THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - August 13, 2018

MEETING NO. 2018-24 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 Ken Koelsch.

The Clerk gave instructions as to the necessity for the public to be seated due to Fire Code capacity and the availability of overflow seating located in the City Hall Conference Room #224. Audio transmission of the meeting was made available in the conference room for those not able to find a seat in the Chambers.

I. FLAG SALUTE

II. ROLL CALL

Assembly present: Mary Becker, Rob Edwardson, Maria Gladziszewski, Loren Jones, Jesse Kiehl, Jerry Nankervis, and Mayor Ken Koelsch.

Assembly Absent: None
(Clerk's Note: Former members Beth Weldon and Norton Gregory resigned effective July 31, 2018 and August 13, 2018 respectively in order to file candidacy for Mayor.)

Staff Present: Rorie Watt, City Manager; Mila Cosgrove, Deputy City Manager; Amy Mead, Municipal Attorney; Beth McEwen, Municipal Clerk; Diane Cathcart, Deputy Clerk; Bob Barthlomew, Finance Director; Dallas Hargrave, HRRM Director; Rich Etheridge, Fire Chief; Deb Senn, Law Department Office Manager; Irene Gallion, Housing & Homelessness Coordinator.

III. SPECIAL ORDER OF BUSINESS

A. Proclamation: Honoring Dan Austin

Mayor Koelsch presented a proclamation honoring Dan Austin to Maureen Hall and those representing the St. Vincent DePaul shelter as well as members of the Juneau Coalition on Housing and Homelessness. Mr. Austin served the community of Juneau for 30 years through his work at St. Vincent DePaul as well as the his membership on the coalition up until his death on July 25, 2018.

B. Special Recognition: Ronna Craig

Ms. Craig was not present to receive her special recognition but Finance Director Bob Bartholomew will convey to her the appreciation and thanks of the Assembly for her 30+ years of service at CBJ.

C. Special Recognition: Amy Mead

Mayor Koelsch recognized outgoing Ms. Mead for her service to CBJ as the Municipal Attorney and presented her with gifts from the Assembly. Ms. Mead began work in the CBJ Law Department in 2010 and in 2013 the Assembly appointed her to the position of Municipal Attorney. Ms. Mead was recently appointed to a position with the State of Alaska as a Superior Court Judge.

Ms. Mead thanked everyone and said that she has very much enjoyed working with the Assembly as well as the people who work for the city as they are some of the best people in our community. They do everything they can do everyday to make it a better place and it has been an extraordinary opportunity for her to be able to share in that work.

IV. APPROVAL OF MINUTES

A. July 19, 2018 Special Assembly Meeting 2018-21

MOTION by Ms. Becker to approved the minutes of the July 19, 2018 Special Assembly Meeting 2018-21. *Hearing no objection, the minutes were approved by unanimous consent.*

V. MANAGER'S REQUEST FOR AGENDA CHANGES

Mr. Watt requested the removal of item B. under Public Hearing: Ordinance 2018-11(D) as the grant funds were not available at this time. *Hearing no objection, Ordinance 2018-11(D) was removed from Public Hearing.*

Mr. Jones asked if Resolution 2824 relating to Best Starts could be moved to the front of the Public Hearing portion of the agenda instead of being the last item on for public hearing. *Hearing no objection, that agenda change passed.*

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Tom Boutin spoke on behalf of Dick Hand and implored the Assembly to rethink their approach on the senior citizen tax exemption system.

Kathy Boutin spoke on behalf of Tim Armstrong and also urged the Assembly to reconsider the senior citizen sales tax exemption program.

John Pugh thanked the community for its work on the Project Playground build and recognized CBJ Building Maintenance employee Michael Coleman for all his long hours on the project.

Ron Somerville spoke to the Assembly requesting reinstatement of the former senior sales tax exemption program.

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 Mr. Nankervis to adopt the Consent Agenda. *Hearing no objection, the motion passed.*

1. Ordinances for Introduction

   a. Ordinance 2017-06(AY) An Ordinance Appropriating to the Manager the Sum of Up to $16,425 as Partial Funding for the Cold Weather Emergency Shelter (FY18); Grant Funding Provided by the Alaska Mental Health Trust Authority (The Trust).

      The Alaska Mental Health Trust Authority approved a grant request submitted by CBJ staff to cover the cost of rent to operate the CBJ Cold Weather Emergency Shelter program from Dec. 1, 2017 to April 15, 2018. Total rental costs for this time period were $16,425 which is the amount covered by the grant.

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

   b. Ordinance 2018-11(H) An Ordinance Appropriating to the Manager the Sum of $74,000 as Partial Funding for the Project Playground Rebuild Capital Improvement Project; Funding Provided by Community Donations Collected by the Juneau Community Foundation.

      Various community members and organizations are donating $74,000 to the CBJ for the reconstruction of Project Playground. The Juneau Community Foundation has been receiving these funds and will donate the funding to CBJ. These donated funds will be appropriated into the Playground Rebuild Capital Improvement Project, P41-095. The Public Works & Facilities Committee forwarded this request to the full Assembly at its August 6, 2018, regular meeting.

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

2. Resolutions

a. Resolution 2831 A Resolution Amending the City and Borough of Juneau Personnel Rules.

This resolution would approve changes to the Personnel Rules, which, along with the various collective bargaining agreements, govern the rights and responsibilities of CBJ employees, supervisors, and managers. The revised rules, as well as a summary of changes, are set forth in the attachments to the resolution.

Many of the proposed changes are either "housekeeping" in nature, and include minor adjustments proposed to bring language into alignment with current practice or needed to configure and implement a city wide time & attendance system. To the extent that the rules govern pay practices for employees represented by collective bargaining, the unions have been kept apprised of the needed changes and are in agreement.

The City Manager recommends this resolution be adopted.

3. Bid Award

a. JNU RSA Improvements Phase II-C Rebid

Bids were opened on the project on July 27, 2018. SECON was the sole bidder. The bid protest period expired on July 30, 2018. Results of the bid opening are included in your packet.

The City Manager recommends this bid be awarded to SECON for the total amount bid of $8,754,856.00.

4. Other Items for consent

a. The Fireweed Factory LLC Standard Marijuana Cultivation Facility License AMCO #10266-Renewal

Renewal of Marijuana License 10266 - Standard Marijuana Cultivation Facility Licensee: The Fireweed Factory LLC at 8415 Airport Blvd. Space B, Juneau.

The above marijuana license renewal is before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development departments have reviewed this renewal and found the business to be in compliance with CBJ Code. Your packet contains the redacted renewal application along with the AMCO notice to the local governing body. Additional license application documents are available through the Clerk's office upon request.

In the event the Assembly does protest this renewal, 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. The sixty-day comment period for local governing body action will expire as of Friday, September 14.

The City Manager recommends the Assembly waive its right to protest the renewal of AMCO marijuana license #10266.

b. The Fireweed Factory LLC Retail Marijuana Store License AMCO #10800-Renewal

Renewal of Marijuana License 10800 - Retail Marijuana Store Licensee: The Fireweed Factory LLC at 237 Front Street, Juneau.

The above marijuana license renewal is before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development departments have reviewed this renewal and found the business to be in compliance with CBJ Code. Your packet contains the redacted renewal application along with the AMCO notice to the local governing body. Additional license application documents are available through the Clerk's office upon request.

In the event the Assembly does protest this renewal, 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. The sixty-day comment period for local governing body action will expire as of Tuesday, September 11.

The City Manager recommends the Assembly waive its right to protest the renewal of AMCO marijuana license #10800.

c. The Green Elephant, LLC Retail Marijuana Store License AMCO #10844-Renewal

Renewal of Marijuana License 10844 - Retail Marijuana Store Licensee: Green Elephant LLC at 101 Mill Street, Suite B, Juneau.

The above marijuana license renewal is before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development departments have reviewed this renewal and found the business to be in compliance with CBJ Code. Your packet contains the redacted renewal application along with the AMCO notice to the local governing body. Additional license application documents are

available through the Clerk's office upon request.

In the event the Assembly does protest this renewal, 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. The sixty-day comment period for local governing body action will expire as of Friday, September 14.

The City Manager recommends the Assembly waive its right to protest the renewal of AMCO marijuana license #10844.

d. The Green Elephant, LLC (Cultivation-Mill St.) Standard Marijuana Cultivation Facility License AMCO #10315-Renewal

Renewal of Marijuana License 10315 - Standard Marijuana Cultivation Facility: Green Elephant LLC (Cultivation-Mill St.) at 101 Mill Street, Suite A, Juneau.

The above marijuana license renewal is before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development departments have reviewed this renewal and found the business to be in compliance with CBJ Code. Your packet contains the redacted renewal application along with the AMCO notice to the local governing body. Additional license application documents are available through the Clerk's office upon request.

In the event the Assembly does protest this renewal, 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. The sixty-day comment period for local governing body action will expire as of Friday, September 14.

The City Manager recommends the Assembly waive its right to protest the renewal of AMCO marijuana license #10315.

e. Top Hat, LLC Standard Marijuana Cultivation Facility License AMCO #10270-Renewal

Renewal of Marijuana License 10270 - Standard Marijuana Cultivation Facility: Top Hat, LLC at 2315 Industrial Blvd. Suite A, Juneau.

The above marijuana license renewal is before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development departments have reviewed this renewal and found the business to be in compliance with CBJ Code. Your packet

contains the redacted renewal application along with the AMCO notice to the local governing body. Additional license application documents are available through the Clerk's office upon request.

In the event the Assembly does protest this renewal, 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. The sixty-day comment period for local governing body action will expire as of Monday, August 27.

The City Manager recommends the Assembly waive its right to protest the renewal of AMCO marijuana license #10270.

f. Top Hat Concentrates, LLC Marijuana Product Manufacturing Facility License AMCO #10271-Renewal

Renewal of Marijuana License 10271 - Marijuana Product Manufacturing Facility: Top Hat Concentrates, LLC at 2315 Industrial Blvd. Suite B, Juneau.

The above marijuana license renewal is before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development departments have reviewed this renewal and found the business to be in compliance with CBJ Code. Your packet contains the redacted renewal application along with the AMCO notice to the local governing body. Additional license application documents are available through the Clerk's office upon request.

In the event the Assembly does protest this renewal, 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. The sixty-day comment period for local governing body action will expire as of Monday, August 27.

The City Manager recommends the Assembly waive its right to protest the renewal of AMCO marijuana license #10271.

5. Transfers

a. T-1004 - Transfer Request of $160,000 from the Pavement Management Capital Improvement Project to the Industrial Boulevard Match Capital Improvement Project.

This is a transfer request of $160,000 from the Pavement Management CIP to the Industrial Boulevard Match CIP to provide additional funding

for the Alaska Department of Transportation and Public Facilities' (ADOT) Industrial Boulevard Reconstruction Project.

The Industrial Boulevard reconstruction project was funded in ADOT's Statewide Transportation Improvement Plan (STIP) a number of years ago with the CBJ committing to providing 25% match. ADOT has committed to bidding the project this fall for construction of the project during the 2019 construction season. CBJ is required to pay ADOT the 25% match for construction and contingency, which totals $1.3 million, in advance of ADOT bidding the project. This transfer of $160,000 is required to provide adequate funding in the CIP to allow the CBJ to make this payment.

The Public Works and Facilities Committee reviewed this transfer at its July 9, 2018, regular meeting.

The City Manager recommends this transfer be approved.

VIIIPUBLIC HEARING

A. Ordinance 2017-06(AV) An Ordinance Appropriating to the Manager the Sum of $9,387 as Partial Funding for the Industrial Boulevard Capital Improvement Project; Funding Provided by the State of Alaska Department of Transportation.

The State of Alaska, Department of Transportation and Public Facilities (ADOT) has refunded $9,387.37 to the City & Borough of Juneau (CBJ) for matching funds attributed to the ADOT reconstruction of Riverside Drive. The CIP was included in the CBJ's FY13 CIP program, and eventually closed out in FY16.

The refunded amount was originally made available with sales tax funding, and will now be added to the Industrial Boulevard CIP.

This item was heard by the Public Works and Facilities Committee at its regular meeting on August 6, 2018.

The City Manager recommends this ordinance be adopted.

Public Comment:
None.

Assembly Action:
MOTION by Mr. Edwardson to adopt Ordinance 2017-06(AV) and asked for unanimous consent. *Hearing no objection, the motion passed.*

B. Ordinance 2018-11(D) An Ordinance Appropriating to the Manager the Sum of up to $29,492 as Funding for Multiple Training Events for the Juneau Police Department; Grant Funding Provided by the United States Department of Justice,

Office of Justice Programs, FY17 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

The grant funds are not available for appropriation; the City Manager recommends tabling this ordinance at this time. When grant funding is available, the issue will be brought forward. Given that the funding is not available, this ordinance cannot be acted upon at this time.

The City Manager recommends that this item be pulled from public hearing.

Item removed from the agenda at the beginning of the meeting at the request of City Manager Rorie Watt.

C. Ordinance 2018-11(E) An Ordinance Appropriating to the Manager the Sum of $2,245,538 as Funding for various Capital Improvement Projects at the Juneau International Airport; Funding Provided by Passenger Facility Charge Fees.

This ordinance would appropriate $2,245,538 to various Airport capital improvement projects (CIPs). These funds will reimburse amounts that were forward-funded from the Airport Fund Balance and Airport revolving CIP accounts, and will also provide new match for grants.

Funding is provided by FY18 & FY19 Passenger Facility Charge (PFC9) collections, for the following CIPs:

Conduct Master Plan Study	$ 61,227
Rehabilitate Taxiways A & E (Design and Construction)	$1,125,000
Rehabilitate Airport Access Road	$ 64,610
Construct NE and NW Apron	$ 228,251
Rehabilitate ARFF Building	$ 50,000
Construct Snow Removal Equipment Building (SREB)	$ 72,750
Construct Sand and Chemical Building	$ 643,700

Total approved collections for PFC9 are over nine-million dollars, and anticipated to take 8 years. They will be appropriated year-to-year; this is the first.

At its July 10, 2018, meeting, the Airport Board approved this action.

This item was heard by the Public Works and Facilities Committee at its regular meeting on August 6, 2018.

The City Manager recommends this ordinance be adopted.

Public Comment:
None.

Assembly Action:

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

D. Ordinance 2018-11(F) An Ordinance Appropriating to the Manager the Sum of $1,972,000 as Funding for the Juneau International Airport Gate 2 Passenger Boarding Bridge Capital Improvement Project; Funding Provided by the Federal Aviation Administration and Sales Tax Revenue.

This ordinance would appropriate $1,972,000 to the Airport Gate 2 Passenger Boarding Bridge capital improvement project. Funding is provided as follows:

Federal Aviation Administration (FAA) grant:	$1,801,875
Sales Tax Revenue:	$ 170,125

The FAA funds 93.75% of the project with local match provided by Juneau International Airport from sales tax revenue, which also includes $50,000 contingency funds.

The Airport Board approved this action at its March 13, 2018, meeting. The Assembly approved forward funding this project in the amount of $1,801,875 via Ordinance 2017-06(AJ) at its meeting on April 4, 2018. If the Assembly adopts Ordinance 2018-11(F), the forward funding of $1,801,875 will be refunded to the Airport Fund's fund balance.

The City Manager recommends this ordinance be adopted.

Public Comment:
None.

Assembly Action:

MOTION by Mr. Jones to adopt Ordinance 2018-11(F) and asked for unanimous consent.

Mr. Kiehl said that he understands the ordinance provides for funding of the CIP but asked how any remaining funds get placed back into the appropriate fund balance and if that had to be done by a separate appropriating ordinance. Mr. Bartholomew explained that any funds in excess of the project costs would automatically revert back to the fund balance from which it originated without having to go through an appropriating ordinance adoption.

Hearing no objection, the motion passed.

E. Ordinance 2018-11(G)(b) An Ordinance Appropriating to the Manager the Sum of $361,000 as Supplemental Funding for Capital City Fire & Rescue; Funding Provided by General Fund's Fund Balance.

This supplemental appropriation of $361,000 provides funding to support an immediate need to add additional staffing to Capital City Fire & Rescue (CCFR) operations. The additional staffing is being added for the purpose of providing expanded EMS service and fire response readiness.

This ordinance will appropriate the funds needed to pay for the additional personnel costs within CCFR. The funds will come from the general fund's fund balance.

This issue was discussed with the Committee of the Whole (COW) at its July 11, 2018, meeting. The COW directed staff to prepare an appropriating ordinance and move it to the full Assembly for introduction and public hearing.

At the Assembly meeting held on July 23, 2018, the Assembly referred the ordinance to the Assembly Finance Committee (AFC) for review at its meeting on August 8, 2018.

The City Manager recommends this ordinance be adopted.

Public Comment:

Laurie Craig spoke in support of the ordinance and shared instances out at the Mendenhall Glacier (as pictured behind the Assembly) when first responders came and provided life saving measures. She recounted many of the rescues as well as the educational opportunities that they conducted.

Travis Wolfe, president of the Local 4303 Firefighters union in town, thanked the Assembly and staff for the support they've shown to the Fire Department. He spoke in support of the ordinance and said their union will continue to work with the Managers, Fire Chief and Assembly to make additional improvements to CCF/R.

Assembly Action:

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

F. Ordinance 2018-28 An Ordinance Amending the Land Use Code Relating to Mining.

This ordinance would amend the City and Borough's Land Use Code as directed by the City and Borough of Juneau Mining Committee. As instructed by the

Committee, Title 49.65 was rewritten and reorganized to improve clarity, without removing any substantive provisions.

The Planning Commission considered the ordinance at its meeting on June 26, 2018, recommending it be forwarded to the Assembly with one substantive change: to require the release of the financial warranty relating to mining exploration to occur within six months. That change is shown by strikethroughs and italics.

The City Manager recommends this ordinance be adopted.

Public Comment:
None.

Assembly Action:

MOTION by Ms. Becker to adopt Ordinance 2018-28 and asked for unanimous consent.
Hearing no objection, the motion passed.

G. Ordinance 2018-42 An Ordinance Authorizing the Manager to Sell City and Borough of Juneau Property, Located at 9290 Hurlock Avenue, to Alaska Legacy Partners.

This ordinance would authorize the Manager to sell the 9290 Hurlock Avenue property to Alaska Legacy Partners for $350,000 for the development of a senior assisted living housing project.

After a lengthy committee process, on April 16, 2018, the Assembly Committee of the Whole chose the Alaska Legacy Partners (ALP) proposal. ALP proposes to purchase the property and redevelop it into a senior assisted living facility; this ordinance requires development that conforms with ALP's proposal.

The City Manager recommends this ordinance be adopted.

Public Comment:

Kathleen Strasbaugh testified in support of adoption of Ordinance 2018-42. She was speaking on her own behalf and not as a representative of any group that she is affiliated with.

Assembly Action:

MOTION by Mr. Nankervis to adopt Ordinance 2018-42 and asked for unanimous consent.
Hearing no objection, the motion passed.

H. Resolution 2824(b) A Resolution Calling for an Advisory Ballot Proposition on City and Borough Financial Support for Improving and Expanding Access for all

Juneau Families to Affordable High Quality Child Care and Early Learning/Pre-school.

This resolution places before the voters of Juneau, on October 2, 2018, an advisory question regarding CBJ providing financial support for improving and expanding access for all Juneau families to affordable high quality child care and early learning/pre-school. This is a non-binding measure.

This effort is expected to cost up to $2.8 million of CBJ funding in the fifth year when the program is fully implemented, thereafter adjusted for inflation annually. In accordance with the taxable value in the CBJ in 2018, a $2.8 million expenditure would ultimately require the equivalent of 0.58 mill rate increase, resulting in a property tax increase of $58 for each $100,000 of assessed property value.

The Assembly Finance Committee discussed this resolution at its July 25, 2018, meeting.

Whether to place this on the ballot or not is a policy question for the Assembly. The City Manager has no recommendation at this time.

Public Comment:
The following members of the public testified in favor of passage of the resolution giving a variety of reasons and statistics in support of the "Best Starts" program.

Samantha Adams, Sara Chapman and Mark Calvin and their young son Christopher, Joy Lyons, Kevin Ritchie, LuAnn McVey.

Assembly Action:

MOTION by Mr. Edwardson to adopt Resolution 2824(b) and asked for unanimous consent.
Objection was noted.

Assemblymembers debated the pros and cons of this proposal including the beneficial impact it will have on families and the economy of the community as well as the financial considerations and expressed concerns on how it would impact future CBJ budgets and the taxpayers.

Mayor Koelsch reminded members that even though the membership of the Assembly is now down to seven members, it still requires a vote of five members in the affirmative to pass a motion.

ROLL CALL VOTE:
Ayes: Edwardson, Gladziszewski, Jones, and Kiehl
Nays: Becker, Nankervis, and Koelsch

Motion failed 4:3

Ms. Gladziszewski gave notice of reconsideration on the previous motion stating that she did not intend to take up reconsideration at this meeting.

IX. UNFINISHED BUSINESS

None.

X. NEW BUSINESS

A. Tom Williams vs. Airport Board - Appeal #2018-04

On July 30, 2018, the Clerk's office received an appeal of the Airport Board's decision regarding the Terminal Reconstruction Phase II project.

In accordance with the Appeals Code, the Assembly must decide whether to accept or reject the appeal. If you determine, after liberally construing the notice of appeal in order to preserve the rights of the appellant, that there has been a failure to comply with the appellate rules, or if the notice of appeal does not state grounds upon which any of the relief requested may be granted, you may reject the appeal.

If the appeal is accepted, you must decide whether the Assembly will hear the appeal itself or if it will assign the appeal to a hearing officer. If you decide to hear the appeal yourselves, a presiding officer should be appointed.

In hearing an appeal, the Assembly sits in its quasi-judicial capacity and must avoid discussing the case outside of the hearing process. (See CBJ 01.50.230, Impartiality.)

As this is a quasi-judicial matter, the City Manager makes no recommendation.

Ms. Mead explained that the Clerk's office received an appeal on July 30 which is appealing the Airport Board's decision regarding the Terminal Reconstruction Project Phase II. She directed members to packet page 162 which contained the motion made by the Airport which is the subject of this appeal. Ms. Mead summarized the options before the Assembly as outlined in the Manager's Report.

She also pointed the members to the CBJ Appeals Code Section 01.50.020 which provides that only final action of a decision making body may be appealed to the Assembly.

Mr. Nankervis asked if there has been any appealable action taken by the Airport Board. Ms. Mead said in reviewing the Notice of Appeal, she did not see anything that was appealable that had occurred at this stage.

Mayor Koelsch said he was somewhat confused and asked if this is ahead of being heard because there is no action that has occurred. Ms. Mead said that in the end, it depends on what occurs. At this point, there has not yet been any final decision of the Airport Board that is appealable in nature. There was a recommendation to move forward with a project. She said that if there is funding associated with that project, that funding packet will back to the Assembly for a decision and that is a legislative act that is not appealable. At this stage, she does not see anything in the Notice of Appeal that would present an appealable decision that the Assembly would review under the standard of review that is encompassed in the appeal code.

MOTION by Mr. Jones that in light of the Attorney's opinion and, to some extent, his own reading, that the Assembly not accept the appeal based on the grounds by the Attorney that there are no actions of the Airport Board that are at this point appealable.

Mr. Nankervis asked the Attorney for clarification as to whether there would be anything that the Airport Board can do that would be appealable. Since she had mentioned that anything related to finance would be a legislative matter that would not be subject to appeal, what, if anything, would be subject to appeal.

Ms. Mead asked if he was asking about anything related to this project or in general. Mr. Nankervis answered yes to both. Ms. Mead explained that in general, the Airport Board does make decisions for example with respect to property that it manages such as someone's hangar leases, where someone's rights are affected by an Airport Board decision and something of that nature would be appealable. She said that in this instance, it appears to be a disagreement on a policy decision and whether or not it was a wise decision and that is not something that is appealable in nature.

Mr. Kiehl said that 10 of the 16 items on this Notice of Appeal are on his list of topics for the next joint meeting with the Airport Board but he is in agreement with Mr. Jones as he is not finding something under the appeal code that they can take up in the quasi-judicial sense.

Hearing no objection, the motion to NOT accept this appeal passed by unanimous consent.

XI. STAFF REPORTS

None.

XII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Koelsch reported that he went to Ketchikan on Saturday for the christening of the new Alaska Marine Highways Ferry Tazlina which was built Alaskans for Alaskans in Alaska. He said that Juneau was well represented. He offered his congratulations to all the Project Playground volunteers/workers. He said he would be flying to Anchorage on Friday for a Crime Conference and since he will be gone, Deputy Mayor Nankervis will fill in for him at the Mayor's Award for the Arts ceremony. He wished Ms. Mead good luck and thanked Ms. Weldon and Mr. Gregory for their work on the Assembly.

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

Mr. Nankervis reported on the August 9 COW meeting and the upcoming Aug. 29 COW meeting with tentative topics to include the Airport North Terminal, Abandoned Vehicles, and a Comprehensive Plan memo from the Planning Commission. He reminded everyone of the Golden North Salmon Derby coming up next weekend and that the Treadwell Arena is now open for business. He thanked Norton Gregory and Beth Weldon for their service on the Assembly, and thanked and congratulated Ms. Mead on her new position. He offered congratulations to Auke Man winners John Bursell and Jordan Callahan.

Ms. Becker gave a recap of the recent work by the Assembly Lands Committee. She congratulated the public and staff ont he Project Playground work and gave best wishes to Amy Mead. She also thanked Norton Gregory and Beth Weldon for their work on the Assembly.

Ms. Kiehl reported about the work of the Assembly Finance Committee on Aug. 8 including the ordinance that passed at this meeting relating to the additional funding for CCFR. He reported on the UAS Campus Council coordination work with Tlingit-Haida Central Council on the voc/tech programs and the recent UA Board of Regents decision to lower the cost of the CTE program by 25% to provide greater voc/tech opportunities across Alaska. The next meeting of the UA Board of Regents will be held in Juneau Sept. 12-14 and open for public testimony. He noted that he will be attending the summer Alaska Municipal League meetings in two weeks along with Deputy Manager Mila Cosgrove. He attended a number of civic events this past month and thanked each of those groups. He also thanked Norton Gregory and Beth Weldon for their Assembly service and thanked Ms. Mead and wished her well as she was jumping from the frying pan into the fire.

Mr. Jones reported on the brief meeting of the Public Works and Facilities Committee on Aug. 6. He thanked Ms. Gladziszewski for her telephonic participation for the few minutes that they were able to establish shaking telephone connections so that they could obtain the necessary quorum of two to conduct the business of the meeting. Mr. Gregory had been unavailable to attend the the other seat was vacant due to Beth Weldon's resignation. He noted the next PWFC meeting was scheduled for Aug. 27 and now he and Ms. Gladziszewski are the only remaining members of the committee. He reported on the recent developments with the School District and the resignation of Superintendent Mark Miller and the hiring of an interim superintendent, Dr. Bridget

Weiss who will serve through June 30, 2019. The next School Board meeting will be Aug. 14 and their retreat, scheduled for Sat. Aug. 18 will likely get cancelled. He reminded everyone that the first day of school is Monday, Aug. 20 for 1st through 12th graders with the Kindergartners starting Aug. 27. He noted that the August meeting of the Juneau Commission on Aging has been cancelled but their subcommittee on the decennial senior survey will begin meeting as of Aug. 22. He reported that the Downtown Business Association met on Aug. 7 and their next meeting is scheduled for Sept. 4 but that may get rescheduled to Sept. 11. He said that he would be leaving on Aug. 14 to attend Marijuana Control Board meetings in Fairbanks. He too extended thanks and congratulations to Ms. Mead and thanked Mr. Gregory and Ms. Weldon for their service on the Assembly.

Ms. Gladziszewski reported that the Assembly Human Resources Committee met just prior to the Assembly and received the annual reports of the Youth Activities Board (YAB) as well as the Historic Resources Advisory Committee (HRAC). She forwarded the following nominations to those boards. Hearing no objection, the following appointments were made by unanimous consent:
~ Historic Resources Advisory Committee - Appointment of Shannon Crossely to a term ending June 30, 2021.
~ Youth Activities Board - Appointments of Kiana Potter to the public seat for a term ending Aug. 31, 2021 and of Caleb Peimann to the "youth" seat for a term ending Aug. 31, 2021.
Ms. Gladziszewski also reported that the Bartlett Regional Hospital Board met on July 24 and their next meeting was scheduled for Aug. 28 and they have changed their regular meeting time such that their regular meetings will now be held on the fourth Tuesday of each month starting at 5:30p.m. She reported on the recent meetings of the Affordable Housing Commission and the Planning Commission Title 49 subcommittee. She noted that with the passage of the Mining Ordinance at this meeting, that she was the lone remaining Assemblymember of the subcommittee and thanked all the members of that committee: Assemblymembers Beth Weldon, Norton Gregory, as well as Planning Commissioners Paul Voelkers and Ben Haight and public members Roman Motyka and John Kato for their months of hard work to get this ordinance passed. She said that Amy Mead deserves much of the credit with the committee's work and thanked her for all her work for this effort and CBJ in general. She also thanked Beth Weldon and Norton Gregory for their work on the Assembly and thanked all the candidates who stepped up to run for office.

Mr. Edwardson reported that the Local Emergency Planning Committee (LEPC) met on Aug. 8 and noted that members of Red Cross are being deployed all over and have deployed members to Hawaii for work on the volcano emergency and has also now deployed members to California to assist in fighting the wildfires. He said that Suicide Basin did release a flood on the Mendenhall Lake and River and that he appreciated receiving the flood reports as they came through the alter system. He reported that on Aug. 2 he attended the Tlingit-Haida Elders Lunch which takes place each Thursday and

he said that is a great place to learn about Juneau history as well as hear about all the recent bear sightings and encouraged everyone to attend their lunches. He also extended his thanks to Ms. Mead and his appreciation of her onboarding sessions prior to his taking office which made for a smooth and accurate transition which helped him feel very well prepared as a new Assemblymember. He thanked Beth Weldon and Norton Gregory for their service on the Assembly.

C. Presiding Officer Reports

None.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV. EXECUTIVE SESSION

A. City Attorney Replacement

MOTION by Mr. Nankervis to adjourn into Executive Session to discuss matters which might prejudice the reputation or character of certain individuals. *Hearing no objection, the meeting recessed into Executive Session at 9:13p.m.*

Following Executive Session, the meeting reconvened at 9:47p.m.

Mayor Koelsch reported they came out of execution session at which they discussed matters relating to personnel issue. He reported that he was appointing Mr. Kiehl, Mr. Jones, and Ms. Gladziszewski to serve as a City Attorney Recruitment Committee. Mr. Jones will be the chair of the committee.

MOTION by Mr. Jones to appoint Robert Palmer to the position of Acting City Attorney effective close of business August 17, 2018 and that his salary during that interim time be set at $140,000/year and he will serve until the Assembly makes a final decision on the hiring of a new City Attorney. *Hearing no objection, the motion carried.*

MOTION by Mr. Nankervis for the Assembly to schedule a Special Assembly meeting for Noon on Tuesday, August 28, 2018 in Executive Session to interview with one of the City Attorney applicants. *Hearing no objection, the motion carried.*

XV. ADJOURNMENT

Ms. McEwen noted that she distributed updated copies of the Assembly Membership List as well as the Assembly Standing Committee and Liaison lists. She stressed the importance, now that the Assembly is down to seven members, for all Assemblymembers in notifying the Clerk's office whenever they would be traveling or unavailable to attend

meetings so that quorum and coordination of materials can be accomplished smoothly.

There being no further business to come before the Assembly, the meeting was adjourned at 9:51 p.m.

Signed:_____ Signed:_____
Elizabeth J. McEwen, Municipal Clerk Kendell D. Koelsch, Mayor