

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - November 26, 2018

MEETING NO. 2018-34: The Regular Meeting of the City and Borough of Juneau Assembly held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Mayor Beth Weldon.

I. FLAG SALUTE

II. ROLL CALL

Assembly Members Present: Mayor Beth Weldon, Loren Jones, Michele Hale, Wade Bryson, Carole Triem, Mary Becker, Rob Edwardson, Jesse Kiehl, and Maria Gladziszewski

Assembly Absent: None.

Staff Present: City Manager Rorie Watt, Deputy Manager Mila Cosgrove, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Community Development Director Jill Maclean

III. SPECIAL ORDER OF BUSINESS

A. Proclamation: Civil Air Patrol

Mayor Weldon read a proclamation recognizing the 77th Anniversary of the Civil Air Patrol (CAP) and presented it to CAP member Lisa Marx.

IV. APPROVAL OF MINUTES

A. November 3, 2018 Special Assembly Meeting #2018-32 Minutes

MOTION by Ms. Becker to approve the minutes with one minor correction as provided to the Clerk. *Hearing no objection, the motion passed.*

V. MANAGER'S REQUEST FOR AGENDA CHANGES

None.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. William Quayle spoke regarding riding bikes at night with lights. He compared pedicabs to the sizes of motorcycles, bicycles, and other motorized and non-motorized vehicles.

Mr. Joab Cano introduced himself and his fellow missionaries serving in Juneau with "The Light of the World" church. Their church is located in all 50 states as well as countries all over the world. They have a church in Anchorage and they are trying to

expand further and they plan on having their missionaries in Juneau at least for the next 1-2 years.

VII. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction

None.

B. Assembly Requests for Consent Agenda Changes

None.

C. Assembly Action

MOTION by Ms. Gladyszewski to adopt the Consent Agenda and asked for unanimous consent. *Hearing no objection, the motion passed.*

1. Ordinances for Introduction

- a. Ordinance 2018-48 An Ordinance Authorizing the Port Director to Execute a Lease with Harri Commercial Marine for the Auke Bay Boatyard.

In 2008, Harri Commercial Marine (dba Juneau Marine Services) was awarded a competitively solicited 10-year lease to operate the former DeHart's Boatyard, renamed as the Auke Bay Boatyard. The initial lease rent was set at \$10,000 per year. With the improvements both at Don D. Statter Harbor Facilities and at the Auke Bay Loading Facility (ABLF), the opportunity presented itself to relocate the boatyard to the Auke Bay Loading Facility. Docks & Harbors completed all necessary permitting requirements to relocate the boatyard to the ABLF and cooperatively worked with Harri Commercial Marine in a 2016 amendment to the lease which then set the new rent at \$27,000 per year. Title 53 provides for a "Preference Privilege" to enter into a new lease agreement, which Harri Commercial Marine has elected.

In June 2018, Horan & Company completed an appraisal to set the lease rent at \$36,000. The Docks & Harbors Board approved the lease rent appraisal at its June 28, 2018, meeting.

The Docks & Harbors Board approved the language and terms of the proposed new 10-year lease at its August 30, 2018, regular board meeting. **The City Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.**

- b. Ordinance 2018-50 An Ordinance Approving a Land Trade between the

City and Borough and Alan and Ellen Rogers for Properties Located on the Southern End of the Mendenhall Peninsula.

The Rogers family owns a lot next to CBJ park property on the southern end of the Mendenhall Peninsula. The Rogers have applied for an equal value land exchange to build an accessible home on the upland part of their lot. In exchange, the CBJ will receive waterfront property of equal value.

The waterfront property is appraised at 2.5 times the value of the uplands property; therefore approximately 14,225 square feet of upland property will be exchanged for 6,164 square feet of waterfront property.

The Assembly agreed to the concept at its June 4, 2018 meeting and directed the Manager to negotiate terms for the land trade.

The Parks and Recreation Advisory Committee, the Lands Committee and Planning Commission have all reviewed the proposed land exchange and recommended approval.

The City Manager recommends that this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- c. Ordinance 2018-11(R) An Ordinance Appropriating to the Manager the Sum of up to \$205,000 as Funding for the Community Development Department; Grant Funding Provided by the United States Department of Homeland Security, Federal Emergency Management Agency, FY18 Cooperating Technical Partners Program.

The City and Borough has been awarded up to \$205,000 by the Federal Emergency Management Agency to update information on the landslide and avalanche risk in downtown Juneau. The grant includes \$180,000 for a study, and \$25,000 to develop policy recommendations. The grant will be implemented through two contracts issued following a bidding process. The project will be completed over a period of four years. No additional CBJ funds are required.

Adoption of this ordinance authorizes the CBJ to accept the grant funds.

The City Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- d. Ordinance 2018-11(S) An Ordinance Appropriating to the Manager the Sum of \$11,000,000 as Funding for the Downtown Waterfront Improvement Project; Funding Provided by Cruise Passenger Vessel Excise Tax, Port Development Fees, Marine Passenger Fees Fund's Fund Balance, and Dock Fund's Fund Balance.

DOWNTOWN WATERFRONT IMPROVEMENT PROJECT – FUNDING PACKAGE

Docks & Harbors proposes construction of a downtown transportation staging area and expanded waterfront open space deck-over project in support of the cruise passenger growth in Juneau. The project includes a land exchange and results in a net purchase of approximately 0.4 acres of additional property. The project would be constructed in two phases over the course of twenty four months. The total estimated project cost is \$23.5. The Finance Director has developed a funding package which would include sufficient resources to complete the proposed project. Phase I improvements would cost \$20.5 million and include the purchase of necessary property and the project costs of the first phase of the construction project. The first phase of construction would include the piling and installed decks and surface improvements. Phase II, if funded at a later date by the Assembly, would include the covered passenger shelter with restrooms.

The proposal draws from a variety of funds including: Cruise Passenger Vessel Excise Tax, Marine Passenger Fees, Port Development Fees, Dock Fund Balance and Waterfront Land Acquisition CIP.

The funding for Phase I consists of:

- 1.) \$3.5 million of funds already appropriated,
- 2.) appropriating \$11 million via this ordinance and
- 3.) \$6 million of passenger fees to be transferred in from other CIPs.

The City Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

2. Liquor License

- a. Liquor Licenses: Transfer of a Restaurant/Eating Place (LL#851) and a 2019/2020 Renewal for Beverage Dispensary (LL#674)

The below liquor license actions are before the Assembly to either protest or waive its right to protest each license action.

Transfer for Restaurant/Eating Place Liquor License **Restaurant/Eating Place License #851**

Transferor: Rodfather's LLC d/b/a Papa Rod's

Location: 356 S. Franklin Street, Juneau

Transferee: Alaska Travel Adventures, Inc. d/b/a Gold Creek Salmon Bake

Location: 1061 Salmon Creek Lane, Juneau

This license is a transfer of owner and location.

2019/2020 Liquor License Renewal for Beverage Dispensary
Beverage Dispensary License #674

MSE, LLC d/b/a Lucky Lady

Location: 192 S. Franklin Street, Juneau

Staff from the Police, Finance, Fire, Public Works (Utilities), and Community Development departments have reviewed the above licenses and recommend the Assembly waive its right to protest these applications. Copies of the documents associated with each license are in the Assembly's e-packet or available in hard-copy upon request to the Clerk's office.

The City Manager recommends the Assembly waive its right to protest the above-listed liquor license applications.

3. Other Items for consent

a. New AMCO Marijuana License 13279 The Mason Jar LLC

CBJ received notice of the following new Alcohol Marijuana Control Office (AMCO) marijuana license application [*Copies of all documents relating to a license are available upon request from the Municipal Clerk's Office*]:

***Retail Marijuana Store, License #13279, The Mason Jar LLC,
located at: 2771 Sherwood Lane, Juneau***
(The 60-day comment period for local governing body action expires Tuesday, November 27, 2018.)

CBJ staff from the Police, Fire, Finance, and Community Development departments reviewed this application for compliance with CBJ laws and regulations and recommends the Assembly waive its right to protest the issuance of this license.

In the event the Assembly does protest the issuance of a license, CBJ Code 20.30 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise its right to an informal hearing before the Assembly.

As to CDD's recommendations, The Mason Jar LLC, has obtained a Conditional Use Permit (USE2017-0028) and although it does not yet have a local license, CDD recommends allowing the applicant to move

forward to obtain their state license. However, the licensee will not be allowed to operate in the borough until city requirements are met.

The City Manager recommends the Assembly waive its right to protest the issuance of AMCO marijuana license #13279.

VIIIPUBLIC HEARING

- A. Ordinance 2018-11(P) An Ordinance Appropriating to the Manager the Sum of \$15,000 As Increased Funding for the Youth Scholarship Program; Funding Provided by the Juneau Community Foundation and the Friends of Zach Gordon Youth Center.

Friends of Zach Gordon Youth Center, the Juneau Community Foundation, and Juneau Parks and Recreation are piloting a project to increase the scholarship amounts available to help children participate in activities in Juneau. Currently, the Youth Scholarship Program, managed by Parks and Rec, is capped at \$10,000. The Juneau Community Foundation has agreed to fund an additional \$10,000 to the program and Friends of Zach Gordon Youth Center is matching this funding with an additional \$5,000. Special marketing and outreach will take place to reach families most in need throughout Juneau.

The City Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

Public Comment:

None.

Assembly Action:

MOTION by Mr. Edwardson to adopt Ordinance 2018-11(P) and asked for unanimous consent. *Hearing no objection, the motion passed.*

IX. UNFINISHED BUSINESS

- A. Juneau Seventh-Day Adventist Christian School v. CBJ Assessor

On June 1, 2018, the CBJ Assessor denied a request from the Seventh Day Adventist Christian School for a complete educational or religious use exemption for approximately .71 acres of property located at 4890 Glacier Highway. The School filed a timely appeal. On June 25, 2018, the Assembly accepted the appeal and referred it to a hearing officer.

The CBJ Assessor had previously granted a conditional exemption on the property for 2017, subject to the receipt of sufficient evidence to demonstrate exclusive religious or educational use on the entire 2.85 acre property. Consistent with Seal Trust I, the Assessor considered evidence of use after the appeal was filed and

determined there was now sufficient evidence of educational use to justify an educational exemption. The Assessor granted an educational exemption, which mooted the appeal.

On November 14, 2018, the hearing officer issued a proposed order that the appeal be dismissed and the CBJ shall refund the Church its appeal costs and taxes paid plus interest (\$2,370.22) as provided by CBJ and State law.

CBJ 01.50.150(c) governs this process. Unless rejected or modified by an affirmative vote of the Assembly, the Hearing Officer's proposed order shall be deemed adopted by the Assembly. No testimony or evidence of any nature other than that contained in a timely filed objection may be received by the Assembly at this meeting.

Mr. Palmer explained the appeal process and the new determination by the Assessor which rendered the appeal moot. The Administrative Hearing Officer recommended the appeal be dismissed and the appellant be refunded the appeal fees along with the taxes paid plus interest.

MOTION by Mr. Kiehl to proceed with orders of the day. *Hearing no objection, the motion carried and the Hearing Officer's decision to dismiss the appeal and refund the appeal fees along with taxes paid plus interest was approved.*

X. NEW BUSINESS

None.

XI. STAFF REPORTS

None.

XII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Weldon reported that they are trying to get ahead of the game on the City Manager's evaluation since they were behind on doing it last year. She is creating a special City Manager Evaluation ad hoc committee to begin this process and is appointing Mr. Jones, Ms. Gladziszewski, and Ms. Treim to serve on the committee. She would let the committee members decide among themselves who should serve as chair.

She said she hoped everyone had a Happy Thanksgiving and said she was honored to carve the turkey at the Salvation Army community feast where they served over 500 people. She also wished a happy belated Veterans Day to all our veterans.

Mayor Weldon said she is getting used to her role in meeting with a wide variety of

groups and recently met with Travel Juneau, Kirby Day with TBMP (Tourism Best Management Practice), and the Juneau Chamber of Commerce. She and City Manager Watt also met with USCG Admiral Matt Bell. She attended the Alaska Conference of Mayors and the Alaska League Meetings in Anchorage and it was apparent that Juneau struggles with many of the same issues that other Alaskan communities are grappling with but that Juneau seems to be taking the lead as experts in how it deals with cruise ships and homelessness issues. She also had the honor of lighting the Douglas Christmas Tree at the Douglas Community United Methodist Church.

B. Committee Reports, Liaison Reports, Assembly Comments and Questions

Mr. Bryson reported that the PRAC (Parks and Recreation Advisory Committee) met on November 6 where they welcomed a new member, Will Muldoon. The PRAC received a report on the Eagle Valley Center Lodge which is a profitable venture. They are proposing an Eagle Valley Center public use cabin in the Amalga Meadows park. They need lots of money for deferred maintenance and new playground equipment. He reported there will not be a December PRAC meeting. He stated that the Planning Commission (PC) met on November 13 but he did not attend since he was attending AML. He noted that some of the topics covered by the PC at that meeting included a Makerspace, FritzCove land, and the Archipeligo lot. He noted that The Jetty LLC project was tabled to the November 27 meeting due to not having enough members to be able to address that issue at the November 13 meeting.

Ms. Hale reported that she has been attending the Juneau Commission on Sustainability and its related activities. It is a highly engaged group and they are interfacing with a lot of other groups in town. Juneau Economic Development Council (JEDC) had a Renewable Energy Cluster that sponsored a meeting about a possible heat pump conversion program. Renewable Juneau also held a Heat Pump 101 workshop with at least 140 people in attendance. She had a productive meeting with Scott Ciambor about Affordable Housing and the Affordable Housing Action Plan. She attended the first Childcare Committee meeting earlier in the day. She has not been able to meet yet with the Juneau Commission on Aging (JCOA) due to scheduling conflicts with her calendar or that of the JCOA.

Ms. Triem reported that since the last Assembly meeting, she also has participated in numerous meetings. She recently met with some retired IBEW members and had conversations regarding some issues facing the Assembly and Juneau in general. She attended the AML conference which was great and appreciated the Newly Elected Official Training facilitated by Municipal Clerk McEwen. She attended an Affordable Housing Commission (AHC) meeting where they discussed board governance which seems to be ongoing and not yet resolved and they also heard from some representatives from SEABIA (Southeast Alaska Building Industry Association). She also attended the Renewable Juneau Heat Pump 101 workshop and evangelized about heat pumps and how much she loves her own heat pump. She said that in other news, last week was "Startup Week" in Alaska and there was one event in Juneau which was an entrepreneur

meet-up.

Mr. Edwardson reported that the Assembly Human Resources Committee met earlier in the evening and were forwarding the following recommendations for board appointments. *Hearing no objections, the appointments were made as recommended.*

Sister Cities Committee - Dorene Lorenz appointed to a term beginning immediately and expiring on January 1, 2022.

Juneau Economic Development Council - Alec Mesdag and Keith Comstock to a second three-year term and Jake Carpenter to a initial three-year term, all beginning immediately and ending on or around November, 2021.

Mr. Edwardson said he is hoping to get more applications for the interviews that were scheduled for December 3 and he would like to postpone the meeting of the Full Assembly sitting as the HRC until December 1. He would like to reopen the application period and advertise for the Planning Commission and Bartlett Regional Hospital Board seats until December 5. *Hearing no objection, that request was approved.*

Mr. Jones reported that the Public Works and Facilities Committee met on November 19 and they discussed a proposal with Docks and Harbors regarding reallocation of Marine Passenger Fees from TWIC readers to security shelters and they recommended staff to move forward with any necessary ordinances to be brought back to the Assembly for approval. They also had a discussion regarding Local Improvement District (LID) closures with respect to McGinnis Subdivision and Eagles Edge Water Systems which will both be closed out in the next couple of months and those assessments will then be sent out to the residents.

Mr. Jones noted that the Juneau School Board has not met since the last Assembly meeting but they have started a process for public input on the qualities and qualifications of what they want in a new Superintendent. They held a public meeting at Harborview on November 17, which he and six other public members attended and they have two more public sessions scheduled on November 27 at 4:30pm at DZMS and on November 28 at 6pm at TMHS. They are hoping to bring back part of a report in December with a final decision in January on whether they will do recruitment in state, out of state, or talk to the current Superintendent about becoming the permanent Superintendent. The next Juneau School Board meeting is December 11 with a worksession at 4:30p.m. followed by a regular meeting at 6pm at TMHS.

Mr. Jones reported that the Downtown Business Association (DBA) has not met since the last Assembly meeting but their next meeting is scheduled for December 13, however, that may change if they can't get a quorum. He also reported that earlier, at noon, they held the first Childcare Committee meeting where they appointed Bridget Weiss as the committee's Vice-Chair. The next Childcare Committee meeting will be

held on December 7 followed by another meeting on December 14. They will take a break and resume meetings again in January. He said those meetings are being held on Fridays and will start at 12:15p.m. and hopefully be done by 1:30p.m.

Ms. Becker asked about the recruitment process for the superintendent and if the board was planning on using the Alaska Association of School Board. Mr. Jones outlined all the possible methods they are looking at and the associated costs with each one. He mentioned that there is a place on the school board's website where people can make comments on the superintendent recruitment process.

Mr. Kiehl reported that the UAS Campus Council has not met since the last Assembly meeting and neither has the Assembly Finance Committee (AFC) but that the next AFC is scheduled for December 12. With respect to the Alaska Municipal League, they did have a brief board meeting while he was there and his term on the AML board has now ended. He congratulated Mr. Jones for taking over the Juneau seat on the AML board. Mr. Kiehl reported that he attended Great Alaska Schools Group advocacy training workshop over the past weekend. There was a tremendous turnout and those doing the training thanked the CBJ Assembly for its consistent funding to the maximum amounts allowed. He also attended both the Veterans Day events held in Juneau and a recent VA town hall meeting in Juneau. He said the state VA group reported that the wait times have been reduced and they are making progress. Finally, he stated that he has been observing the State Division of Elections Review Board as it reviews a very close race and they have put their "A Team" on the job which happens to include the Mayor's mother who really knows her stuff!

Ms. Becker reported that the land trade between CBJ and Alan and Ellen Rogers was on the consent agenda and will be up for public hearing at the next Assembly meeting. She stated that there is a request from State Dept. of Transportation and Public Facilities (DOT/PF) that the city donate two temporary access easements, four permanent easements, and a temporary construction easement for the purpose of doing culvert work on part of the land by Twin Lakes. The Lands Committee passed a motion to support that request and referred the matter to the PRAC; it will then go on to the Planning Commission and eventually come back to Lands and the Assembly for final approval via ordinance. She stated that the Lands Committee also talked about the request from Thomas and Lisa Dougherty to purchase 530 square feet of city land. The Lands Committee passed a motion of support to work with the original applicant and dispose of 530 square feet of CBJ property. The Planning Commission will review it before it comes to the Assembly via ordinance. The Alaska Committee, Chambers Board and Docks and Harbors all held meetings while she was gone to AML. The next Alaska Committee meeting will be held December 12, the next Chamber Board meeting will also be December 12, and the next Docks and Harbors Board meeting will be November 29. She attended the DZ honor roll event which included the student bands playing. She saw her grandchildren in the play Matilda which was directed by Karen Allen who always does a spectacular job. She voted in November 6 election.

Ms. Gladziszewski reported that the Committee of the Whole met on November 19 and they discussed *An Ordinance Amending the Health and Sanitation Code Relating to Smoking Limitations*. They asked that the Law Department draft an ordinance basically matching the CBJ ordinances with state statute except for a few laws under which the CBJ code will remain a bit more strict on. They discussed the Archipelago property project and that ordinance was introduced earlier that evening. She reported that the COW also talked about an ordinance amending the rezone map to try to rezone a piece of property on Sherwood Lane from industrial to light commercial. The COW recommended against that request and that matter will be heard on December 17 at the next Assembly meeting. They also discussed *An Ordinance Amending the Land Use Code Relating to Alternative Residential Subdivisions*. They asked some questions that the Law Department and City Manager's staff will be working on and bringing it back before the COW on December 10 before it is introduced at the Assembly meeting on December 17. The next COW meeting is scheduled for December 10.

Ms. Gladziszewski reported that she also attended both Veterans Day celebrations at Centennial Hall and the ANB Hall where they celebrated the 100th Anniversary of the Armistice and attended AML in Anchorage. She attended the Sacred Site Memorial unveiling at Gastineau School the Friday after Thanksgiving and reported that it was a great event and people spoke from the heart. The Douglas Indian Association and the Taku Kwaan went through some traumatic things and they are moving forward and are holding each other up, encouraging each other, and she felt privileged to be in attendance at the ceremony.

Mayor Weldon reminded everyone about the Assembly retreat on Saturday, December 1 and that the agenda for that meeting was distributed at the COW meeting.

Mayor Weldon invited Civil Air Patrol (CAP) Commanding Officer David Hydock forward to be recognized since he wasn't present at the beginning of the meeting during the Special Order of Business reading of the CAP proclamation. Mayor Weldon thanked Commanding Officer Hydock for his service in the military for 30 years followed by his continued service through the Civil Air Patrol. He thanked her for the proclamation and stated that they are currently training 3 cadets to become pilots. They have several certified flight instructors and they are trying to help recruit for new pilots. Across the nation, there is a 1000 pilot shortage and they are trying recruit pilots and funds to help those cadets become pilots.

C. Presiding Officer Reports

None.

XIIICONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. William Quayle urged the Assembly not to approve the renewal of the City

Manager's contract.

XIV.EXECUTIVE SESSION

None.

XV. ADJOURNMENT

There being no further business to come before the body, Mayor Weldon adjourned the meeting at 7:40 p.m.

Signed: _____
Elizabeth J. McEwen, Municipal Clerk

Signed: _____
Beth A. Weldon, Mayor