THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - June 4, 2018

MEETING NO. 2018-15: 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.

I. FLAG SALUTE

II. ROLL CALL

Assembly Present: Mary Becker, Rob Edwardson, Maria Gladziszewski, Norton Gregory, Loren Jones, Jesse Kiehl, Ken Koelsch, Jerry Nankervis, and Beth Weldon.

Assembly Absent: None.

Staff Present: Rorie Watt, City Manager; Mila Cosgrove, Deputy City Manager; Amy Mead, Municipal Attorney; Jane Mores, Deputy City Attorney; Laurie Sica, Municipal Clerk; Bob Bartholomew, Finance Director; Mike Vigue, Engineering and Public Works Director; George Schaff, Parks and Recreation Director; Jill Maclean, Community Development Director; Dallas Hargraves, HRRM Director; Greg Chaney, Lands and Resources Manager; Carl Uchytil, Port Director; Dave Scanlon, Eaglecrest Ski Area Manager.

III. SPECIAL ORDER OF BUSINESS

Mayor Koelsch read a proclamation, stating that Juneau Pride 2018 would hold events from June 8 through 15 and encouraged people of the community in celebrating diversity.

IV. APPROVAL OF MINUTES

A. May 14, 2018 Regular Assembly Meeting 2018-14

Hearing no objection, the minutes of the May 14, 2018 Regular Assembly Meeting 2018-14 were approved with grammatical corrections.

V. MANAGER'S REQUEST FOR AGENDA CHANGES

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VII. CONSENT AGENDA

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

B. Assembly Requests for Consent Agenda Changes

C. Assembly Action

MOTION, by Nankervis, to adopt the consent agenda as presented, with one change, adjusting the manager's request introducing Ordinance 2018-34 to set the public hearing for that ordinance to a special Assembly meeting on Wednesday, June 13, immediately preceding the Finance Committee meeting. Hearing no objections, the consent agenda was adopted.

1. Ordinances for Introduction

    a. Ordinance 2018-32 An Ordinance Amending Title 72 of the City and Borough of Juneau Code Relating to Driving Without a License.

    This is a housekeeping ordinance clarifying that the operation of a vehicle without a license is an offense, not only when one's license has expired, but also when a license has never been obtained. (Consistent with state law, the CBJ code provides for a lesser penalty for operating a motor vehicle when one's license has been expired for less that one year.)

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

    b. Ordinance 2018-34 An Ordinance Authorizing the Manager to Execute Utility Permits with the Alaska Department of Transportation and Public Facilities for the Construction, Repair, and Maintenance of City and Borough of Juneau Utilities in State Rights-of-Way.

    This ordinance would allow the Manager to execute utility permits with the Alaska Department of Transportation and Public Facilities to construct, repair, and maintain CBJ utilities, as required by AS 19.25.010, AS 35.10.210, and 17 AAC 15.061.

    ADOT&PF's boilerplate utility provision contains an indemnification provision. CBJ Charter 9.13(a) generally prohibits the CBJ from indemnifying others. However, Charter 9.13(c) allows the CBJ to indemnify the State when the CBJ would not otherwise be able to participate. This ordinance would allow the Manager to execute ADOT&PF utility permits required by state law.

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

Hearing no objection, the Assembly set the Public Hearing for this meeting to a Special Assembly Meeting on Wednesday, June 13, at 5:15 p.m., immediately preceding the Finance Committee meeting at 5:30 p.m. in the Assembly Chambers

    c. Ordinance 2018-35 An Ordinance Authorizing the Manager to Execute Permits for City and Borough of Juneau Road Reconstruction and

Maintenance Projects in State Rights-of-Way with the Alaska Department of Transportation and Public Facilities.

This ordinance would allow the Manager to execute approach road permits that include indemnification provisions with the Alaska Department of Transportation and Public Facilities to allow the CBJ to reconstruct municipal roads and other approaches when the access points are located within the State's rights-of-way as required by 17 AAC 10.020(c).

ADOT&PF's boilerplate access road permits contains an indemnification provision. CBJ Charter 9.13(a) generally prohibits the CBJ from indemnifying others. However, Charter 9.13(c) allows the CBJ to indemnify the State when the CBJ would not otherwise be able to participate. This ordinance would allow the Manager to execute ADOT&PF access road permits required by state law.

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

d. Ordinance 2017-06(AX) An Ordinance Appropriating to the Manager the Sum of $250,000 as Supplemental Funding for Harbors' Fiscal Year 2018 Operating Budget; Funding Provided by Harbors' Fund Balance.

Docks & Harbors anticipates exceeding its FY18 authorized spending authority by $250K in the Harbor Enterprise. The increase is attributable to extraordinary expenditures including personnel costs, infrastructure improvements and resolving abandoned and derelict vessels. The additional request is an increase of 5% of the total authorized expenditures in FY18. Sufficient revenues in excess of the budget are available in the current fiscal year.

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

2. Resolutions

a. Resolution 2823 A Resolution Ratifying the Labor Agreement between the City and Borough and the International Longshore and Warehouse Union AFL-CIO, Healthcare Unit 2201.

This resolution would provide Assembly ratification of the tentative agreement negotiated between Bartlett Regional Hospital and the International Longshore and Warehouse Union, Healthcare Unit 2201, for a collective bargaining agreement that will expire on December 31, 2020.

The tentative agreement includes the following wage increases: 1.5% in fiscal year 2019, 1% in fiscal year 2020, and 1% in fiscal year 2021. The total cost of these provisions over the life of the contract for both union and non-represented employees is projected to be approximately $4,183,000.

In addition, there are other non-economic language changes to the collective bargaining agreement.

This tentative agreement has been ratified by the union membership and was passed unanimously by the Bartlett Regional Hospital Board of Directors.

The City Manager recommends this resolution be adopted.

3. Bid Award

a. Bid Award DH18-068 Auke Bay Marine Station Float Extension

The results of the bid opening were as follows. The period to file notice to protest has ended. The Docks and Harbors Board reviewed this bid at its regular board meeting on May 31, 2018 and recommends a bid award to Trucano Construction.

Additional project funding will be provided by Transfer T-1001, also on this consent agenda.

Bidders	Total Bid
Trucano Construction	$202,700
Silver Bow Construction	$292,500
Engineer's Estimate	$158,000

The City Manager recommends award of the bid to Trucano Construction for the total amount bid of $202,700.

4. Liquor License

a. Alaskan Brewing LLC d/b/a Alaskan Brewing Co. Transfer of Controlling Interest in Liquor License #2534

Brewery License #2534 Alaskan Brewing LLC d/b/a Alaskan Brewing Co.
Location: 5429 Shaune Drive, Juneau.

This license action is for an ownership transfer of controlling interest. The

Assembly just waived its right to protest the license renewal at its April 2, 2018, meeting. Staff from the Police, Fire, Finance, Engineering/Public Works and Community Development departments recommend the Assembly waive its right to protest the transfer of controlling interest application provided in this packet.

The 60-day local government comment period for this license action expires as of July 3.

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

5. Transfers

   a. Transfer T-1001 Transfer of $50,000 from Harris Harbor Restrooms Capital Improvement Project to the ABMS Maintenance and Improvements Capital Improvement Project.

   The request is to transfer $50,000 to an existing CIP to allow construction and installation of new marine floats attached to the existing moorage floats at the Auke Bay Marine Station.

   Time is of the essence for this transfer as a bid (DH18-086) that exceeded cost estimates was received on May 30, 2018. The bid award for this project is included in this consent agenda.

   The Harris Harbor restroom project is 98% complete and the budget shows adequate funds to complete the project and provide the needed funds to the Auke Bay Marine Station project. Demand is high for these floats in Auke Bay thus it is in the best interest of Docks and Harbors to keep the original schedule of this project.

   Currently there is $93,231 in the H51-115 account. If the transfer is approved the account balance would be $43,231 which is more than adequate to complete the restroom project.

   The Docks and Harbors Board reviewed this transfer request at its regular meeting of May 31, 2018.

   The City Manager recommends this transfer be approved.

VIIIPUBLIC HEARING

A. Ordinance 2018-29 An Ordinance Authorizing the Manager to Execute a Utility Permit for a Water System Reconstruction in a State Right-of-Way with the Alaska Department of Transportation and Public Facilities.

This ordinance would allow the CBJ to reconstruct a water service at 2570 Douglas Highway, which is located within a State of Alaska right-of-way.

On February 15, 2017, the CBJ’s water service and the customer line were damaged. Emergency repairs were done. The cause of the damage is currently being litigated. The adjacent property owner, Elton Engstrom, has requested that the CBJ remove and replace the existing water service. In order to do so, the CBJ needs a utility permit from the State of Alaska.

The Department of Transportation and Public Facilities recently provided the CBJ with a proposed utility permit, but it contained an indemnification provision. CBJ Charter 9.13(a) generally prohibits the CBJ from indemnifying others. However, Charter 9.13(c) allows the CBJ to indemnify the State when the CBJ would not otherwise be able to participate. This ordinance would allow the Manager to execute the utility permit which includes the indemnity provision.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Edwardson, to adopt Ordinance 2018-29. Hearing no objection, it was so ordered.

B. Ordinance 2018-30 An Ordinance Amending the General Penalty Code.

Although most misdemeanor offenses are subject to a penalty of 30 days or less, state law provides for a sentence of up to one year for certain crimes. A defendant may be sentenced to up to one year for a conviction of offensive touching of another not proscribed by Alaska statute as sexual abuse of a minor.

This ordinance would amend the CBJ's general penalty provision to allow for a sentence of up to one year for such an offense, consistent with state law.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Gregory, to adopt Ordinance 2018-30. Hearing no objection, it was so ordered.

C. Ordinance 2018-31 An Ordinance Amending the Land Use Code Relating to Sobering Centers and Emergency Shelters.

This ordinance would amend the Land Use Code as it relates to sobering centers and emergency shelters. CDD was directed by the Manager's Office to determine in which zoning districts sobering centers should be allowed. Based on research of other communities, staff determined a new use category for sobering centers was necessary, as well as a clarifying definition to distinguish sobering centers from emergency shelters. Sobering centers are proposed to be allowed with a conditional use permit in the Light Commercial, General Commercial, Mixed Use and Mixed Use 2 zoning districts.

On December 27, 2016, the Planning Commission recommended that the Assembly adopt the ordinance.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Weldon, to adopt Ordinance 2018-31. Hearing no objection, it was so ordered.

D. Ordinance 2018-33 An Ordinance Authorizing the Manager to Execute a Permit for Road Reconstruction in a State Right-of-Way with the Alaska Department of Transportation and Public Facilities for the Intersections of D Street and 3rd Street (Douglas Highway) adjacent to 915 and 916 3rd Street and H Street and 3rd Street adjacent to 1316 3rd Street in Downtown Douglas.

In order to complete the street reconstruction of D Street, from 2nd to 5th Street and H Street from 2nd to 3rd Street in downtown Douglas, as routine maintenance provided for in the FY 2018 Capital Improvement Program, the CBJ must obtain approval (an approach road permit) from the Department of Transportation and Public Facilities in order to reconstruct the roadway aprons and sidewalk approaches.

State regulations (17 AAC 10.020(c)) require ADOT&PF to include an indemnity provision from the permittee to the State in all approach road permits.

Normally the CBJ is prohibited by Charter section 9.13(a) (which is substantially similar to Article IX, section 13 of the Alaska Constitution) from contractually agreeing to indemnify another party. (Charter sec. 9.13 prohibits the CBJ from incurring an obligation absent an appropriation for that purpose. An indemnity provision is an agreement to compensate the other party for any harm or loss arising out of the agreement, such as paying any judgment or damages, and oftentimes defending the other party in any legal action.) The Charter carves out a limited exception, however, allowing the Assembly, by ordinance, to require the payment of funds from appropriations of a later year (or for more than one year) for any federal or state grant, contract, lease, program, etc., without which the municipality would not be able to participate.

This ordinance would allow the City Manager to execute the approach road permit, which includes an indemnity provision, in accordance with Charter section 9.13(c), as required by 17 AAC 10.020(c).

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Gladziszewski, to adopt Ordinance 2018-33.

Mr. Jones asked and received clarification about the project area of road construction.

Hearing no objection, it was so ordered.

E. Ordinance 2017-06(AU) An Ordinance Appropriating to the Manager the Sum of $8,180,300 as Partial Funding for Various Departments' Fiscal Year 2018 Operating Budgets; Funding Provided by Increased Revenues and Fund Balance.

This ordinance would appropriate $8,180,300 for increases in FY18 operations among three CBJ departments.

The Hospital anticipates exceeding its FY18 Assembly authorized spending authority by $8.0M. The increased spending is needed to address the number of increased patient visits in FY18. The costs are fully funded with related increased revenue. Overall, the patient visits were more than originally projected.

The Airport anticipates exceeding its FY18 Assembly authorized spending authority by $140,300. The increase is attributable to the cost of lump sum negotiated wage payment not included in the base budget. Sufficient revenues in excess of budget are available to cover the additional salary expenses.

The Affordable Housing Division is anticipating a shortfall of $40,000 in the FY18 operating budget. This shortfall is due to the cost of the continuation of the Mobile Home Loan Program not included in the base budget. The anticipated funding for this increase is the Housing Fund's Fund Balance.

The Assembly Finance Committee reviewed the increases at its meeting on May 9, 2018, and forwarded them to the full Assembly for approval.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Jones , to adopt Ordinance 2017-06(AU). Hearing no objection, it was so ordered.

IX. UNFINISHED BUSINESS

A. Resolution 2819(c) A Resolution Adopting the City and Borough Capital Improvement Program for Fiscal Years 2019 Through 2024, and Establishing the Capital Improvement Project Priorities for Fiscal Year 2019.

This resolution would adopt the Capital Improvement Program (CIP) for fiscal years 2019 through 2024, as required by Charter Section 9.4, and lists the capital projects that will be initially appropriated by ordinance in FY19. The initial FY19 resolution authorizes $25.7 million for CIPs and $2.5 million for operating budget activities.

The Public Works and Facilities Committee reviewed the CIP at its meeting on February 26, 2018, and forwarded the plan to the Assembly.

The CIP resolution was introduced at the Assembly meeting on April 4, 2018, and referred to the Assembly Finance Committee, where it was reviewed during the meetings of April 11 and May 9, 2018. It was open for public comment, as required by charter, during the Special Assembly meeting of April 25, 2018.

The AFC approved Resolution 2819(c) as amended and referred it to the full Assembly for adoption.

The City Manager recommends this resolution, as amended by the Assembly Finance Committee, be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Kiehl, to adopt Resolution 2819(c). Hearing no objection, it was so ordered.

B. Ordinance 2018-10 An Ordinance Establishing the Rate of Levy for Property Taxes for Calendar Year 2018 Based Upon the Proposed Budget for Fiscal Year 2019.

This ordinance establishes the mill rates for property taxes for 2018, which funds a significant portion of the City and Borough of Juneau's FY19 operating budget. The Charter requires the Assembly to adopt, by ordinance, the tax levies necessary to fund the budget before June 15.

The mill levies presented in this ordinance support the City Manager's FY19 Proposed Budget that has been reviewed by the Assembly Finance Committee. As part of the budget review process, the Assembly Finance Committee reviewed and recommends, to the Assembly, the final mill levies. The final mill levies must be adopted on or before June 15.

For FY19 both the operating and debt service mill rates remain unchanged. This ordinance proposes a total mill levy of 10.66; the components of which are:

Operation Mill Rate by Service Area	**Millage**
Roaded Service Area	2.30
Fire Service Area	0.36
Areawide	6.70
Operating Total	**9.36**
Debt Service	**1.30**
Total	**10.66**

An opportunity for public comment was provided at a Special Assembly meeting on April 25, 2018. The Assembly Finance Committee reviewed the mill rate ordinance at its meetings on April 25 and May 9, 2018, referring the ordinance to the full Assembly for adoption.

The City Manager recommends this ordinance, as approved by the Assembly Finance Committee, be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Becker, to adopt Ordinance 2018-10. Hearing no objection, it was so ordered.

C. Ordinance 2018-11(b) An Ordinance Appropriating Funds from the Treasury for FY19 City and Borough Operations.

This ordinance appropriates $343,479,300 for the City and Borough of Juneau's FY19 operating budget, excluding the school district. It is necessary to appropriate all transfers between funds that support operations, debt service and capital projects as well as the associated expenditures within the funds themselves. These transfers account for $96,830,700 of the FY19 operating budget.

The original ordinance was introduced at the April 4, 2018, Special Assembly meeting and referred to the Assembly Finance Committee (AFC) for deliberation. The AFC held six meetings/work sessions on the budget. An opportunity for public comment was provided at a Special Assembly meeting on April 25, 2018. The AFC moved the amended budget ordinance back to the full Assembly at its May 9, 2018, meeting. The AFC changes are reflected in the (b) version of the ordinance, where data being updated or deleted is shown by strikeout font.

The Charter requires adoption of the FY19 operating budget by June 15, 2018.

The City Manager recommends this ordinance, as amended by the Assembly Finance Committee, be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Nankervis, to adopt Ordinance 2018-11(b). Hearing no objection, it was so ordered.

X. NEW BUSINESS

A. Rogers Land Exchange

Alan and Ellen Rogers of 812 Fritz Cove Road (Smuggler's Cove Road) contacted the CBJ to propose an equal value land trade to exchange a strip of land along the northwest boundary of their property (including waterfront) for a portion of upland CBJ parkland. They will pay all survey and subdivision costs.

On May 1, 2018, the Parks and Recreation Advisory Committee passed a motion of support for the proposal. The Lands Committee reviewed the concept at its May 21, 2018, meeting and passed a motion to forward the land trade to the full Assembly with a positive recommendation.

CBJ§53.09.230(a) stipulates that prior to considering a land exchange, the Assembly must determine if it is appropriate to work "*by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the Assembly by motion, the manager may commence negotiations for the…exchange…of City and Borough land.*"

Therefore the Assembly has to determine by motion whether to work directly with the Rogers family or seek additional proposals. Since the original proposer (Rogers family) is an adjacent property owner with a unique set of circumstances, it is extremely unlikely that any other party would have the opportunity to propose a land exchange on similar terms. Final terms of the land trade are to be approved by ordinance.

The City Manager recommends that the Assembly approve a motion finding the proposed land trade to be generally acceptable and directs the Manager to commence negotiations for the exchange.

<u>Public Comment</u>:

None.

<u>Assembly Action</u>:

<u>MOTION</u>, by Edwardson, to find the proposed land trade between Alan and Ellen Rogers and CBJ to be generally acceptable and direct the Manager to commence negotiations for the exchange.

Mr. Edwardson said the code required the Assembly to identify a public benefit and he asked what that benefit of this exchange might be. The strip of land appeared to be narrow, steep and unusable.

Mr. Watt said the benefit is additional waterfront land and it may be used for a utility if one is ever out there. He asked for approval to commence the negotiation and he would ensure there is a public benefit.

Hearing no objection, it was so ordered.

XI. STAFF REPORTS

A. UAS Auto Shop

Ms. Mead said she was asked to look into a mechanism for the Assembly to fund the leasing of the UAS facility for purposes of the high school auto shop program. She has had two conversations with the Department of Education and was told that under the circumstances, the Assembly may, by a specific appropriation, limited for this purpose, appropriate the money for the lease for the school district and it would be considered a special revenue fund of the school district and it could not be part of their general operating budget. The ordinance would need to specify that it could not be used for any other purpose.

Public Comment:

Robin Paul said she agreed with Rorie Watt's idea of building a new city hall and said she can envision local trade people building it. Many of those people will have taken a shop class at the school. She spoke about her sons experiences with participating in high school shop classes and now they were practicing diesel and marine mechanics. Her sons and many of their classmates still live and work in Juneau and Southeast Alaska and teaching shop classes is good for the economy and the community. She asked the Assembly to support and fund the auto shop program.

Assembly Action:

MOTION, by Weldon, to direct staff to draft an appropriating ordinance for support of the auto shop program in the amount of $40,000, funding source from general fund fund balance. Hearing no objection, it was so ordered.

B. JCOS Letter to US Forest Service

Mr. Watt referred to a draft letter from the Juneau Commission on Sustainability (JCOS) offering comments on the Mendenhall Glacier Recreation Area planning process, and if there is no objection, he recommended it being sent under the Mayor or Manager's signature.

Public Comment:

None.

Assembly Action:

MOTION, by Gregory, to send the draft letter as prepared by the JCOS under the manager's signature. Hearing no objection, it was so ordered.

XII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Koelsch said he prepared a Memorial Day proclamation dedicated to Pat Carrothers, Archie Van Winkle (Juneau's only Medal of Honor recipient).

Mayor Koelsch participated in the following events: Elementary Art Recognition and Community Day at UAS; a retirement party for JPD staff Officer Blaine Hatch, Rich Smith and Kelly McGee; Juneau Rotary Family Fishing Day at Twin Lakes; and a farewell performance by Troy Quinn, director of the Juneau Symphony, and the symphony in "Shaken, not Stirred."

Mayor Koelsch congratulated the TMHS Girls Softball on their State Championship and the JDHS Boys Fastball State Championship. The Princess Sophia exhibit is open until October at the state museum. The Norwegian Bliss, the largest passenger ship holding 4000 passengers, will arrive tomorrow. Celebration begins by the arrival of the canoes in the Douglas Boat Harbor tomorrow between 2-3:30, and continues through the weekend.

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

Mr. Edwardson shared that following the arrival of the canoes at the Douglas Boat Harbor, there will be a Tlingit Haida "Strengthening Ties" event at the future location of cultural center (formerly known as Thane Ore House) from 5 - 9:30 and is a community event. Included will be repatriation of cultural items, gifting ceremonies, dance groups, a potluck and a documentary film "Rise," about the Standing Rock movement. This year there will be a food court outside of Tlingit and Haida during Celebration and he provided the menu.

Parks and Recreation Advisory Committee: Liaison Gregory said the next meeting is set for June 5 and there will be a presentation on "Pickleball" from Marc Wheeler.

Eaglecrest Board: Liaison Gregory said the next meeting was set for June 7 and would discuss FY19 pricing, desired qualities for future board members and the General Manager evaluation.

Planning Commission: Liaison Weldon said the PC met on May 22 and will hold a public hearing on the mining ordinance on June 26. The Comprehensive Plan ad hoc committee met and looked at other communities' plans and discussed the mission. The next PC meeting is set for June 12.

Aquatics Board: Liaison Weldon said the board met with the new Parks and Recreation director and the next meeting is set for June 19.

Ms. Weldon said she attended Memorial Day services, a retirement party for Jeffra Clough of the Eaglecrest Ski Area, the JPD retirement party for Blaine Hatch, the Juneau Track Club tournament at the Juneau Gun Club, and she promoted the How To Run for Local Office Workshop on June 9.

Bartlett Board: Liaison Gladziszewski said the Board met in May and heard a report that the union agreed to negotiations.The CEO reported on legislation, HB 312 is a healthcare workplace violence bill, and about payment delays from Medicaid. State funding for Alaska Psychiatric Institute is good news, funding will help alleviate mental health programs. The Board removed $10 million that was on their books dedicated for the CAMHU project.

Affordable Housing Commission: Liaison Gladziszewski said the next meeting is set for June 5.

Human Resources Committee: Chair Gladziszewski said there are many applicants for the enterprise board vacancies and there will be a need for an additional meeting, and set June 11 at 6 pm in place of the cancelled COW meeting for interviews for the Docks and Harbors and Airport Boards. June 27 was set for Eaglecrest Board interviews.

Public Works and Facilities Committee: Chair Jones said the next meeting is set for June 11.

School Board: Liaison Jones said the next meeting is set for June 12, and then the next meeting is not until August.

Juneau Commission on Aging: Liaison Jones said JCOA held an event at the Juneau Pioneer's Home on May 20 to celebrate Older Americans Month and the next meeting was set for June 12.

Downtown Business Association: Liaison Jones said the next meeting is set for June 5.

Mr. Jones said he would attend the June 13 Special Assembly and Finance Committee meeting by teleconference.

MOTION, by Jones, to direct staff to draft a resolution to put on the ballot an advisory question to find a funding source to support Best Starts pre-K programs.

He distributed a draft and requested the Assembly approve asking the staff to work this and get it on the October ballot.

Ms. Gladziszewski asked if the intent is to go to committee as there were a lot of questions she had. Mr. Jones said he would like to see it approved by the August meeting and he would like to ask staff to do the work to get it before the Assembly, whether it goes to a committee or not.

Hearing no objection, the matter was referred to the staff for work.

Finance Committee: Chair Kiehl said the next meeting was set for June 13.

Alaska Municipal League: Liaison Kiehl said the AML summer meeting is in Healy in

August and anyone wishing to attend should contact Susan Phillips about travel plans as soon as possible.

Mr. Kiehl spoke about his Memorial Day experience, and appreciated the Juneau Pride Month proclamation, the support for Celebration and he thanked the many faith organizations participating in Family Promise.

Lands and Resources: Chair Becker said the committee met and discussed the Rogers Land trade, Indian Point land and Douglas Cemeteries.

Travel Juneau: Liaison Becker said that Travel Juneau hired McDowell Group to conduct a survey of independent travelers in the airport and ferry terminal, participated in the Litter Free cleanup, the first ship visit and helped get the state flags up. The board has discussed the division of hotel tax between Travel Juneau and the Juneau Arts and Humanities Council. Ms. Becker noted a new business renting jeeps with pre-programmed directions and that Alaska Seaplanes will start air service from Juneau roundtrip to Whitehorse. The next meeting is set for June 21.

Alaska Committee: Liaison Becker said the AK Committee is making plans for Juneau promotion at state fairs.

Chamber of Commerce : Liaison Becker said Senator Egan spoke to the group and was presented with a plaque to honor his service to the community.

Ms. Becker read a proclamation at the Pioneer Home honoring Older Americans Month, and congratulated the baseball and softball teams.

Committee of the Whole: Chair Nankervis said the COW met on May 21 and reviewed FEMA flood maps and RecycleWorks operations. The COW on June 11 was cancelled and the next meeting would be Wednesday, July 11.

Mr. Nankervis said he attended the recent Symphony production, attended the retirement ceremonies, Memorial Day Services and gave his congratulations to the softball and baseball teams. He encouraged people to participate in Celebration. He congratulated new CDD Director Jill Mclean. Front Street construction looks great. He asked for permission to work with the City Manager and staff to investigate and "adopt a park" policy to address litter, moving and maintenance. Hearing no objection, it was so ordered.

C. Presiding Officer Reports

1. SEAL Trust v CBJ Assessor 2017 - Assessor's Petition for Reconsideration

On May 18, 2018, the Clerk's Office received a timely petition for reconsideration from the CBJ Assessor in the matter of SEAL Trust v CBJ Assessor -2017, an appeal that was heard by the State of Alaska Office of Administrative Appeals, and a decision was issued and adopted by the Assembly at its meeting of May 14, 2018. The final decision and the petition for reconsideration are enclosed in this meeting packet.

CBJ Code 01.50.180, Reconsideration, provides the following:

(a) The appeal agency may, within 30 days after the delivery or mailing of a decision to the parties, order a reconsideration of all or part of the appeal on its own motion or on petition of a party. To be considered by the appeal agency, a petition for reconsideration must be filed with the agency within 15 days after delivery or mailing of the decision. A petition for reconsideration filed by a party will be placed before the appeal agency at the first regular meeting at which the matter may be scheduled or at a special meeting called for that purpose. Unless granted by an affirmative vote of the appeal agency, the petition for reconsideration is deemed denied.

(b) An appeal may be reconsidered by the appeal agency on all the pertinent parts of the record and the additional evidence and argument that are permitted, or may be assigned to a hearing officer. A reconsideration assigned to a hearing officer is subject to the procedure provided in section 01.50.140. If oral evidence is introduced before the appeal agency, an appeal agency member may participate in the decision only if the appeal agency member has heard the evidence in person at the initial hearing and the hearing on reconsideration.

As this is a matter regarding an appeal, the City Manager makes no recommendation.

Ms. Mead excused herself from the meeting and Deputy Municipal Attorney Jane Mores was present to assist the Assembly with the appeal matter.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV. EXECUTIVE SESSION

A. SEAL Trust Appeal

MOTION, by Nankervis, to discuss the SEAL Trust v CBJ Assessor appeal in its quasi-judicial capacity in executive session. Hearing no objection, the Assembly entered closed session at 8:20 p.m. and returned to regular session at 8:40 p.m.

MOTION, by Kiehl, to order reconsideration of the appeal decision. He objected and recommended a no vote.

Roll call:
Aye: Nankervis, Koelsch
Nay: Becker, Edwardson, Gladziszewski, Gregory, Jones, Kiehl, Weldon.
Motion failed, 2 ayes, 7 nays.

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 8:42 p.m.

Signed:_________________________
Laurie Sica, Municipal Clerk

Signed:_____________________________
Kendell D. Koelsch, Mayor