

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - April 23, 2018

MEETING NO. 2018-11: 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, Norton Gregory, Loren Jones, Jesse Kiehl, Ken Koelsch, and Beth Weldon.

Assembly Absent: Maria Gladziszewski, Jerry Nankervis.

Staff Present: Rorie Watt, City Manager; Mila Cosgrove, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Beth McEwen, Deputy Clerk; Bob Bartholomew, Finance Director; Kirk Duncan, Parks and Recreation Director; Roger Healy, Engineering/Public Works Director; John Bohan, Chief CIP Engineer; Greg Chaney, Lands and Resources Manager; Robert Barr, Library Director; Jane Lindsay, Museum Director; Jodi DeBruyne, Curator, Collections and Exhibits; Patty Wahto, Airport Manager; Carl Uchytel, Port Director.

III. SPECIAL ORDER OF BUSINESS

Mayor Koelsch read a proclamation announcing Juneau Community Clean-Up Day on Saturday, April 28, 2018. He recognized Rudy and Judy Ripley as founding members of Litter Free, Inc., and noted that Mr. Ripley, a great community volunteer, had passed away on April 6, 2018.

A. Proclamation - Public Service Recognition Week May 6-12, 2018

Mayor Koelsch read a proclamation announcing May 6 - 12, 2018 as Public Service Recognition Week.

B. Special Recognition: Jane Lindsey

Library Director Robert Barr gave Jane Lindsey, outgoing Museum Director, a handful of thank you cards from people who appreciated her service to the City Museum. He said she has had a relentless, disciplined approach to her work, focused on the mission of the Museum, which is to foster an awareness of the culture and shared values of the community and to inspire learning today and in the future.

IV. APPROVAL OF MINUTES

A. April 4, 2018 Special Assembly Meeting 2018-09 Minutes

Hearing no objection, the minutes of the April 4, 2018 Special Assembly Meeting 2018-09 were approved.

B. April 11, 2018 Special Assembly Meeting 2018-10 Minutes

Hearing no objection, the minutes of the April 11, 2018 Special Assembly Meeting 2018-10 were approved.

V. MANAGER'S REQUEST FOR AGENDA CHANGES

Mr. Watt asked to add "pending litigation update" to the executive session topics, and hearing no objection, it was added.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Jerry Godkin spoke about the work of Michele Elfers, David Borg and Matthew Cresswell, "behind the scenes" to find a good place to dump snow this winter. The site chosen on the rock dump worked well and he thanked the city for the cooperation.

Dillon Rice said he is currently enrolled in an auto class at JDHS and is concerned that the program is going to be cut. He spoke about the importance of the program and the need for this education to pursue his future goals. He asked the Assembly to secure the facility for the program.

Brian Stephenson spoke in support of the JDHS auto program, and said it has had a positive influence on the students who have taken the class, whether they pursue a career in automotive science or not. Mr. Steve Squires is an excellent teacher, who is humorous and is always willing to help. They have hands on training in this class and he asked the Assembly for any support.

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 Kiehl, to approve the consent agenda as presented. Hearing no objection, it was so ordered.

1. Ordinances for Introduction

- a. Ordinance 2018-23 An Ordinance Authorizing the Manager to Execute a Lease of the Eagle Valley Center Ropes Challenge Course, Located near

Amalga Harbor, to Southeast Alaska Independent Living, Inc.

The CBJ has owned the Eagle Valley Center since 1997. Between 1997 and 2015, the facility was leased to SAGA. When the lease expired in 2015, it was not renewed. *Southeast Alaska Independent Living* (SAIL) contacted the CBJ to lease a portion of the facility: the ropes challenge course. SAIL's proposal is to improve and upgrade the course, facilitating its availability to SAIL's clients as well as the residents of Juneau.

At its January 8, 2018, meeting, the Assembly authorized the Manager to commence lease negotiations with SAIL under CBJ 53.09.260. The Planning Commission found the proposal consistent with the Comprehensive Plan and Title 49 at its February 27, 2018, meeting.

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

- b. Ordinance 2018-26 An Ordinance Amending the Property Maintenance Code to Reference the International Property Maintenance Code 2012 Edition.

This ordinance updates the International Property Maintenance Code reference from 2009 to 2012 in CBJ 19.11.010 - International Property Maintenance Code (IPMC) adopted. With Ordinance 2017-01, adopted June 5, 2017, Title 19 was amended to reference the 2012 international codes. This housekeeping ordinance makes the above-referenced update, which was inadvertently overlooked.

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

- c. Ordinance 2018-27 An Ordinance Authorizing the Sale of Foreclosed Property Located at 333 W. Ninth Street by Sealed Competitive Bid.

On January 11, 2018, the City obtained a Clerk's Deed for property located at 333 W. Ninth Street, for delinquent property taxes owed from tax year 2015. Delinquent property taxes are also owed for tax years 2016 and 2017.

AS 29.45.460 requires a municipality to determine by ordinance whether foreclosed property deeded to the municipality be retained for a public purpose or not. If not, the property can be sold.

This ordinance establishes that the property is not required by the CBJ for a public purpose, and authorizes the sale of the property by sealed competitive bid.

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

- d. Ordinance 2017-06(AN) An Ordinance Appropriating to the Manager the Sum of \$50,000 as Funding for Juneau Community Foundation's Park Program; Funding Provided by the Sales Tax Fund's Fund Balance.

This appropriation of \$50,000 to the Juneau Community Foundation completes the intent of the FY17 budget (seed funding for the Juneau Park Foundation).

The Assembly Finance Committee forwarded this recommendation to the full Assembly for approval at its meeting on April 11, 2018.

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

- e. Ordinance 2017-06(AQ) An Ordinance Appropriating to the Manager the Sum of \$20,000 as Funding for Capital City Fire Rescue; Grant Funding Provided by the State of Alaska, Department of Environmental Conservation.

This ordinance would provide funding from the Alaska Department of Environmental Conservation (ADEC) in the amount of \$20,000. The City and Borough of Juneau will receive up to \$20,000 from ADEC upon the completion of purchases, equipment, supplies, maintenance, and training agreed upon per the request made to ADEC from Capital City Fire Rescue. The City and Borough of Juneau will provide to ADEC a final invoice of all expenses, including supporting documentations of any invoices and purchase orders, connected with the purchase of agreed equipment, supplies, maintenance and training.

The City and Borough of Juneau will work with ADEC to develop and implement procedures to initiate responses to oil and hazardous substance incidents according to the ADEC Local Community Response Agreement. All expenditures for this MOU must be completed by June 30, 2018.

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

- f. Ordinance 2017-06(AR) An Ordinance Appropriating to the Manager the Sum of \$100,000 as Funding for Juneau Community Foundation; Funding Provided by the Sales Tax Fund's Fund Balance.

This appropriation of \$100,000 of sales tax funds to the Manager will

provide funding to the Juneau Community Foundation (JCF) as an operating grant to work with Trail Mix to perform repair work on the Treadwell Ditch Trail.

This \$100,000 was allocated to the Montana Creek Loop Road to Community Gardens trail in the 2012 temporary sales tax. This proposed section of trail is unbuildable due to flooding. The Parks and Recreation Advisory Committee recommended this funding be granted to JCF at its July 11, 2017, meeting. The Public Works and Facilities Committee recommended this funding be granted to JCF at its February 26, 2018, meeting.

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

2. Bid Award

a. BE18-174 Birch Lane Pavement and Drainage Improvements

This project includes reconstruction of Birch Lane from the intersection of Julep Street to the intersection of Mendenhall Boulevard.

Bids were opened on this project on April 18, 2018. The bid protest period expired at 4:30 p.m. on April 19, 2018. Results of the bid opening were as follows:

Responsive Bidders	Total Bid
Admiralty Construction, Inc.	\$1,253,052.00
Arete Construction Corp.	\$1,274,653.00
K&E Alaska, Inc.	\$1,394,430.70
Glacier State Contractors	\$1,577,372.50
Architect's or Engineer's Estimate	\$1,443,992.00

The City Manager recommends award of the bid to Admiralty Construction, Inc. for the total amount bid of \$1,253,052.

b. DH18-54 Taku Harbor Repairs

The results of the bid opening were as follows. The protest period has ended. The Docks and Harbors Board reviewed this bid at a Special Board Meeting on April 18, 2018 and recommends a bid award to Trucano Construction.

Bidders	Base Bid	Alternate A	Total Bid
Trucano Construction	\$74,290.00	\$41,703.00	\$115,993.00

Tamico Inc.	\$79,100.00	\$59,540.00	\$138,640.00
Western Dock & Bridge, LLC	\$102,500.00	\$51,980.00	\$154,480.00
Northern Construction	\$187,000.00	\$43,800.00	\$230,800.00
<i>Engineer's Estimate</i>	\$111,625.00	\$40,100.00	\$151,725.00

The City Manager recommends award of the bid to Trucano Construction for the total amount bid of \$115,993.00.

3. Liquor License

a. Liquor License Renewals 2018/2019

The following liquor license renewal applications have been received from the Alcohol Beverage Control Board and are before the Assembly for one of the following actions: to protest or waive its right to protest.

Beverage Dispensary Tourism AMCO License #3824

Licensee: Hospitality Group, LLC d/b/a Frontier Suites Hotel,

Location: 9400 Glacier Hwy., Juneau

Restaurant Eating Place AMCO License #3049

Licensee: Valley Restaurant LLC d/b/a Valley Restaurant, Location:

9320 Glacier Hwy., Juneau

Staff from the Police, Finance, Fire, Community Development, and Engineering/Public Works departments have reviewed these licenses and are recommending the Assembly waive its right to protest these renewals.

The City Manager recommends the Assembly waive its right to protest the above-listed liquor license renewals for the 2018/2019 renewal period.

VIIIPUBLIC HEARING

- A. Ordinance 2017-06(AM) An Ordinance Appropriating to the Manager the Sum of \$112,500 as Funding for Conducting Deferred Maintenance and Repairs at the Taku Harbor Float Facility; Funding Provided by the State of Alaska Department of Fish & Game as a Federal Pass-Thru.

CBJ Docks and Harbors requests approval of an appropriation ordinance that would accept grant funds from the Alaska Department of Fish and Game (ADF&G) for conducting deferred maintenance and repairs at the Taku Harbor float facility.

The request is to approve a matching grant from ADF&G for a \$150,000 project. ADF&G would provide 75% of the funds (\$112,500) and D&H would provide

25% of the funds (\$37,500) which is currently in an existing CIP for this work.

The funds would repair and re-drive pilings that have withdrawn from the sea floor; repair deteriorated steel hinges connecting the floating approach floats; and replace some decking and rub rails.

The Docks and Harbors Board reviewed this ordinance at its meeting on March 29, 2018.

The City Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Edwardson, to adopt Ordinance 2017-06(AM).

Mr. Jones asked about the funding for the project, and Mr. Uchytel explained that all of the grant funds would be used for the project. He did not anticipate needing to return any grant funds.

Hearing no objection, Ordinance 2017-06 (AM) was adopted.

- B. Ordinance 2017-06(AP) An Ordinance Appropriating to the Manager the Sum of \$75,000, as Funding for Leasing the Juneau Subport Parking Lot; Funding Provided by the Downtown Parking Fund's Fund Balance.

This ordinance is a companion to Ordinance 2018-25, which would authorize the City Manager to execute a use permit to the State for parking.

This ordinance would appropriate \$75,000 from the Parking Fund to lease additional parking spaces at the subport (near downtown). Between government employers (CBJ, State & Legislature) there is a shortage of parking spaces to meet demand. The State recently moved more employees into their downtown offices. Leasing additional spaces will allow CBJ to work with interested parties to determine how best to allocate and fund limited parking spaces to meet the expanded need.

The City Manager gave a verbal report on downtown parking issues at the Committee of the Whole meeting on March 19, 2018.

The City Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

- MOTION, by Gregory, to adopt Ordinance 2017-06 (AP). Hearing no objection, Ordinance 2017-06(AP) was adopted.

- C. Ordinance 2018-25 An Ordinance Authorizing the Manager to Execute a Use Permit for Approximately One Acre of Lot C2A, Juneau Subport Subdivision, Located at 300 Egan Drive, to the State of Alaska.

This ordinance is a companion to Ordinance 2017-06(AP), which would appropriate funds to the Manager to lease Lot C2A of the Juneau Subport from Develop Juneau Now, LLC.

This ordinance would authorize the Manager to grant a use permit to the State to use property leased by the CBJ from Develop Juneau Now, LLC, for parking. The State has an immediate need for parking in order to alleviate new demands caused by the State relocating a number of employees from the Mendenhall Valley to downtown Juneau. The initial permit term would be six months renewable thereafter on a month-to-month basis, consistent with the CBJ's lease of the property.

Under CBJ code, use permits normally require Planning Commission review. However, considering the State's immediate parking needs, the fact that Lot C2A is privately owned, and that CDD determined the parking lot use does not require a conditional use permit, Planning Commission review is not necessary.

The City Manager gave a verbal report on downtown parking issues at the Committee of the Whole meeting on March 19, 2018.

The City Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Weldon, to adopt Ordinance 2018-25. Hearing no objection, Ordinance 2018-25 was adopted.

- D. Ordinance 2018-01 An Ordinance Amending the Airport Operations Code Relating to Parking, Standing, and Stopping for the Active Loading and Unloading of Passengers and Providing for a Penalty.

The Airport Operations Committee determined that vehicles parking and waiting at the curb for passengers to load and unload presents both a public safety problem as well as a security compliance issue. The Committee directed staff to consider an amendment to the Airport code to address the issue.

At its meeting on October 10, 2017, the Airport Board considered staff's

recommendation to amend the Airport parking code to prohibit the standing or parking of vehicles unless actively engaged in the loading and unloading of passengers and the proposed \$100 fine, and approved moving the issue forward to the Assembly. The relevant minutes from the October 10, 2017, meeting have been included in the agenda packet.

At the Assembly's request, the Airport Board has revisited this issue and from a parking management and enforcement perspective feels that \$100 is the appropriate level of fine. I have heard from the public the concern that a \$100 fine conveys an unwelcoming message at the primary gateway to Juneau. In balancing these needs, I recommend you reduce the proposed fee by motion to \$50 and request that the Airport report back in one year on the results.

The City Manager recommends you adopt this ordinance with an adjusted fine of \$50.

Public Comment:

David Epstein spoke on behalf of the Airport Board, as a member of the Board. He noted that concern that a \$100 parking ticket for improper loading in front of the airport was unwelcoming, and said the sad reality of unwelcome messaging is the way that people pull up and cause airport traffic to back up while actively loading. We may have to reinstate the 300 foot clear zone to be in compliance with the FAA for safety, so they are taking this measure and the Airport Board is determined to do what is right for public safety and security. If there is a medical emergency and first responders can't get through the congestion from improper loading and unloading, that is inexcusable, as well as inconsiderate. The fee proposal was not capricious or arbitrary and the board does not believe \$50 will be effective. The fine is only one tool to help with compliance and he asked the Assembly to support the board's thoughtful and measured action for the requested \$100 fine for improper loading and unloading in front of the airport.

Mr. Edwardson asked the approach taken to determine the \$100 fine. Mr. Epstein said there was a social media explosion of complaints and the operations committee was tasked to review the issue. Other airports are charging much more than \$100 and some are simply towing vehicles off the premises. We want the fine to be substantive and the committee determined the \$100 was fair and the board affirmed that decision.

Mr. Jones supports the \$100 fine. Currently most of the enforcement is during the day, but the biggest crunches during tourism season will be early morning and in the evening. He was concerned about unfair application of the ticketing based on the time of day and lack of available staff. Mr. Epstein said they have considered using airport staff after hours for enforcement but no decision has been made.

Mr. Kiehl asked if the Board had information on how many tickets were issued to repeat offenders, how many tickets had been written for this type of violation to date and if the

ticket proceeds were returned to the airport to provide funds for enforcement. Mr. Epstein said he would need to return that information to Mr. Kiehl from staff.

Ms. Weldon asked who is doing the enforcement. Mr. Epstein said that three of the airport staff have been commissioned to write tickets and JPD officers on site have authority to write tickets.

Mr. Edwardson asked Mr. Watt how he determined to recommend a lower fine of \$50. Mr. Watt said \$50 doubled the current \$25 ticket, which still sends a message. I have not met anyone who likes a \$25 ticket and this can be an incremental approach.

Mr. Gregory said he has posted information on his facebook page and comments have been brought up that are valid. The level of enforcement here in Juneau is higher than in other airports. Citizens are having trouble understanding the need for stringent rules. Perhaps a video explaining the need to keep cars moving would help share the message. He encouraged more outreach.

Dennis Harris said he is a member of the Juneau Airport Board and is on the operations committee. We held a meeting and invited the public to come, and no one attended with the exception of two Assemblymembers, airport staff and board members. There is a problem with knowledge and attitude. Some feel rules don't apply to them. People ignore the signs that have been there for years. Sometimes you need to shock people a little to get them to pay attention. I feel that the Assembly is trying to second guess the Airport Board. The entire board is unanimous on this measure. The people coming in will not notice this, so being a welcoming capital city is not a good argument - the violators are locals that don't want to pay attention to the law.

Mr. Gregory asked staff if citizens have a time frame to pay tickets. Ms. Mead said it is a civil fine, they can pay, appeal, pay at the cash office and if not paid, it goes through the collections office. There can be garnishment of the PFD depending on how many unpaid tickets a person has, or an action in court. There are a number of citations that go unpaid, and the collections office is working through them.

Mr. Kiehl asked Mr. Epstein how the board considers the proportionality of this fine with other fines in other areas of CBJ. Mr. Epstein said the focus was more on how other airports address this issue, not with other areas of CBJ.

Mr. Edwardson asked how different fines can be set for different issues. Ms. Mead said this is a civil fine vs. a criminal fine. State Law and Code treats the different behaviors differently, with different severity, i.e. a parking citation vs. a domestic violence assault. Mr. Epstein said the consequences attached to the violations in this loading zone have greater implications than in other areas of the community.

Mr. Gregory asked how the airport staff determines when the ticket is issued. Mr.

Epstein explained his personal experience with loading and unloading. There is no set time frame but you know it when you see it, and there is a point where the loading or unloading is not active.

Assembly Action:

MOTION, by Jones, to adopt Ordinance 2018-01.

Mr. Kiehl objected. He said \$25 may be too low, but swift, certain consequences are what makes a difference. \$100 is out of proportion with what we do in the rest of the CBJ. Parking in a red fire lane is a \$55 ticket.

MOTION, by Kiehl, to amend the fine to \$55.

Mr. Jones objected. He said he would like to see active enforcement early in the morning and late at night. This is an active four lane road and he has seen all four lanes stopped with people loading.

Ms. Weldon spoke against the amendment and for the original motion. There are more consequences to non-compliance in this area from FAA and other security concerns.

Mr. Gregory spoke against the amendment and did not want to jeopardize any grants. More information needs to be sent out to the rural southeast Alaska communities, in the form of a video, which seem to work best.

Roll call on amendment:

Aye: Kiehl, Koelsch

Nay: Becker, Edwardson, Gregory, Jones, Weldon

Motion failed, 2 ayes, 5 nays.

Mr. Kiehl maintained his objection to the \$100 fine. Enforcement makes the biggest difference regarding behavior. We don't know if the enforcement we are doing now is effective. We need to educate the public first and not just move to a "shock and awe" fine, and this amount is out of balance.

Mr. Gregory said this comes down to personal safety at the airport, and this is needed and timely. He encouraged a yes vote.

Mr. Edwardson supported the motion as it appears the Airport Board has done its work.

Roll call on the main motion:

Aye: Becker, Edwardson, Gregory, Jones, Weldon, Koelsch

Nay: Kiehl

Motion passed, 6 ayes, 1 nay.

- E. Ordinance 2018-13(b) An Ordinance Creating Local Improvement District No. 200 for a Riverbank Stabilization Project along the Mendenhall River between 9399 Rivercourt Way and 3463 Meander Way and Appropriating the Sum of \$5,095,000.

Twenty-six properties along the Mendenhall River between Rivercourt Way and the north end of Meander Way are threatened by severe riverbank erosion. Many of the property owners asked the CBJ to assist with securing funding for a riverbank stabilization project through the National Resources Conservation Service Emergency Watershed Protection program. NRCS would fund the design, inspection, and construction administration, plus 75% of the estimated construction costs. Total cost of the project, including the construction costs, is estimated to be \$11,425,000.

This ordinance would create a local improvement district (LID #200) to provide the local sponsorship as required by NRCS. The CBJ estimates its contribution to the project will be \$3,015,000, which includes the assessment to be paid by the CBJ as a property owner within the LID, but does not include the costs associated with maintaining the riverbank protection structure for a period of 10 years, as would be required. The property owners' combined contribution, through the LID, would be fixed at \$2,080,000 or \$80,000 per property. The allocation of the property owners' assessment would be borne equally by all of the affected properties. Because the CBJ will be absorbing a large portion of the costs, and as the property owners' contribution is capped at a value that is lower than could properly be assessed against the properties otherwise, equal apportionment is warranted.

At its Committee of the Whole meeting on November 20, 2017, the Assembly directed staff to proceed with the proposed LID ordinance and recommended fixing the property owner assessments at \$80,000 per lot.

CBJ 15.10.040(b) requires that notice of the public hearing be mailed to the property owners at least 30 days prior to the hearing. The CBJ mailed notices to the property owners on March 1, 2018.

Version (b) of the ordinance corrects the overall project cost, and makes other changes required by that amendment, such as to the amount to be paid by the CBJ.

For the sake of the owners that need or desire bank protection, I would like to recommend favorably on this ordinance. However, I cannot make a positive recommendation for a variety of reasons which include the following:

1. There are a substantial number of owners that have indicated that they do not want or need the project;
2. A compulsory assessment of \$80,000 is more than ten times larger than our other CBJ LIDs that have been used for paving or wastewater system improvements; forcing an unwilling owner to pay this much money, however

well financed, would be a life changing financial event;

3. The costs are high enough that approval of this ordinance makes litigation likely;

4. The CBJ almost certainly would be required to obtain project easements through condemnation. Property condemnation should be a tool of last resort; and

5. The Mendenhall River flow and erosion pattern is dynamic and constantly changing. Whether true or not, the project is likely to be viewed as causative of upstream and downstream flow alignment change and bank alteration.

The City Manager recommends that you reject this ordinance.

Public Comment:

John Tabor said he lives in the last house in the proposed area of the LID and supports the project. In the earlier phase of the project, when a smaller number of properties were included, we worked to get in. We are losing property at a frightening rate - now 12 feet of bank to the river. It is now within 8 feet of our house and moving in. The properties on both sides of our house have collapsed and we have compelling reasons to want a project done to protect our home. We are disappointed in the manager's recommendation and requested some type of assistance from the Assembly. If the federal funding does not come through, we still need to act to protect our property. There are permits needed, and if all else fails, perhaps the CBJ can give some type of permitting assistance through the necessary steps to conduct a project. He requested a yes vote.

Mr. Gregory asked if Mr. Tabor was aware of the plat note recorded on his property that said the property was subject to river accretion and erosion when he purchased the property. Mr. Tabor said no, he was not aware.

Christine Shaw shared a photo of her backyard with the Assembly. This is an unusual way to use a LID and because of the magnitude of the cost, it is disproportional to the value of the land and will not bring an increase in value to the land. The cost is not justifiable. \$80,000 with interest is \$114,000. We are a retired family, there are young families and this is a staggering impact upon us. They have 43 feet of land in their backyard, we were aware of plat notes on the deed to our property, we do not have erosion, and we oppose the project.

Traci Heaton is the third to the last property downstream in the LID. She understands the magnitude of the project. None of us have this extra money. For five years we have seen the erosion increase and we live in homes that we may not be able to sell in the future without stabilization. Whether it is \$40,000 or \$80,000, the future buyers will want to know the stabilization has been done. She suggested a 15 year amortization rate. She supported the LID, and if it is not done as a whole, did not believe it will be done appropriately. Her adjacent neighbor will not participate, there will be patchwork

construction done without an LID, it will create a devalued neighborhood, and she asked for Assembly support of the LID.

Mr. Gregory asked if Ms. Heaton was aware of the plat notes. Ms. Heaton said that they were informed by neighbors and a hydrologist that they had not seen, nor would they see any issues in the future. They were not aware of the plat note or that there would be the glacial release and 100 year floods. Mr. Gregory asked about the concern about upstream and downstream affects of this project, if built. Ms. Heaton said that was a huge concern, they have lost their back deck. She was quoted \$100,000 and \$150,000 by different contractors, who had expressed concern about liability and reluctance to do the project. In order for our neighbor to not sue us, we have not taken action, as we feel our work can impact up and downstream properties.

Joyce Gehring is in the LID, they have not had damage to their property, nor have their neighbors, and they object to the LID. She said that the impact of the \$80,000 LID was \$632 a month for 15 years. She does feel for their neighbors who have lost property, but they have not done anything to protect their own property. The people with the most damaged areas are waiting for the rest of us to be charged, and \$80,000 sounds better than \$150,000. We don't expect the public to pay for our problems, and we understood the risk of owning river property. She asked the Assembly to vote no on this ordinance.

Howard Jager is in the LID, and said many have worked on this project. I am not happy with the city not involving us in the project more than we have been. We sat through discussions at COW, we offered \$40,000, that was rejected, then it came back to \$80,000, and there wasn't enough opportunity for input to bring this to a conclusion. He spoke about a fence proposed to be along the project, with no indication of the type of fence, the guestimate on price is not firm, and there is not guaranteed access. We had to do some repairs, and now we are being told that we may be sued for taking action. What about the people who have done nothing. I am not interested in litigation, we should be able to work this out. We don't even know what the LID vote results are. Taking of property will be an obstacle.

Ms. Weldon asked about his rip rap and if it was holding. Mr. Jaeger said it is holding. They have owned the home since 1982. She asked what the project cost. He said it cost \$30,000 for him, \$30,000 for his neighbor, for 160 feet total of rip rap.

Mr. Kiehl asked about his comments on litigation. Mr. Jaeger said they did permitted work, he spoke to NRCS, which recommended the work, and his neighbors who have mentioned litigation about his work upon their property have never spoken to him. There should be no reason for litigation regarding people taking action, or not taking action, on their property.

Brian Goettler said he was not aware of plat notes and has not experienced erosion on his property which is in the LID area. A year ago we had 80% consensus on moving

forward on this project. I have a dark cloud over my property, which may be devalued. He asked for due diligence. He only realized today that he was allowed to provide comments of support, as his understanding was the comments were only supposed to be sent if someone objected to the project. He asked the assembly to delay in order to have time to read his comments. He supports the project with a larger block which makes better momentum and there is support for a \$40,000 project. He asked for more due diligence on this project by the Assembly and not a rush to a decision.

Will Race submitted comments and said he was not supportive of the project. They bought their house in 2015 and the issue was not disclosed to us - we had the property measured and it matched the size of the plat - we are a young family. The people before us lived there for 30 years and told us that erosion was not an issue, then after we moved in we got a letter from the city stating erosion is an issue.

Assembly Action:

Mr. Kiehl said he has some concern that there are only seven members, and asked about postponing the matter to a meeting at which time the full Assembly would be present.

Mr. Watt said the tally of the LID vote was 9 in support, 9 opposed and 8 had provided no comments.

MOTION, by Kiehl, to postpone consideration of Ordinance 2018-13(b) to the next regularly scheduled Assembly meeting, (May 14).

Mr. Jones would like to understand solutions for this problem, whether this LID is supported or voted down. We have eroding support from project staff and rising costs, which is disappointing. He supported the motion, and wanted to see some support for property owners.

Mr. Gregory opposed delaying the matter any further, the residents have waited for a resolution for a long time. The longer we wait, the longer the residents have to wait to move forward to do their own home protection projects.

Mr. Kiehl said the project is not cued up, so full Assembly consideration is timely.

Roll call to postpone to May 14:

Aye: Becker, Edwardson, Jones, Kiehl, Weldon, Koelsch

Nay: Gregory.

Motion passed, 6 ayes, 1 nay.

F. Ordinance 2018-14 An Ordinance Authorizing the Manager to Lease a .05 Acre Fraction of Parcel JPD II Tract J1, Located at 6235 and 6255 Alaway Avenue, to the Federal Aviation Administration.

The following Manager's Report refers to the following three ordinances.

Ordinance 2018-14, 2018-15, and 2018-16 all concern the lease of property to the Federal Aviation Administration (FAA) for the Juneau Airport Wind Systems (JAWS). The FAA has utilized the lease property identified in the three ordinances since 1997. The proposed lease amount for all three leases is at less than fair market value pursuant to 53.09.270(a), allowing leases to government agencies for less than fair market value for public use. On March 20, 2017, the Lands Committee passed a motion of support for the leases to the FAA at no cost in order to ensure the continuation of the JAWS program. On June 16, 2017, the Planning Commission moved to forward the ordinances to the Assembly with a recommendation of approval.

The City Manager recommends these three ordinances be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Becker, to adopt Ordinance 2018-14. Hearing no objection, Ordinance 2018-14 was adopted.

- G. Ordinance 2018-15 An Ordinance Authorizing the Manager to Lease a .4 Acre Fraction of Lot 1, USS 3559, Located Near Fish Creek Road on North Douglas, to the Federal Aviation Administration.

Public Comment: None.

Assembly Action:

MOTION, by Edwardson, to adopt Ordinance 2018-15. Hearing no objection, Ordinance 2018-15 was adopted.

- H. Ordinance 2018-16 An Ordinance Authorizing the Manager to Lease a .032 Acre Fraction of ATS 14, Located at 115 Dock Street, Douglas, to the Federal Aviation Administration.

Public Comment: None.

Assembly Action:

MOTION, by Gregory, to adopt Ordinance 2018-16. Hearing no objection, Ordinance 2018-16 was adopted.

- I. Ordinance 2018-17 An Ordinance Authorizing the Manager to Execute a Special Use Permit for the Six Pre-Existing Roadside City Woodstove Burn Ban Signs on

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

This ordinance would facilitate the continued use of six woodstove burn ban signs in state rights-of-way. The CBJ uses signs to notify people when an air emergency is in effect in the Mendenhall Valley, and the state controls the right-of-way at six crucial locations.

State law requires the CBJ to obtain a permit for the use of the right-of-way. State law authorizes the Department of Transportation and Public Facilities to require any permit conditions the agency deems necessary or in the best interest of the state. ADOT&PF's right-of-way permit includes 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 permit, including the indemnity provision.

The City Manager recommends this ordinance be adopted.

Public Comment: None.

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Assembly Action:

MOTION, by Weldon, to adopt Ordinance 2018-17. Hearing no objection, Ordinance 2018-17 was adopted.

- J. Ordinance 2018-18 An Ordinance Amending the City and Borough Code Relating to Criminal Offenses and Penalties for Criminal Mischief.

AS 11.46.489 requires that upon conviction of certain offenses involving damage to public or private property, including criminal mischief, the defendant be sentenced to at least 25 hours of community work service. This ordinance would amend the CBJ's criminal mischief ordinance (CBJ 42.15.110) to include this mandatory penalty.

This ordinance would also amend the ordinance to reduce the valuation cap between an A misdemeanor and a felony charge from \$1000 to \$750, also consistent with (and required by) state law.

The City Manager recommends this ordinance be adopted.

Public Comment: None.

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Assembly Action:

MOTION, by Jones, to adopt Ordinance 2018-18. Hearing no objection, Ordinance 2018-18 was adopted.

K. Ordinance 2018-19 An Ordinance Amending the City and Borough of Juneau Code Relating to Aquatics Facilities.

The Juneau voters approved the establishment of a new enterprise board to run the CBJ's aquatics facilities in October 2014. Subsequently, ordinance 2015-23(b) amended the CBJ code to add a new "Aquatics Facilities" chapter and created the seven-member Aquatics Board. The ordinance specified that the new chapter would sunset on May 28, 2018.

Over the past year, the Aquatics Board has been researching options for the future governance of the aquatics facilities. Public meetings were held on February 20, 2018, and February 28, 2018, to generate community feedback regarding four future governance options being considered by the Aquatics Board.

On March 14, 2018, the Aquatics Board presented these four governance options to the Assembly Finance Committee. The Assembly Finance Committee unanimously voted to extend the term of the Aquatics Board through June 30, 2019, to allow for further research and consideration.

The Assembly's intention was to leave the existing board members in place, which can be accomplished by a motion.

The City Manager recommends this ordinance be adopted.

Public Comment: None.

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Assembly Action:

MOTION, by Kiehl, to adopt Ordinance 2018-19. Hearing no objection, Ordinance 2018-19 was adopted.

MOTION, by Kiehl, to leave the current board members in place until June 30, 2019. Hearing no objection, it was so ordered.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. Granite Mountain Properties LLC Appeal Re: Always Redeye LLC

Granite Mountain appealed a Planning Commission decision granting a conditional use permit to Always Redeye LLC. The Assembly accepted the appeal and referred it to a hearing officer with the State Office of Administrative Hearings. Just prior to filing its opening brief, Granite Mountain sought to withdraw its appeal. The Planning Commission agreed, and the hearing officer signed the attached order.

Had the parties not resolved this case, the Assembly would be required to review

the hearing officer's decision pursuant to CBJ 01.50.140(c). Although that code section does not clarify the process when the parties have resolved an appeal, out of an abundance of caution, the hearing officer's order is being presented to inform the Assembly.

The Assembly needs to decide whether to accept or reject the hearing officer's order dismissing this appeal. No new testimony or evidence of any nature may be received. If the Assembly accepts the hearing officer's order, then the appeal is dismissed pursuant to the hearing officer's order. If the Assembly rejects the hearing officer's order, then the Assembly needs to decide what to do consistent with CBJ 01.50.140(c)(3).

MOTION, by Becker, to accept the hearing officer's order dismissing this appeal. Hearing no objection, it was so ordered.

B. Terraces at Lawson Creek vs. CBJ Assessor 2018 - Notice of Appeal

On March 7, 2018, the CBJ Assessor denied a request from the Terraces at Lawson Creek owned by Juneau I VOA LLC, Juneau II VOA LLC, and Intrepid VOA LLC for charitable use exemption status for parcels located at 2570-5278 Vista Drive, Juneau, AK 99801. On April 6, 2018, an appeal of the Assessor's decision was filed.

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.

MOTION, by Jones, to accept the appeal. Hearing no objection, it was so ordered.

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MOTION, by Jones, to assign this appeal to a hearing officer.

Mr. Jones provided his reasons for wanting to appoint a hearing officer.

Mr. Kiehl asked about the cost of the hearing officer to date. Ms. Sica reported the \$10,000 budget for hearing officer has been spent to date for FY18 and additional funds would need to be found.

Ms. Mead clarified the motion was only to appoint a hearing officer, not a specific hearing officer.

Hearing no objection, the matter was assigned to a hearing officer.

C. Liquor License Protest Recommendation - Tides Complex Inc. d/b/a Dragon Inn Chinese Cuisine Inc.

The following 2018-2019 liquor license renewal application is being recommended for protest by the Fire Department.

Restaurant Eating Place Liquor License #4405: Tides Complex Inc. d/b/a Dragon Inn Chinese Cuisine Inc. Location: 5000 Glacier Hwy., Juneau

The Fire Marshal's office stated that the kitchen fire suppression system does not meet the fire code and has not been inspected. They noted that the system covers the main kitchen hood system and is non-serviceable and obsolete. They are recommending the Assembly protest the renewal of this license until such time that the fire suppression system meets the minimum fire code requirements.

CBJ Code 20.25.025 provides the licensee an opportunity for an informal hearing before the Assembly as follows:

“(b) If the assembly or committee or a subcommittee thereof recommends protest of the issuance, renewal, transfer, or continued operation of a license it shall state the basis of the protest and the applicant shall be afforded notice and an opportunity to be heard at an abbreviated informal hearing before the assembly to defend the application. For the purposes of this subsection, notice shall be sufficient if sent at least ten days prior to the hearing by certified first class mail to the applicant's address identified on the state license application. At the conclusion of the hearing, the assembly decision to protest the application shall stand unless the majority of the assembly votes to withdraw the protest.”

The Assembly Human Resources Committee also considered this matter at its meeting immediately preceding this Assembly meeting and will provide a recommendation to the Assembly for action. Packet items for this action are contained in the Assembly Human Resources Committee packet and include copies of the notice sent to the licensee as well as the CBJ Code sections and Alaska Statutes pertaining to this matter.

The City Manager recommends the Assembly act in accordance with the

recommendation from the Human Resources Committee following action at its April 23, 2018, meeting.

Mr. Kiehl reported that the Assembly Human Resources Committee met prior to this meeting and reviewed this matter. No one was present at that meeting to represent the license holder.

MOTION, by Kiehl, to protest the liquor license renewal for Tides Complex d/b/a Dragon Inn Chinese Cuisine, based upon fire code violations.

No person was present to represent the license holder at the Assembly meeting.

Hearing no objection, the Assembly protested License #4405, based upon fire code violations.

XI. STAFF REPORTS

A. Douglas Highway Water Main Project

Mr. Watt delayed this report to the next meeting.

B. 450 Whittier Street (Public Safety Building)

Mr. Watt followed up on information provided at the recent Finance Committee meeting and said the Alaska Mental Health Trust has offered to sell the 450 Whittier property to CBJ and the direct purchase price is \$488,231. That price, in Mr. Watt's opinion, is above fair market value. The Manager is not authorized to buy property above fair market value without direction by motion by the Assembly.

MOTION, by Weldon, to authorize the manager to purchase the 450 Whittier St. property for \$488,231. Hearing no objection, it was so ordered.

MOTION, by Kiehl, to direct the City Manager, in keeping with the Willoughby District plan, that the 450 Whittier St. property, if acquired, should be used for surface parking for more than a short term period.

Mr. Jones objected to "short term" as an unclear term and one which unduly hampers the manager's ability to address the issues.

Mr. Kiehl said using this lot as surface parking is inconsistent with the Willoughby District plan and the Planning Commission should not approve that use, so the motion gives flexibility to the manager. A sea of gray parking space is a commerce killer and discourages a walkable district. He said he purposely left short term undefined in order to "stick up" for the long term plan.

Mr. Edwardson supported the motion. He preferred to define a time period. The plans have to mean something. That area needs activity beyond parking. He suggested a 3 - 5 year period.

Mr. Watt said he understood the concern and was not sure of how to address short term. We are talking about taking down a "short term building," 50 years later. To do something better in that district it will take successive actions by many assemblies, spending money on parking garages, planning, and seeing the results of the action on Centennial Hall and JAHG properties. Mr. Watt did not object to the intent of the motion. If the Assembly could agree that this is the intent of the Assembly and future Assemblies support funding and actions that help to achieve the Willoughby District Plan's goals.

Mayor Koelsch spoke against the motion, he said that there are goals for this area and a short term parking in this area will not interfere with those plans.

Roll call:

Aye: Becker, Edwardson, Kiehl

Nay: Gregory, Jones, Weldon, Koelsch

Motion failed, 3 ayes, 4 nays.

C. Parks and Recreation Department Update

Kirk Duncan thanked the Assembly and City Managers for the opportunity to work for CBJ. He introduced George Schaff as the new Parks and Recreation Director, who previously served as CBJ as Superintendent of Park Maintenance and Landscaping, as the Executive Director of Trail Mix and was most recently at the U. S. Forest Service. Mr. Duncan spoke about Jim Hall's report on the Parks and Recreation Department, which was somewhat negative, and reflected poor staff moral. That has turned around and we have moved forward with the master planning process to be presented in the fall, based on priority work on Project Playground. P&R took over the afterschool program at Zach Gordon. We hired a youth outreach coordinator and moved youth sports over to Zach Gordon. CBJ youth services are being focused out of Zach Gordon. Pickleball is the fastest growing sport in the US and the department has used Centennial Hall for a pilot program. There are days when there were 80 people playing. Seniors are looking for yoga and fitness programs. The Eagle Valley Center is breaking even, operationally. Treadwell Ice Arena has a 60% cost recovery. The pools have been able to reduce general fund support by 14%. A survey shows that 80% of people in Juneau use trails, which the area that CBJ spends the least amount of money, and P&R will return a plan to provide more support. Mr. Duncan appreciated the opportunity to serve the community for 13.5 years.

Mayor Koelsch thanked two directors, Kirk Duncan and Roger Healy, for their years of service to CBJ.

XII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Koelsch reported on events he had attended recently, including a fundraiser for the Haven House sponsored by the legislature, a fundraiser for Cindy Bowhay, and the Tlingit Haida Banquet with a tribute to Gil Truitt.

He offered sympathy to Ginny Kline, former CBJ Mayor (1975-76) on the recent loss of her husband, Phil Chitwood, a former Assemblymember.

He spoke about the upcoming events to acknowledge the loss of the Princess Sophia. He noted that there was recently information on the wreck of the Prinsendam in 1975 and acknowledged the successful rescue conducted under the command of USCG Commander Dick Knapp.

Mayor Koelsch congratulated US Forest Service Regional Forester Beth Pendleton on her pending retirement.

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

Airport Board: Liaison Becker said the Board has discussed parking fines, management of the dike trail, snow removal and food management. The next meeting is set for May 8.

Alaska Committee: Liaison Becker said the committee is working on plans to attend the state fairs in Tanana and Palmer, and is reviewing the 2018 visitor survey and a potential capital move measure on the 2020 ballot. The next meeting is set for May 9.

Chamber of Commerce: Liaison Becker said summer meetings will be held at the Moose Lodge. The Chamber has discussed childcare and preschool programs in Seattle.

Ms. Becker reported on attendance at the Pillars program with Rotary, the Cindy Bowhay fundraiser and the ribbon cutting for the SREF at the airport.

Human Resources Committee: Acting Chair Kiehl said the State AMCO office has not renewed the tourism bar license at the Frontier Suites based on a state issue. CBJ did not protest the renewal.

Finance Committee: Chair Kiehl said progress is being made, several presentations held and the next meeting is set for April 25, following the public hearing on the budget ordinances and CIP resolution. The May 2 Finance Committee has been rescheduled to May 3.

Alaska Municipal League: Liaison Kiehl said community assistance remains at the \$30 million level this year, same as last year. AML is working on a fix in state legislation for sales tax collection for transportation network companies.

Mr. Kiehl reported on attendance at the ribbon cutting for the SREF, the March for Science, and spoke about a science programs offered by UAS fisheries at the Lena Point facility and planning events offered at the USFS Glacier Visitor Center.

Public Works and Facilities Committee: Chair Jones said the committee has worked on electric vehicles charging and wayfinding. The next meeting is set for April 30. There will be a special PWFC meeting on Tuesday, May 8 at Noon for a field trip to observe Recycleworks programs.

School Board: Liaison Jones said the board met April 17, the next meeting is set for May 8 and a retreat will be held May 5.

Downtown Business Association: Liaison Jones said the group continues to discuss safety downtown. He said Lori Sowa of CBJ Engineering has done a great job to meeting with businesses and contractors each Tuesday on the Front Street reconstruction project.

Downtown Improvement Group: Liaison Jones said the next meeting is set for April 27 and the group will meet with JPD on safety issues.

Commission on Aging: Mr. Jones said the COA is a work in progress and has set the 2nd Tuesday of the month for meetings. May is Older Alaskan's Month and JCOA will sponsor an event at the Pioneer Home on May 20 to honor Juneau Centenarians.

Juneau Economic Development Council: Liaison Jones said the JEDC met and has concerns about how Juneau will handle increased visitation this summer.

Mr. Jones noted the Blessing of the Fleet ceremony is scheduled for May 5 and the Maritime Festival is scheduled for May 12. He said he would like to meet with the manager about ways to assist Meander Way residents. He requested permission from the Assembly to work with the Law department on issues arising at AMCO regarding location of permitted facilities near schools/churches/correctional facilities, and insertion in Title 49. Hearing no objection, it was so ordered.

Planning Commission: Liaison Weldon said the PC is working on the Auke Bay implementation plan, the downtown plan, and the comprehensive plan committee will start meeting in May. The next meeting is set for April 24.

Aquatic Board: Liaison Weldon said the budget has been approved, Lauren Anderson is serving as interim Aquatics Manager, and she thanked Julie Jackson for her work for

CBJ. The next meeting is set for May 1.

Ms. Weldon complimented the BRH emergency room staff for her recent visit, attended the Southeast Swim Meet, the Rotary Pillars program, the SREF dedication, and relayed sad news of the loss of Rudy Ripley and three former CCFR firefighters: Jeff Newkirk, Rick Duncan and Gaylen Brevik. She wished happy 90th birthday to former CBJ Fire Chief Doug Boddy.

Eaglecrest Board: Liaison Gregory said the Board is working on Nordic ski trail grooming, the Eaglecrest Cabin, snowmaking and a mountain bike feasibility study for summer use of the ski area. The next meeting is set for May 3.

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Parks and Recreation Advisory Committee: Liaison Gregory said the PRAC is discussing dog free trails and OHV areas. Mr. Kiehl noted that the Assembly designated property near mile 38 for OHV use several years ago.

Mr. Edwardson spoke about the "Dribblers League," which is a basketball program for Southeast Alaska children and had 38 teams here for the Mike Jackson Shootout. He spoke about activities during the 83rd Annual Tribal Assembly, election of leadership and a woman's march against violence towards women and concerning missing indigenous women.

C. Presiding Officer Reports

None.

XIIICONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV.EXECUTIVE SESSION

A. Litigation Update

MOTION, by Kiehl, to recess into executive session, to discuss matters, the immediate knowledge of which could have a detrimental affect on the city and borough of Juneau, specifically, litigation updates.

Hearing no objection, the Assembly moved into executive session at 10:12 p.m., and returned to regular session at 10:35 p.m.

Mr. Kiehl said that the Assembly received updates on multiple litigation cases from the city attorney and gave direction on one matter.

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 10:36 p.m.

Signed: _____
Laurie Sica, Municipal Clerk

Signed: _____
Kendell D. Koelsch, Mayor