet long but the other thing is that eliminating length restrictions only made sense with limiting the number of vessels at one time. This makes matters less safe, not more safe. There are entirely new safety concerns with this. Work on something with corresponding number of vessels at one time. I'm not comfortable with the length description just going away.

Mr. Schaaf: As far as the length restriction goes, our management practices have to do with the safety. Boat length doesn't affect either of those. From last year, we could see that the smaller vessels were the ones creating violations. The length limit goes back to the '90s, it was before the ramp was created and they were going down the creek bank and so the size of the vessel was limited by the terrain. Going down the wayside, they were

concerned about drawing larger boats down to the lake, which is where the length limit came from.

Mr. Kiehl: In the presence of a length limit, larger vessels haven't been a problem. But, I'm not sure that's a reason to just eliminate it entirely.

Mr. Wilson: There was discussion comparing the length of the vessels to the horsepower. The speed of some of the boats was a concern.

Mr. Schaaf: Different vessels behave differently. Jet skis could have a larger horsepower than a large boat. The behavior of the two operators may be different. The higher the speeds, the lower the capacity the lake can hold.

Motion: Mr. Kiehl moved the Lands Committee forward a motion of support to the Assembly for the added language of no flushing of boat motors on the lake, but not the removal of the vessel length language.

Hearing no objection, motion passes.

VI. STAFF REPORTS

A. Lena Land Sale

Mr. Chaney said the Lena Land Sale is open. There are two lots on the market. It's the same as before, a competitive sealed bid process. The bids will close May 9th. People can bid as high as you want. It's a formal procedure. Get the information online.

B. Pederson Hill Rezone

Mr. Chaney: The Pederson Hill Rezone hearing is tomorrow night at 7:00pm in the Assembly Chambers. I would love to hear from people who support it or talk to people who reject it. The rezone will drive any future plans we have at Pederson Hill. If we get D10SF, it would be the first time we are able to get high-density single-family zoning.

Mr. Smith: Can you describe D10SF?

Mr. Chaney: It's similar to the downtown "flats", Chicken Ridge or in Douglas. We haven't had it in Juneau for a long time. We are proposing D10 multi-family for the majority of the area.

VII. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

Mr. Peterson: No comments.

Mr. Wilson: Parks & Rec is busy doing Parks & Rec work. We are looking at updating the 2008 Park & Recreation Comp Plan and are waiting for the budget.

Ms. Lawfer: As many of you know, the Planning Commission is very involved with the Wireless Communication Comprehensive Plan and are working very diligently and staying on that timeline.

VIII. ADJOURNMENT

Meeting adjourned at 5:46pm.