

MINUTES
Planning Commission Regular Meeting
CITY AND BOROUGH OF JUNEAU
Nicole Grewe, Chair

January 12, 2016

I. ROLL CALL

Swear in new Planning Commission Members:

 Percy Frisby
 Nathaniel Dye
 Carl Greene

Nicole Grewe, Chair, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:00 pm.

Commissioners present: Nicole Grewe, Chair; Percy Frisby, Bill Peters, Michael LeVine, Ben Haight, Nathaniel Dye, Matthew Bell, Paul Voelckers, Carl Greene

Commissioners absent:

Staff present: Rob Steedle, Community Development Director;
Beth McKibben, Planning Manager; Laura Boyce, Senior Planner;
Jill Maclean, Senior Planner; Jonathan Lange, Planner II;
Amy Mead, City Attorney

II. APPROVAL OF MINUTES - None

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS -None

IV. PLANNING COMMISSION LIAISON REPORT

Legislator Reception

Assembly Liaison Loren Jones reported that on January 20, 2016 at 5:00 at Centennial Hall, there will be a Juneau reception to welcome the incoming legislators.

District 1 Seat Filled

Barb Sheinberg was appointed by the Assembly to fill the District 1 Assembly seat.

Mayoral Candidates May File

Friday morning, January 15, (2016) will be first day that Mayoral candidates can file, said Mr. Jones. That closes on Monday, January 25, (2016) said Mr. Jones.

City Lobbyists and Budget

The Assembly met at 7:30 this morning with the City lobbyist from Washington DC, as well as with Rep. Munoz and Sen. Egan, said Mr. Jones. The budget was the primary focus of the discussion, he said. The Assembly has had several updates on items which had been before the Planning Commission. This concerned the Willoughby arts complex and the removal of Perseverance Theater from that partnership, said Mr. Jones.

Biosolid Report

They also have a report from the utility advisory board regarding their recommendations on biosolids, said Mr. Jones. There was a proposal from a local group to take the biosolids to South Douglas. That land is zoned Rural Reserve and mono fill is allowed within that zone, said Mr. Jones.

The Assembly is moving ahead with budget process, said Mr. Jones.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA - None

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

CSP2015 0017:	Planning Commission Review for Proposals to go on the FY2017 CIP.
Applicant:	City and Borough of Juneau
Location:	Borough-wide

Mr. Lange told the Commission that its goal was to focus on what the Planning Commission would like added to the CIP (Capital Improvement Program) list or if it wanted to modify that list before its submission to the Assembly.

Each year the City and Borough of Juneau prepares a revised, six-year CIP, explained Mr. Lange. He explained that the CIP guides the investment of public funds for maintenance, repair, construction and acquisition of public infrastructure, facilities and equipment. The CIP is presented to the Assembly in April, together with the draft fiscal year budget, said Mr. Lange. Based upon that list, the City Manager will recommend project priorities for the 2017 fiscal year, said Mr. Lange.

Later in the year the Planning Commission and the staff will be able to make a recommendation and ascertain that all of the projects are in compliance with the Comprehensive Plan and with the goals of the community, said Mr. Lange.

The purpose of the CIP is to assess the long-term capital project requirements of the CBJ and to establish funding of high priority projects in a timely and cost-effective fashion, said Mr. Lange. Development of a CIP is intended to ensure that policymakers are responsible to residents and businesses of the community with respect to the expenditure of public funds, said Mr. Lange. This program also promotes the provision of continuous efficient services in the community, said Mr. Lange. The CIP fulfills several purposes, said Mr. Lange. It is a planning document that organizes and schedules projects and activities and it is a statement of budgetary policy that directs funds toward the priorities. It is an investment guide that portrays the physical infrastructure and other improvements that support commerce and community, said Mr. Lange.

The CIP is presented to the Assembly February through April together with the draft fiscal year budget, explained Mr. Lange. In April the City Manager puts forward a list of project priorities for the fiscal year 2017. Later this year the Planning Commission and the staff will be able to make a recommendation and make sure that those projects are in alignment with the Comprehensive Plan, said Mr. Lange.

The purpose of the CIP is to assess long-term capital project requirements of the CBJ, and to establish funding of high priority projects in a timely and cost-effective fashion and to ensure that policymakers are responsible to residents and businesses of the community with respect to the expenditure of public funds, said Mr. Lange.

When the Assembly and City Manager recommend CIP projects and priorities they need to follow the following criteria:

- ✓ Support from a department or committee proposing the project as well as support from the general public
- ✓ The project must be consistent with CBJ plans and policies
- ✓ Project must address an immediate or expected threat or danger to the health and safety of the community
- ✓ Will the project improvements prevent further deterioration or damage to CBJ property

- ✓ Will the improvement directly or indirectly stimulate beneficial economic development in the community by enhancing transportation, cultural, business, health, education, resource development, and or recreation opportunities within the community
- ✓ Will the improvement establish, enhance, or expand a facility or service to accommodate new or increased public use
- ✓ Is there an anticipated need for the project
- ✓ Will there be funding alternatives explored for each project

When the 2017 CIP recommendations come down from the Assembly the Planning Commission will then analyze it to make sure that it is in alignment with the Comprehensive Plan, said Mr. Lange.

There is a list with Auke Bay area plan recommendations, said Mr. Lange. The short term recommendations of that plan include additional vehicular access from the Auke Bay elementary school to the Mendenhall Loop Road. The Auke Bay Area Plan mentions an east and west street grid to facilitate the improvement of the Auke Bay area as a small town center, said Mr. Lange. Additional off-street parking on City land is requested as well as additional parking at Auke Lake, said Mr. Lange. A pedestrian crossing to the harbor is listed with further improvements and pedestrian crossings throughout the Auke Bay corridor, said Mr. Lange.

It also calls for additional bike lanes and further Loop Road pedestrian crossing improvements, said Mr. Lange. Further trail improvements are called for as well as improved pedestrian lighting throughout the Auke Bay center as well as signage, said Mr. Lange.

The Affordable Housing Commission recommended that the Pederson Hill Subdivision have different phases including acquisition of UAS land for that subdivision, said Mr. Lange. The Stabler Rock Quarry infrastructure and expansion was recommended as well as Switzer land development and expansion, said Mr. Lange. Additional projects on the Lands and Resources list included Willoughby parking and a future rock quarry, said Mr. Lange.

The Juneau Commission on Sustainability wrote a letter to the Planning Commission stating that they wanted projects included which would be sustainable, said Mr. Lange. They felt this would reduce costs, resource consumption and reduce emissions, said Mr. Lange. The opportunities for energy conservation, efficiency and renewable resources should be considered when describing CIP projects, said Mr. Lange.

Specific projects recommended by the Commission on Sustainability included an electrified vehicle fleet for CBJ buses and fleet vehicles, the development of a district heat pilot project, cruise ship dock electrification in a cost-effective manner and the purchase of an electric

vehicle to test for fleet use, said Mr. Lange. They also added a composting feasibility study to the list, said Mr. Lange.

At the last meeting one of the outgoing Planning Commissioners suggested an engineering study of the hazard areas within the Borough as an item which could be placed upon the CIP priorities.

Commission Comments and Questions

Chairman Grewe asked Mr. Lange to explain the CIP process to the Commission.

Mr. Lange responded that they revisit the CIP every year both when adding projects of its own to the CIP and also when reviewing the projects on the list, and view for compliance with the Comprehensive Plan, said Mr. Lange. In the past they have been behind schedule for the recommendation of projects to the CIP. They are working on getting those recommendations to fall within the required schedule, said Mr. Lange.

Mr. Steedle explained that historically the CIP has been brought to the Commission for review way too late for its input to have any effect on the CIP. The Commission has two functions regarding the CIP, explained Mr. Steedle. There is the development of the overall capital improvement program, and then there are the individual projects which come up for CSP's, said Mr. Steedle. Mr. Steedle estimated that the FY2018 CIP projects would come before the Commission this August for review and for its chance to add its projects to the list.

Mr. LeVine asked for an explanation of some of the documents in the packet. He asked how the project priorities became actual projects to be funded.

Ms. McKibben explained that two of the lists which appeared confusing were actually the same projects; that one was organized by Department and the other organized by funding resource.

The priorities are the recommendations of the City Manager to the Assembly, said Mr. Steedle.

Ms. McKibben explained that the Engineering Department solicits CIP recommendations from all of the departments, organizes them and submits them to the Manager's office. Therefore, the Planning Commission should be approached for its input at the same time the Engineering Department is soliciting recommendations from all of the other departments, said Ms. McKibben.

Mr. Voelckers asked what sort of time frame was involved with this process. He said he felt that much of this work could better be addressed by a Committee of the Whole meeting.

Mr. Steedle said at this time it is too late for the Commission to give meaningful feedback regarding the content of the CIP for FY2017. He said in August the Commission would have time to give its input into the CIP list for FY2018.

Chairman Grewe said that at this point it is the Commission's job to review the items already in the CIP list for compliance with the Comprehensive Plan.

Mr. Haight said he felt the lists the Commission has submitted for the past three years for the CIP are still valid. He said as a starting point he felt the Commission could go through the list it had already compiled and evaluate it for the current CIP.

Mr. Frisby said what he found confusing was that they were really planning for three years in the future. He asked where the new projects listed by Mr. Lange would be incorporated and for what year.

Those recommendations are for the FY 17 CIP list, said Mr. Lange.

Mr. Voelckers said he was disturbed that projects which were listed as a priority for FY 16 somehow vanished from the FY 17 list. The joint parking structure in the Willoughby area which had funds attached to it has been dropped from the list, he noted. Mr. Voelckers said it was his impression the City and State were negotiating funds for the funding of this garage. He added the totals were not adding up from year to year and that it seemed to him that reasonable fiscal prudence should be applied when finalizing the CIP's.

Mr. Frisby said it appeared to him they are being asked to discuss projects which another body has already decided upon and that this seemed to be somewhat of a futile exercise at this point in time. He said they were so far behind that at this point it was irrelevant.

Mr. Steedle said there was some truth to Mr. Frisby's statement. The time to have the conversation about what the 2017 CIP should contain should have occurred within the summer timeframe, he explained. What the Commission ultimately does is to recommend to the Assembly a CIP plan that is in conformance with the Comprehensive Plan. Had the Planning Commission been given the opportunity to provide feedback earlier in the process, then it could have recommended specific projects, explained Mr. Steedle.

In the future, there will be three meetings about the CIP, said Mr. Steedle. There will be the summer meeting, this meeting at the start of the budget cycle, and finally a meeting making a recommendation to the Assembly about the final draft plan.

Mr. Voelckers said he felt it was important to put the garage in the Willoughby district back on the list as well as the mass-wasting study mentioned by former Commission Chairman Satre.

Mr. LeVine suggested that they forward the list compiled by the Commission for the 2014 CIP acknowledging that some items have been accommodated within the 2017 plan and add to it a few of the more important projects which are not on the list. Mr. LeVine said he was also in support of adding the mass wasting study and the Willoughby garage to the list. The composting study suggested by the Juneau Commission on Sustainability stood out to him as a project worthy to be added to the list, said Mr. LeVine.

Mr. Bell asked for the specific timelines being imposed for the submission of the CIP list. He asked if this was something which can be placed upon the next agenda.

Ms. McKibben responded that the intent of the staff was to take comments from the Commission for the 2017 CIP list to the Public Works and Facilities Committee Meeting which is February 1, (2016). To meet this deadline the Commission would need to make its recommendations this evening, said Ms. McKibben. They plan on beginning work on the 2018 CIP list in August at which time the Commission would have time to add items to that list, probably through COW meetings, said Ms. McKibben.

MOTION: *by Mr. Voelckers, to restore the Willoughby district parking structure similar to the \$5.5 million project that was on the CIP list before it was removed.*

The motion passed with no objection.

MOTION: *by Mr. Voelckers, to add to the FY 17 projects list a mass-wasting and engineering study for the properties from Norway point to the end of Gastineau Avenue projecting a cost of \$150,000 to \$200,000 for that study.*

The motion passed with no objection.

MOTION: *by Mr. Voelckers, to forward the unfunded projects of the previous 2014 priorities list as remaining priorities that should inform part of the 2018 budget that is developed.*

The motion passed with no objection.

MOTION: *by Mr. LeVine, to add the composting feasibility study to the CIP.*

The motion passed with no objection.

Ms. McKibben clarified that the Commission would formulate the list (in the form of the above motions) and the staff would draft the memo which would then be signed by the Chairman. That memo would then accompany the list of last year's projects which had been drawn up by the Planning Commission.

Mr. Voelckers clarified that the memo refers to the 2018 CIP list. The other three projects would be active for this year's 2017 CIP list, he said.

MOTION: Chairman Grewe said that she would like to add to the list the short term improvements for the Auke Bay area recommended by the Auke Bay Steering Committee. She recommended that the wayfinding signage be added and number eleven on that list which addresses signage in Auke Bay. She said she felt this would contribute to the development of a sense of community in the Auke Bay area. She said she felt that signage was the first step in this process. She said she would like these items added to the memo in the top section for FY 17. These would be projects four and five, she said.

Speaking in support of the motion, Mr. Voelckers said this would be a good effort as a precursor to further work which would be much more expensive in the Auke Bay area. He said that signage would be a good place to begin the process.

Mr. Haight said that he would like to recommend three items on the list for the Auke Bay area plan which affected the safety and welfare of the citizens. Mr. Haight recommended that items five, seven and nine be added to the memo for FY 17:

1. (5) Pedestrian crossing to harbor
2. (7) UAS/Loop Road pedestrian crossing improvements
3. (9) Pedestrian friendly lighting on sidewalks with in the Auke Bay center

He said he felt it was the duty of the Commission to support those three items for the FY 17 CIP. Mr. Haight said he would offer the above recommendations as a friendly amendment to the motion made by Chairman Grewe.

FINAL MOTION: *(by Chairman Grewe with a friendly amendment by Mr. Haight), that directional signs and signage and gateway treatment for Auke Bay be added to the memo at the top of the list for FY 17, and that pedestrian crossing be provided to the harbor, UAS/ Loop Road pedestrian crossing improvements be added, and pedestrian-friendly lighting on sidewalks for Auke Bay be incorporated into that memo.*

The motion passed with no objection.

Mr. LeVine asked when it would be an opportune time for the Planning Commission to discuss how recommendations on CIP priorities are made.

The staff answered that August would be the correct time to have those discussions.

X. **BOARD OF ADJUSTMENT** - None

XI. OTHER BUSINESS

A) Election of Officers and Planning Commission Committee Assignments

MOTION: *by Mr. Haight, to nominate Ms. Grewe as Chairman of the Planning Commission.*

That motion passed with no objection.

MOTION: *by Mr. Peters, nominating Mr. Haight as Vice Chairman of the Planning Commission.*

That motion passed with no objection.

MOTION: *by Mr. Haight, nominating Mr. Peters as Clerk.*

That motion passed with no objection.

MOTION: *by Mr. Peters, nominating Mr. Voelckers as Vice Clerk.*

That motion passed with no objection.

Committees:

- ✓ Subdivision Review Committee (four members, one alternate)
- ✓ Title 49 Committee (four members)
- ✓ Public Works and Facilities Committee (one member)
- ✓ Juneau Commission on Sustainability (one member)
- ✓ Wetlands Review Board (two members)
- ✓ Lands Committee

Chairman Grewe said that she would follow in the former Chairman's footsteps and ask that each Commission member submit to the staff the names of two committees upon which they would like to serve.

B) Adoption of 2016 Planning Commission Calendar

The Planning Commission calendar for 2016 was adopted by the Commission.

C) CBJ Boards and Commissions Training by City Attorney, Amy Mead

Ms. Mead said she would be discussing the Open Meetings Act, the Public Records Act, and conflict of interest. At least once a year the Clerk's Office provides a full board training session, which should be coming up in the not-too-distant future, said Ms. Mead.

Conflict of Interest Code

The Commission members are all municipal officers, said Ms. Mead. Members are not to use their position as Commissioner to gain a benefit for themselves or for an immediate family member. This could be in the form of a financial benefit or a personal benefit. Gifts cannot be accepted and a Commission member may not exchange information they receive as a Commission member to benefit either themselves or family member. They cannot vote on any matter in which they or a family member has any financial interest, said Ms. Mead.

A financial interest is any financial interest held by the Commission member or their immediate family member in a business or property, or if it involves a professional or private relationship in which they have received compensation within the last three years, or from which they expect to receive compensation, said Ms. Mead.

An immediate family member is a spouse, minor children, dependents or a regular member of their household. If a Commission member thinks they may have a conflict and they are at a committee meeting they should disclose the potential conflict and ask to be excused. The Chairman can make that decision or it can be a vote by the Committee as to whether a conflict exists, said Ms. Mead. The best course of action, said Ms. Mead, is to contact her prior to the meeting and inquire if the situation would create a conflict of interest or not. By contacting the municipal attorney prior to the meeting, the Commission member is provided with immunity regardless of whether the advice given was correct.

Open Meetings Act

As a public body they are required by law to meet in the open. This means any time more than three Commissioners congregate even by chance and a matter in which they are empowered to act upon is discussed, that is construed as a meeting, said Ms. Mead. If this is discussed outside of a public forum and without proper notice they are in violation of the Open Meetings Act, she explained. A group of commissioners meeting together to discuss items not related to the Planning Commission does not constitute a violation of the Open Meetings Act, said Ms. Mead.

Serial communications are a violation of the Open Meetings Act, said Ms. Mead. An email to Commission members where "reply all" is an option is in violation to the Open Meetings Act, said Ms. Mead. The best practice is to never respond by selecting "reply all" but by replying to only the individual who has sent the email, she said.

Public Records Act

There is a strong bias in the Public Records Act in favor of full public disclosure, said Ms. Mead. The concept applies to all municipal records, she added. Commission members should use their

CBJ email address for all Commission-related business, said Ms. Mead. Personal computing devices could potentially be subject to review by a court, said Ms. Mead.

Personal devices as long as they were being used for CBJ email could not be seized, said Ms. Mead.

When the Commission is sitting in its judicial role such as when it is hearing an appeal to a Director's decision, it is very important for Commission members to keep in mind that they are acting as the judge in this matter, said Ms. Mead. Do not have any *Ex parte* communications with either side involved in the dispute, she said.

Commission members should never be discussing Commission business with individuals outside of the public forum, said Ms. Mead. The only record for review of Commission decisions is the findings from the hearing process, said Ms. Mead. It is important to leave a clear record of their decisions, said Ms. Mead, in case they should be challenged in the future. The more the Commission articulates the basis for its decisions the better the record would be, she said.

Ms. Mead said she would be speaking with the Clerk's Office and with the Chairman in the future to help put together a more thorough training for the Commission.

Commission Comments and Questions

Ms. Grewe said if it is a borough-wide decision it is okay to generally discuss that with a person who may be encountered on the street. However, decisions made about a particular piece of property or issue before the Commission may not be discussed with the general public outside of the public meeting process, said Ms. Grewe.

The more evidence the Commission can provide in support of its quasi-judicial decisions the better the record will be, said Ms. Mead.

Ms. Grewe suggested they have a training in the future that is focused on the types of decisions the Planning Commission would be making such as conditional use permits, variances and appeals.

XII. DIRECTOR'S REPORT

Mr. Steedle welcome the three new members of the Planning Commission. He said he would be providing new copies of Title 49 to the Commission members.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES - None

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Voelckers said he wanted to support the suggestion of the Chairman that it may be a good idea to have a Committee to look at the CIP recommendations, and to include members from the Lands and Engineering departments as well.

Mr. Steedle suggested that they make Commission treatment of CIP's and CSP's the topic of a COW (Committee of the Whole) in the near future.

Mr. Frisby asked if the staff would be available to meet with him on an individual basis to fill him in with background of Commission business.

Mr. Steedle replied that absolutely they can meet with him.

XV. ADJOURNMENT

The meeting was adjourned at 8:49 p.m.